



THE SENATE
FEDERAL REPUBLIC OF NIGERIA

**NIGERIAN METROLOGICAL AGENCY (ESTABLISHMENT,
ETC.) ACT (REPEAL AND RE-ENACTMENT) BILL, 2022**

(SB. 192)

A BILL

FOR

AN ACT TO REPEAL THE NIGERIAN METEOROLOGICAL AGENCY (ESTABLISHMENT, ETC.)
ACT NO. 9 OF 2003 AND TO RE-ENACT THE NIGERIAN METEOROLOGICAL AGENCY ACT
TO PROVIDE FOR THE REGULATION OF METEOROLOGY; AND FOR OTHER RELATED
MATTERS, 2022

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**NIGERIAN METROLOGICAL AGENCY (ESTABLISHMENT, ETC.) ACT (REPEAL AND RE-
ENACTMENT) BILL, 2022**



Arrangement of Clauses

Clause

Establishment of the Nigerian Meteorological Agency
Establishment of the Governing Board
Tenure of office
Cessation of membership
Emoluments etc.
Powers and functions of the Board
Functions of the Agency
Powers of the Agency
Intellectual Property
Appointment of the Director-General of the Agency
Appointment of Legal Adviser
Other employees of the Agency and conditions of service
Directorates of the Agency
Service in the Agency to be Pensionable
Co-operation
Fund of the Agency
Expenditure of the Agency
Annual estimates and accounts
Annual Reports
Power to accept gifts
Power to borrow
Investment in securities
Exemption from tax
Acquisition of land, etc.
Power to enter land to make survey, etc.
Compensation for damages, etc
Establishment of Staff Housing Scheme
Establishment of Meteorological Calibration Laboratories
Duties of an authorised officer of the Agency
Offences and penalties
Power to investigate and impose fine, etc.
Meteorological Orders
International Treaties, Conventions or Agreements
Grant of a meteorological permit
Limitation of suits against the Agency, etc.
Service of documents, notices or processes

Service of notice on individual or body corporate
Restriction on execution against property of the Agency
Indemnity of officers
Conflicts of interest and use of insider information for personal gain
Jurisdiction
Power of the Minister to give directives of general character to the Agency
Power to make regulations or issue guidelines
Repeal and Savings Provision
Transitional provisions
Interpretation
Short title

A BILL
FOR

AN ACT TO REPEAL THE NIGERIAN METEOROLOGICAL AGENCY (ESTABLISHMENT, ETC.) ACT NO. 9 OF 2003 AND TO RE-ENACT THE NIGERIAN METEOROLOGICAL AGENCY ACT TO PROVIDE FOR THE REGULATION OF METEOROLOGY; AND FOR OTHER RELATED MATTERS, 2022

{ } Commencement.

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

PART I – ESTABLISHMENT, ETC. OF THE NIGERIAN METEOROLOGICAL AGENCY

1. (1) There is established a body to be known as the Nigerian Meteorological Agency (in this Bill referred to as “the Agency”). Establishment of the Nigerian Meteorological Agency
 - (2) The Agency –
 - (a) shall be a body corporate with perpetual succession and a common seal;
 - (b) may sue or be sued in its corporate name; and
 - (c) may acquire, hold, purchase, mortgage and deal howsoever with property, movable or immovable, real or personal, subject to the provisions of the Land Use Act.

2. (1) There is established for the Agency a Governing Board (in this Bill referred to as “the Board”) which shall consist of – Establishment of the Governing Board
 - (a) a part-time Chairman;
 - (b) a representative each not below the rank of a Director from the Federal Ministries in charge of:
 - (i) Aviation;
 - (ii) Agriculture and Natural Resources;
 - (iii) Environment;
 - (iv) Transportation; and
 - (v) Water Resources.
 - (c) two other persons with cognate experience in meteorological matters representing public interest; and
 - (d) the Director-General of the Agency.

(2) The Chairman and other members of the Board other than ex-officio members as specified in subsection (1)(b) of this section shall be appointed by the President on the recommendation of the Minister.

(3) The composition of the Board shall reflect equity and fairness as enshrined in Section 14(3) of the 1999 Constitution (as amended).

(4) The Chairman shall be a person with background in meteorology, or related sciences.

