



- 1 (i) Akwa-Ibom State;
- 2 (ii) Bayelsa State;
- 3 (iii) Cross River State;
- 4 (iv) Delta State;
- 5 (v) Edo State;
- 6 (vi) Ondo State;
- 7 (vii) Ogun State;
- 8 (viii) Lagos State; and
- 9 (ix) Rivers State.
- 10 (c) four persons to collectively represent non-coastal states;
- 11 (d) one person to represent the Federal Ministry of Finance;
- 12 (e) one person to represent the Federal Ministry of Environment;
- 13 (f) one person to represent the Ecological Fund Office; and
- 14 (g) the Executive Secretary of the Agency.
- 15 (3) The Chairman and other members of the Agency shall:
- 16 (a) be appointed by the President subject to the Confirmation of the
- 17 Senate and in consultation with the House of Representatives;
- 18 (b) be persons of proven integrity and ability;
- 19 (4) The members of the Agency referred to in paragraph (a-f) of sub-
- 20 section 2 of this section shall be part-time members.
- 21 (5) The supplementary provisions set out in the schedule to this Bill
- 22 shall have effect with respect to the proceedings of the Board and other matters
- 23 contained therein.
- Tenure of Office 24 **3.**(1) Subject to the provisions of section 4 of this Bill a member of
- 25 the Board, other than an ex-officio member, shall hold office for a term of 5
- 26 years at the first instance and may be re-appointed for a further term of 4 years
- 27 and no more.
- 28 (2) A member of the Board other than ex-officio member, may resign
- 29 his appointment by notice, in writing under his hand addressed to the President,
- 30 which resignation shall take effect only upon receipt by the President.

1                   4. The Office of the Chairman shall rotate amongst the Coastal   Office of the  
2 States that constitute the Agency.                   Chairman

3                   5.-(1) Notwithstanding the provisions of section 3 of this Bill, a  
4 person shall cease to hold office as a member of the Board if:

5                   (a) he becomes bankrupt, suspends payment or compounds with  
6 his creditors;

7                   (b) he is convicted of a felony or any offence involving dishonesty  
8 or fraud;

9                   (c) he becomes of unsound mind, or incapable of carrying out his  
10 duties;

11                  (d) he is guilty of a serious misconduct in relation to his duties; or

12                  (e) he resigns his appointment by a letter addressed to the  
13 President;

14                  (2) Where a vacancy occurs in the membership of the Board it shall  
15 be filled by the appointment of a successor to hold office for the remainder of  
16 the term of office of his Predecessor, so however, that the successor shall  
17 represent the same interest and shall be appointed by the President subject to  
18 the confirmation of the Senate and in consultation with the House of  
19 Representatives.

20                  6. There shall be paid to every member of the Board such   Remuneration,  
21 remunerations, allowances and expenses as the Federal Government may,   etc. for members  
22 from time to time direct.                           of the Board

23                                   PART II - FUNCTIONS AND POWERS OF THE AGENCY

24                  7.-(1) The Agency shall:

25                  (a) develop conceptual framework as a guide to put the ecological   Functions and  
26 and tourism resources of the nation's coastland to maximum use for the   Powers of the  
27 benefit of host communities;                   Agency

28                  (b) proffer short, medium and long term geological and  
29 geophysical infrastructural solutions to the corrosive effects of sea waves on  
30 the country's coastland;

1 (c) undertake construction of sealine/coast waves or concrete/metal  
2 breakers to cover the entire coastline of the country;

3 (d) ensure the maintenance, on regular basis, such barriers to curb  
4 ocean waves with a view to containing their effects on the coastland  
5 communities of Nigeria;

6 (e) maintain cordial collaborations with coastal communities to  
7 mitigate levels of misunderstanding, and to always seek the best means to  
8 promote corporate social investments;

9 (f) monitor and measure annual denudation of the country's coastland  
10 from the Western extremity of Badagry to the extreme of its coastland at  
11 Calabar to Bakassi;

12 (g) harness other natural resources aside mineral endowments as they  
13 may occur from time to time in all parts of the country's coastland;

14 (h) seek local and international collaborations to achieve its  
15 organizational set goals and objectives; and

16 (i) tackle ecological and environmental problems that arise from  
17 ocean surge.

18 (2) The Agency shall be subject to the direction, control or  
19 supervision in the performance of its functions under this Bill by the President.

