

FEDERAL CAPITAL TERRITORY EMERGENCY MANAGEMENT AGENCY  
(ESTABLISHMENT) ACT, 2019  
ARRANGEMENT OF SECTIONS

Section:

1. Establishment of the FCT Emergency Management Agency
  2. Composition of the Agency
  3. Powers of the Council
  4. Functions of the Council
  5. Cessation of membership
  6. Composition of the Committee
  7. Functions of the committee
  8. Functions of the Agency
  9. Power to establish and maintain departments
  10. Chief Executive of the Agency
  11. Powers of the Agency
  12. Other staff of the Agency
  13. Pensionable Service
  14. Funds and Resources of the Agency
  15. Gifts to the Agency
  16. Power to borrow money
  17. Offences and penalties
  18. Annual estimates and expenditure
  19. Audit
  20. Annual report
  21. Establishment of Area Council Emergency Management  
Committee
  22. Functions of the Local Committee
  23. Requisition of equipments, facilities or personnel
  24. Offices and premises
  25. Directives by the Minister
  26. Regulations
  27. Interpretation
  28. Citation
- Schedule



# A BILL

## FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF FEDERAL CAPITAL TERRITORY (FCT) EMERGENCY MANAGEMENT AGENCY, TO FORMULATE POLICIES AND GUIDELINES RELATING TO PREVENTION AND MANAGEMENT OF DISASTER IN THE FEDERAL CAPITAL TERRITORY; AND FOR RELATED MATTERS

*Sponsored by Hon. Sergius Ose Ogun*

[ ] Commencement

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

1           1.-(1) There is established the Federal Capital Territory (FCT)  
2           Emergency Management Agency, (FEMA) (in this Act referred to as "the  
3           Agency").

Establishment of  
the FCT Emergency  
Management Agency

4           (2) The Agency shall be a body corporate:  
5           (a) with perpetual succession and a common seal;  
6           (b) may sue and be sued in its corporate name; and  
7           (c) may acquire, hold or dispose of movable or immovable  
8           property.

9           2.-(1) The Agency shall have:  
10          (a) an Advisory Council ( in this Act referred to as "the Council");  
11          and

Composition of  
the Agency

12          (b) a Management Committee ( in this Act referred to as "the  
13          Committee") which shall be responsible to the Council for the  
14          administration of the affairs of the Agency.

15          (2) The Council shall consist of:  
16          (a) the FCT Minister who shall be the Chairman;  
17          (b) the Secretaries or persons responsible for FCT Mandate  
18          Secretariats;

1 (c) Coordinator, Abuja Metropolitan Management Council  
2 (AMMC);

3 (d) Executive Secretary, Federal Capital Development Authority  
4 (FCDA);

5 (e) one representative each of:

6 (i) National Emergency Management Agency,

7 (ii) Nigerian Medical Association,

8 (iii) the Nigerian Police,

9 (iv) the Nigerian Air Force,

10 (v) National Association of Nurses and Midwives,

11 (vi) the Nigerian Army,

12 (vii) the Nigerian Navy,

13 (viii) the Nigeria Security and Civil Defense Corps,

14 (ix) Red Cross Society of Nigeria,

15 (x) Nigeria Airspace Management Agency,

16 (xi) Nigeria Meteorological Management Agency,

17 (xii) the licensed Telecommunication Network Providers operating in  
18 the FCT,

19 (xiii) Nigeria Bar Association,

20 (xiv) Federal Road Safety Commission, and

21 (xv) National Institute of Town Planners; and

22 (f) Director-General of the Agency.

23 (3) The Chairman and other members of the Council other than ex-  
24 officio members shall be appointed by the Minister and shall be persons of  
25 proven integrity and ability.

26 (4) The supplementary provisions set out in the Schedule to this Act  
27 shall have effect with respect to the proceedings of the Council and other  
28 matters contained in the Schedule.

