

NATIONAL LAND DRAINAGE AND FLOOD CONTROL BILL, 2019

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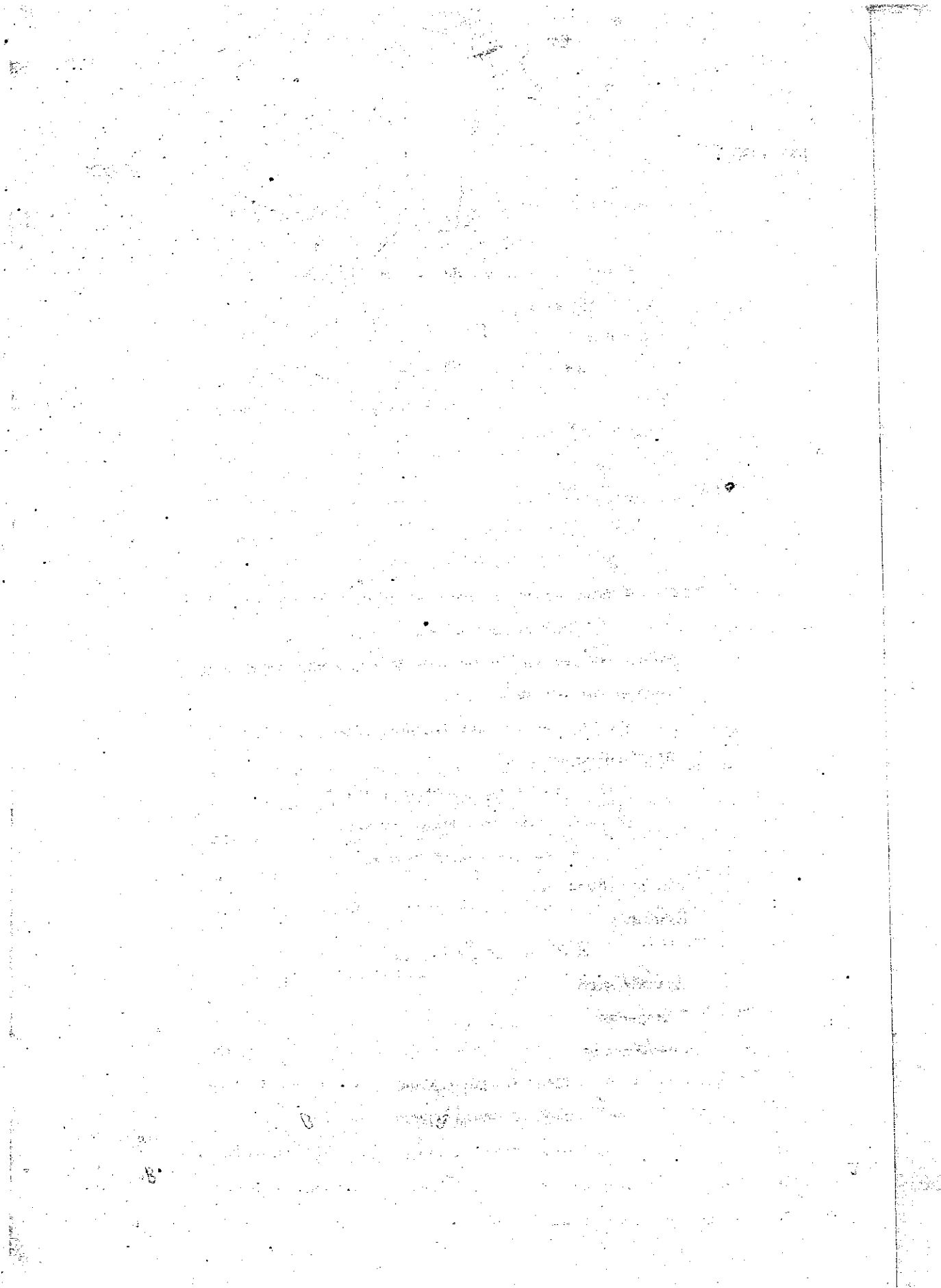
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A BILL

