

A BILL

FOR

AN ACT TO ESTABLISH THE NATIONAL WASTE MANAGEMENT AND
RECYCLING AGENCY OF NIGERIA AND FOR RELATED MATTERS

Sponsored by Hon. Kabir Amadu

[] Commencement

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

1 PART I - ESTABLISHMENT OF THE NATIONAL WASTE MANAGEMENT
2 AND RECYCLING AGENCY AND ITS GOVERNING BOARD ETC.

3 1.-(1) There is establish a body known as the National Waste
4 Management and Recycling Agency (in this Act, referred to as "The
5 Agency").

Establishment
of the National
Waste Management
and Recycling
Agency of Nigeria

6 (2) The Agency:

7 (a) is a body Corporate with perpetual succession and a common
8 seal;

9 (b) May sue and be sued in its corporate name; and

10 (c) May acquire, hold or dispose of any property, movable or
11 immovable for the purpose. of carrying out any of its functions under This
12 Act.

13 (3) The headquarters of the Agency shall be in the Federal Capital
14 Territory, Abuja.

15 2.-(1) There is establish for the Agency a Governing Board (in this
16 Act referred as the "Board").

Establishment
and Membership
of the Governing
Board

17 (2) (a) A Chairman, who shall be appointed by the President on
18 recommendation of the Honourable Minister of environment be a person
19 who is capable of making outstanding contribution to the field of waste
20 management and recycling by reason of his ability, experience or
21 specialized knowledge of waste management;

	1	(b) A representative each of the following Federal ministries and
	2	Agencies which are responsible for:
	3	(i) Health;
	4	(ii) Finance;
	5	(iii) Agriculture and Rural Development;
	6	(iv) Education;
	7	(v) Science and Technology;
	8	(vi) Industry, Trade and Investment.
	9	(c) Organized private sector;
	10	(d) Two other persons with specialized knowledge in waste
	11	management and recycling;
	12	(e) The Director-General of the Agency who shall be the secretary of
	13	the Board.
	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.
First Schedule	17	(4) The supplementary provisions set out in the First Schedule to this
	18	Act shall have effect with respect to the proceedings of the Board and the other
	19	matters as set out.
Tenure of Office	20	3. A member of the Board, other than an ex-officio member or the
	21	Director-General, shall hold office subject to any other provisions under this
	22	Act on such terms and conditions specified in his letter of appointment or as
	23	may be approved from time to time by the President.
Cessation of Membership	24	4.-(1) Notwithstanding the provisions of section 3 of this Act, a
	25	member of the Board shall cease to hold office if he:
	26	(a) Resigns his appointment by notice under his hand addressed to the
	27	president;
	28	(b) becomes of unsound mind;
	29	(c) becomes bankrupt or makes a compromise with his creditors;

1 (d) is convicted of a felony or of any offence involving dishonesty
2 or corruption;

3 (e) becomes incapable of carrying out the functions of his office,
4 either arising from an infirmity of mind or body or any other cause.

5 (2) Where the president is satisfied that it is not in the interest of the
6 Agency or the public for a member to continue in office, the president may
7 remove that member from the Board.

8 (3) Where a vacancy occurs in the membership of the Board, it
9 shall be filled by the appointment of a successor to hold office for the
10 remainder of the term of office of his predecessor and the successor shall
11 represent the same interest as his predecessor.

12 5. The chairman and members of the board shall be paid such
13 emoluments, allowances and benefits as may be determined by the Revenue
14 Mobilization, Allocation and Fiscal commission.

Remuneration
of Members of
the Board

15 6. The Board shall have power to:

16 (a) Formulate policies for the Agency;

Powers and
Functions of
the Board

17 (b) approve annual estimates, reports and statements of Accounts
18 of the Agency;

19 (c) Determine the terms and conditions of service of the employees
20 of the Agency;

21 (d) set up a National waste management and recycling Technical
22 Committee.

