

A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF AN AGENCY AND FOR THE USE OF THE SUM RECEIVED FROM THE ALLOCATION OF THE FEDERATION ACCOUNT FOR TACKLING EROSION AND DESERT ENCROACHMENT PROBLEMS IN PARTS OF THE FEDERATION AND FOR RELATED MATTERS

Sponsored Hon. Sopuluchukwu Ezeomwuka

| | Commencement

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

1 1.-(1) There is hereby established for the management of the Establishment
2 Agency a governing council (in this Act referred to as "the Council").

3 (2) The council shall consist of:

4 (a) The Vice President who shall be the Chairman;

5 (b) The Secretary to the government of the Federation;

6 (c) One representative of the following federation ministries who
7 shall not be below the rank of a Director, that is:

8 (i) Environment;

9 (ii) Finance;

10 (iii) Works and Housing;

11 (iv) Health;

12 (v) Natural resources;

13 (d) One representative each from the regions affected by the
14 erosion and desertification menace:

15 (i) The Nigerian Red Cross;

16 (ii) Nigeria Police;

17 (iii) Such voluntary organizations as may be determined from time
18 to time, and

1 (c) The Director General of the Agency.

2 (2) The members of the Agency other than the ex-official members
3 shall be appointed by the President and shall be persons of proven integrity and
4 ability.

5 (3) The members of the Agency referred to in paragraphs c - d of
6 subsection (1) shall be part time members.

7 (4) The supplementary provisions set out in the schedule to this bill
8 shall have effect with respect to the proceedings of the board and the other
9 matters contained therein.

Tenure of office

10 **2.**-(1) Subject to the provisions of section 4 of this Act. A member of
11 the board, other than an ex-officio member shall hold:

12 (a) For a term of four years at the first instance and may be re-
13 appointed for a further term of four years and no more.

14 (b) On such terms and conditions as may be specified in his letter of
15 appointment.

Cessation of
Membership

16 **3.**-(1) Notwithstanding the provisions of section 3 of this Act, a
17 person shall cease to hold office as member of the Agency if:

18 (a) He becomes bankrupt suspend payment or compound with his
19 creditors:

20 (b) He is convicted of a felony or any offence involving dishonesty or
21 fraud:

22 (c) He becomes of unsound mind or incapable of carrying out his
23 duties:

24 (d) He is guilty of serious misconduct in relation to his duties:

25 (e) In the case of a person possessed of professional qualification, he
26 is disqualified or suspended other than at his own request, from practice his
27 profession in any part of the world by an order of a competent authority made in
28 respect of that member: or

29 (2) If a member of the council ceases to hold office, for any reason
30 whatsoever, before the expiration of the term for which he is appointed, another

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

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

6 (4) Allowances of members:

7 There shall be period to every of the council such allowances and expenses
8 as the federal government may, from time to time, direct.

9 PART II

10 4. -(1) The Agency shall.

Functions of the
Agency

11 (a) Formation policy on all activities related to erosion and
12 desertification menace and control management in Nigeria and coordinate
13 the plans and programmers/ for efficient and effective response to disasters
14 at National larder:

15 (b) Co-ordinate and promote research activities relating to erosion
16 and desertification management at natural level:

17 (c) Educate and inform the public on erosion and desertification
18 control measures.

19 (d) Receive financial and technical and from international
20 organization and non-governmental agencies for the purpose of erosion and
21 desertification control and management in Nigeria:

22 (e) Liaise with the state erosion and Desertification control Agency
23 established in any state of the federation to oversee and monitor, where
24 necessary, the usage or application of the ecology fund paid to each state by
25 the federal government:

26 (f) Prepare the annual budget for erosion and desertification
27 management in Nigeria.

28 (g) Perform such other functions which in the opinion of the
29 Agency is required for the purpose of the Agency's objectives under this Act:

30 (h) Co-ordinate the activities of the all voluntary organizations

1 engaged in erosion and desertification control:

2 (i) Monitor the state of preparedness of all organizations or agencies
3 which may contribute to curbing of erosion and desertification menace in
4 Nigeria:

5 (j) Prepare the annual budget for erosion and desertification
6 management in Nigeria:

7 (k) Liaise with the United Nations Convention to Combat
8 Desertification (UNCCD):

9 (l) To map out strategies and issue regulation aimed at combating
10 erosion and desertification problem in Nigeria.

Powers of the
Council

11 5. The council shall have power to:

12 (a) Manage and superintend the affairs of the agency:

13 (b) Subject to the provision of this act, make, alter and revoke rules
14 and regulations for carrying on the functions of the agency:

15 (c) For the terms and condition of service, including the remuneration
16 of the employees of the agency after the constitution with the federal civil
17 service commission:

18 (d) Do such other things which in the opinion of the Agency are
19 necessary to ensure the efficient performance of the Agency:

20 (e) Make rules and regulations for carrying out functions of the
21 Agency.

Appointment
staff of Director-
General of the
Agency

22 6. -(1) There shall be for the Agency a Director-General who shall be
23 appointed by the President.

24 (2) The Director-General shall be:

25 (a) The Chief executive and accounting officers of the Agency;

26 (b) Responsible for the day-to-day administration of the Agency.

27 (3) The Director-General shall hold office or terms and conditions as
28 are specified in his letter of appointment.

Appointment of
other staff of the
Agency

29 7.-(1) The council shall appoint for the Agency such number of
30 employees as may in the opinion of the council be expedient and necessary for

1 the proper and efficient performance of the functions of the Agency.

2 (2) The terms and conditions of service (including remuneration
3 allowances, benefits and pension) of the employees of the Agency shall be
4 as determined by the council after consultation with the federal civil service
5 commission.

