

# A BILL

## FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE ENVIRONMENTAL HEALTH AND SAFETY AGENCY; AND FOR RELATED MATTERS

*Sponsored by Hon. Abass Tajudeen*

[ ] Commencement

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

### PART I - ESTABLISHMENT OF THE ENVIRONMENTAL HEALTH AND SAFETY AGENCY, ETC.

1.-(1) There is hereby established a body to be known as the Environmental Health and Safety Agency (in this Act referred to as "the Agency").

Establishment of the Environmental Health and Safety Agency

2 (2) The Agency:

3 (a) shall be a body corporate with perpetual succession and a  
4 common seal;

5 (b) may sue and be sued in its corporate name; and

6 (c) may acquire, hold and dispose of property whether moveable or  
7 immoveable.

8 2.-(1) There is hereby established a Governing Council for the  
9 Agency (in this Act referred to as "the Governing Council") which shall  
10 consist of:

Establishment of Governing Council

11 (a) a Chairman;

12 (b) one representative of the Minister responsible for:

13 (i) Environment,

14 (ii) Health;

15 (iii) Agriculture,

16 (iv) Petroleum Resources,

17 (c) six persons to represent the six geo-political zones; and

1 (d) the Director-General of the Agency.

2 (2) The Chairman and members of the Governing Council, other than  
3 the Director- General, shall be part-time members.

4 (3) The Chairman and the members of the Governing Council shall be  
5 appointed by the President on the recommendation of the Minister

6 (4) The supplementary provisions set out in the Schedule to this Act  
7 shall have effect with respect to the proceedings of the Governing Council and  
8 the other matters contained therein.

Tenure of office

9 **3.** The Chairman and members of the Governing Council, other than  
10 the ex-officio members, shall each hold office:

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

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

Cessation of  
Membership

15 **4.-(1)** A person shall cease to hold office as member of the Governing  
16 Council on the occurrence of any of the following:

17 (a) he resigns his appointment as a member of the Governing Council  
18 by notice, under his hand, addressed to the President;

19 (b) he becomes of unsound mind;

20 (c) he becomes bankrupt or makes a compromise with his creditors;

21 (d) he is convicted of a felony or of any offence involving dishonesty  
22 or corruption;

23 (e) he becomes incapable of carrying out the functions of his office  
24 either arising from an infirmity of mind or body: or

25 (f) the President is satisfied that it is not in the interest of the Agency or  
26 in the interest of the public for the person to continue in office and the President  
27 removes him from office.

28 (2) Where a vacancy occurs in the membership of the Governing  
29 Council, it shall be filled by the appointment of a successor to hold office for  
30 the remainder of the term of office of his predecessor. so however that the

1 successor shall represent the same interest as his predecessor.

2           **5.** The Chairman and members of the Governing Council shall be Allowances of  
3 paid such allowances benefits as the Federal Government may, from time to members  
4 time, approve.

5           **6.** The Governing Council shall: Powers of the  
6           (a) manage and superintend over the affairs of the Agency; Council

7           (b) make rules and regulations for the effective running of the  
8 Agency;

9           (c) employ and pay the staff of the Agency such remunerations and  
10 allowances as payable to persons in similar organizations in the country;

11           (d) entre into such contracts as may be necessary or expedient for  
12 the discharge of its functions and ensure the efficient performance of the  
13 functions of the Agency; and

14           (e) receive, disburse and account/or funds of the Agency.

15           PART II - FUNCTIONS AND POWERS OF THE AGENCY

16           **7.** The functions of the Agency are: Functions of  
17           (a) to carry out an extensive survey on environmental health and the Agency

18 safety in the country;

19           (b) to formulate policies and guidelines for the environmental  
20 health and safety:

21           (c) to conceive, plan and implement in accordance with set rules  
22 and regulations, projects and programmes for environmental health and  
23 safety:

24           (d) to implement all the measures approved for environmental  
25 health and safety by the Federal Government;

26           (f) to identify factors militating against environmental health and  
27 safety in the country;

28           (g) to liaise with other health and environmental institutions to  
29 ensure best global safety practices.

30           (h) to ensure sound and efficient management of the resources

	1	available to the Agency from the Federation Account; and
	2	(i) to carry out such other functions as the President may from time to
	3	time direct.
Powers of the Agency	4	<b>8.</b> The Agency shall have power to anything which will facilitate the
	5	carrying out of its functions and in particular may:
	6	(a) sue and be sued in its corporate name;
	7	(b) acquire, hold and manage moveable and immoveable property;
	8	(c) enter into contracts for the restoration of the environment;
	9	(d) purchase, or acquire any asset; business or property considered
	10	necessary for the proper conduct of its functions:
	11	(c) sell, let, lease or dispose of any of its property:
	12	(d) undertake or sponsor research where necessary, for the
	13	performance of its functions: and
	14	(g) train managerial, technical or other category of staff for the
	15	purpose of running the affairs of the Agency.
	16	(2) The powers conferred on the Agency may be exercised by it or
	17	through any of its employees or agents authorized in that behalf by the Agency.
	18	PART III - APPOINTMENT OF DIRECTOR-GENERAL AND OTHER STAFF
Appointment of the Director General	19	<b>9.-(1)</b> There shall be for the Agency, a Director-General, who shall be
	20	appointed by the President on the recommendation of the Minister.
	21	(2) The Director-General shall:
	22	(a) have such qualifications and experience as are appropriate for a
	23	person required to perform the functions of that office under this Act;
	24	(b) hold office for a term of 5 years in the first instance and may be re-
	25	appointed for another term of 5 years and no more:
	26	(c) be responsible to the Governing Council for policy direction and
	27	the day-to-day administration of the Agency; and
	28	(d) hold office on terms and conditions as may be contained in his
	29	letter of appointment.

