

EMERGENCY COMMUNICATION BILL, 2015

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A BILL

FOR

AN ACT TO ENHANCE THE NATION'S INTERNAL SECURITY AND THE CAPACITY TO MANAGE DISASTER AND EMERGENCES THROUGH THE PROVISION OF EMERGENCY COMMUNICATION FACILITIES TO ENABLE CITIZEN-ACTIVATED RESPONSE TO EMERGENCES; AND THE ESTABLISHMENT OF PUBLIC SAFETY ANSWERING CENTRES THROUGHOUT THE FEDERATION; AND FOR OTHER MATTERS, 2015

Sponsored by Hon. Uzoma Nkem-Abonta

[] Commencement

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria as follows—

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GENERAL PROVISIONS

1. The primary objective of this Act is to create and provide for a reliable framework for emergency communication in Nigeria and all matters relating thereto and for that purpose and without detracting from the generality of the foregoing, specifically to-
 - (a) promote the implementation of National Emergency or policy as may from time to time be made, modified and amended;
 - (b) ensure the deployment of emergency communications facilities throughout the federation;
 - (c) ensure the implementation and co-ordination of emergency communication for the overall purpose of response activation;
 - (d) provide for mandatory but unified emergency communication services by telecommunication operators in Nigeria;
 - (e) provide for adequate funding of emergency communication services through certain proportion of telecommunication bills collectible throughout the federation as well as government subvention;

Objectives of the Act

- 1 (f) provide for the establishment of Public Safety Answering Centres;
2 (g) provide appropriate penalties for offences related to the principle
3 and practice of emergency communication and swift response mechanism; and
4 (h) provide for the implementation of a swift response mechanism for
5 the purpose of management of emergencies.

Application

- 6 2. This applies to the provision and use of emergency
7 communications services in whole or in part within Nigeria or on a ship or
8 aircraft registered in Nigeria.

9 EMERGENCY COMMUNICATION FACILITY

Universal
Emergency Code

- 10 3. There is hereby established a universal Emergency Code designated
11 by "911" which shall be the code through which all emergency communication
12 shall be assessed.

Mandatory
Provision of
Emergency
Communications
Facilities, etc.

- 13 4. Notwithstanding the provision of any other enactment, regulation
14 or directive, it shall be mandatory for every telecommunications operator in
15 Nigeria to provide, deploy and maintain such facilities and service that will
16 encourage emergency communication from its network.

17 EMERGENCY COMMUNICATION FUND

Emergency
Communications
Fund

- 18 5.-(1) There is hereby established a fund to be known as the
19 Emergency Communication Fund into which shall be paid and credited all
20 income accruing from emergency communication charges, donations,
21 subventions, interests and capital increases pursuant to this Act.

- 22 (2) The Agency may from time to time, apply the proceeds of the
23 Emergency Communications Fund established pursuant to subsection 1 of this
24 section –

- 25 (a) to the procurement, construction and expansion of emergency
26 communication facilities, structures and infrastructures throughout the
27 federation; and

- 28 (b) to such services or projects which it may consider expedient in the
29 due administration of this Act.

1 6.-(1) The Commission shall make regulation(s) prescribing such Emergency
2 emergency communication charges which shall be collectible on all Communications
3 telephone calls made within the federation other than emergency calls. Charges

4 (2) The emergency communication charges pursuant to subsection
5 (1) of this section shall not be more than 2 per cent of call charges;

6 (3) Subject to the provisions of subsection (1) of this section, it
7 shall be mandatory for all telecommunication operators in Nigeria to ensure
8 due mobilization and appropriate remittal into the Emergency
9 Communication Fund all funds standing to the credit of emergency
10 communication charges.

11 (4) Notwithstanding any other enactment, regulators or directives,
12 evasion or negligence to the provisions of subsections (3) of this section
13 shall be an offence.

14 (5) Offenders under subsection (4) of this section shall be liable to
15 the –

16 (a) withdrawal of operating licence; and

17 (b) payment of seven (7) times the amount not remitted or evaded.

18 7. The Commission shall prepare and submit to the President, not Annual Estimates
19 later than 30th September of each year or such other time, as may be directed
20 by the President, accounts and an estimate of its income and expenditure
21 during the succeeding year in respect of the provisions of this Act.

22 8.-(1) The Commission shall keep proper accounts and other Accounts and
23 records relating thereto, and shall cause to be prepared, a statement of Audit
24 accounts relating to the last proceeding year in respect of the provisions of
25 this Act.

