

# A BILL

## FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF FCT EMERGENCY  
MANAGEMENT AGENCY (FEMA) AND FOR RELATED MATTERS

*Sponsored by Hon. Sergius Ogun*

[ ] 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 the FCT of  
2            Emergency Management Agency, FEMA (referred to in this Bill as "the  
3            Agency").

Establishment  
of the FCT  
Emergency  
Management  
Agency

4            (2) The Agency shall be a body corporate:

5            (a) with perpetual succession, a common seal

6            (b) and shall have powers to sue and be sued in its corporate name;

7            2.-(1) The agency shall have:

Composition of  
the Agency

8            (a) An Advisory Council (referred to in this Bill as "the Council");

9            and

10           (b) a Management Committee (referred to in this Law as "the  
11           Committee") which shall be responsible to the Council for the  
12           administration of the affairs of the Agency.

13           (2) The Council shall consist of:

14           (a) The Minister FCT who shall be the Chairman;

15           (b) Special Adviser to the Hon. Minister FCT;

16           (c) The Secretary responsible for:

17           (i) Agriculture;

18           (ii) Education;

19           (iii) Health and Human Services;

20           (vii) Social Development;

21           (viii) Transportation;

- 1 (ix) Legal Services;
- 2 (x) Area Council Services;
- 3 (xi) Coordinator, Abuja Metropolitan Management Council
- 4 (AMMC);
- 5 (xii) Executive Secretary, Federal Capital Development Authority
- 6 (FCDA).
- 7 (d) Senior Special Assistant to the Minister on Emergency
- 8 Management Services;
- 9 (e) One representative of the following organizations/bodies:
- 10 (i) National Emergency Management Agency;
- 11 (ii) Nigerian Medical Association;
- 12 (iii) The Nigeria Police;
- 13 (iv) The Nigerian Air Force;
- 14 (v) National Association of Nurses and Midwives;
- 15 (vi) The Nigerian Army;
- 16 (vii) The Nigerian Navy;
- 17 (viii) The Nigeria Security and Civil Defense Corps;
- 18 (ix) Red Cross Society of Nigeria;
- 19 (x) Nigeria Airspace Management Agency;
- 20 (xi) Nigeria Meteorological Management Agency;
- 21 (xi) Each of the licensed Telecommunication Network Providers
- 22 operating in the FCT;
- 23 (xii) Nigeria Bar Association;
- 24 (xiv) Federal Road Safety Commission;
- 25 (f) Director General, FCT Emergency Management.
- 26 (3) The Chairman and other members of the Council other than ex-
- 27 officio members shall be appointed by the Minister and shall be persons of
- 28 proven integrity and ability.
- 29 (4) The supplementary provisions set out in the First Schedule to this
- 30 law shall have effect with respect to the proceedings of the Council and other

1 matters contained therein.

2 3. Functions of the Council shall be to:

Functions of the  
Council

3 (a) Formulate policies and guidelines relating to the Management  
4 of disasters in the FCT;

5 (b) Advise the Honourable Minister on matters concerning disaster  
6 management in the FCT;

7 (c) Advise and recommend on the sustainability of the Agency;

8 (d) Assist in the mobilization of relevant resources (human and  
9 material) under each member Agency/ Organization towards the optimal  
10 discharge of the roles and responsibilities of the Agency; and

11 (e) Any other function(s) or assignment(s) as may be given by the  
12 FCT Administration from time to time.

13 4.-(1) The office of a member of the council shall become vacant if  
14 he/she:

Cessation of  
membership

15 (a) Dies;

16 (b) resigns his appointment of the Councilor Committee;

17 (c) Is removed from office by the Minister for any act of  
18 misconduct;

19 (d) is convicted for any criminal offence;

20 (e) is unable to discharge the functions of his office.

21 (2) Where any member of the Councilor Committee is temporarily  
22 incapacitated by illness or temporarily absent from Nigeria, the Minister  
23 may appoint any other person to hold temporarily, the office of such person.

24 5.-(1) The Committee shall comprise of the Director General /  
25 Chief Executive Officer and all Departmental Heads.