29 3. The Council shall:

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

1 (b) regulate rules for carrying out the functions of the Agency  
2 subject to the provisions of this Act; and

3 (c) regulate the terms and conditions of service including the  
4 remuneration of the employees of the Agency after consultation with the  
5 Federal Capital Territory Administration.

6 4. The Council shall:

Functions of the  
Council

7 (a) formulate policies and guidelines relating to the management of  
8 disasters in the FCT;

9 (b) advise the Minister on matters concerning disaster  
10 management in the FCT;

11 (c) advise and recommend on the sustainability of the Agency;

12 (d) assist in the mobilisation of relevant resources (human and  
13 material) under any relevant agency towards the optimal discharge of the  
14 roles and responsibilities of the Agency; and

15 (e) carry out any other functions as may be given by the FCT  
16 Administration.

17 5.-(1) The office of a member of the Council or Committee shall  
18 become vacant if the member:

Cessation of  
membership

19 (a) dies;

20 (b) resigns his appointment;

21 (c) is removed from office by the Minister for any act of  
22 misconduct;

23 (d) is convicted for any criminal offence; or

24 (e) is unable to perform the functions of his office.

25 (2) Where any member of the Council or Committee is temporarily:

26 (a) incapacitated by illness, or

27 (b) absent from Nigeria, the Minister may appoint any other person  
28 to hold temporarily the office of such person.

29 6.-(1) The Committee shall consist of the Director-General or  
30 Chief Executive Officer and all Departmental Heads of the Agency.

Composition of  
the Committee

1 (2) The Director-General shall be the Chairman of the Committee,  
2 while the Director of Administration and Finance of the Agency shall serve as  
3 the Secretary.

Functions of the  
Committee

4 7. The Committee shall:  
5 (a) implement all policies and guidelines issued by the Council;  
6 (b) oversee the day to day administration of the Agency;  
7 (c) prepare budgetary allocation for identified disaster areas in the  
8 FCT;  
9 (d) administer and maintain emergency relief appeal fund for the  
10 FCT;  
11 (e) receive financial and technical aid from International  
12 Organisations and private corporate organisations;  
13 (f) recommend appropriate relief assistance to identified victims of  
14 disasters;  
15 (g) co-ordinate the activities of all voluntary organisations and other  
16 stakeholders engaged in emergency rescue in the FCT;  
17 (h) recommend the deployment and discipline of any official of the  
18 Agency who in the opinion of the Council is unproductive and incapable of  
19 assisting the Agency's overall effectiveness;  
20 (i) prepare and consider the annual budget of the Agency; and  
21 (j) perform any other function as may be assigned to it by the FCT  
22 Administration.

Functions of  
the Agency

23 8. The Agency shall:  
24 (a) notify the FCT Administration of any natural or human induced  
25 disasters occurring in the FCT;  
26 (b) be the umbrella body to co-ordinate the activities of relevant  
27 agencies, departments and other stakeholders in prevention and management  
28 of disasters in the FCT;  
29 (c) have responsibility for the development of loss prevention

1 programmes and procure necessary technology to mitigate identified  
2 emergency situations;

3 (d) formulate policy in relation to emergency research and  
4 technology, planning, design and construction of emergency management  
5 facilities;

6 (e) respond to any disaster within the FCT and may seek assistance  
7 from individuals, organisations and governments both local and  
8 international;

9 (f) carry out disaster management activities in the FCT as may be  
10 recommended by the Council;

11 (g) distribute relief materials to needy persons and communities  
12 affected by a disaster;

13 (h) determine the ways and means of collection of relief materials;

14 (i) advise the FCT Administration on how to prevent an impending  
15 disaster;

16 (j) determine the priority of all emergency relief operations in the  
17 FCT;

18 (k) coordinate the efforts and activities of voluntary organisations  
19 and all other stake holders in emergency relief operations in the FCT; and

20 (l) liaise with relevant secretariats, departments or agencies of the  
21 FCTA to plan and implement resettlement of inhabitants of disaster prone or  
22 affected areas.