26 (2) The statement of accounts pursuant to this Act, together with
27 records relating thereto, shall be certified by the Commission and the
28 accounts shall be audited by the auditors to be appointed by the Commission
29 from the list, and in accordance with the guidelines, supplied by the Auditor-
30 General of the Federation.

1 (3) The Federal Committee shall provide response coordination
2 exclusively in –

3 (a) national security emergencies;

4 (b) aviation emergencies;

5 (c) navigational emergencies;

6 (4) The Federal Committee shall also provide response
7 coordination in consultation with the State Committee in –

8 (a) natural disasters;

9 (b) fire emergencies;

10 (c) road emergencies;

11 (d) robbery and crime related emergencies

12 (5) The Federal Committee shall consist of a representative of –

13 (a) National Emergency Management Agency, who shall be the
14 Chairman;

15 (b) Nigerian Communications Commission;

16 (c) Defence Headquarters;

17 (d) Trade unions;

18 (e) Civil Societies;

19 (f) Nigerian Union of Journalists; and

20 (g) Nigeria Police Force.

21 (6) The Federal Committee shall be appointed by the Advisory
22 Committee on such terms and conditions it shall prescribe.

23 14.-(1) There is hereby established a committee to be known as
24 State Response Coordinating Committee (in this Act referred to as “the State
25 Committee”) in all states of the Federation and the Federal Capital Territory,
26 which shall be responsible for the coordination of response among
27 responder agencies.

State Response
Co-ordinating
Committee

28 (2) The State Committee shall work closely with the Public Safety
29 Answering Centres in the state of its jurisdiction as well as the Responder
30 Agencies provided under this Act.

1 (3) The State Committee shall also provide response coordination in –

2 (a) natural disasters;

3 (b) fire emergencies;

4 (c) road emergencies;

5 (d) robbery and crime related emergencies.

6 (4) The State Committee shall consist of a representative of –

7 (a) State Emergency Management Agency, who shall be the
8 Chairman;

9 (b) Nigerian Communications Commission;

10 (c) Trade unions;

11 (d) Civil Societies;

12 (e) Nigerian Union of Journalists;

13 (f) Nigeria Police Force; and

14 (g) National Security and Civil Defence Corps.

15 (5) The State Committee shall be appointed by the Advisory
16 Committee on such terms and conditions it shall prescribe.

Responder
Agencies

17 15.-(1) Pursuant to this Act, the Federal Ministries, Extra-Ministerial
18 Departments, Parastatals and other bodies as set out in this subsection (2) of
19 this section shall –

20 (a) be the responder agencies;

21 (b) provide swift response to such case(s) of disaster or emergency as
22 may be referred;

23 (c) consider its primary and obligatory function as its first area of
24 jurisdiction to the extent of providing swift response

25 (d) ensure that all case(s) received get the desired prompt attention
26 and as well involve all other relevant government agencies; and

27 (e) carry out other duties that may be assigned to it in the course of
28 disaster and emergency management.

29 (2) The responder agencies include –

30 (a) Federal Ministry of Transport;

- 1 (b) Federal Ministry of Environment;
 2 (c) Federal Ministry of Interior;
 3 (d) Broadcasting Organisation of Nigeria;
 4 (e) Nigerian Police Force;
 5 (f) Armed Forces of the Federation;
 6 (g) Nigerian Meteorological Agency;
 7 (h) Federal Fire Service and State Fire Service;
 8 (i) Federal Road Safety Commission;
 9 (j) National Youth Service Corps;
 10 (k) Office of the National Security Adviser;
 11 (l) Nigerian Maritime Authority;
 12 (m) National Inland Waterways Authority;
 13 (n) National Emergency Management Agency, which shall be the
 14 lead organization.

15 (3) Any responder agency, which fails to provide the desired
 16 appropriate response, shall be liable to the payment of adequate
 17 compensation as may be determined by a Federal High Court or the High
 18 Court of a State.

19 EMERGENCY COMMUNICATIONS ADVISORY COMMITTEE

20 16.-(1) There is hereby established the Emergency
 21 Communications Advisory Committee (in this Act referred to as "the
 22 Advisory Committee").

Establishment of
 the Emergency
 Communications
 Advisory
 Committee

23 17.-(1) The Advisory Committee shall consist of the –

- 24 (a) a Chairman;
 25 (b) one representative each of the following Federal Ministries -
 26 (i) Information and Communication,
 27 (ii) Transport,
 28 (c) one representative each of -
 29 (i) Nigerian Police Force,
 30 (ii) Nigerian Maritime Authority,

Membership of
 the Advisory
 Committee

- 1 (iii) Federal Fire Service,
2 (iv) Federal Road Safety Commission,
3 (v) Broadcasting Organisation of Nigeria,
4 (d) the Director-General National Emergency Management Agency;
5 (e) two persons with cognate experience in emergency
6 communication; and
7 (f) the Vice Chairman, Nigerian Communications Commission or his
8 representative.