FOR

AN ACT TO ADDRESS ISSUES RELATING TO FLOOD AND LAND DRAINAGE AND FOR RELATED MATTERS

Sponsored by Senator Muhammad Sani Musa

[] Commencement

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

PART 1 - AIMS, OBJECTIVES AND APPLICATION

1 1.-(i) The development and implementation of a land drainage
2 master plan to address all issues relating to drainage with a view to resolving
3 the menace of flood;

Aims and Objectives

4 (ii) Carry out an inventory and mapping of all the existing natural
5 and manmade drainage infrastructure;

6 (iii) coordinating the construction of drainage infrastructure by the
7 local authorities, Federal Ministries of Environment, Water Resources,
8 Humanitarian Affairs, Disaster Management and Social Development,
9 Budget and National Planning, Works, Transportation, FERMA, NEMA,
10 NESREA, Nigerian Hydrological Service Agency, NIWA and Departments
11 and Agencies of Federal and State Governments of Nigeria overseeing
12 Developmental Control and any other relevant stakeholder;

13 (iv) Ensuring that there is a routine and periodic upgrading and
14 maintenance of the drainage infrastructure;

15 (v) Undertake a study based on a hydro-meteorological and
16 hydrographic survey and produce and keep under review a flood risk map
17 and a Nigerian Land Drainage Plan;

18 (vi) Conduct and coordinate research and development on land
19 drainage and watershed management and share all available information
20 with all relevant stakeholders;

- 1 (vii) Identify, in collaboration with the local authorities, the Federal
2 Ministries of Environment, Water Resources, Humanitarian Affairs, Disaster
3 Management and Social Development, Budget and National Planning, Works,
4 Transportation, FERMA, NEMA, NESREA, Nigerian Hydrological Service
5 Agency, NIWA, Departments and Agencies of Federal and State Governments
6 of Nigeria overseeing Developmental Control and any other relevant
7 stakeholder, flood risk areas;
- 8 (viii) cause any works related to land drainage to be carried out by the
9 local authorities, the Federal Ministries of Federal Ministries of Environment,
10 Water Resources, Humanitarian Affairs, Disaster Management and Social
11 Development, Budget and National Planning, Works, Transportation,
12 FERMA, NEMA, NESREA, Nigeria Hydrological Service Agency, NIWA
13 and Departments and Agencies of Federal and State Governments of Nigeria
14 overseeing Developmental Control and any other relevant stakeholder;
- 15 (ix) cause to be carried out the upgrading and maintenance of the
16 drainage infrastructure by the local authorities, the FERMA, NEMA
17 NESREA, Nigeria Hydrological Service Agency, NIWA and any other
18 relevant stakeholder;
- 19 (x) prepare and implement land drainage schemes;
- 20 (xi) advise the Minister of Water Resources on the formulation and
21 management of land drainage policies and strategies;
- 22 (xii) advise and update the Ministers on any matter relating to land
23 drainage;
- 24 (xiii) such powers as may be necessary to implement and enforce the
25 aims and objectives most effectively and shall;
- 26 (xiv) with a view to preventing unauthorized activities; and
27 developments on drains, canals and other watercourses, or the illegal dumping
28 and discharge of effluents in drains, canals and other watercourses, issue
29 guidelines to relevant stakeholders;
- 30 (xv) where drainage infrastructure is not upgraded or maintained,

1 direct the relevant stakeholder to upgrade or maintain that infrastructure;
2 and

3 (xvi) take any other action deemed necessary in line with the
4 provisions of this Act.

