

# A BILL

## FOR

AN ACT TO AMEND THE NATIONAL EMERGENCY MANAGEMENT AGENCY (ESTABLISHMENT, ETC) ACT TO MAKE PROVISIONS FOR GREATER EFFICIENCY IN THE OPERATIONS OF THE NATIONAL EMERGENCY MANAGEMENT AGENCY AND FOR RELATED MATTERS

*Sponsored by Hon. Henry Nwawuba*

*Co-Sponsors:*

Hon. Gaza Jonathan Gbefwi                      Hon. Olaide A. Akinremi  
Hon. Nasir Ali Ahmed

[ ] Commencement

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

- 1                    1. The National Emergency Management Agency (Establishment, Aims, Objectives  
2 etc) Act No. 12 of 1999 ("the Principal Act") is amended as set out in this and Application  
3 Act.
- 4                    2. Section 2 of the Principal Act is amended by substituting for the Amendment of  
5 existing a new section 2 as follows- Section 2
- 6                    (1) There is hereby established for the management of the Agency,  
7 a governing board (in this Act referred to as the Board").
- 8                    (2) The Board shall consist of-
- 9                    (a) A Chairman;
- 10                   (b) The Director General of the Agency, who shall be the Secretary  
11 to the Board;
- 12                   (c) A representative of the Secretary to the Government of the  
13 Federation;
- 14                   (d) One representative each of the following Federal Ministries  
15 who shall not be below the rank of a Director-
- 16                   (i) Humanitarian Affairs, Disaster Management and Social  
17 Development;
- 18                   (ii) Finance;
- 19                   (iii) Aviation;

- 1 (iv) Foreign Affairs;
- 2 (v) Health;
- 3 (vi) Interior;
- 4 (vii) Transport;
- 5 (viii) Water Resources;
- 6 (ix) Works and Housing;
- 7 (x) Environment;
- 8 (e) One representative each of-
- 9 (i) the Armed Forces;
- 10 (ii) the Nigeria Police Force;
- 11 (iii) the Nigeria Red Cross Society;
- 12 (iv) such voluntary organisations as may be determined by the
- 13 President from time to time.

14 (3) The Chairman and members of the Board, other than ex-officio  
15 members, shall be appointed by the President, on the recommendation of the  
16 Minister; and shall be persons of proven integrity and ability.

17 (4) The supplementary provisions set out in the Schedule to this Act  
18 shall have effect with respect to the proceedings of the Board and the other  
19 matters contained therein.

20 3. Section 6 of the Principal Act is amended by substituting for the  
21 existing section, a new section 6 as follows-

22 (1) The Agency shall-

23 (a) Implement the policies of the Federal Government of Nigeria on  
24 all activities relating to disaster management in Nigeria;

25 (b) Promote research activities relating to disaster management at the  
26 national level;

27 (c) Monitor the state of preparedness of all organisations or agencies  
28 which may contribute to disaster management in Nigeria;

29 (d) Collect and collate data from relevant agencies so as to enhance

1 forecasting, planning and field operation of disaster management in the  
2 country;

3 (e) Educate, inform, and sensitize the public on disaster prevention  
4 and control measures;

5 (f) Coordinate and facilitate the provision of necessary resources  
6 for search and rescue and other types of disaster curtailment activities in  
7 response to distress call;

8 (g) Receive emergency relief supply from local and international  
9 sources as well as non-governmental agencies;

10 (h) Distribute emergency relief materials to persons affected by  
11 natural disasters or other disasters and assist them in rehabilitation and  
12 recovery where necessary;

13 (i) Liaise with State Emergency Management Agencies to assess  
14 and monitor where necessary, the distribution of relief materials to disaster  
15 affected persons;

16 (j) Prepare the annual budget for disaster management in Nigeria;

17 (k) Performs other such functions as are required for the purpose of  
18 achieving the objectives of this Act.

19 (2) For the purpose of subsection (1) of this section-

20 "natural or other disasters includes any disaster arising from any crisis,  
21 epidemic, drought, flood, earthquake, storm, train, road or air accident, oil  
22 spillage, chemical, biological, radiological, nuclear or other accidents and  
23 mass deportation or evacuation of Nigerians from any other country.

24 4. Section 7 of the Principal Act is amended by substituting for the  
25 existing section, a new section 7 as follows-

Amendment of  
Section 7

26 7. The Board shall have power to-

Powers of the  
Board

27 (a) Manage and superintend the affairs of the Agency;

28 (b) Subject to the provisions of this Act, make, alter and revoke  
29 rules and regulations for carrying on the functions of the Agency;

30 (c) Fix the terms and conditions of service, including remuneration

1 and allowances of the employees of the Agency after consultation with the  
2 Salaries and Wages Commission; and

3 (d) Do such other things which in the opinion of the Agency are  
4 necessary to ensure the efficient performance of the functions of the Agency.

Amendment of  
Section 10

5 5. Section 10 of the Principal Act is amended in subsection (1) by  
6 adding the words "the recommendation of the Minister" after the word  
7 "President" as follows: -

Appointment  
of Director-General  
of the Agency

8 10.(1) There shall be for the Agency, a Director-General, who shall be  
9 appointed by the President on the recommendation of the Minister.