(5) The Board may co-opt any person to attend and participate at any of its meetings provided that the person so co-opted shall only be in attendance and shall not count towards the quorum or vote at the meeting.

(6) The Supplementary Provisions set out in the Schedule to this Bill shall have effect with respect to the proceedings of the Board and other matters contained in it.

3. The Chairman and other members of the Board, other than ex-officio members as specified in section 2(1)(b) of this Bill shall hold office for a period of 4 years on such terms and condition as may be specified in their letters of appointment and may be re-appointed for a further term of 4 years and no more. Tenure of office

4. (1) The office of a member of the Board shall become vacant where – Cessation of membership

(a) his term of office expires;

(b) he resigns his appointment by a notice in writing under his hand addressed to the President;

(c) he is bankrupt;

(d) he dies;

(e) he is incapable of performing the functions of his office due to mental or physical illness;

(f) he has been convicted of a felony or any offence involving dishonesty;

(g) he is found guilty of gross misconduct;

(h) in the case of a person possessed of professional qualifications, he is disqualified or suspended from practicing his profession in any part of the world by an order of a competent authority made in respect of that member;

(i) the President directs his removal on the satisfaction that it is not in the interest of the Agency or the public for the person to continue in office as a member of the Board; or

(j) in the case of an ex-officio member, he ceases to hold the office on the basis of which he became a member of the Board.

(2) Where a vacancy occurs in the membership of the Board, it shall be filled by an appointment by the President of a successor to hold office for the remainder of the term of office of his predecessor and the successor shall represent the same interest as that member whose exit

created the vacancy.

5. The Chairman and members of the Board shall be paid such emoluments, allowances and benefits as the Federal Government may, from time to time, direct in accordance with extant laws and regulations. Emoluments etc.
6. The Board shall have power to — Powers and functions of the Board
- (a) formulate the general policies and guidelines for the efficient discharge of the functions of the Agency;
 - (b) monitor and ensure the implementation of the policies and programmes of the Agency;
 - (c) receive and review annual reports from the Management of the Agency and submit same to the Minister not later than 30th day of June each year;
 - (d) determine the job description, title, terms, qualifications and salaries, including allowances of the employees of the Agency, subject to the approval of the National Income, Salaries and Wages Commission in the case of remunerations;
 - (e) make rules relating generally to the conditions of service of employees of the Agency, including rules providing for the appointment, promotion, advancement, determination of appointment and disciplinary control of employees; and
 - (f) exercise such other powers as may be necessary or expedient to ensure the efficient performance of the functions of the Agency under this Bill.

PART III – FUNCTIONS OF THE AGENCY

7. (1) The Agency shall be the authority for the performance of meteorological activities and shall — Functions of the Agency
- (a) advise the Federal Government on all aspects of meteorology;
 - (b) project, prepare and interpret Government policies in the field of meteorology;
 - (c) issue weather forecasts for the safe operation of air-crafts, ocean going vessels and oil rigs in accordance with the International Civil Aviation Organization (ICAO) and World Meteorological Organization (WMO) Standard and Recommended Practices (SARPs);
 - (d) promote the service of meteorology in agricultural, drought and desertification activities;
 - (e) provide meteorological services in operational hydrology and water resources activities;
 - (f) provide weather services in marine, environmental pollution and bio-meteorology for climatic and human health activities;
 - (g) provide and operate telecommunications systems for meteorological purposes subject to regulations made by the Nigerian Communications Commission;
 - (h) proffer advice to the Federal, State and Local Government on volcanic ash advisories;