5 2. The provisions of this Act shall apply throughout the Federal
6 Republic of Nigeria. Application

7 PART 2 - IMPLEMENTATION AND ENFORCEMENT OF THE ACT

8 3. The implementation and enforcement of the Aims and
9 Objectives of this Act shall be carried out by the Implementation
10 Committee. Implementation and Enforcement of the Act

11 PART 3 - IMPLEMENTATION AND ENFORCEMENT COMMITTEE

12 4. The Implementation and Enforcement Committee shall be the
13 coordinating body to administer implementation and enforcement of the
14 Aims and Objectives of this Act. Implementation and Enforcement Committee

15 PART 4 - COMPOSITION OF IMPLEMENTATION AND ENFORCEMENT
16 COMMITTEE

17 1.-(i) The Implementation and Enforcement Committee shall
18 comprise of Chairperson not below the rank of Director in the Ministry of
19 Environment to be appointed by the Minister of Environment; Composition, implementation and enforcement Committee

20 (ii) a representative of the Ministry responsible for the subject of
21 Water Resources;

22 (iii) a representative of the Ministry responsible for the subject of
23 Humanitarian Affairs, Disaster Management and Social Development;

24 (iv) a representative of the Federal Ministry responsible for the
25 subject of Budget and National Planning;

26 (v) a representative of the Ministry responsible for the subject of
27 Works;

28 (vi) a representative of the Ministry responsible for the subject of
29 Transportation;

30 (vii) a representative of the Ministry responsible for the subject of

- 1 housing and lands;
- 2 (viii) a representative of the Ministry responsible for the subject of
- 3 Local Government;
- 4 (ix) a representative of the Ministry responsible for the subject of
- 5 Public Utilities;
- 6 (x) a representative of the FERMA;
- 7 (xi) a representative of the Commissioner of Police, not below the
- 8 rank of Superintendent;
- 9 (xii) a representative of the NEMA;
- 10 (xiii) a representative of the NESREA;
- 11 (xiv) a representative of the Nigerian Hydrological Service Agency;
- 12 (xv) a representative of NIWA; and
- 13 (xvi) 3 persons, other than public officers or employees of a Statutory
- 14 Corporation, having wide experience in the field of Land Drainage or
- 15 administrative matters, to be appointed by the Minister of Environment;
- 16 (2) No person who has any interest in any civil engineering
- 17 undertaking or consultancy shall be appointed as member.
- 18 (3) Any member who acquires an interest in any civil engineering
- 19 undertaking or consultancy shall resign from the Committee.
- 20 (4) The Committee may, with the approval of the Minister, co-opt any
- 21 person who may be of assistance in relation to any matter before the
- 22 Committee.
- 23 (5) A co-opted member shall not have the right to vote at any meeting
- 24 of the Committee.
- 25 (6) Every member shall be paid such allowance as the Minister may,
- 26 with the approval of the Minister to whom responsibility for the subject of
- 27 finance is assigned, determine.

28 PART 5 - POWERS AND DUTIES OF THE IMPLEMENTATION AND

29 ENFORCEMENT COMMITTEE

- 30 (i) The development and implementation of a land drainage master

1 plan to address all issues relating to drainage with a view to resolving the
2 menace of flood;

3 (ii) Carry out an inventory and mapping of all the existing natural
4 and manmade drainage infrastructure;

5 (iii) coordinating the construction of drainage infrastructure by the
6 local authorities, Federal Ministries of Water Resources, Environment,
7 Budget and National Planning, Works, Transportation, FERMA, NEMA,
8 NESREA, Nigerian Hydrological Service Agency, NIWA, Departments and
9 Agencies of Federal and State Governments of Nigeria overseeing
10 Developmental Control and any other relevant stakeholder;

11 (iv) Ensuring that there is a routine and periodic upgrading and
12 maintenance of the drainage infrastructure;

13 (v) Undertake a study based on a hydro-meteorological and
14 hydrographic survey and produce and keep under review a flood risk map
15 and a Nigerian Land Drainage Plan;

16 (vi) Conduct and coordinate research and development on land
17 drainage and watershed management and share all available information
18 with all relevant stakeholders;

19 (vii) Identify, in collaboration with the local authorities, the
20 Federal Ministries of Environment, Water Resources, Ministry of
21 Humanitarian Affairs, Disaster Management and Social Development,
22 Budget and National Planning, Works, Transportation, FERMA, NEMA,
23 NESREA, Nigerian Hydrological Service Agency, NIWA, Departments and
24 Agencies of Federal and State Governments of Nigeria overseeing
25 Developmental Control and any other relevant stakeholder, flood risk areas;