23 (e) approve the creation of such Departments and units as may be
24 required for efficient performance of the functions of the Agency;

25 (f) carry out such other activities as may in the opinion of the
26 Board, be necessary for the advancement of waste management and
27 recycling research and development in Nigeria.

28 PART II - FUNCTIONS

29 7. The agency shall:

30 (1) Oversee waste management schemes, such as all land fill sites,

Functions of
the Agency

1 supervise the transportation of waste to ensure that it takes place efficiently
2 without contaminating air, land or water sources.

3 (2) Assist with the development, promotion and implementation of
4 new waste disposal schemes.

5 (3) To protect the environment and for the health and safety of the
6 population.

7 (4) To plan, improve efficiency reuse, recycling and recovery of
8 waste, rather than disposal reduce fly-tipping by keeping a full audit trail of
9 waste removed from site and complying with waste duty of care regulations.

10 (5) Reduce the volume of the solid waste stream through the
11 implementation of waste reduction and recycling programs.

12 (6) Securing ecologically sustainable development while promoting
13 justifiable economic and social development.

14 (7) Promoting and ensuring the effective delivery of waste service.

15 (8) Remediating land where contamination presents or may present, a
16 significant risk of harm to health or the environment and achieving integrated
17 waste management reporting and planning.

18 (9) To ensure that people are aware of the impact of waste on their
19 health, well being and the environment.

20 PART III - ESTABLISHMENT OF ZONAL OFFICES ESTABLISHMENT

21 OF ZONAL OFFICES

Establishment
of Zonal Offices

22 8.-(1) There shall be established in each zone as demarcated by the
23 minister an office (in this referred to as "Zonal Office").

24 (2) The zonal office shall-

25 (a) Be headed by a Deputy Director who shall be responsible for
26 implementing the Agency's programme in its area of operation;

27 (b) Produce quarterly reports which shall be sent to the office of the
28 Director General;

29 (c) Be accountable to the Agency for all the funds accruing to it for
30 purposes of discharging its function under this Bill; and

1 (d) Perform other duties as may be assigned by the Director
2 General.

3 PART IV - APPOINTMENT, QUALIFICATION AND TENURE OF OFFICE
4 OF DIRECTOR GENERAL

5 9.-(1) There shall be for the Agency a Director-General who shall
6 appointed by the President on the recommendation of the Minister.

Appointment
of Director
General and Staff

7 (2) The Director-General shall be-

8 (a) The Chief Executive and Accounting office of the Agency;

9 (b) a person with a minimum of 15 years demonstrable experience
10 in waste management and recycling;

11 (c) responsible for the execution of the policy, programmes and
12 day to day administration of the Agency;

13 (d) responsible for general direction and superintendence of the
14 affairs of the centers established under this Act;

15 (f) The Secretary to the Board and in this regard, shall-

16 (i) Prepare minutes of meetings of the Board and its Committees,

17 (ii) Keep and secure the records of the Board,

18 (iii) issue notices and other correspondence as may be directed by
19 the Board,

20 (g) Ensure proper dissemination of the decisions of the Board to the
21 appropriate persons, institutions or authorities; and

22 (h) carry out such other functions and duties as the Board may
23 assign to him.

24 (3) The Director-General shall hold office-

25 (a) For a term of four years and may be re-appointed for a further
26 term of four years and no more; and

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

29 10. The Agency may, subject to the approval of the Board, appoint
30 such other staff as it may deem necessary-

Other Staff

1 (a) for the efficient performance of the functions of the agency; and
2 (b) on such terms and conditions as may be specified from time to
3 time by the Board.

4 (2) The provisions of the Public service Rules, 2008 or any other
5 subsequent enactment shall apply to staff regulations, removal and disciplinary
6 measures of staff of the Agency.

7 PART V - FINANCIAL PROVISIONS

Funds of the
Agency

8 **11.**-(1) The Agency shall establish and maintain a fund from which
9 shall be defrayed all expenditure incurred by the Agency.