- (i) collect, process and disseminate all meteorological data and information within and outside Nigeria;
- (j) keep in safe custody all meteorological data and records in the National Meteorological Archive;
- (k) be the sole authority to approve, licence, certify and regulate the establishment of meteorological stations for meteorological observations, the operators and operating personnel at a fee to be prescribed by the Agency and where, necessary make regulation in this regard, save for aeronautical meteorological services;
- (l) charge cost and sustainability recovery charges for services and consultancy rendered by the Agency to users;
- (m) ensure uniform standards of observation of all meteorological phenomena in Nigeria;
- (n) keep and maintain a register of all meteorological stations, observatories, operators and operating personnel;
- (o) levy fees, penalties and administrative cost of proceedings or other charges on any person in relation to the functions of this Agency as prescribed in this Bill;
- (p) enter and seal or close up synoptic stations and observatories at the premises of persons illegally carrying out any meteorological activities;
- (q) call for or furnish such data and information generated in the course of carrying out meteorological activities in Nigeria as may be considered necessary for the efficient discharge of its functions;
- (r) prepare adequate guidelines and organise training programmes for the training of all meteorological professionals and for other meteorological related activities;
- (s) establish training schools for the training of observers, forecasters, meteorologists, metrological engineers/technicians and for other related activities;
- (t) ensure that international standards and practice in meteorological operations is maintained;
- (u) train, conduct and undertake research in the field of tropical, agricultural, hydro and marine meteorology and other areas of meteorology;
- (v) provide consultancy and advisory services on meteorology and meteorological engineering and technology;
- (w) monitor and issue meteorological components of environmental pollution and ozone concentration;
- (x) calibrate, develop and fabricate meteorological conventional equipment for export and national needs;

(y) report to the relevant authority or organisation and demand appropriate sanction or closure of any station or premises where meteorological information is used in contravention to the provisions of this Bill; and

(z) carry out other activities as are necessary and expedient for the full discharge of any of its functions under or pursuant to the provisions of this Bill.

(2) Without prejudice to the functions specified in subsection (1) of this section, the Agency shall be the sole authority to prescribe and issue the meteorological information and data required for all sectoral activities in Nigeria including –

(a) aviation;

(b) defence;

(c) finance;

(d) agriculture;

(e) construction works;

(f) environment;

(g) industries;

(h) marine;

(i) natural disaster and relief management;

(j) water resources;

(k) power and steel;

(l) transport;

(m) science and technology;

(n) oil and gas;

(o) sports;

(p) tourism;

(q) communication;

(r) insurance; and

(s) health.

(3) A person, organisation or corporate body shall not carry out or undertake any of the sectoral activities listed under subsection (2) of this section without complying with the meteorological requirements as prescribed by the Agency.

(4) In this section, "synoptic stations" includes stations where meteorological parameters are observed.

(1) The Agency shall enforce and administer the provisions of this Bill and all other laws impacting on meteorology in Nigeria. Powers of the Agency

(2) The Agency shall be the sole authority to regulate, licence, approve and authorise the standard of meteorological activities and operations in Nigeria save for aeronautical meteorological services.

(3) The Agency shall provide aeronautical meteorological services for aviation in Nigeria in line with the Nigerian Civil Aviation Regulations.

(1) All data generated or acquired by the Agency either processed or unprocessed shall be the property of the Agency. Intellectual Property

(2) The Agency shall have the power to receive or acquire intellectual property of any kind on meteorological information and data generated from its activities.

PART III – MANAGEMENT AND STAFF OF THE AGENCY

(1) There shall be for the Agency a Director-General who shall be appointed by the President on the recommendation of the Minister and on such terms and conditions as may be specified in his letter of appointment or as may be determined, from time to time, by the Federal Government. Appointment of the Director-General of the Agency

(2) The Director-General shall be —

(a) the Chief Executive and Accounting Officer of the Agency;

(b) responsible to the Board for the day-to-day administration of the Agency; and

(c) appointed for a term of 5 years in the first instance and may, subject to satisfactory performance, be re-appointed for a further term of 5 years and no more.

(3) A person shall not be appointed as the Director-General, except he has a recognised professional degree in meteorology or any other meteorological related sciences with at least 15 years cognate experience, 5 of which shall be at senior management level.

(4) The Director-General shall be the permanent representative of Nigeria in the World Meteorological Organization (WMO) in accordance with the provisions of Article 6, Part V of the Convention of the World Meteorological Organization, 1947.

(5) The Director-General may be suspended or removed from office by the President on the recommendation of the Minister where he —

- (a) has demonstrated inability to effectively perform the duties of the office;
- (b) has been absent from 5 consecutive meetings of the Board without the consent of the Chairman unless he shows good reason for such absence;
- (c) is found guilty of gross misconduct;
- (d) in the case of a person possessed of professional qualifications, is disqualified or suspended from practicing his profession in any part of the world by an order of a competent authority; or
- (e) is in breach of the conflict of interest and use of insider information for personal gain as stipulated under section 40 of this Bill and in the Schedule to this Bill.
- (6) The Director-General of the Agency shall not be removed from office except in accordance with the provisions of this Bill.