Amendment of  
Section 11

10 6. Section 11 of the Principal Act is amended by substituting for the  
11 existing section, a new section 11 as follows:-

Appointment of  
other staff of the  
Agency

12 11.(1) The Board shall appoint for the Agency such number of  
13 employees as may, in the opinion of the Board be expedient and necessary for  
14 the proper and efficient performance of the functions of the Agency.

15 (2) The terms and conditions of service (including career progression,  
16 remuneration and other allowances) of the employees of the Agency shall be as  
17 determined by the Board after consultation with the Salaries and Wages  
18 Commission.

Amendment of  
Section 12

19 7. Section 12 of the Principal Act is amended by substituting for the  
20 existing section, a new section 12 as follows: -

21 12. Service in the Agency to be pensionable:

22 (1) Service in the Agency shall be approved service for the purposes  
23 of the pensions Act.

24 (2) The officers and other persons employed in the Agency shall be  
25 entitled to pensions, gratuities, and other retirement benefits as prescribed by  
26 the conditions of service of the Agency.

27 (3) Nothing in subsections (1) and (2) of this section shall prevent the  
28 appointment of a person to any office on terms which preclude the grant of  
29 pension and gratuity in respect of that office.

30 (4) For the purposes of the application of the provisions of the

1 Pensions Act, any power exercisable there under by the Minister or other  
2 authority of the Government of the Federation, other than the power to make  
3 regulations under section 23 thereof, is hereby vested in and shall be  
4 exercisable by the Board, and not by any other person or authority.

5 8. Section 13 of the Principal Act is amended by substituting for  
6 the existing section, a new section 13 as follows- Amendment of  
Section 13

7 13. (1) The Agency shall establish and maintain a fund from which Fund of the  
Agency  
8 shall be defrayed all expenditure incurred by the Agency.

9 (2) There shall be paid and credited to the fund established  
10 pursuant to subsection (1) of this section-

11 (a) any allocation to the Agency from the Federation account;

12 (b) twenty per cent (20%) of the Ecological Fund for the  
13 management of ecological and climate change related disasters;

14 (c) such monies as may, from time to time, be granted or lent to the  
15 Agency by the Federal Government or a Local Government Board;

16 (d) such money as may, from time to time, be granted or received  
17 from:

18 (i) the organised private sector;

19 (ii) international or donor organisations and non-governmental  
20 organisations;

21 (e) all monies raised for the purposes of the Agency by way of gifts,  
22 loans, grants-in-aid, testamentary disposition or otherwise;

23 (f) such money as may be received from the National Emergency  
24 Trust Fund; and

25 (g) all other assets that may, from time to time, accrue to the  
26 Agency.

27 (3) The fund shall be managed in accordance with the extant  
28 Financial Rules and Regulations without prejudice to the generality of the  
29 power to make rules under this subsection, the rules shall in particular  
30 contain provisions-

1 (a) specifying the manner in which the assets or the fund of the  
2 Agency are to be held, and regulating the making of payments into and out of  
3 the fund; and

4 (b) requiring the keeping of proper accounts and records for the  
5 purpose of the fund in such form as may be specified in the rules.

Amendment of  
Section 16

6 9. Section 16 of the Principal Act is amended by substituting for the  
7 existing section, a new section 16 as follows: -

Award of contracts

8 16. The Agency shall have powers to award contracts in line with the  
9 provisions of the Public Procurement Act.

Amendment of  
Section 17

10 10. Section 17 of the Principal Act is amended as follows-

Power to borrow

11 17. (a) in subsection (1) by substituting the word "President", with the  
12 word "Minister" as follows:

13 The Agency may, with the consent of the Minister, borrow on such terms and  
14 conditions as the Agency may determine, such sums of money as the Agency  
15 may require in the exercise of its functions under this Act.

16 (b) In subsection (2) by substituting the word "President", with the  
17 word "Minister" as follows:

18 The Agency shall not, without the approval of the Minister, borrow money  
19 which exceeds, at any time, the limit set by the Minister. In subsection (3) by  
20 substituting a new subsection (3) as follows:

21 "Where the sum to be borrowed is in foreign currency, whether or not  
22 it exceeds the limit set by the Minister, the Board shall not borrow the sum  
23 without prior approval of the Minister."

Amendment of  
Section 19

24 11. Section 19 of the Principal Act is amended by substituting for the  
25 existing section, a new section 19 as follows: -

Annual Report

26 19. (1) The Board shall prepare and submit to the Minister, not later  
27 than 30 June in each year, a report in such form as the Minister may direct on the  
28 activities of the Agency during the immediately preceding year, and shall  
29 include in the report a copy of the audited accounts of the Agency for that year  
30 and the auditor's report thereon.

1 (2) The Board may, for the purpose of preparing the report in  
2 subsection (1), engage the services of external consultants to carry out  
3 monitoring and evaluation, and audit the Agency's performance of its  
4 statutory responsibilities.