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

12 (a) Any appropriation to the Agency by the National Assembly;

13 (b) Such monies as may, from time to time be granted or lent to the
14 Agency by the Federal Government or a state Government or a Local
15 Government Council;

16 (c) Such monies as may, from time to time, be granted or received
17 from-

18 (i) The organized private sector;

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

21 (iii) all monies raised for the purposes of the Agency by way of gift,
22 loan, grant-in aid, testamentary disposition or otherwise; and

23 (iv) all other monies and assets that may, from time to time accrue, to
24 the agency.

25 (d) Whole or part of the Natural Resources Development fund as may
26 be approved from time to time by the president.

Expenditures
of the Agency

27 **12.** The Agency shall from time to time, apply the proceeds of the
28 fund-

29 (a) To the cost of administration of the Agency;

30 (b) for reimbursing members of the Board or any committee set up by

1 the board for such expenses as may be authorized by the Board in
2 accordance with the rates approved by the Federal Government;

3 (c) For the payment of salaries, fees or other remuneration or
4 allowances, pensions and other retirement benefits, payable to the
5 employees of the Agency;

6 (d) For the maintenance of any property acquired or vested in the
7 Agency; and

8 (e) for and in connection with all or any of the functions of Agency
9 under this bill.

10 **13.**-(1) The Board shall, not later than 30th September of each year, Annual Estimates
and Expenditure
11 submit to the Minister an estimate of the expenditure and income of the
12 Agency for the succeeding year.

13 (2) The Agency shall keep proper account in respect of each
14 financial year and shall cause the accounts to be audited not later than 6
15 months after the end of each financial year by Auditors appointed from the
16 list and in accordance with the guidelines supplied by the Auditor-General
17 of the Federation.

18 **14.** The Agency shall submit to the Minister not later than 30th Annual Report
19 June each year, a report in such form as the Minister may direct on the
20 activities of the Agency during the immediate preceding year, and shall
21 include in the report a copy of the audited account of the Agency for that
22 financial year and the Auditor's report thereon.

23 **15.** The Agency may with the consent of the Minister, borrow on Power to borrow
24 such terms and conditions as the Agency may determine such money
25 required for the carrying out of its functions.

26 **16.**-(1) The Agency may accept any gift, grant or donation from Gift to the Agency
27 any person such terms and conditions specified by the person making the
28 gift, grant or donation.

29 (2) The Agency shall not accept any gift, grant under subsection (1)
30 of this section if the conditions attached thereto are inconsistent with the

	1	functions of the Agency under this Bill.
Guarantee Reserve Fund	2	17. -(1) The Agency shall establish a Guarantee Reserve Fund into
	3	which shall be paid from time to time such sum as will maintain the credit
	4	balance of such fund at an amount not less than one quarter of the total of the
	5	money which the Agency is liable for the time being to be called upon to pay
	6	under guarantee given by the Minister.
	7	(2) Subject to the provision of subsection (3) the money in the
	8	Guarantee Reserve fund shall be applied solely to meet the obligations incurred
	9	by the Agency under any guarantee.
	10	(3) Nothing in subsection (2) shall prevent the Agency from
	11	transferring from the Guarantee Reserve fund to any of its accounts the sum by
	12	which the credit from time to time maintained under subsection (1).
General Reserve Fund	13	18. -(1) In addition to the Guarantee Reserve Fund, the Agency shall
	14	establish and maintain General Reserve Fund and shall, subject to any
	15	directions given by the Minister under subsection (3) pay into such fund any
	16	net profit earned by the Agency.
	17	(2) The Guarantee Reserve Fund shall be applied to indemnify any
	18	loss or deficiency which may occur in any transaction of the Agency, other than
	19	those for which the Guarantee Reserve Fund is available.
	20	(3) The minister with the concurrence of the Auditor-General of the
	21	Federation, may give direction to the Agency as to the balance to be maintained
	22	in the General Reserve Fund and where such directions are given, the Agency
	23	shall not be required to pay any of its net profits into the fund whereby the
	24	balance thereof would exceed the amount directed by the Minister with the
	25	concurrence of the Auditor-General.
Power to invest	26	19. -(1) Money of the Agency not immediately required for the
	27	purposes of the Agency may be invested provided that such investment and
	28	returns there from are communicated to the Accountant-General of the
	29	Federation.