Composition of  
the Committee

26 (2) The Director General shall be the Chairman of the Committee  
27 while the Director of Administration and Finance shall serve as the  
28 Secretary.

29 6. The functions of the Committee shall be to:

Functions of the  
Committee

30 (a) implement all policies and guidelines issued by the council;

- 1 (b) oversee the day to day administration of the agency;
- 2 (c) prepare budgetary allocation for identified disaster areas in the  
3 FCT;
- 4 (d) administer and maintain emergency relief appeal fund for the  
5 FCT;
- 6 (e) receive financial and technical aid from International  
7 Organizations and private corporate organizations;
- 8 (f) recommend appropriate relief assistance to identified victims of  
9 disasters;
- 10 (g) co-ordinate the activities of all voluntary organizations and other  
11 stakeholders engaged in emergency rescue in the FCT;
- 12 (h) recommend the deployment/discipline of any official of the  
13 agency who in the opinion of the council is unproductive and incapable of  
14 assisting the Agency's overall effectiveness;
- 15 (i) prepare and consider the annual budget of the Agency; and any  
16 other functions as may be assigned by the FCT Administration from time to  
17 time.
- 18 7. The Agency shall:
- 19 (1) notify the FCT Administration of any natural or human induced  
20 disasters occurring in the FCT;
- 21 (2) be the umbrella body to co-ordinate the activities of relevant  
22 agencies, departments and other stakeholders in prevention and management  
23 of disasters in the FCT;
- 24 (3) have responsibility for the development of loss prevention  
25 programmes and procure necessary technology to mitigate identified  
26 emergency situations;
- 27 (4) formulate policy in relation to emergency research and  
28 technology, planning, design and construction of emergency management  
29 facilities;
- 30 (5) respond to any disaster within the FCT and may seek assistance

1 from individuals, organizations and governments both Local and  
2 International if it deem fit in each circumstances;

3 (6) carry out disaster Management activities in the state as may  
4 from time to time, be recommended by the council;

5 (7) distribute relief materials to needy persons and communities  
6 affected by a disaster;

7 (8) determine the ways and means of collection of relief materials;

8 (9) Advise the FCT Administration on how to arrest an impending  
9 disaster;

10 (10) determine the priority of all emergency relief operations in the  
11 FCT;

12 (11) Coordinate the efforts and activities of voluntary  
13 organizations and all other stake holders in emergency relief operations in  
14 the FCT.

15 8.-(1) The Agency shall have power to establish and maintain such  
16 major departments, subsidiary divisions, sections, and make all other  
17 administrative arrangements, welfare packages as may in its opinion be  
18 necessary and expedient for the performance of its functions.

Power to establish  
and maintain  
departments

19 (2) There shall be established, the following departments of the  
20 Agency:

21 (a) Administration and Finance;

22 (b) Relief and Rehabilitation;

23 (c) Forecasting, Response and Mitigation;

24 (d) Disaster Risk Reduction;

25 (e) Search and Rescue;

26 (f) Fire service.

27 (3) Each of the above listed departments is to be headed by a  
28 Director.

29 (4) Additional Departments shall be created when the need arises  
30 to align with global standards.

Chief Executive  
of the Agency

1                   9.-(1) The Director General who shall be the Chief Executive Officer  
2 of the Agency shall be appointed by the FCT Minister from either the Civil  
3 Service or outside the service, provided that the person shall have experience  
4 and knowledge in Disaster Management.

5                   (2) The Director General shall be charged with the responsibility of  
6 the day to day running of the business of the Agency, its administration,  
7 organization and control.