Power of the  
Board

20 8. The Board shall have power to:

21 (a) manage and supervise affairs of the Agency;

22 (b) make rules and regulations for carrying out the functions of the  
23 Agency;

24 (c) pay the staff of the Agency such remunerations and allowances as  
25 appropriate;

26 (d) enter into such contracts as may be necessary or expedient for the  
27 discharge of its functions and ensure the efficient performance of the functions  
28 of the Agency;

29 PART III - STRUCTURE OF THE AGENCY

Establishment  
of Directorates

30 9. There shall be established in the Head Office of the Agency such

1 number of Directorates as the Board may deem it necessary and expedient to  
2 facilitate the realization of the objectives of the Agency.

3 10. There shall be for the Agency a Management Committee  
4 which shall:

Establishment  
of the Management  
Committee

5 (a) consist of a Chairman who shall be the Executive Secretary and  
6 the Directors responsible for the Directorates as may be established under  
7 section 9 of this Bill, and such number of other members as may be  
8 determined from time to time by the Board;

9 (b) be responsible to the Board for the general administration of the  
10 Agency;

#### 11 PART IV - STAFF

12 11.-(1) There shall be for the Agency, an Executive Secretary and  
13 other Staff to run the day to day administration of the Agency;

Appointment of  
Executive  
Secretary and  
other Staff

14 (2) The Executive Secretary:

15 (a) shall possess a Doctorate degree in Marine/Oceanographic  
16 engineering, Civil engineering or Architecture;

17 (b) the Executive Secretary shall be the Chief Executive and  
18 accounting officer of the Agency;

19 (c) shall be appointed by the President and confirmed by the Senate  
20 in consultation with the House of Representatives;

21 (d) shall hold office on such terms and conditions as to emolument,  
22 conditions of service as may be specified in his letter of appointment and  
23 subject to the provision of section 3 of this Bill.

24 (3) The Executive Secretary shall, subject to the general direction  
25 of the Board, be responsible:

26 (a) for the day to day administration of the Agency;

27 (b) for keeping the books and proper records of the Proceedings of  
28 the Board; and

29 (c) for:

30 (i) the administration of the Secretariat of the Board;

1 (ii) the general direction and control of all employees of the Agency;

2 (4) The Board shall have power to:

3 (a) employ either directly or on Secondment from any Civil or Public  
4 Service in the Federation or a State such number of employees as may in the  
5 opinion of the Board, be required to assist the Board in the discharge of any of  
6 its functions under this Bill; and

7 (b) pay to persons so employed such remuneration (including  
8 allowances) as the Board may determine;

Service in the  
Agency to be  
Pensionable

9 12.-(1) Service in the Agency shall be approved service for the  
10 purposes of the Pension Reform Act.

11 (2) The officers and other persons employed in the Agency shall be  
12 entitled to pensions, gratuities and other retirement benefits as are enjoyed by  
13 persons holding equivalent grades as appropriate.

14 (3) Nothing in sub-section (1) and (2) of this section shall prevent the  
15 appointment of a person to any office on terms which preclude the grant of  
16 pension and gratuity in respect of that office.

17 (4) For the purposes of the application of the provisions of the  
18 Pensions Act, any power exercisable thereunder by the Minister or other  
19 authority of the Government of the Federation, other than the power to make  
20 regulations under section 27 thereof is vested in and shall be exercisable by the  
21 Agency, and not by any other person or authority.

22 PART V - FINANCIAL PROVISIONS:

Fund of the  
Agency

23 13.-(1) The Agency shall establish and maintain a fund from which  
24 shall be defrayed all expenditure incurred by the Agency;

25 (2) There shall be paid and credited to the fund pursuant to sub-section  
26 (1) of this section:

27 (a) from the Federal Government, the Monthly Statutory allocations  
28 due to the Agency from the Federation account;

29 (b) 30 percent of monies due to Coastal States from the Ecological  
30 Fund;

1 (c) such monies as may from time to time, be granted or lent or  
2 deposited with the Agency by the Federal or a State Government, any other  
3 body or institution whether local or foreign;

4 (d) 2.5% of the annual statutory allocation from the Federation  
5 account due to each state that shares Coastland with the Ocean.