23 9.-(1) The Agency shall have power to establish and maintain such  
24 major departments, subsidiary divisions, sections, and make all other  
25 administrative arrangements, welfare packages as may in its opinion be  
26 necessary and expedient for the performance of its functions.

Power to establish  
and maintain  
departments

27 (2) There is established for the Agency the Department of:

28 (a) Administration and Finance;

29 (b) Relief and Rehabilitation;

30 (c) Forecasting, Response and Mitigation;

1 (d) Disaster Risk Reduction;

2 (e) Search and Rescue; and

3 (f) Fire service.

4 (3) Each Department is to be headed by a Director.

5 (4) Additional Departments may be created when the need arises.

Chief Executive  
of the Agency

6 **10.**-(1) The Director-General is the Chief Executive Officer of the  
7 Agency and shall be appointed by the FCT Minister from either the civil  
8 service or outside the service, provided that the person shall have the requisite  
9 experience and knowledge in disaster management.

10 (2) The Director-General is charged with the responsibility of the day  
11 to day running of the business of the Agency, its administration, organisation  
12 and control.

Powers of the  
Agency

13 **11.** The Agency is empowered to:

14 (a) make grants to suitable authorities and bodies with similar  
15 functions for execution and for such other purpose as may be appropriate to  
16 further the purposes and provisions of this Act;

17 (b) collect and make available, through publications and other  
18 appropriate means and in cooperation with public or private organisations,  
19 basic data and other information for emergency preparedness and response;

20 (c) enter into contracts with public or private organisations and  
21 individuals for the purpose of executing and fulfilling its functions and  
22 responsibilities under this Act;

23 (d) establish, encourage and promote training programmes for its  
24 staff and other appropriate individuals from public or private organisations;

25 (e) enter into agreements with public or private organisations and  
26 individuals to develop, utilise, coordinate and share emergency preparedness  
27 and response programme;

28 (f) maintain a programme or technical assistance to bodies (public or  
29 private) concerning implementation of emergency criteria, guidelines,



1 regulations and standards and monitoring enforcement of the regulations  
2 and standards;

3 (g) develop and promote such processes, methods, devices and  
4 materials as may be useful or incidental to carrying out the purposes and  
5 provisions of this Act;

6 (h) prepare such master plans as may be necessary for the  
7 development and maintenance of its undertakings;

8 (i) engage in emergency call time functions as:

9 (i) publication of journal wherein identified disaster areas are made  
10 public and request for urgent repairs by the causative agencies (public or  
11 private) are made by the agency,

12 (ii) Hazard Identifications and Risk Assessment (HIRA),

13 (iii) development and formulation of Emergency Response Plan  
14 (ERP) training,

15 (iv) develop training materials and conduct ERP training,

16 (v) set up zonal emergency response teams by grouping the six  
17 Area Councils into zones for rapid response,

18 (vi) set up zonal volunteer organisations,

19 (vii) conduct Emergency Response (ER) drills to test the ERP,

20 (viii) conduct investigation,

21 (ix) acquire, maintain and disburse ER capability in terms of  
22 equipment and expertise,

23 (x) make provisions for search and rescue equipment,

24 (xi) make provision for firefighting equipment, co-ordinate with  
25 the Department of Fire Service and build capacity and competence of fire  
26 fighters,

27 (xii) design and install fire hydrants around the FCT;

28 (xiii) source for water for the hydrants and ensure operational  
29 readiness at all times,

30 (xiv) inform the public promptly of what has happened and ensure

- 1 them of immediate response,
- 2 (xv) set up hotlines to disseminate information and assist affected
- 3 persons,
- 4 (xvi) activate the appropriate zonal ERP, and
- 5 (xvii) continually evaluate levels of response required and if
- 6 necessary activate the appropriate zonal volunteer response teams; and
- 7 (j) respond promptly to the emergency at hand, which includes:
- 8 (i) firefighting,
- 9 (ii) flood control,
- 10 (iii) evacuation,
- 11 (iv) search and rescue,
- 12 (v) crowd control and cordon off affected area,
- 13 (vi) perform general life saving activities including provision of relief
- 14 materials, and
- 15 (vii) clear and remove objects that constitute the carcass or remains of
- 16 incidents.