Powers of the  
Agency

8                   10. The Agency shall be empowered to:

9                   (a) make grants to suitable authorities and bodies with similar  
10 functions for execution and for such other purpose as may be determined  
11 appropriate to further the purposes and provisions of this Law;

12                  (b) Collect and make available, through publications and other  
13 appropriate means and in cooperation with public or private organizations,  
14 basic data and other information for emergency preparedness and response;

15                  (c) Enter into contracts with public or private organizations and  
16 individuals for the purpose of executing and fulfilling its functions and  
17 responsibilities pursuant to this Law;

18                  (d) Establish, encourage and promote training programmes for its  
19 staff and other appropriate individuals from public or private organizations;

20                  (e) enter into agreements with public or private organizations and  
21 individuals to develop, utilize, Coordinate and share emergency preparedness  
22 and response programme;

23                  (f) maintain a programme or technical assistance to bodies (public or  
24 private) concerning implementation of emergency criteria, guidelines,  
25 regulations and standards and monitoring enforcement of the regulations and  
26 standards thereof;

27                  (g) develop and promote such processes, methods, devices and  
28 materials as may be useful or incidental to carrying out the purposes and  
29 provisions of this Law; and

30                  (h) prepare such master plans as may be necessary for the

- 1 development and maintenance of its undertakings.
- 2 (i) engage in emergency call time functions as follows:
- 3 (a) publication of journal wherein identified disaster areas are  
4 made public and request for urgent repairs by the causative agencies (public  
5 or private) are made by the agency;
- 6 (b) Hazard Identifications & Risk Assessment (HIRA);
- 7 (c) development /formulation of Emergency Response Plan (ERP)  
8 training;
- 9 (d) develop training materials and conduct Emergency Response  
10 Plan(ERP) training.
- 11 (e) set up Zonal Emergency Response teams by grouping the Six  
12 (6) Area Councils into zones for rapid response;
- 13 (f) set up Zonal Volunteer Organisations;
- 14 (g) Conduct Emergency Response (ER) drills to test the  
15 Emergency Response Plan (ERP);
- 16 (h) conduct incident investigation (i) acquire/maintain and  
17 disburse Emergency Response;
- 18 (i) capability in terms of equipment and expertise;
- 19 (j) make provisions for search and rescue equipment;
- 20 (k) make provision for firefighting equipment (co- ordinate with  
21 the Fire department) and build capacity/competence of fire fighters;
- 22 (l) design and install fire hydrants around the FCC;
- 23 (m) source for water for the hydrants and ensure operational  
24 readiness at all times;
- 25 (n) inform the public promptly of what has happened and ensure  
26 them of immediate response (o) set up Hotlines to disseminate information  
27 and assist affected persons;
- 28 (o) activate the appropriate Zonal Emergency Response Plan  
29 (ERP);
- 30 (p) Continually evaluate levels of response required and if

- 1 necessary activate the appropriate zonal volunteer response team(s);
- 2 (q) respond promptly to the emergency at hand, which includes but is
- 3 not limited to the following:
- 4 (i) firefighting;
- 5 (ii) food control;
- 6 (iii) evacuation;
- 7 (iv) search and rescue;

- 8 (v) crowd control/cordon off affected area;
- 9 (vi) perform general life saving activities including provision of relief
- 10 materials;
- 11 (vii) clear and remove objects that constitute the carcass or remains of
- 12 incidents.

Other staff of the Agency

13 **11.-(1)** The Council shall appoint or request the FCT Administration  
 14 to deploy to the Agency such number of employees as shall in the opinion of the  
 15 Council be expedient and necessary for the proper and efficient performance of  
 16 the functions of the Agency.

17 (2) The terms and conditions of service (including remuneration,  
 18 allowances, benefits and pensions) of the employees of the Agency shall be  
 19 determined by the Council after consultation with the Establishment and  
 20 Training Department and any other relevant organ of the FCT Administration.

Pensionable Service

21 (3) (1) The officers and other persons employed in the Agency shall  
 22 be entitled to pensions, gratuities and other retirement benefits as are enjoyed  
 23 by persons holding equivalent grades in the service of the FCT.

24 (2) Nothing in this Section shall prevent the appointment of a person  
 25 to any office on terms, which preclude the grant of pension and gratuity in  
 26 respect of that office.

Funds and resources of the Agency

27 **13.-(1)** The Agency shall establish and maintain a fund (Emergency  
 28 Management Fund) from which shall be defrayed all the expenditure incurred  
 29 by the Agency.