6 (e) all monies raised for the purposes of the Agency by way of gifts,  
7 loan, grants-in-aid, testamentary disposition or otherwise; and

8 (f) proceeds from all other assets that may from time to time, accrue  
9 to the Agency;

10 (3) The fund shall be managed in accordance with the rules made  
11 by the Board, and without prejudice to the generality of the power to make  
12 rules under this sub-section, the rules shall in particular contain provisions:

13 (a) specifying the manner in which the assets or the fund of the  
14 Agency are to be held, and regulating the making of payment into and out of  
15 the fund; and

16 (b) requiring the keeping of proper accounts and records for the  
17 purpose of the fund in such form as may be specified in the rules;

18 14. The Agency shall apply the proceeds of the fund established Expenditure  
19 pursuant to section 13 of this Bill to:

20 (a) the cost of administration of the Agency;

21 (b) the payment of salaries, fees, remuneration, allowances,  
22 pensions and gratuities payable to the members of the Board specified in  
23 section 5 of this Bill or any Committee of the Board and the employees of the  
24 Agency;

25 (c) the payment for all contracts, including mobilization,  
26 fluctuations, variations, legal fees and cost on contract administration;

27 (d) the payment for all purchases; and

28 (e) undertaking such other activities as are connected with all or  
29 any of the functions of the Agency under this Bill.

30 15.-(1) The Agency may accept gifts of land, money, or other Gift to the  
Agency

1 property on such terms and conditions, if any, as may be specified by the person  
2 or organization making the gift.

3 [2] The Agency shall not accept any gift of the conditions attached by  
4 the person or organization making the gift are inconsistent with the functions of  
5 the Agency under this Bill.

Borrow

6 16. The Agency may, with the consent of the President, borrow, on  
7 such terms and conditions as the Agency may determine, such sums of money  
8 as the Agency may require in the exercise of its functions under this Bill.

Annual Estimates  
and Expenditure

9 17.-(1) The Board shall, not later than 30th September in each year,  
10 submit to the National Assembly through the President estimates of the  
11 expenditure and income of the Agency during the next succeeding year for  
12 approval.

13 (2) The Board shall cause to be kept proper accounts of the Agency in  
14 respect of each year and proper records in relation thereto and shall cause the  
15 accounts to be audited not later than 6 months after the end of each year by  
16 auditors appointed from the list and in accordance with the guidelines supplied  
17 by the Auditor-General of the Federation.

Quarterly report

18 18. The Agency shall, at the end of every quarter in each year, submit  
19 to the President report on the activities and administration of the Agency.

Annual report

20 19.-(1) The Board shall prepare and submit to the President a report in  
21 such form as the President may direct on the activities of the Agency during the  
22 immediately preceding year, and shall include in the report a copy of the  
23 audited accounts of the Agency for that year and the auditor's report thereon.

24 (2) The President shall, upon receipt of the report referred to in sub-  
25 section (1) of this section, cause a copy of the report and the audited accounts of  
26 the Agency and the auditor's report thereon to be submitted to each House of the  
27 National Assembly.

28 PART VI - MISCELLANEOUS

Establishment  
of Monitoring  
Committee

29 20.-(1) There is established for the Agency a Monitoring Committee  
30 which shall consist of such number of persons as the President may deem fit to



1 appoint from the Public or Civil Service of the Federation.

2 (2) The Monitoring Committee shall:

3 (a) monitor the management of the funds of the Agency and the  
4 implementation of the projects of the Agency; and

5 (b) have access to the books of accounts and other records of the  
6 Agency at all times, and submit periodical reports to the President.

7 **21.**-(1) For the purposes of providing offices and premises Land Use Act  
8 necessary for the performance of its functions under this Bill, the Agency  
9 may, subject to the Land Use Act-

10 (a) purchase or take on lease any interest in land or other property;  
11 and

12 (b) construct offices and premises and equip and maintain same;

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

16 **22.** Subject to the provisions of this Bill, the President may give to Directives by  
17 the President  
18 the Agency directives of a general nature or relating generally to matters of  
19 policy with regard to the performance by the Agency of its functions and it  
shall be the duty of the Agency to comply with the directives.

20 **23.**-(1) Subject to the provisions of this Bill, the provisions of the Limitation of  
21 suits against the  
Agency, etc.  
22 Public Protection Act shall apply in relation to any suit instituted against any  
officer or employee of the Agency.

23 (2) Notwithstanding anything contained in other law or enactment,  
24 no suit shall lie against any member of the Board, the Executive Secretary or  
25 any other officer or employee of the Agency for any act done in pursuance or  
26 execution of this Bill or any other law or enactment, or of any public duty or  
27 authority or in respect of any alleged neglect or default in the execution of  
28 this Bill or such law or enactment, duty or authority, shall lie or be instituted  
29 in any court unless:

30 (a) it is commenced within three months next after the act, neglect

1 or default complained of; or

2 (b) in the case of a continuation of damage or injury, within six  
3 months next after the ceasing thereof.