Other staff of  
the Agency

17 **12.-(1)** The Council shall appoint or request the FCT Administration

18 to deploy to the Agency such number of employees, as is, in the opinion of the

19 Council, expedient and necessary for the proper and efficient performance of

20 the functions of the Agency.

21 (2) The terms and conditions of service including remuneration,

22 allowances, benefits and pensions of the employees of the Agency shall be

23 determined by the Council after consultation with the Establishment and

24 Training Department and any other relevant agency of the FCT

25 Administration.

Pensionable  
Service

26 **13.-(1)** The officers and other persons employed in the Agency are

27 entitled to pensions, gratuities and other retirement benefits as are enjoyed by

28 persons holding equivalent grades in the service of the FCT.

29 (2) Nothing in this Section shall prevent the appointment of a person

30 to any office on terms, which preclude the grant of pension and gratuity in

1 respect of that office.

2 14.-(1) The Agency shall establish and maintain a fund (in this Act  
3 referred to as "Fund") from which shall be defrayed all the expenditure  
4 incurred by the Agency.

Funds and  
Resources of the  
Agency

5 (2) There shall be paid and credited to the Fund:

6 (a) any allocation to the Agency from the FCT Administration and  
7 5% percent of the FCT's share of Ecological Fund;

8 (b) such funds or other property as may be advanced by way of  
9 loans or grant in-aid to the Agency by the FCT Administration, statutory  
10 corporations, FCT Board of Internal Revenue, Abuja Geographic  
11 Information System-(AGIS), the Government of the Federation, State,  
12 Local Government or Area Council, any international organisation, private  
13 foundation or person within and outside Nigeria, through testamentary  
14 dispositions or sales of publications;

15 (c) money earned or arising from investments or other property  
16 whatsoever acquired by or vested in the Agency;

17 (d) such money as may be granted or received from:

18 (i) the organised private sector, and

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

21 (e) approved levies from identified departments and agencies of  
22 government which includes:

23 (i) the Department of Development Control which shall remit  
24 annually 5% of assessment levy on any building above three floors, to be  
25 known as Disaster Management Levy payable to the Agency,

26 (ii) the Transportation Secretariat through the FCT Road Traffic  
27 Service (RTS) which shall remit 5% of service charge on newly registered  
28 vehicles and licenses of existing old vehicles to be known as Accident  
29 Disaster Levy payable to the Agency, and

30 (iii) all other sums, subscriptions, fees, charges for services

1 rendered by the Agency or other property.

2 (3) The Fund shall be managed in accordance with the rules made by  
3 the FCT Administration or Council and without prejudice to the generality of  
4 the power to make rules under this subsection, the rules shall in particular  
5 contain provisions:

6 (a) specifying the manner in which the assets or the Fund of the  
7 Agency are to be held, regulation of payments into and out of the Fund;

8 (b) requiring the keeping of proper accounts and records for the  
9 purpose of the Fund in such form as may be specified in the rules; and

10 (c) the Agency shall manage and apply its finances strictly in  
11 compliance with the budgetary provision approved for the Agency.

Gifts to the  
Agency

12 **15.-(1)** The Agency may accept gifts of land, money, books or other  
13 property upon such terms and conditions, if any, as may be specified by the  
14 person making the gift.

15 (2) The Agency shall not accept any gift if the conditions attached by  
16 the person making the gift are inconsistent with the functions of the Agency.

Power to borrow  
money

17 **16.-(1)** The Agency is empowered to borrow money by way of loan or  
18 overdraft from any source as it may require for the performance of its  
19 functions.

