

DESERTIFICATION, EROSION, FLOOD AND ECOLOGICAL CONTROL

AGENCY BILL, 2015

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A BILL

FOR

AN ACT TO ESTABLISH DESERTIFICATION, EROSION, FLOOD AND
ECOLOGICAL CONTROL AGENCY AND FOR OTHER RELATED MATTERS,
2015

Sponsored by Hon. Hassan A. Omale

[] Commencement

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

1 1.-(1) There is established a body to be known as Environmental Establishment of
2 Disasters Control Agency. the Agency

3 (2) The Head Office of the Agency shall be in Abuja with an office
4 in each State of the Federation.

5 2. -(1) (i) There shall be a Governing Council for the Agency (in this Establishment of
6 Bill referred to as "the Establishment Council") which shall control the the Governing
7 affairs of the Agency of a Governing Council. Board

8 (2) The Council shall consist of-

9 (a) Chairman;

10 (b) 2 representatives from each of the six zones and the Federal
11 Capital Territory and a representative from the following Ministries-

12 (i) Federal Ministry of Environment;

13 (ii) Federal Ministry of Agriculture and Water Resources;

14 (iii) Federal Ministry of Works;

15 (iv) Federal Ministry of Finance;

16 (c) National Emergency Management Agency (NEMA);

17 (d) Director-General of the Agency.

18 (3) Appointment of the Council members-

19 (a) the Chairman and the members of the Council shall be

	1	appointed by the President on the recommendation of the Minister of
	2	Environment;
	3	(b) shall be persons of proven integrity, honour and ability; and
	4	(c) shall be part-time members except the Director-General who shall
	5	be on full-time basis.
Schedule	6	3. The supplementary provisions set out in the Schedule to this Bill
	7	shall have effect with respect to the proceedings of the Council and other
	8	matters contained therein.
Tenure of office	9	4. The Chairman and the members of the Council shall each hold
	10	office-
	11	(a) for a term of 4 years and may be reappointed for a further term of 4
	12	years and no more; and
	13	(b) on such terms and conditions as may be specified in their letters of
	14	appointment.
Cessation of membership	15	5. -(1) A person shall cease to hold office as a member of the Council
	16	if-
	17	(a) he becomes bankrupt, suspends payment or compounds with his
	18	creditors;
	19	(b) he is convicted of a felony or any offence involving dishonesty or
	20	fraud;
	21	(c) he becomes of unsound mind or is incapable of carrying out his
	22	duties;
	23	(d) he is guilty of a serious misconduct in relation to his duties;
	24	(e) in the case of a person, who possesses any professional
	25	qualification and is disqualified or suspended, other than at his own requests,
	26	from practising his profession in any part of the world by any order of a
	27	competent authority made in respect of that member; or
	28	(f) he resigns his appointment by a letter addressed to the President.
	29	(2) Where a member of the Council ceases to hold office for any
	30	reason whatsoever, before the expiration of the term for which he is appointed,

1 another person representing the same interest as that member shall be
2 appointed to the Council for the unexpired term.

3 (3) A member of the Council may be removed by the President on
4 the recommendation of the Minister if he is satisfied that it is not in the
5 interest of the Agency or the public that the member continues in office.

6 6. Members of the Council shall be paid such allowances and
7 expenses as the Government may direct from time to time.

Allowance of
members

8 7. The Council shall have power to-

Power of the
Council

9 (a) manage and superintend over the affairs of the Agency;

10 (b) make rules and regulations for the effective running of the
11 Agency;

12 (c) employ and pay the staff of the Agency such remuneration and
13 allowances payable to person in similar organisations in the country;

14 (d) enter into such contracts as may be necessary or expedient for
15 the discharge of its functions and to ensure the efficient performance of the
16 functions of the Agency; and

17 (e) receive, disburse and account for Funds of the Agency.

18 PART 11 - FUNCTIONS AND POWERS OF THE AGENCY

19 8.-(1) The functions of the Agency are to-

Functions of the
Agency

20 (a) carry out an extensive survey of the extent of environmental
21 disasters in the country such as desertification, deforestation, drought,
22 floods, erosions, ocean surge, etc;

23 (b) formulate policies and guidelines for the control and
24 management of environmental disasters in the country;

25 (c) conceive, plan, and implement in accordance with set rules,
26 projects and programmes for environmental disasters control and
27 management;

28 (d) provide emergency relief and settlement of people in areas
29 afflicted by environmental disasters by the Federal Government;

30 (e) identify factors inhibiting the control and management of

1 environmental disaster in the country;

2 (f) ensure sound and efficient management of the resources available
3 to the Agency from the Federation Account;

4 (g) to provide solutions to the problems of desertification, floods,
5 deforestation erosion, droughts and all the ecological challenges;

6 (h) provide accurate data on environmental menace in the country;
7 and

8 (i) carry out such functions as the President may from time to time
9 direct.