Appointment of Legal Adviser

- 11. (1) The Board shall appoint a Legal Adviser for the Agency.
- (2) The Legal Adviser shall be the Secretary to the Board and shall be –
 - (a) a Legal Practitioner with not less than 12 years post call experience;
 - (b) the Director, Legal Services;
 - (c) be responsible for keeping the books and proper records of proceedings and correspondence of the Board;
 - (d) administer and discharge all legal obligations and insurance requirements of the Agency;
 - (e) retain external legal services on behalf of the Agency as he may deem necessary or expedient;
 - (f) ensure the enforcement and compliance with the provisions of this Act; (g) carry out the registration and licencing of third parties and keep records of third party relationships with the Agency;
 - (g) carry out the registration and licencing of third parties and keep records of third party relationships with the Agency;
 - (h) participate in meteorological inspections and investigation; and
 - (h) perform such other functions as the Board or the Director-General, as the case may be, may from time to time, assign to him.

Other employees of the Agency and conditions of service

- 12. (1) The Agency shall appoint, designate or cause to be deployed, directly or on secondment from any public or private bodies such number and category of employees as it may require to assist it in the effective discharge of its duties and functions under this Bill.

(2) The composition of the Directors and Senior Management staff of the Agency appointed under sub-section (1) of this Section shall reflect equity and fairness as enshrined in Section 14(3) of the 1999 Constitution (as amended).

(3) The Agency may with the approval of the Board, make staff regulations relating generally to the conditions of service of its employees and providing for –

(a) the appointment, promotion and staff discipline;

(b) appeals by employees against disciplinary measures; and

(c) such other matters as it may deem necessary to ensure the efficient performance of the functions of the Agency under this Bill.

(4) Staff Regulations and conditions of service made under subsection (3) of this section shall not have effect until it is published in the Gazette and website of the Agency.

13. (1) The Agency may with the approval of the Board –

Directorates of the Agency

(a) (a) set up or collapse Directorates, Departments, Special Units, technical committees, working groups and task forces to assist the Agency in the performance of its duties and functions under this Bill; and

(b) make changes to its structure, from time to time.

(2) There shall be appointed for each of the departments and special units, a principal officer who shall be known by such designation as the Agency may determine.

14. (1) Service in the Agency shall be approved public service for the purpose of the Pension Reform Act, No. 4 of 2014 and accordingly, officers and other staff of the Agency shall in respect of their service in the Agency, be entitled to such pension and other retirement benefits as are prescribed in the Pension Reform Act, No. 4 of 2014.

Service in the Agency to be Pensionable

(2) Nothing in subsections (1) of this section shall prevent the appointment of a person to any office on terms which may preclude the grant of a pension, gratuity or other retirement benefits in respect of that office.

(3) For the purposes of the application of the provisions of the Pension Reform Act, No. 4 of 2014, any power exercisable under it by a Minister or other authority of the Government of the Federation, not being the power to make regulations is hereby vested in and shall be exercisable solely by the Board.

15. In exercising and performing the powers, functions and duties conferred on it under this Bill, the Agency may appoint, contract, liaise or co-operate with experts, relevant organisations, international institutions including specialised agencies, resource persons, academic and technical institutes, advisory committees and any other person or authority in order to assist it in carrying out its functions or duties under this Bill.