20 (2) The Agency, may borrow money with the approval of the FCT  
21 Minister by issuing debentures, stocks, or other securities in connection with  
22 the performance of its functions under this Act.

23 (3) An approval given for the purpose of this section may be either  
24 general or limited to a particular borrowing or subject to conditions.

Offences and  
penalties

25 **17.** Any person or organisation who:

26 (a) fails to act on a prior warning by the Agency on the incidence that  
27 may cause havoc, emergency or willfully obstructs or impedes the Agency or  
28 any person acting under the authority of the Agency in the exercise of its power  
29 under this Act, or

30 (b) without reasonable excuse fails to:

1 (i) render assistance or release any available equipment, facility or  
2 personnel required for a search and rescue operation or other disaster  
3 curtailment activities, or

4 (ii) comply with a directive of the Agency, commits an offence and  
5 liable on conviction to a fine of at least N100,000.00 or imprisonment for a  
6 term of six months or both.

7 **18.** The Council shall, not later than 30th September in each year,  
8 estimate and submit to the Minister an estimate of the expenditure and  
9 income of the Agency for the following year.

Annual estimates  
and expenditure

10 **19.** The Council shall, cause to be kept proper accounts and  
11 records of the Agency in respect of each year, and cause the accounts to be  
12 audited not later than 6 months after the end of the year by auditors  
13 appointed from the list and in accordance with the guidelines supplied by the  
14 Audit Department of the FCT Administration.

Audit

15 **20.** The Council shall prepare and submit to the Minister, not later  
16 than 30th June in each year, a report in such form as the Minister may direct  
17 on the activities of the Agency during the immediate preceding year, and  
18 shall include in the report, a copy of the audited accounts of the Agency for  
19 that year and the auditor's report.

Annual report

20 **21.-(1)** There is established for each of the Area Councils in the  
21 FCT, Local Emergency Management Committees (in this Act referred to as  
22 'Local Committee').

Establishment of  
Area Council  
Emergency  
Management  
Committee

23 (2) The Local Committee in each Area Council shall consist of:

24 (a) the Chairman of the Area Council who shall be the Chairman;

25 (b) the Directors for:

26 (i) Agriculture,

27 (ii) Health,

28 (iii) Works and Transport,

29 (iv) Education,

30 (v) Social Welfare, and

- 1 (vi) Information officer of the Local Government; and  
2 (c) two representatives from the traditional Council of the Area  
3 Council who shall be appointed by the Chairman of the Area Council.

Functions of the  
Local Government

4 22.-(1) The Local Committee shall:

5 (a) notify the Agency of any disaster occurring in the area including  
6 its extent; and

7 (b) carry out any relief or rescue work in the Area Council,

8 (2) It is the duty of the Local Committee to place at the disposal of the  
9 Agency, all necessary assistance that will enhance relief operations generally  
10 and the Agency shall provide the Local Committee with transport facilities,  
11 field staff and adequate location for relief materials.

12 (3) Each Local Committee shall be accountable or responsible to the  
13 Agency for the performance of its functions under this Act.

Requisition of  
equipments,  
facilities or  
personnel

14 23.-(1) In the performance of its function under this Act, the Agency  
15 may demand by requisition from any organisation, equipment, facilities or  
16 personnel which may assist in speedy and effective search and rescue  
17 operation or other disaster curtailment operation during a period of  
18 employment.

19 (2) The Agency shall provide compensation for loss or damage  
20 arising from the use of any equipment, facility or personnel requisitioned under  
21 the provisions of this section.

Offices and  
premises.  
Cap. L12 LFN,  
2004

22 24.-(1) For the purpose of providing offices and premises necessary  
23 for the performance of its functions under this Act, The Agency may, subject to  
24 the Land Use Act:

25 (a) purchase or take on lease any interest in land, or other property;  
26 and

27 (b) construct, equip and maintain premises for the purpose of  
28 providing offices for the Agency.