30 (2) There shall be paid and credited to the fund established pursuant to



1 subsection (1) of this Section;

2 (a) any allocation to the Agency from the FCT Administration and

3 such approved percentage of the FCT's share of Ecological Fund;

4 (b) such funds or other property whatsoever as may from time to

5 time be advanced by way of loans or grant in-aid to the Agency by the FCT

6 Administration, statutory corporations, (e.g. FCT Board of Internal

7 Revenue, Abuja Geographic Information System-AGIS), the Government

8 of the federation or of another State, any Local Government or Area

9 Council, any international organization, any private foundation or any

10 person whatsoever within and outside Nigeria, testamentary dispositions

11 and sales of publications;

12 (c) Money earned or arising from investments or other property

13 whatsoever acquired by or vested in the Agency;

14 (d) Such money as may from time to time be granted or received

15 from:

16 (i) The organized private sector;

17 (ii) International donor organizations and non-governmental

18 organizations.

19 (e) Approved levies from identified Departments and Agencies of

20 Government as contained in the Second Schedule to this Law which

21 includes but not limited to:

22 (i) That the Department of Development Control shall remit

23 annually 5% of assessment levy on any building above three floors, once

24 and for all time, to be known as Disaster Management Levy payable to the

25 agency;

26 (ii) The Transportation Secretariat through the FCT Road Traffic

27 Service (RTS) shall remit 5% of service charge on newly registered vehicles

28 and licenses of existing old vehicles to be known as Accident Disaster Levy

29 payable to the Agency;

30 (iii) All other sums (subscriptions, fees, charges for services

1 rendered by the Agency) or other property whatsoever.

2 (3) The fund shall be managed in accordance with the rules made by  
3 the FCT Administration or Council and without prejudice to the generality of  
4 the power to make rules under this subsection; the rules shall in particular  
5 contain provision:

6 (a) specifying the manner in which the assets or the fund of the  
7 Agency are to be held, regulation of payments into and out of the fund;

8 (b) requiring the keeping of proper accounts and records for the  
9 purpose of the Fund in such form as may be specified in the rules; and

10 (c) the agency shall manage and apply its finances strictly in  
11 compliance with the budgetary provision approved for the Agency.

12 **14.**-(1) The Agency shall be empowered to accept gifts of land,  
13 money, books or other property upon such terms and conditions, if any, as may  
14 be specified by the person making the gift.

15 (2) The Agency shall not accept any gift if the conditions attached by  
16 the person making the gift are inconsistent with the functions of the Agency.

17 **15.**-(1) The Agency shall be empowered to borrow money by way of  
18 loan or overdraft from any source as it may require for the exercise of its  
19 functions.

20 (2) The Agency, from time to time may borrow money with the  
21 approval of the FCT Minister by issuing debentures, stocks, or other securities  
22 in connection with the exercise of its functions under this Law.

23 (3) An approval given for the purpose of this Section may be either  
24 general or limited to a particular borrowing or otherwise shall be subject to  
25 conditions.

26 **16.** Any person or organization who:

27 (a) fails to act on a prior warning by the Agency on the incidence that  
28 may cause havoc, emergency and/or Willfully obstructs or impedes the Agency  
29 or any person acting under the Authority of the Agency in the exercise of its  
30 power under this Law; or

Gifts to the  
Agency

Power to borrow  
money

Offences and  
penalties

1 (b) Without reasonable excuse fails to:

2 (i) render assistance or release any available equipment, facility or  
3 personnel required for a search and rescue operation or other disaster  
4 curtailment activities; or

5 (ii) Comply with a directive of the Agency, is guilty of an offence  
6 and liable on conviction to a fine not exceeding N100,000.00 or  
7 imprisonment for a term of six months or to both.

8 17. The council shall not later than 30th September in each year, Annual estimates  
9 estimate and submit to the Minister an estimate of the expenditure and and expenditure  
10 income of the agency for the following year.

11 18. The Council shall cause to be kept proper accounts of FEMA in Audit  
12 respect of each year and proper records in relation thereto and shall cause the  
13 accounts to be audited not later than 6 months after the end of the year by  
14 auditors appointed from the list and in accordance with the guidelines  
15 supplied by the Audit Department of the FCTA.