10 (2) Pursuant to section 7(1) (a), the functions of the River Basins
11 Development Authorities Act, relating to control of floods and erosion are
12 hereby transferred to this Agency.

Powers of the
Agency

13 9. -(1) The Agency has power to do anything which will facilitate the
14 carrying out of its functions and in particular may-

15 (a) sue or be sued in its corporate name;

16 (b) acquire, hold, and manage movable and immovable property;

17 (c) monitor and control desertification, drought, erosion, floods,
18 deforestation, ocean surge, coastal erosion, and related environmental
19 disasters in the affected areas;

20 (d) enter into contracts for the control and management of all
21 desertification, drought, erosion, floods and other environmental problems;

22 (e) purchase, or acquire any asset, businesses or property considered
23 necessary for the proper conduct of its functions;

24 (f) sell, let, lease or dispose of any of its property;

25 (g) undertake or sponsor research where necessary, for the
26 performance of its functions; and

27 (h) train managerial, technical or other category of staff for the
28 purpose of running the affairs of the Agency.

29 (2) The powers conferred on the Agency may be exercised by it or
30 through any of its employees or agents authorised in that behalf by the Agency.

1 (3) The Agency shall not be subject to the direction, control or
 2 supervision by any other authority or person in the performance of its
 3 functions under this Bill except the President on the advice of the Minister.

4 PART III - APPOINTMENT OF DIRECTOR-GENERAL

5 10. -(1) There shall be a Director-General who shall be appointed
 6 by the President on the recommendation of the Minister of Environment.

Appointment and
 duties of the
 Director-General

7 (2) The Director-General shall-

8 (a) be the Chief Executive and accounting officer of the Agency;
 9 and

10 (b) be responsible to the Council for execution of the policies and
 11 the administration of the daily affairs of the Agency.

12 11. -(1) The Director-General shall be appointed for a term of 5
 13 years in the first instance and may be reappointed for a further term of 5
 14 years and no more, subject to satisfactory performance.

Tenure of office
 and remuneration
 of the Director-
 General

15 (2) The Director-General shall be paid such remuneration as may
 16 be prescribed in his letter of appointment.

17 12. The Director-General may resign his appointment by a letter
 18 delivered to the President through the Minister.

Resignation of
 Director-General

19 13. The Council shall appoint for the Agency such number of
 20 employees as may in the opinion of the Council be expedient and necessary
 21 for the proper and efficient performance of the functions of the Agency and
 22 pay them remunerations and allowances as obtained in the public service.

Staff of the
 Agency

23 14. The Council shall appoint for the Agency a Secretary who
 24 shall-

Appointment and
 duties of Secretary

25 (a) be a qualified graduate with not less than 10 years post NYSC
 26 experience;

27 (b) keep the records and conduct the correspondence of the
 28 Agency; and

29 (c) perform such other functions as the Council or the Director-
 30 General may direct.

Appointment and
secondment
from public
service

1 15.-(1) Notwithstanding the provisions of sections 12 and 13, the
2 Council shall have power to appoint for the Agency either directly or on
3 secondment from any public service in the Federation, such number of
4 employees as may, in the opinion of the Council be required to assist the
5 Agency in the discharge of any of its functions under this Bill.

6 (2) The person seconded under this section may elect to be transferred
7 to the service of the Agency, and any previous service he might have rendered
8 in the public service shall count as service to the Agency for the purpose of any
9 pension subsequently payable by the Agency.

Structure of the
Agency

10 16. There shall be established for the Agency such departments as
11 may be deemed expedient for efficient operation.

12 PART IV - FINANCIAL PROVISIONS AND AUDIT

Provision of
superannuation

13 17. The Agency shall pay gratuities or provide and maintain further
14 such superannuating schemes (whether contributory or not for the employees).

Funds of the
agency

15 18. -(1) The Agency shall establish and maintain a Fund into which all
16 moneys accruable to the Agency shall be paid and from which all the activities
17 of the Agency shall be Funded.

18 (2) There shall be paid and credited to the Fund such money as may be
19 appropriated by the National Assembly-

20 (a) by the Federal Government, the equivalent of 3 percent of the
21 Consolidated Revenue Fund;

22 (b) all the moneys accruing to the Ecological Fund Office upon the
23 enactment of the Bill;

24 (c) donations, gifts and grants from individuals or corporate
25 organisations at home and abroad.

26 (3) The Funds of the Agency shall be disbursed according to the
27 approved formula.

28 (4) The Council shall cause the accounts of the Agency to be audited
29 quarterly and shall be externally audited once every year.