1                   **10.**-(1) The Agency shall, with the approval of the Minister have  
2 power to establish such departments to assist it in the performance of its  
3 duties and functions under this Act.

4                   (2) The Director-General shall appoint Directors to head each  
5 department, established pursuant to subsection (1) of this section and each  
6 Director shall have the requisite qualification and experience of not less than  
7 20 years as may be required for the effective implementation or the  
8 functions of their respective departments and the Agency under this Act.

9                   **11.**-(1) The Agency may, with the approval of the Governing  
10 Council, appoint such other staff or employees as, in the opinion of the  
11 Agency, may be expedient and necessary for the proper and efficient  
12 performance of its functions under this Act.

Appointment of  
other staff of the  
Agency

13                   (2) The terms and conditions of service (including remuneration,  
14 allowances, benefits and pensions) of the employees of the Agency shall be  
15 as determined by the Governing Council.

16                   (3) The Agency shall have power to appoint either on transfer or on  
17 secondment from an public service in the Federation such employees as  
18 may, in the opinion of the Agency, be required to assist the Agency in the  
19 discharge of any of its functions under this Act, and shall have power to pay  
20 to persons so employed such remuneration (including, allowances) as the  
21 Governing Council may, after consultation with the National Salaries and  
22 Wages Commission determine.

23                   **12.**-(1) The Governing Council may, subject to the provisions of  
24 this Act, make staff regulations relating generally to the conditions of  
25 service or the employees of the Agency and without prejudice to the  
26 generality of the foregoing, such regulations may provide for:

Staff regulation

27                   (a) the appointment, promotion and disciplinary control (including  
28 dismissal) of employees of the Agency; and

29                   (b) appeals by such employees against dismissal or other  
30 disciplinary measures, and until such regulations are made, any instrument

1 relating to the conditions of service of officers in the public service of the  
2 Federation shall be applicable.

3 (2) Staff regulations made under subsection (I) of this section shall  
4 not have effect until approved by the Minister and when so approved they need  
5 not be published in the Federal Gazette but the Agency shall cause them to be  
6 brought to the notice of all affected persons in such manner as it may, from time  
7 to time, determine.

Pensions

8 **13.** Service in the Agency shall be approved service for the purposes  
9 of pensions and accordingly, the officers, staff or employees of the Agency  
10 shall be entitled to pensions and other retirement benefits in accordance with  
11 the provisions of the Pension Reform Act.

12 PART IV - FINANCIAL PROVISIONS

Fund of the  
Agency

13 **14.-(I)** The Agency shall establish and maintain a fund from which  
14 shall be defrayed all expenditure incurred by the Agency.

15 (2) There shall be paid and credited to the fund established pursuant to  
16 subsection (1) of this section:

17 (a) all moneys b) way or appropriation or grants from the Federal  
18 Government;

19 (b) all moneys realized be pay of levies charged on all environmental  
20 polluters;

21 (c) all moneys realized by way of fees and charges for services, fines,  
22 penalties, etc; and

23 (d) donations, gift and grants from individuals or corporate  
24 organization at home or abroad.

Expenditure of  
the Agency

25 (3) The fund shall be managed in accordance with the rules made by  
26 the Governing Council and without prejudice to the generality of the power to  
27 make rules under this subsection, the rules shall in particular contain  
28 provisions:

29 (a) specifying the manner in which the assets or the fund of the

1 Agency arc to be held, and regulating the making of payments into and out or  
2 the fund; and

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

5 **15.** The Agency shall apply the proceeds or the fund established  
6 pursuant to section 14 of this Act to: Expenditure of  
the Agency

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

8 (b) the payment of salaries, fees, remuneration, allowances,  
9 pensions and gratuities payable to the members or the Governing Council  
10 and the employees or the Agency, as the case may be;

11 (c) the payment for all consultancies, contracts, including  
12 mobilisation, fluctuations, variations, legal fees and cost on contract  
13 administration;

14 (d) the payment for all purchases; and

15 (e) undertake such other activities as arc connected with all or any  
16 of the functions or the Agency under this Act.

17 **16.-(1)** The Agency may accept gifts of land, money or other Power to accept  
gifts  
18 property on such terms and conditions if any as may be specified by the  
19 person or organization making the gift.

20 (2) The Agency shall not accept any gift if the conditions attached  
21 by the person or organization making the gift are inconsistent with the  
22 functions of the Commission under this Act.

23 **17.-(1)** The Agency shall not later than 30th September in each Annual estimates  
and expenditure  
24 year, submit to the National Assembly through the President an estimate of  
25 the expenditure and income of the Agency during the next succeeding year.

26 (2) The accounts of the Agency shall be audited not later than 2  
27 months after the end of each financial year by auditors appointed from the  
28 list and in accordance with the guidelines supplied by the Auditor-General  
29 for the Federation.



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SCHEDULE

*Section 2(4)*

SUPPLEMENTARY PROVISIONS RELATING TO THE  
GOVERNING COUNCIL, ETC.

*Proceedings of the Governing Council*

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

(2) The quorum of the Governing Council shall be the Chairman, or the person presiding at the meeting and 4 other members of the Governing Council, and the quorum of any committee of the Governing Council shall be determined by the Governing Council,

2.-(1) The Governing Council shall meet not less than four times in each year and subject thereto, the Governing 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 4 other members, he shall summon a meeting of the Governing Council to be held within 28 days from the date on which the notice is given.

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

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

*Committees*

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



1       committee thereof shall forthwith disclose his interest to the Governing  
2       Councilor committee and shall not vote on any question relating to the  
3       contract, arrangement or matter.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Environmental Health and Safety Agency and to conceive, plan and implement in accordance with set rules and regulations, projects and programmes for environmental health and safety.