Co-operation

PART IV – FINANCIAL PROVISIONS

16. (1) There is established for the Agency a fund into which shall be paid or credited —
- (a) all subventions and budgetary allocations from the Federal Government;
 - (b) gifts, loans, grants-in-aid from national, bilateral and multilateral agencies;
 - (c) administrative penalties payable for violation of meteorological regulations;
 - (d) returns on investments made by the Agency;
 - (e) 10 percent of landing charges from the Federal Airports Authority of Nigeria;
 - (f) 10 percent of en-route and over flight charges from the Nigerian Airspace Management Agency;
 - (g) 9 percent of the 5 percent sales tax surcharged on tickets and cargo charges by the Nigerian Civil Aviation Authority;
 - (h) fees or funds, approved by the Board in respect of such services provided by the Agency including—
 - (i) rendering of climatic information to the Power and Energy Sector operators, marine and ocean going vessels and crude oil explorers in Nigeria,
 - (ii) provisions of agricultural, marine and non-aeronautical meteorological services,
 - (iii) exhibition and sale of meteorological data, information or equipment,
 - (iv) production and sale of books, pamphlets, bulletins, etc. on meteorological services,
 - (v) provision of consultancy services on meteorology including investigative meteorological activities and meteorological training,
 - (vi) rentals of property, plant and equipment including rents and fees received from the use of pamphlets and documentaries owned by the Agency, sale, rent or lease of landed properties,
 - (vii) fees from personnel licencing,
 - (viii) establishment, registration, licencing, monitoring and supervision of meteorological stations, telecommunication masts, including observatories on all on-shore and off-shore platforms used by oil and gas companies in Nigeria,
 - (ix) provision of meteorological information on the construction of Government and non-Government owned four storey building and beyond, roads, dams, telecommunication masts and other related projects, or
 - (x) any other commercial activities;
 - (i) any other fund which the Federal Government may designate for the development of Civil Aviation or Meteorology in Nigeria; and

(J) such other moneys as may be received by the Agency in the course of its operations or in relation to the exercise by the Agency of any of its functions under the Bill.

(3) Subject to the provisions of the Constitution of the Federal Republic of Nigeria, 1999 (As Altered), the fund established pursuant to subsection (1) of this section shall be managed in accordance with extant Financial Regulations applicable in the Public Service of the Federation.

17. The Agency may, from time to time, apply the proceeds of the fund established under section 16 of this Bill— Expenditure of the Agency

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

(b) to the payment of the allowances and benefits of members of the Board and for reimbursing members of the Board or of any committee of the Board and for such expenses as may be expressly authorised by the Board;

(c) to the payment of the salaries, fees or other remuneration or allowances, gratuities and pensions, and other benefits payable to the officers and other employees of the Agency, provided that no payment of any kind under this paragraph, except such as may be expressly authorised by the Board, shall be made to any person who is, within the relevant period, in receipt of emoluments from the Federal or State Government;

(d) for the development and maintenance of any property vested in or owned by the Agency;

(e) to publicise and promote the activities of the Agency; and

(f) to undertake such other activities as are connected with the functions of the Agency under this Bill.

18. (1) The Agency shall not later than 30th September in each year, submit to the Minister an estimate of its expenditure and income including payments to the Agency's fund for the next succeeding year. Annual estimates and accounts

(2) The Agency shall keep proper accounts in respect of each year and proper records in relation to those accounts and shall cause its accounts to be audited within 6 months after the end of each year by auditors from the list and in accordance with the guidelines supplied by the Auditor-General of the Federation.

19. The Agency shall prepare and submit to the Federal Executive Council, through the Minister, not later than 6 months after the end of each year, a report in such form as he may direct on the activities of the Agency during the immediately preceding year and shall include in the report a copy of the audited accounts of the Agency for that year and the auditor's report on the accounts. Annual Reports

20. (1) The Agency may accept any gift of land, money or other property on such terms and conditions, if any, as may be specified by the person or organisation making the gift. Power to accept gifts

(2) The Agency shall not accept any gift where the conditions attached by the person or organisation making the gift are inconsistent with the functions of the Agency under this Bill.