Service of  
documents

4 **24.** A notice, summons or other document required or authorized to  
5 be served upon the Agency under the provisions of this Bill or any other law or  
6 enactment may be served by delivering it to the Executive Secretary or by  
7 sending it by registered post and addressed to the Executive Secretary at the  
8 Principal Office of the Agency.

Restriction on  
execution against  
property of the  
Agency

9 **25.**-(1) In any action or suit against the Agency, no execution or  
10 attachment of process in the nature thereof shall be issued against the Agency;

11 (2) Any sum of money which may by the judgment of any court be  
12 awarded against the Agency shall, subject to any direction given by court  
13 where notice of appeal of the said judgment has been given, be paid from the  
14 general reserve fund of the Agency.

Indemnity of  
Officers

15 **26.** A member of the board, the Executive Director, any officer or  
16 employee of the Agency shall be indemnified out of the assets of the Agency  
17 against any proceeding, whether civil or criminal, in which judgment is given  
18 in his favour or in which he is acquitted, if any such proceeding is brought  
19 against him in his capacity as a member of the Board, the Executive Secretary,  
20 Officer or employee of the Agency.

Regulations

21 **27.** The Agency may, with the approval of the President, make  
22 regulations generally for the purposes of giving full effect of this Bill.

Interpretation

23 **28.** In this Bill:

24 "Agency" means the Nigeria Shoreline Development and Protection Agency;

25 "Board" means the governing Board established for the Agency under section 2  
26 of this Bill;

27 "Coastal States" include, Akwa-Ibom State, Bayelsa State, Cross River State,  
28 Delta State, Edo State, Ondo State, Ogun State, Lagos State and Rivers State;

29 "Member" means a member of the Board and includes the Chairman and the  
30 Executive Secretary;

1 "President" means the President and Commander-in-Chief of the Federal  
2 Republic of Nigeria;

3 29. This Bill may be cited as the Nigeria Shoreline Development and Protection Agency (Establishment) Bill, 2018. Citation

4  
5 SCHEDULE

6 Section 2(5)

7 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

8 *Proceedings of the Board:*

9 1.-(1) Subject to this Bill and section 27 of the Interpretation Act,  
10 the Board may make Standing Orders regulating its proceedings or those of  
11 any its Committees.

12 (2) The Quorum of the Board shall be the Chairman or the person  
13 presiding at the meeting, the Executive Secretary or one third of  
14 members of the Board. The Quorum of any Committee of the Agency shall  
15 be as determined by the Board;

16 2.-(1) The Board shall meet whenever it is summoned by the  
17 Chairman and if the Chairman is required to do so by notice given to him by  
18 not less than 4 other members, he shall summon a meeting of the Board to be  
19 held within 14 days from the date on which the notice is given.

20 (2) At any meeting of the Board, the Chairman shall preside but if  
21 he is absent, the members present at the meeting shall appoint one of their  
22 numbers to preside at the meeting.

23 3.-(1) The Board may appoint one or more Committees to carry out  
24 on behalf of the Board such functions as the Board may determine.

25 (2) A Committee appointed under this paragraph shall consist of  
26 such number of persons as may be determined by the Board and a person  
27 shall hold office on the Committee in accordance with the terms of his  
28 appointment.

29 (3) A decision of a Committee of the Board shall be of no effect  
30 until it is confirmed by the Board.

1 4.-(1) The fixing of the Seal of the Agency shall be authenticated by  
2 the signatures of the Chairman or any other member of the Board generally or  
3 specifically authorized by the Board to the act for that purpose and the  
4 Executive Secretary;

5 (2) A document purporting to be a document duly execute under the  
6 Seal of the Agency shall be received in evidence and shall, unless and until the  
7 contrary is proved be presumed to be so executed.

8 5. The validity of any proceedings of the Board or of a Committee  
9 shall not be adversely affected by:

10 (a) a vacancy in the membership of the Board or a Committee;

11 (b) a defect in the appointment of a member of the Board or  
12 Committee; or

13 (c) reason that a person not entitled to do so took part In the  
14 proceedings of the Board or Committee.

EXPLANATORY NOTE

This Bill seeks to establish the Nigeria Shoreline Development and Protection Agency as a body corporate to tackle the challenges of ocean waves by building barriers to protect communities within coastal shores in Nigeria.