1	19. -(1) The Agency may accept gifts of land, money or other	Power to accept gifts
2	property on such terms and conditions, if any, as may be specified by the	
3	person or organisation making the gift.	
4	(2) The Agency shall not accept any gift if the conditions attached	
5	are inconsistent with the functions of the Agency under the Bill.	
6	20. The Agency may, from time to time, borrow such sums of	Power to borrow
7	money as it may require to execute or complete some special projects of the	
8	Agency.	
9	21.-(1) The Council shall, not later than 30th of September each	Annual estimates and expenditure
10	year, submit to the National Assembly through the Minister an estimate of	
11	the expenditure of the Agency during the next succeeding fiscal year.	
12	(2) The Council shall approve all expenditure of the Agency.	
13	22. The Agency shall-	Accounts and records
14	(a) cause to be kept proper account and records of the transactions	
15	and affairs of the Agency and ensure that all payments out of its moneys are	
16	correctly made and properly authorised;	
17	(b) ensure that adequate control is maintained over assets of, or in	
18	the custody of the Agency and over incurring of liabilities; and	
19	(c) prepare in respect of each financial year a statement of accounts	
20	in such form as the Auditor-General may direct.	
21	23. The accounts of the Agency shall be audited not later than six	Audit
22	months after the end of the year to which they relate by Auditors appointed	
23	by the Agency from the list of the Auditors supplied and in accordance with	
24	the guidelines issued by the Auditor-General of the Federation.	
25	24. The Agency shall prepare and submit to the Council not later	Annual Report
26	than so" June each year a report on the activities of the Agency, the audited	
27	accounts of the Agency and the Auditors report thereon for each year	
28	preceding the report.	
29	25. The Agency may subject to the Land Use Act, acquire any land	Power to acquire land
30	for the purpose of discharging its functions.	

	1	PART V - MISCELLANEOUS PROVISIONS
Limitation of suits against the agency	2	26. The Provisions of the Public Protection Act shall apply in relation
	3	to any suit instituted against any officer or employee of the Agency.
Service of documents	4	27. A notice, summons or any other documents required or authorised
	5	to be served upon Agency under the provisions of this Bill or any other law or
	6	enactment may be served by delivering it to the Director-General at the
	7	principal office of the Agency.
Indemnity of officers	8	28. A member of the Council, the Director-General, an officer or
	9	employee of the Agency shall be indemnified out of the assets of the Agency
	10	against any proceeding, whether civil or criminal, in which judgement is given
	11	in his favour, or in which he is acquitted if any such proceeding is brought
	12	against him in his capacity as member of the Council, Director-General, officer
	13	or employee of the Agency.
Engagement of experts other than staff	14	29. The Director-General may with the approval of the Council
	15	engage persons with knowledge or experience in the control of desertification,
	16	drought, floods, erosion, ocean surge, deforestation, coastal erosion or other
	17	ecological related issues or in matters relevant to the functions of the Agency to
	18	assist otherwise than on the basis of full time employment.
Power to give directive to the agency	19	30. The President or Minister may give to the Agency directives of a
	20	general or special nature with respect to any of its functions.
Savings and transitional provision	21	31.-(1) The statutory functions, rights, interests, obligations and
	22	liabilities of the Ecological Funds Office before the commencement of this Bill
	23	under any contract or instrument, shall by virtue of this Bill be deemed to have
	24	been assigned to and vested in the Agency.
	25	(2) All assets, funds, resources or any other movable or immovable
	26	property which immediately before the commencement of the Bill, were
	27	vested in the Ecological Fund Office shall be vested in the Agency.
Regulation	28	32. The Council may, with the approval of the Minister, make
	29	regulations for the purpose of carrying out or giving full effect to the provisions
	30	of this Bill.

1 *Committee*

2 1.-(1) The Council may appoint one or more committees to carry out
3 on behalf of the Council such functions as the Council may determine.

4 (2) A committee appointed under this paragraph shall consider such
5 number of persons as may be determined by the Council and a person shall hold
6 office on the committee in accordance with the terms of his appointment.

7 (3) A decision of a committee of the Council shall be of no effect until
8 it is confirmed by the Council.

9 2.-(1) The fixing of the seal of the Agency shall be authenticated by
10 the signatures of the Chairman or any other member of the Council generally or
11 specifically authorised by the Council to act for that purpose.

12 (2) Any contract or instrument which, if made or executed by a person
13 not being a body corporate, would not be required to be under seal may be
14 executed on behalf of the Agency by the Director-General or any person
15 generally or specifically authorised by Council to act for that purpose.

16 (3) A document purporting to be a document duly executed under the
17 seal of the Agency shall be received in evidence and shall, unless and until the
18 contrary is proved, be presumed to be so executed.

19 (4) The validity of any proceedings of the Council shall not be
20 adversely affected by-

21 (a) a vacancy in the Council or committee;

22 (b) a defect in the appointment of a member of the Council or
23 committee; or

24 (c) reason that a person not entitled to do so took part in the
25 proceedings of the Council or committee.

EXPLANATORY MEMORANDUM

This Bill, among other things seeks to establish an Environmental Disasters Control Agency as a statutory body and vests it with the responsibility to manage and control desertification, drought, erosion, floods, deforestation, ocean surge, hurricane, storm, whirlwind in any state of the federation.