1	20. All deeds, instruments contracts and other documents shall be	Execution of Documents
2	duly executed by or on behalf of the Agency if:	
3	(a) appended with the seal of the Agency and signed by two	
4	members of the Board thereof;	
5	(b) Executed in that behalf by one member of the Board and a	
6	member of the Agency both of whom have been appointed by the Board for	
7	the purpose.	
8	PART VI - LEGAL PROCEEDINGS	
9	21. -(1) A suit shall not be commenced against the Agency, before	Commencement of suits or service of Notice
10	the expiration of one month, after written notice of intention to commence	
11	the suit have been served upon the Agency by the intending plaintiff or his	
12	agent, and the notice shall clearly and explicitly state the-	
13	(a) cause of the action;	
14	(b) particulars of claim;	
15	(c) name and place of abode of intending plaintiff; and	
16	(d) relief which he claims	
17	(2) The notice referred to in subsection (1) of this section and any	
18	summons, notice or other documents required or authorized to be served	
19	upon the Agency under this Act or any other enactment or law, may be	
20	served by-	
21	(a) delivering same to the Director-General; or	
22	(b) sending it by registered post addressed to the director-General	
23	at the head office of the Agency.	
24	22. -(1) In any action or suit against the Agency, execution or	Restriction on execution against property of the Agency
25	attachment of process shall be not be issued against the Agency except-	
26	(a) a three month notice of the intention to execute or attach has	
27	been given to the Agency, and	
28	(b) a written content of the Honourable Attorney General of the	
29	Federation and minister of Justice is obtained and not less than three months.	
30	(2) Any sum of money which by the judgment of any court has been	

	1	awarded against the Agency shall, subject to the directives given by the court,
	2	where notice of appeal against the judgments has been given, be paid from the
	3	funds of the Agency.
	4	PART VII - MISCELLANEOUS
Power to purchase or take on Lease property	5	23. The Agency may, subject to the Land Use Act, purchase, lease
	6	any interest in land, building or property, or build, equip and maintain such
	7	other offices and premises for the efficient performance of its functions under
	8	this Act.
Power to sell or lease out property	9	24. The Agency may, subject to the Land Use, Act, sell or lease out
	10	any land, office or premises held by it, which is no longer required for the
	11	performance of its functions under this Act.
Indemnity	12	25. The Director-General or any officer or employee of the Agency
	13	shall be indemnified out of the assets of the Agency against any liability
	14	insured by him in defending any proceeding, whether civil or criminal, if the
	15	proceeding is brought against him in his capacity as a member, Director-
	16	General, officer or other employee of the Agency.
Power of the Minister to give directives	17	26. The Minister may give to the Agency such directives as he may
	18	consider necessary for the effective discharge of the functions of Agency under
	19	this Act and the Agency shall comply or cause them to be complied with.
Power to make Regulations	20	27.-(1) The Board may with the approval of the Minister, make such
	21	regulations generally for the purpose of giving full effect to the to the
	22	provisions of this Act, and in facilitating the discharge of the functions of the
	23	Agency.
	24	(2) The board may issue guidelines to give full effect to the respective
	25	relevant provisions of this Act.
	26	(3) Regulations made shall be published in the Federal official gazette
	27	and in such as the Agency may prescribe.
Interpretation t	28	28. In This Act-
	29	"Agency" means National Waste Management and recycling Agency
	30	established under section 1 of this Act;

1 "Waste" means any material unused and rejected as worthless or unwanted;
2 "Recycling" means the act of processing used or abandoned materials for
3 use in creating new products;
4 "Board" Means the governing Board of the Agency established under
5 section 2 of this Act;
6 "chairman" means the chairman of the Governing Board of the Agency;
7 "Director General" means the director general of the Agency;
8 "Fund" means the fund of the Agency;
9 "member" means a member of the board of the Agency including the
10 chairman;
11 "Minister" means the minister charged with the responsibility for
12 environment;
13 "President" means the president of the Federal Republic of Nigeria.