9 (2) The Chairman and other members of the Advisory Committee,
10 other than the ex-officio members, shall be appointed by the President.

11 (3) The supplementary provisions specified in the First Schedule to
12 this Act shall have effect with respect to the proceedings of the Advisory
13 Committee and other matters mentioned therein.

Tenure of office,
etc.

14 18. The Chairman and other members of the Advisory Committee,
15 other than the ex-officio members, shall hold office –

16 (a) for a term of 4 years in the first instance and may be re-appointed
17 for further term of 4 years and no more;

18 (b) on such terms and conditions as may be specified in his letter of
19 appointment.

Cessation of
membership

20 19.-(1) Notwithstanding the provisions of section 18 of this Act a
21 person shall cease to hold office as a member of the Advisory Committee if–

22 (a) he becomes bankrupt;

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

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

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

28 (e) in the case of a person possessed of professional qualifications, he
29 is disqualified or suspended from practicing his profession in any part of the
30 world by an order of a competent authority made in respect of that member; or

1 (f) he resigns his appointment by a letter addressed to the President.

2 (2) If a member of the Advisory Committee ceases to hold office
3 for any reason whatsoever, before the expiration of the term for, which he is
4 appointed, another person representing the same interest as that member
5 shall be appointed to the Advisory Committee for the unexpired term.

6 (3) A member of the Advisory Committee may be removed by the
7 President if he is satisfied that it is not in the interest of the Agency or the
8 interest of the public that the member continues in office.

9 **20. The Advisory Committee shall have power to –**

10 (a) give the Executive Vice Chairman directives of a general nature
11 for carrying the provisions of this Act into full effect;

12 (b) provide general policy guidelines for the Commission in
13 respect to the provisions of this Act; and

14 (c) do such other things which in its opinion are necessary to ensure
15 the efficient performance of the functions of the Commission under this Act.

16 **21. The Commission shall –**

17 (a) co ordinate emergency communications throughout the
18 Federation;

19 (b) establish public safety answering centers in the capital city of
20 each state of the federation and the Federal Capital Territory;

21 (c) provide stability and resources to all public safety answering
22 centers, to facilitate the deployment of emergency communication services
23 throughout the Federation in a reliable infrastructure;

24 (d) supervise the public safety answering center established under
25 this Act;

26 (e) ensure the transmission capabilities of all emergency calls to
27 the relevant responder agencies listed under this Act;

28 (f) carry out public awareness and education on the establishment
29 and operations of the Agency;

30 (g) ensure the maintenance of a data bank on all emergency calls;

Powers of the
Advisory
Committee

Additional
Functions of the
Commission

1 (h) assess and review the level of response initiated by the responder
2 agencies listed under this Act;

3 (i) carry out research work on the needs, impact and problems relating
4 to emergency communication calls;

5 (j) ensure the collection of all funds accruing to the Agency under this
6 Act;

7 (k) provide an annual report to the National Assembly in June of each
8 year, on the activities of the Agency and make recommendations on how to
9 improve coordination and communication; and

10 (l) carry out other relevant activities that may be assigned to it by the
11 President.

12 MISCELLANEOUS PROVISIONS

Annual report
to be submitted
to the National
Assembly

13 22. (1) As soon as the accounts of the Commission pursuant to this Act
14 have been audited, the Commission shall prepare a report of its activities
15 during the proceeding year and shall include in such report a copy of the
16 audited accounts of the Commission and auditor's report thereon.

17 (2) The Commission shall submit the report prepared pursuant to
18 subsection (1) of this section to the relevant committees of both houses of the
19 National Assembly not later than June of each year.

Directives by
the President

20 23. The President may give the Advisory Committee such directive of
21 a general nature or relating generally to matters of policy with regard to the
22 exercise of its function as he may consider necessary and it shall be the duty of
23 the Advisory Committee to comply with the directives or cause them to be
24 complied with.

Regulation

25 24. The Commission may make such regulations as in its opinion are
26 necessary or expedient for giving full effect to the provisions of this Act and for
27 the due administration of its provisions.