26 (viii) cause any works related to land drainage to be carried out by
27 the local authorities, the Federal Ministries of Federal Ministries of
28 Environment, Water Resources, Humanitarian Affairs, Disaster
29 Management and Social Development, Budget and National Planning,
30 Works, Transportation, FERMA, NEMA, NESREA, Nigerian Hydrological

1 Service Agency, NIWA, Departments and Agencies of Federal and State
2 Governments of Nigeria overseeing Developmental Control and any other
3 relevant stakeholder;

4 (ix) cause to be carried out the upgrading and maintenance of the
5 drainage infrastructure by the local authorities, the FERMA, NEMA,
6 NESREA, Nigerian Hydrological Service Agency, NIWA, and any other
7 relevant stakeholder;

8 (x) prepare and implement land drainage schemes;

9 (xi) advise the Minister of Water Resources on the formulation and
10 management of land drainage policies and strategies;

11 (xii) advise and update the Ministers on any matter relating to
12 land drainage;

13 (xiii) such powers as may be necessary to implement and enforce the
14 aims and objectives most effectively and shall;

15 (xiv) with a view to preventing unauthorized activities and
16 developments on drains, canals and other watercourses, or the illegal dumping
17 and discharge of effluents in drains, canals and other watercourses, issue
18 guidelines to relevant stakeholders;

19 (xv) where drainage infrastructure is not upgraded or maintained,
20 direct the relevant stakeholder to upgrade or maintain that infrastructure and

21 (xvi) take any other action deemed necessary in line with the
22 provisions of this Act.

23 PART 6 - MEETINGS OF THE COMMITTEE

Rules Guiding Meetings

24 1.-(I) The Committee shall meet as often as is necessary but at least
25 once every month at such time and such place as the Chairperson may
26 determine;

27 (ii) At any meeting of the Committee, 9 members shall constitute a
28 quorum;

29 (iii) In the absence of the Chairperson at a meeting of the Committee,

1 the members present shall elect another member to act as Chairperson of the
2 meeting;

3 (iv) Where a member has an interest, direct or indirect, in a matter
4 before the Committee, he shall, as soon as reasonably practicable, disclose
5 to the Committee the nature of his interest, and shall not take part in the
6 deliberations of the Committee relating to that matter.

7 PART 7 - ASSISTANCE FOR ENFORCEMENT

8 1. Notwithstanding any other enactment, every Police Officer and
9 every other officer under the National Building Code, the National
10 Environment Standards and Regulations Enforcement Act, the roles of
11 Local Government as contained in the 1999 Constitution of the Federal
12 Republic of Nigeria, the National Inland Water Ways Act, the Federal
13 Emergency Roads Maintenance Act, Nigerian Hydrological Service
14 Agency Act, Departments and Agencies of Federal and State Governments
15 of Nigeria overseeing Developmental Control and any other relevant
16 stakeholders shall have the power and the duty to assist in enforcing the
17 provisions of this Act in accordance with the provisions of their enabling Act
18 and also sanction and impose penalties for breaches.

Assistance for
Enforcement

19 PART 8 - PROTECTION FROM LIABILITY

20 1.-(i) No liability, civil or criminal, shall be incurred by the
21 Committee or a member in respect of any act done or omitted in good faith in
22 the performance of its or his functions or exercise of its or his powers under
23 this Act;

Protection from
liability

24 (ii) This section shall be in addition to, and not in derogation from,
25 the Nigerian Public Officers' Protection Act, and for the purposes of that Act,
26 every member shall be deemed to be a public officer or a person lawfully
27 engaged, authorised or employed in the performance of a public duty.

28 PART 9 - FINANCIAL PROVISIONS

29 1.-(i) The Minister shall appoint his representative, who is his
30 appointee in the Committee as Chairperson of the Committee;

Powers of
Minister

1 (ii) The Minister may, in relation to the exercise of the powers of the
2 Committee, give such written directions of a general nature to the committee,
3 not inconsistent with this Act, as he considers necessary in the public interest,
4 and the Committee shall comply with such directions.