21. (1) The Agency may with the approval of the Minister, borrow such sums by way of loan, overdraft or from any source, as may be required for the performance of its functions and meeting its obligations under this Bill; and any interest payable on monies so borrowed shall be paid out of the fund of the Agency. Power to borrow
- (2) The Agency shall not, without the approval of the Board borrow money which exceeds, at any time, the amount set by the Government as the limit of the borrowing powers of the Agency.
22. (1) The Agency may, subject to the provisions of this Bill and the conditions of any trust created in respect of any property, invest any or all monies in its fund, not immediately required for its current expenditure in – Investment in securities
- (a) any security prescribed by the Trustee Investments Act, Cap T22, Laws of the Federation of Nigeria, 2004 or in such other securities as may, from time to time, be approved by the Minister;
- (b) any securities created or issued by or on behalf of the Federal Government, as may be approved by the Board, from time to time;
- (c) the purchase or improvement of any land in any part of the Federation; or
- (d) any venture in Nigeria as may be approved by the Minister, including investment in stocks quoted on the Nigerian Stock Exchange.
- (2) In the exercise of its powers of investment of its fund under subsection (1) of this section, the Agency may, from time to time, vary any of such investments and may deposit any monies for the time being un-invested with any bank approved by the Agency in line with Government Regulations.
23. (1) The Agency shall be exempted from the payment of income tax on any income accruing from investments made by the Agency. Exemption from tax
- (2) The provision of any law relating to the taxation of companies or trust shall not apply to the Agency.
- (3) The Agency shall be exempted from taxes, levies and tenement rates and any arrears whatsoever in connection thereto.

PART VI – PROVISIONS RELATING TO THE ACQUISITION OF LAND

24. (1) The Agency, may subject to the Land Use Act, Cap L4, Laws of the Federation of Nigeria, 2004 or any relevant law acquire any land for the purpose of discharging its functions under this Bill. Acquisition of land, etc.
- (2) Where there is any hindrance in the acquisition of any land by the Agency under this Bill, including any failure by the Agency to reach an agreement as to the amount to be paid in respect

of the acquisition, the Agency may apply to the Minister for a declaration under subsection (3) of this section.

(3) The Minister on receiving an application from the Agency and after such enquiry as he may deem fit in the circumstance, may request the Governor of the State or the relevant authority where the land is situated to declare that the land is required for the service of the Agency and accordingly for an over-riding public purpose.

(4) Where a declaration is made under subsection (3) of this section, the land to which the declaration relates shall be deemed to be land required for the purpose of the Federation within the meaning of the Land Use Act, Cap L4, Laws of the Federation of Nigeria, 2004 and the Agency shall acquire the land accordingly.

(5) Where a declaration has been made under subsection (3) of this section in respect of any land and the –

(a) land has been acquired pursuant to subsection (4) of this section; or

(b) Governor of the State concerned is satisfied that there is no rights subsisting in respect of the land;

(c) the Governor of the State may vest the land in the Agency by issuing a Certificate of Occupancy in respect of it, in favour of and in the name of the Agency.

(6) The compensation, if any, payable under the Land Use Act for the revocation of any rights relating to the land, where applicable, shall be paid by the Agency.

(7) The plan of the land referred to in subsection (2) of this section –

(a) containing measurement of the boundaries of the land;

(b) showing the relationship of the land to any sufficient identifying mark; and

(c) signed by the Surveyor-General of the Federation or of the State concerned,

(d) shall be a sufficient description of the land for the purpose of an application under that subsection.

(8) The Agency shall not, without the prior approval in writing by the Governor of the State in which the land is situated, alienate, mortgage, charge or otherwise demise any immovable property which has been vested in the Agency under this section or in respect of which a right of occupancy has been granted to the Agency.

25. 25. (1) Subject to this section, the Agency may by its officers, employees, workmen or agents enter, from time to time, upon any land for the purpose of the discharge of any of the functions of the Agency under this Act and, in particular, may enter upon any of such land for the purpose of –

Power to enter land to make survey, etc.

(a) inspecting and examining lands, buildings and equipment of meteorological stations;

(b) inspecting and examining accounts, records and memoranda required to be kept by meteorological stations; and

(c) cutting down and removing a tree, underwood or structures that may interfere with surveys and any installation which constitute hindrance to meteorological or climate activity.

(2) The Agency shall, when practicable, serve on the occupier of any land on which it intends to enter pursuant to subsection (1) of this section, a notice in writing giving description of the nature of the work intended to be carried out on the land.

(3) In the discharge of its functions under subsection (1) of this section, the officers, employees, workmen or agents of the Agency may remain on any land for such reasonable time as may enable them to execute and do all such work and things as may be necessary for the discharge of the functions of the Agency under this Bill.