Cap. L12 LFN,  
2004

29 (2) The Agency may subject to the Land Use Act, sell or lease out any  
30 office or premises owned by it, which office or premises is no longer required

1 for the performance of its functions.

2 25.--(1) The Minister may give to the Agency, general or specific  
3 directives as the policy to be followed in the performance of its functions  
4 and the Agency shall comply with and give effect to all such directives.

Directives by  
the Minister

5 (2) The Agency shall furnish the Minister with:

6 (a) annual reports incorporating information relating to the assets  
7 and liabilities and functions of the Agency;

8 (b) returns, accounts, minutes of meeting and other information  
9 relating thereto; and

10 (c) facilities for the information furnished, in such manner and at  
11 such time as he may require.

12 26. The Agency may with the approval of the Minister, make  
13 regulations, generally for the purposes of giving effect to the provisions of  
14 this Act.

Regulations

15 27. In this Act:

Interpretation

16 "Agency" means the FCT Emergency Management Agency established  
17 under section 1 of this Act;

18 "Disaster" means an occurrence of severity and magnitude that normally  
19 results in death, injuries and property damage that cannot be managed  
20 through the routine procedures and resources of Government. It usually  
21 occurs suddenly and unexpectedly and requires immediate, coordinated and  
22 effective responses by multiple Government and private sector  
23 organisations to meet human needs and speedy recovery;

24 "Chairman" means the Chairman of the Council;

25 "Council" means the Advisory Council established for the Agency under  
26 this Act;

27 "Management Committee" means the Management Committee established  
28 for the Agency under this Act;

29 "members" means a member of the Council and includes the Chairman.





1 not being a body corporate, would not be required to be under seal may be  
2 made or executed on behalf of the Agency by the Director-General or ally  
3 person generally or specifically authorised by the Council to act for that  
4 purpose.

5 (3) A document purporting to be a document duly executed under  
6 the seal of the Agency shall be received in evidence and shall, except the  
7 contrary is proved, be presumed to be executed.

8 6. The validity of any proceedings of the Councilor of any of its  
9 Committee shall not be adversely affected by:

10 (a) a vacancy in the membership of the Councilor Committee;

11 (b) a defect in appointment of a member of the Councilor  
12 Committee; and

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

15 *Technical Committees*

16 7.-(1) The Council may appoint a Technical Committee to advise it  
17 on Committee specific matters and to carry out on behalf of the Council such  
18 of its functions as the Council may determine;

19 (2) A Technical Committee appointed under subparagraph (1) shall  
20 consist of such number of persons as may be approved by the Council, and  
21 the Committee may co-opt persons of high technical competence who are  
22 not members of the Council;

23 (3) A person other than an employee of the Council co-opted by the  
24 Council shall hold office on the Committee in accordance with the terms of  
25 the letter by which he is appointed.

26 *Standing or Ad-Hoc Committees*

27 8.-(1) The Agency may appoint such number of standing or ad-hoc  
28 committees as it thinks fit and the Committees shall report on any matter of  
29 Committee with which the Agency is concerned.

30 (2) Every Committee appointed under the provision of this

1 paragraph shall be presided over by a member of the Agency and shall be made  
2 up of other persons, who may not be officers of the Agency.

3 (3) The quorum of any Committee set up by the Agency is determined  
4 by the Agency.

5 (4) Where standing orders provide for a Committee of the Agency  
6 which consist of co-opted persons who are not officers of the Agency, the  
7 Committee shall advise the Agency on any matter referred to it by the "Agency  
8 and the members may attend any meeting of the Agency for that purpose.

#### EXPLANATORY MEMORANDUM

This Bill seeks to provides for the Establishment of Federal Capital Territory (FCT) Emergency Management Agency (FEMA) for formulating policies and guidelines relating to the prevention and Management of disasters in the FCT.