28 INTERPRETATION AND SHORT TITLE

Interpretation

29 25. In this Act, except the context otherwise requires—
30 “Advisory Committee” means the National Emergency Communication

1 Advisory Committee established under Section 16 of this Act;
2 “Chairman” means the Chairman of the Advisory Committee of the Agency;
3 “Centre” means the Public Safety Answering Centres established under
4 section 21 of this Act;
5 “Commission” means the Nigerian Communications Commission;
6 “emergency calls” include all calls made by dialing from any telephone the
7 designated emergency communication code which terminates at the public
8 safely answering centers, for the purpose of transmitting information
9 concerning emergency situations;
10 “member” means a member of the Advisory Committee and includes
11 the Chairman;
12 “Responder Agencies” mean the agencies set out under Section 15 of this
13 Act.

14 **26.** This Bill may be cited as the Emergency Communication Bill, Short Title
15 2015.

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SCHEDULE

Section 17 (3)

SUPPLEMENTARY PROVISIONS RELATING TO THE ADVISORY
COMMITTEE, ETC

Proceeding of the Advisory Committee

1. Subject to this Act and Section 27 of the Interpretation Act (which provides for the decisions of a statutory body to be taken by majority of its members and for the person presiding at any meeting, when a vote is ordered, to have a second or casting vote), the Advisory Committee may make standing orders regulating its proceedings or that of any of its committees.

2. At every meeting of the Advisory Committee, the Chairman shall preside and in his absence the members present at the meeting shall appoint one of their number to preside at the meeting.

3. The quorum at a meeting of the Advisory Committee shall consist of the Chairman or, in an appropriate case, the person presiding at the meeting pursuant to paragraph 2 of this Schedule and six other members.

4. The Advisory Committee shall for the purposes of this Act, meet not less than three times in each year and subject thereto the Advisory Committee shall meet whenever it is summoned by the Chairman, and if required to do so, by notice given to him by not less than nineteen other members, he shall summon a meeting of the Advisory Committee to be held within 14 days from the date on which the notice is given.

5. Where, the Advisory Committee desires to obtain the advice of any person on a particular matter, the Advisory Committee may co-opt him for such period as it thinks fit, but a person who is a member by virtue of this subparagraph shall not be entitled to vote at any meeting of the Advisory Committee and shall not count towards quorum.

Committees

6. -(1) Subject to its standing orders, the Advisory Committee may appoint such number of standing and ad hoc committees as it thinks fit to

1 consider and report on any matter which the Commission is concerned
2 pursuant to this Act.

3 (2) A committee appointed under this paragraph shall -

4 (a) consist of such number of persons (not necessarily members of
5 the Advisory Committee as may be determined by the Advisory Committee)
6 and a person, other than a member of the Advisory Committee, shall, hold
7 office on the committee in accordance with the terms of his appointment;
8 and

9 (b) be presided over by a member of the Advisory Committee.

10 (3) The quorum of any committee set up by the Advisory
11 Committee shall be as may be determined by the Advisory Committee.

12 (4) A decision of a committee of the Advisory Committee shall be
13 of no effect until it is confirmed by the Advisory Committee.

14 7. The fixing of the seal of the Commission shall be authenticated
15 by the signature of the Chairman, the Executive Vice Chairman or any other
16 person generally or specifically authorized by the Advisory Committee to
17 act for that purpose.

18 8. Any contract or instrument which, if made by a person not
19 being a body corporate, would not be required to be under seal may be made
20 or executed on behalf of the Commission by the Executive Vice Chairman or
21 by any other person generally or specially authorized by the Advisory
22 Committee to act for that purpose.

23 9. Any document purporting to a contract, instrument or other
24 document duly signed or sealed on behalf of the Agency shall be received in
25 evidence and shall, unless the contrary is proved, be presumed without
26 further proof to have been so signed or sealed.

27 10. The validity of any proceedings of the Advisory Committee or
28 of any of its committees shall not be affected by -

29 (a) any vacancy in the membership of the Advisory Committee or
30 committee;

1 (b) any defect in the appointment of a member of the Advisory
2 Committee or committee; or

3 (c) reason that any person not entitled to do so took part in the
4 proceedings of the Advisory Committee.

5 11. A member of a committee who has a personal interest in any
6 contract or arrangement entered into or proposed to be considered by the
7 committee shall forthwith disclose his interest to the committee and shall not
8 vote on any question relating to the contract or arrangement

9 12. No member of the Advisory Committee shall be personally liable
10 for any act or omission done or made in good faith while engaged in the
11 business of the Commission.

EXPLANATORY MEMORANDUM

The Bill seeks to make provisions for emergency communication facilities in Nigeria so as to enable citizen-activated response to emergencies, and to provide for the construction of public safety answering centers in each State of the Federation.