14 **29.** This Bill may be cited as the National Waste Management and Short title
15 Recycling Agency Bill, 2020.

16 SCHEDULES

17 SUPPLEMENTARY PROVISION RELATING TO THE BOARD

18 *Proceedings of the Board*

19 1. Subject to this Act and section 27 of the Interpretation Act, the
20 Board shall have power to regulate its proceedings and may make standing
21 orders with respect to the holding of its meetings and those of its committee,
22 notices to be given, the keeping of minutes of its proceedings, the custody
23 and production for inspection of such minutes and such other matters the
24 Board may from time to time determine.

25 2. The chairman shall preside at every meeting of the Board, and in
26 his absence, the members present at the meeting shall appoint one of their
27 members to preside at the meeting.

3. The quorum at a meeting of the board 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.

1 4. The chairman shall in the case of an equality of votes, have a
2 casting vote in addition to his deliberate vote.

3 5. A question put before the board at a meeting shall be decided by
4 consensus and where this is not possible, by majority of votes of members
5 present and voting.

6 6. The board shall, for the purpose of this Act, meet not less than three
7 times in each year and subject, thereto, the Board shall meet whenever it is
8 summoned by the chairman, and if required to do so, by notice given to him by
9 not less than five other members, he shall summon a meeting of the Board to be
10 held within 14 days from the date on which the notice is given.

11 7. Where the Board desires to obtain the advice of any person on
12 particular matter, the Board may co-opt him to be a member of the Board for
13 such period as it deems fit, and that person while so co-opted shall have all the
14 rights and privileges of member, except that he shall not be entitled to vote at
15 any meeting of the Board and shall not count towards a quorum.

16 Committees

2.-(1) Subject to its standing orders, the Board may appoint such member of standing and ad-hoc committees as it thinks fit to consider and report on any matter with which the Agency is concerned.

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

(a) Consists of such number of persons (not necessarily members of the Board) as may be determined by the Board, and

23 (b) Be presided over by a member of the Board.

(3) A person other than a member of the Board who is appointed pursuant to this paragraph, shall hold office on the committee in accordance with the terms of his appointment.

27 (4) The quorum of any committee set up by the Board shall be
28 determined by the Board.

29 (5) A decision of a committee of the Board shall be of no effect until it
30 is confirmed by the Board.

1 (6) The fixing of the seal of the Agency shall be authenticated by
2 the signature of the Director-General and witnessed by the Legal Adviser of
3 the Agency.

4 7. A contract or an instrument which, if made or executed by a
5 person not being a body corporate, would not be required to be under seal
6 may be made or executed on behalf of the Agency by the Director-General
7 and witnessed by the legal adviser of the Agency or by any other person
8 specifically authorized by the Board to act for that purpose.

9 8. A document purporting to be a contract, instrument or other
10 document duly signed or sealed on behalf of the Agency shall be received in
11 evidence and shall unless the contrary is proved, be presumed without
12 further proof to have been so signed or sealed.

13 9. The validity of any proceedings of the Board or of any of its
14 committee shall not be affected by-

15 (a) Any vacancy in the membership of the Board, or committee;

16 (b) any defect in the appointment of a member of the Board or
17 committee; or

18 (c) reason that any person not entitled to do so took part in the
19 proceedings of the Board or Committee.

20 10. A member of the Board or committee who has a personal
21 interest in any contract or arrangement entered into or proposed to be
22 considered by the Board or committee shall-

23 (a) forthwith disclose his interest to the Board or committee; and

24 (b) shall not vote on any question relating to the contract of
25 arrangement.

26 11. No member of the Board shall be personally liable for any act or
27 omission done or made in good faith while engaged in the business of the
28 Agency.

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the establishment of the National Waste Management Recycling Agency for Research and Development promotion, coordination and management of waste and recycling in Nigeria.