16 19. The Council shall prepare and submit to the Minister, not later Annual Report  
17 than 30th June in each year, a report in such form as the Minister may direct  
18 on the activities of the Agency during the immediate preceding year, and  
19 shall include in the report, a copy of the audited accounts of the Agency for  
20 that year and the auditor's report.

21 20.-(1) there shall be established for each of the Area Councils in Establishment  
22 the FCT, Local Emergency Management Committees. of Area Council  
Emergency  
Management  
Committee

23 (2) the Committee in each Area Council shall consist of:

24 (a) The Chairman of the Area Council who shall be the Chairman;

25 (b) The Directors for:

26 (i) Agriculture;

27 (ii) Health;

28 (iii) Works and Transport;

29 (iv) Education;

30 (v) Social Welfare;

Functions of Area Council Emergency Management Committee

Functions of Area Council Emergency Management Committee

Functions of Area Council Emergency Management Committee

Powers of the Governing Council

Functions of Area Council Emergency Management Committee

- 1 (vi) Information officer of the Local Government; and
- 2 (c) two representatives from the traditional Council of the Area
- 3 Council who shall be appointed by the Chairman of the Area Council.
- 4 21.-(1) The function of the Area Council Emergency Management
- 5 Committee shall be:
- 6 (i) to notify the Agency of any disaster occurring in the area including
- 7 its extent; and
- 8 (ii) to carry out any relief/rescue work in the Area Council as may
- 9 from time to time be directed by the Agency.
- 10 (2) it is the duty of the Area Council Committee to place at the
- 11 disposal of the Agency, all necessary assistance that will enhance relief
- 12 operations generally and the Agency shall provide the Committee with
- 13 transport facilities, field staff and adequate location for relief materials.
- 14 (3) each Area Council Emergency Management Committee shall be
- 15 accountable or responsible to the Agency for the discharge of its functions
- 16 under this law.
- 17 22. The Governing Council shall have powers to:
- 18 (i) manage and supervise the affairs of the Agency;
- 19 (ii) regulate rules for carrying out the functions of the Agency subject
- 20 to the provisions of this law; and
- 21 (iii) the terms and conditions of service including the remuneration of
- 22 the employees of the agency after consultation with the Federal Capital
- 23 Territory Administration.
- 24 *Proceeding of the Council*
- 25 1.-(1) Subject to the provisions of this law, the Council may make
- 26 Standing Orders regulating its proceedings or House of its Committees.
- 27 (2) the quorum of the Council shall be the Chairman or the person
- 28 presiding at the meeting and six (6) other members of the Council, any
- 29 Committee of the Council shall be as determined by the Council.
- 30 2.-(1) the council shall meet whenever it is summoned by the

Chairman and if the chairman is required to do so by notice given to him by not less than (6) other members, he shall summon a meeting of the Council to be held within 14 days from the date on which the notice is given.

(2) at any meeting of the Council, the Chairman shall preside but if he is absent, the members present at the meeting shall appoint one of the members to preside at the meeting.

3. Where the Agency desires to obtain the advice of any person on any particular matter, the Agency may co-opt that person to be a member for as many meetings as may be necessary, and that person while so coopted, shall have all the rights and privileges of a member except the right to vote.

4. Where the Council desires to obtain the advice of any person on a particular matter, the Council may co-opt him/her for such period as it deems fit, but any person who is in attendance by virtue of this paragraph shall not count towards a quorum.

5.-(1) the fixing of the seal of the Agency shall be authenticated by the signatures of the Chairman, the Director-General or any person generally or specifically authorized by the Council to act for that purpose.

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

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

6. The validity of any proceedings of the Council or of any of its Committee shall not be adversely affected by:

(a) a vacancy in the membership of the Council or Committee;

(b) a defect in appointment of a member of the Council or Committee;

1 (c) reason that a person not entitled to do so look part in the  
2 proceedings of the Council or Committee.