5 12. Section 20 of the Principal Act is amended by substituting for  
6 the existing section, a new section 20 as follows:- Amendment of  
Section 20

7 20. (1) In the exercise of its functions under this Act, the Agency  
8 may demand by requisition from any organisation, any available equipment,  
9 facilities or personnel which may assist in a speedy and effective search and  
10 rescue operation and any other form of emergency management or disaster  
11 operation during a period of emergency. Requisition,  
Offences and  
Sanctions etc.

12 (2) Any organisation which-

13 (a) wilfully obstructs or impedes the Agency or any person acting  
14 under the authority of the Agency in the exercise of any powers or duties  
15 under this Act; or

16 (b) without reasonable excuse fails to-

17 (c) render assistance or release any available equipment, facility or  
18 personnel required for a search and rescue operation or other disaster  
19 curtailment activities, or

20 (d) comply with a directive of the Agency.

21 (3) The Agency shall provide reasonable recompense for the use of  
22 any equipment, facility or personnel requisitioned under subsection (1) of  
23 this section:

24 (a) The Agency shall pay additional compensation for loss or  
25 damage arising from the use of any equipment, facility or personnel  
26 requisitioned under subsection (1) of this section.

27 13. Section 22 of the Principal Act is amended by substituting for  
28 the existing section, a new section 22 as follows: - Amendment of  
Section 22

29 22. Subject to the provisions of this Act, the Minister may give to  
30 the Agency, directives of a general nature or relating generally to matters of Directives by  
the Minister

1 policy with regard to the performance by the Agency of its functions and it shall  
2 be the duty of the Agency to comply with the directives.

Amendment of  
Section 24

3 14. Section 24 of the Principal Act is amended by substituting the  
4 word "President" with the word "Minister" as follows: -

Regulations

5 24. The Agency may, with the approval of the Minister, make  
6 regulations, generally for the purposes of giving full effect to this Act.

Amendment of  
Section 25

7 15. Section 25 of the Principal Act is amended by substituting for the  
8 existing section, a new section 25 as follows-

Interpretation

9 25. In this Act, unless the context otherwise requires-  
10 "Agency" means the National Emergency Management Agency established  
11 under section 1 of this Act;  
12 "Chairman" means the chairman of the Board;  
13 "Board" means the Governing Board established for the Agency under section  
14 2(1) of this Act;  
15 "Member" means a member of the Board and includes the chairman;  
16 "Minister" means the Minister of the Federal Republic of Nigeria responsible  
17 for matters relating to Disaster Management;  
18 "President" means the President of the Federal Republic of Nigeria.

Short title

19 16. This Bill may be cited as the National Emergency Management  
20 Agency (Establishment, Etc.) (Amendment) Bill, 2020.

1  
2 SCHEDULE

## 3 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC

4 The supplementary provisions in the Principal Act are amended by  
5 substituting for the existing provisions, new provisions as follows-

6 *Proceedings of the Board*

7 1.-(1) Subject to this Act and section 27 of the Interpretation Act,  
8 this Board may make standing orders regulating its proceedings or those of  
9 any of its committees.

10 (2) The quorum of the Board shall be the Chairman or the person  
11 presiding at the meeting and seven (7) other members of the Board, and the  
12 quorum of any committee of the Board shall be as determined by the Board.

13 2.-(1) The Board shall meet whenever it is summoned by the  
14 Chairman and if the Chairman is required to do so by notice given to him by  
15 not less than eight (8) other members, he shall summon a meeting of the  
16 Board to be held within fourteen (14) days from the date on which the notice  
17 is given.

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

21 (3) Where the Board desires to obtain the advice of any person on a  
22 particular matter the Board may co-opt him to the Board for such period as it  
23 deems fit, but a person who is in attendance by virtue of this sub-paragraph  
24 shall not be entitled to vote at any meeting of the Board and shall not count  
25 towards quorum.

26 *Committees*

27 3.-(1) The Board may appoint one or more committees to carry out,  
28 on behalf of the Board such functions as the Board may determine.

29 (2) A committee appointed under the paragraph shall consist of  
such number of persons as may be determined by the Board and a person

1 shall hold office on the committee in accordance with the terms of his  
2 appointment.

3 (3) A decision of a committee of the Board shall have no effect until it  
4 is confirmed by the Board.

5 *Miscellaneous*

6 4.-(1) The fixing of the seal of the Agency shall be authenticated by  
7 the signatures of the Chairman, the Director-General or any person generally or  
8 specifically authorised by the Board to act for that purpose.

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

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

16 5. The validity of any proceedings of the Board or of a committee shall  
17 not be adversely affected by-

18 (a) a vacancy in the membership of the Board or committee; or

19 (b) a defect in the appointment of a member of the Board or  
20 committee; or

21 (c) reason that a person not entitled to do so took part in the  
22 proceedings of the Board or committee.

EXPLANATORY NOTES

This Bill seeks to amend the National Emergency Management Agency  
(Establishment, Etc) Act to make provisions for greater efficiency in the  
operations of the National Emergency Management Agency.