6 (3) The Agency can also receive staff or secondment from the
7 federal civil service commission or the Head of Service of the federation.

8 **8.-(1) Service in the Agency shall be approved service for the**
9 **purposes of the Pensions Act.**

Service in the
Agency to be
pensionable

10 (2) The officers and other persons employed in the Agency shall
11 prevent the appointment of a person to any office or terms which preclude
12 the grant of person and gratuity in respect of that office.

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

16 (4) For the purpose of the application of the provision of the
17 Pensions Act, any power excisable thereunder by the Minister or the
18 government of the federation, other than the power to make regulations
19 under section 23 thereof, is hereby vested in and shall be excisable by the
20 board and not by any other person or authority.

21 PART III

22 **9.-(1) The Agency shall establish and maintain a fund from which**
23 **shall be defrayed and expenses incurred by the Agency.**

Fund of the
Agency

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

26 (a) Any allocation to the Agency from the federation account;

27 (b) 30/0 of the ecological fund for the management of erosion and
28 **desertification related matters;**

29 (c) **Such monies as may, from time to time, be granted or lent to the**
30 **Agency by the federal government or a state government or a local**

1 government council;

2 (d) Such money as may, from time to time, be granted or received
3 from:

4 (i) The organized private sector;

5 (ii) International or donor organizations and non-governmental
6 organizations.

7 (e) All monies raised for the purposes of the Agency by way of gifts,
8 loan, grants-in-aid, testamentary dispositions or otherwise;

9 (f) All other monies/assets that may, from time to time, accrue to the
10 Agency.

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

14 (a) Specifying the manner in which the assets or the funds of the
15 Agency are to be held and regularity the making of payments into and out of the
16 fund and;

17 (b) Requiring the keeping of proper accounts and records for the
18 purpose of the fund in such form as may be specified in the rules.

Expenditure of
the Agency

19 **10.** The Agency shall apply the proceeds of the fund established
20 pursuant to section 13 of this Act to:

21 (a) The cost of administration of the Agency;

22 (b) The payment of salaries, fees, remuneration allowances, pensions
23 and gratuities payable to the council members and the employees of the
24 Agency;

25 (c) The payment of all contracts, including mobilization, fluctuation,
26 variations, legal fees and cost on contract administration;

27 (d) The payment for all purchases; and

28 (e) Undertaking such other activities and connected with all or any of
29 the functions of the Agency under this Act.

1 under the authority of the Agency in the exercise of any power or duties under
2 this Act; or

3 (b) Without reasonable excuse fails to:

4 (i) Render assistance or release any available equipment, facility or
5 personnel required for a search and rescue operation or other erosion or
6 desertification related curtailment activities; or

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

10 (3) The Agency shall provide compensation for loss or damage
11 arising from the use of any equipments, facility or personnel required under
12 this section of the Act.

Offices and
Premises of the
Agency

13 **16.-(1)** For the purpose of providing offices and premises necessary
14 for the performance of its functions under this Act, the Agency may subject to
15 the land use Act:

16 (a) Purchase or take or lease any interest in land or other property; and

17 (b) Construct offices and premises and equip and maintain same.

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

Directives by
the President

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

Regulations

25 **18.** The Agency may with the appraisal of the president make
26 regulations, generally for the purposes of giving full effect to this Act.

Interpretations

27 **19.** In this Act, unless other the otherwise requires:

28 "Agency" means the National Erosion and Desertification Agency established
29 under section 1 of this Act;

30 "Chairman" means the chairman of the council;

1 "Council" means the governing council established for the Agency under
2 section 2(1) of this Acts;

3 "Member" Means a member of the council and includes the chairman;

4 "Regions" mean the 6 geopolitical zones of the country;

5 "Equipment" includes any types of vehicle or motorcycle or tricycle;

6 "President" means the president of the federal of the Republic of Nigeria.

7 **20.** This Bill may be cited as the National Erosion and Short title
8 Desertification Agency (Establishment) Bill, 2016.

9 SCHEDULE

10 (Section 2(4))

11 *Supplementary provisions relating to the council etc proceeding*
12 *of the council*

13 1.-(1) Subject to this Act and section 27 of the interpretation Act,
14 the council may make standing orders regulating its proceedings or those of
15 its committees.

16 (2) The quorum of the council shall be the chairman or the person
17 presiding at the meeting and other members of the council and quorum of
18 any committee of the committee shall be as determined by the council.

19 2.-(1) The council shall meet wherever it is summoned by the
20 chairman and if the chairman is required to do so by notice given to him by
21 not less than eight other members, he shall summon a meeting of the council
22 to be held within fourteen days from the date on which the notice is given.

23 (2) At any meeting of the council, the chairman shall preside but if
24 he is absent, the members present at the meeting shall appoint one of their
25 members to preside at the meeting.

26 (3) Where the Council desires to obtain the advice of any person on
27 a particular manner, the Council may co-opt him to the Council for such
28 period as it deems fit, but a person who is in attendance by virtue of this sub-
29 paragraph shall not be entitled to vote at any meeting of the Council and
30 shall not count towards a quorum.

1 *Committees*

2 3.-(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 consist of 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 *Miscellaneous*

10 4.-(1) The fixing of the seal of the Agency shall be authenticated by
11 the signatures of the chairman, the Director-General or any person generally or
12 specifically authorized by the Council to act for that purpose.

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

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

20 5. The validity of any proceedings of the Council or of a committee
21 shall not be adversely affected by:

22 (a) a vacancy in the membership of the Council or committee.

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the Establishment of an Agency and for the use of the sum received from the allocation of the Federation account for tackling erosion and desert encroachment problems in parts of the Federation.