3 *Technical Committees*

4 (i) The Council may appoint a Technical Committee to advise it on  
5 Committee specific matters and to carry out on behalf of the Council such of its  
6 functions as the Council may determine;

7 (ii) A Technical Committee appointed under subsection (1) of this  
8 Section shall consist of such number of persons as may be approved by the  
9 Council, and the Committee may co-opt persons of high technical competence  
10 who are not members of the Council;

11 (iii) A person other than an employee of the Council co-opted by the  
12 Council shall hold office on the Committee in accordance with the terms of the  
13 letter by which he is appointed.

14 *Standing Adhoc Committee*

15 (1) The Agency may appoint such number of standing Ad-hoc Ad-hoc  
16 Committees as it thinks fit and the Committees shall report on any matter  
17 Committee with which the Agency is concerned.

18 (2) Every Committee appointed under the foregoing provision shall  
19 be presided over by a member of the Agency and shall be made up of other  
20 persons, who may not be officers of the Agency.

21 (3) The quorum of any Committee set up by the Agency shall be as  
22 may be determined by the Agency.

23 (4) Where standing orders provide for a Committee of the Agency  
24 which consist of co-opted persons who are not officers of the Agency, the  
25 Committee shall advise the Agency on any matter referred to it by the Agency  
26 and the members may attend any meeting of the Agency for that purpose.

27 **23.-(1)** In the exercise of its function under this Law, the Agency may  
28 demand by requisition from any organization, any available equipment,  
29 facilities or personnel which may assist in a speedy and effective search and

1 rescue operation or other disaster curtailment operation during a period of  
2 employment.

3 (2) The Agency shall provide compensation for loss or damage  
4 arising from the use of any equipment, facility or personnel required under  
5 the provisions of this Section.

6 24.-(1) For the purpose of providing offices and premises  
7 necessary for the premises performance of its functions under this Law, The  
8 Agency may, subject to the Agency the Land use Act Cap 202 LFN:

Offices and premises

9 (a) purchase or take on lease any interest in land, or other property;

10 (b) construct, equip and maintain premises for the purpose of  
11 providing offices for the Agency.

12 (2) The Agency may subject to the Land Use Act, sell or lease out  
13 any office or premises owned by it, which office or premises is no longer  
14 required for the performance of its functions.

15 25.-(1) The Minister may give to the Agency, general and specific  
16 directives as the policy to be followed in the exercise of or performance of its  
17 functions and the Agency shall comply with and give effect to all such  
18 directives.

Directives by the Minister

19 (2) The Agency shall furnish the Minister with:

20 (a) annual reports incorporating information relating to the assets  
21 and liabilities and functions of the agency;

22 (b) returns, accounts, minutes of meeting and other information  
23 relating thereto; and

24 (c) facilities for the information furnished, in such manner and at  
25 such time as he may require.

26 26. The Agency may with the approval of the Minister, make  
27 regulations, generally for the purposes of giving effect to the provisions of  
28 this Law.

Regulations

29 27. In this Law, unless the context otherwise requires;

Interpretation

30 "Agency" means the FCT Emergency Management Agency established

1 under section 1 of this law;  
2 "Disaster" means an occurrence of severity and magnitude that normally  
3 results in death, injuries and property damage that cannot be managed through  
4 the routine procedures and resources of Government. It usually occurs  
5 suddenly and unexpectedly and requires immediate, coordinated and effective  
6 responses by multiple Government and private sector organizations to meet  
7 human needs and speedy recovery;  
8 "Chairman" means the Chairman of the Council;  
9 "Council" means the Advisory Council established for the Agency under this  
10 Law;  
11 "Management Committee" means the Management Committee established for  
12 the Agency under this Law;  
13 "members" means a member of the Council and includes the Chairman.

14 **28.** This Bill may be cited as the FCT Emergency Management  
15 Agency (Establishment) Bill, 2017.

#### EXPLANATORY MEMORANDUM

This Bill seeks to provide for the establishment of FCT Emergency Management Agency (FEMA) and to formulate policies and guidelines relating to the Management of disasters in the FCT.

Citation