26. (1) In the exercise of the power conferred upon it by section 25 of this Bill, the Agency, its officers, employees, workmen or agents shall ensure that buildings, crops and economic trees are protected from damages and the Agency shall pay compensation for any damage done to any building, crops and economic trees. Compensation for damages, etc

(2) In the case of dispute as to the amount of compensation payable, the same shall be determined by the Federal High Court.

27. (1) The Agency may with the approval of the Minister engage in the establishment of staff housing scheme. Establishment of Staff Housing Scheme

(2) The Agency shall with the approval of the Board issue guidelines for the establishment and management of the staff housing scheme referred to under subsection (1) of this section.

28. (1) The Agency shall establish and operate Calibration Laboratories at designated locations for purposes of carrying out regular calibration of meteorological instruments and equipment. Establishment of Meteorological Calibration Laboratories

(2) The Agency shall have power to certify that calibrated meteorological equipment meets the standard specified by the World Meteorological Organization, International Civil Aviation Organization and the Standard Organisation of Nigeria.

PART VII – INVESTIGATION AND ENFORCEMENT

29. (1) Any authorised officer of the Agency who has reasonable grounds for believing that an offence under his Bill has been or is being committed on any premises or there is on any premises, anything connected with the commission of any offence under this Bill or any regulation made under it, may enter upon such premises, to - Duties of an authorised officer of the Agency

(a) conduct a search and inspection of the premises;

(b) take measurement and samples, where necessary, for conducting analysis and tests of any substance found on any premises pursuant to paragraph (a) of this subsection;

- (c) arrest any person whom he reasonably suspects to have committed an offence;
- (d) take photographs, films, audio, video and other recordings or extracts from documents; and
- (e) seal up any premises or seize any articles including plant, equipment, substance, or any other thing whatsoever used in the commission of an offence or in respect of which an offence has been committed.

(2) A written receipt shall be given for any article or item seized under subsection (1) of this section and the grounds for such seizure shall be stated on the receipt.

30. (1) Any person who –

Offences and penalties

(a) hinders or obstructs an authorised officer in the exercise of his duties under this Bill or regulations made under it;

((b) fails to comply with a lawful order or requirement made by an authorised officer pursuant to the provisions of this Bill or regulations made under it; or

(c) fails, neglects or refuses to carry out a meteorological order issued under this Bill;

commits an offence and shall be liable on conviction to a fine of not less than ₦250,000 or to a term of 6 months imprisonment or to both.

(2) Any person who –

(a) collects, uses or disseminates weather forecast or any other meteorological information obtained from any other source outside the approval, licence or authority of the Agency for commercial or public purpose; or

(b) impersonates an authorized officer of the Agency, refuses to state or wrongly states his address and misleads or gives wrongful information to an authorized officer of the Agency, commits an offence under this Bill and shall be liable on conviction –

(i) in the case of an individual, be liable to a fine of ₦1,000,000.00 or to a term of 3 years imprisonment or to both; and

(ii) in the case of a body corporate, be liable to a fine of not less than ₦1,000,000 for every day after receipt of notice of the commission of the offence from the Agency.

(4) Where a body corporate is proved to have been committed on the instigation or with the connivance of, or is attributable to any neglect on the part of a director, manager, secretary, head of branch or project manager or other similar officer of the body corporate, or any person purporting to act in any of such capacity, he as well as the body corporate, where practicable, shall be deemed to have committed that offence and liable to be proceeded against and punished accordingly in line with the provisions of subsection (1) of this section.

(4) Where an offence under this section continues unabated, the offender shall be liable, upon conviction to twice the fine and term of imprisonment imposed under this section.

31. 31._ (1) The Agency shall after notice and hearing the complaint or on its own initiative and investigation determine whether any person is violating any provision of this Bill, regulations, rules or orders made under it. Power to investigate and impose fine, etc.

(2) Where the Agency is satisfied after such hearing that such a person is violating any provisions of this Bill, regulations, rules or orders, as the case may be, it shall by order require the person to pay penalty, revoke its licence or take such action consistent with the provisions of this Bill, regulations, rules or orders, as may be necessary in the opinion of the Agency to prevent further violation of the provisions of the Bill, regulations, rules or orders.

(3) In the exercise of its power, the Agency shall appoint an administrative panel to give effect to the provision of this section.