5 (iii) The Minister may require the Committee to furnish such
6 information in such manner and at such time as he thinks necessary with
7 respect to its activities and the Committee shall supply such information.

Funds of
Committee

8 (2) Funds of Committee shall establish a General Fund-

9 (i) into which all monies received from any source by the Authority
10 shall be paid;

11 (ii) out of which all payments required to be made for the purposes of
12 this Act by the Committee shall be effected.

Estimates

13 (3)(i) The Committee shall submit to the Minister of Environment,
14 not later than 31 March in every year, an estimate of the income and
15 expenditure of the Committee for the next financial year for his approval;

16 (ii) Where the Minister of Environment gives his approval under
17 subsection (1), he may-

18 (a) approve only part of the expenditure under any item; and

19 (b) direct the Committee to amend the estimate in respect of any item
20 in such manner as he may determine.

21 PART 10 - MISCELLANEOUS

Execution of
documents

22 1.-(1) No deed or other document shall be executed or signed by or on
23 behalf of the Committee unless it is signed by-

24 (a) the Chairperson or, in his absence, any other member designated
25 by the Committee; and

Annual report

26 (2) (i) The Committee shall, in accordance with the Statutory Bodies
27 (Accounts and Audit) Act, prepare an annual report and submit it to the
28 Minister, together with an audited statement of accounts on the operations of
29 the Committee, in respect of every financial year;

30 (ii) The Minister shall, at the earliest available opportunity, lay a copy

1 of the annual report and audited accounts of the Committee before the
2 Assembly;

3 (iii) The auditor to be appointed shall be the Director of Audit.

4 (3)(i) The Committee shall be exempt from the payment of any
5 duty, levy, rate, charge, fee or tax; Exemptions

6 (ii) No stamp duty or registration fee shall be payable in respect of
7 any document signed or executed by the Committee or under which the
8 Authority is a beneficiary.

9 (4) No member shall disclose to any unauthorised person any
10 matter which comes to his knowledge in the discharge of his duties. Confidentiality

11 PART 11 - REGULATIONS

12 The Law Enforcement Department may make Regulations necessary or
13 convenient to be prescribed for carrying out or giving effect to this Act.

14 PART 12 - INTERPRETATION

15 12. In this Act-

16 "Minister" means the Minister of Environment;

17 "Committee" means the Implementation and Enforcement Committee;

18 "Chairperson" means the Chairperson of the Implementation and
19 Enforcement Committee;

20 "Local Authority" has the same Implementation and Enforcement
21 Committee; and meaning as in the 1999;

22 Constitution;

23 "member"-

24 (a) Member means a member of the Implementation and
25 Enforcement Committee; and it;

26 (b) includes the Chairperson;

27 "Ministers" mean the Ministers whose responsibility is for Federal
28 Ministries of Environment, Water Resources, Humanitarian Affairs,
29 Disaster Management and Social Development, Budget and National
30 Planning, Works, Transportation, Federal Ministries of Environment, Water

- 1 Resources, Humanitarian Affairs, Disaster Management and Social
2 Development, Budget and National Planning, Works, Transportation,
3 "Ministries" means the Federal Ministries responsible for Environment, Water
4 Resources, Humanitarian Affairs, Disaster Management and Social
5 Development, Budget and National Planning, Works, Transportation,
6 "NESREA" means the National Environmental Standards and Regulations
7 Enforcement Agency;
8 NEMA" means the National Emergency Management Agency;
9 "FERMA" means the Federal Emergency Roads Maintenance Agency;
10 Departments and Agencies of Federal and State Governments of Nigeria
11 overseeing Developmental Control and any other relevant stakeholder
12 "NIWA" National Inland Water Ways.
- 13 **13. This Bill may be cited as National Land Drainage and Flood**
14 **Control Bill, 2019.**

Short title