(4) The decision of the administrative panel appointed under subsection (3) of this section shall become effective upon confirmation by the Board provided that an appeal from the decision of the administrative panel as may be confirmed by the Board shall lie to the Minister.

32. 32._ (1) The Agency may cause an order known as meteorological order to be issued or served on any person where it has reasonable grounds for believing that the person has contravened or is contravening, or there exists a likelihood of contravention of the provision of this Bill or regulations made under it. Meteorological Orders

(2) A Meteorological Order shall —

(a) specify the provision of the Bill contravened;

(b) state the specific content of the permit or licence contravened;

(c) direct the owner or person in possession to take remedial measures to terminate or prevent further re-occurrence; and

(d) set out maximum fine for failure to comply with the order.

(3) A Meteorological Order may impose any other requirements for the purpose of preventing, remedying or minimising harm which may include an order that a person should —

(a) stop the commencement of a specified activity, indefinitely or for a specified period of time;

(b) take certain measures within a specified period to prevent harm, remedy or restore the environment to its original state; or

(c) not conduct a specific activity except within a specified time or subject to specified conditions.

(4) The issuance of or compliance with an order in respect of a person's alleged contravention of this Bill or the regulations made under it shall not be a bar to any proceedings against the person

under this or any other Bill in relation to the alleged contravention by that person.

3. Subject to the provisions of the Constitution of the Federal Republic of Nigeria 1999 (As Altered), the Agency shall take necessary measures to give effect to any international treaty, convention or agreement concerning any aspect of meteorology to which Nigeria is a party.
- International Conventions or Agreements Treaties, or

PART VIII – METEOROLOGICAL OBSERVATORY AND SYNOPTIC OFFICE ESTABLISHMENT PERMIT

4. (1) The Agency may on application made to it by any person, grant a meteorological permit in respect of any activity prescribed by the Agency, including permit to –
- Grant of a meteorological permit

(a) conduct meteorological research activities; or

(b) develop or test experimental equipment.

(2) Activities for which meteorological permits or licence may be granted shall include activities specified under sections 7(1)(k) and 7(2) of this Bill.

(3) A person, organisation or corporate body shall not carry out or undertake such sectoral activities as mentioned in subsection (2) of this section and any other meteorological activity without obtaining the Agency's certification, permit or licence and complying with the meteorological requirements as prescribed by the Agency.

(4) Any person who contravenes the provisions of subsection (3) of this section shall be liable; where the contravention is by a corporate body to a fine not exceeding N5,000,000 and where the contravention is by an individual, to a fine not exceeding N2,000,000;

(5) Where the contravention mentioned in subsection (4) of this section continues unabated, the fine imposed under that subsection shall be twice.

PART IX – LEGAL PROCEEDINGS

35. (1) The provisions of the Public Officers Protection Act, Cap P41, Laws of the Federation of Nigeria, 2004 shall apply in relation to any suit instituted against a member of the Board, an officer or employee of the Agency.
- Limitation of suits against the Agency, etc.

(2) Notwithstanding anything to the contrary contained in any law, no suit against the Agency, Members of the Board, Director-General or any employee shall lie or be instituted in respect of any act done in pursuance to or in execution of the functions, powers and public duties prescribed under this Bill, or in an action in contract, tort, or howsoever unless it is commenced –

(a) within 3 months next after the act, neglect or default complained of; or

(b) in the case of a continuation of damage or injury, within 6 months next after cessation of it.

(3) A suit shall not be commenced against a member of the Board, the Director-General or any other officer or employee of the Agency before the expiration of a period of 1 month after written notice of the intention to commence the suit shall have been served on the Agency by the

intending plaintiff or his agent.

(4) The notice referred to in subsection (3) of this section shall clearly and explicitly state the cause of action, the particulars of the claims, the name and place of abode of the intending plaintiff and the relief which he claims.

(5) In any proceeding before a court of law or tribunal, the Agency may, with the consent of the Attorney-General of the Federation, be represented by its Legal officers or any legal practitioner authorized by the Agency who shall have the right to appear at any stage of a proceedings and who shall satisfy the court that he is duly authorised by the Agency in that behalf.

36. (1) A notice, summons or other document required or authorised to be served on the Agency under the provisions of this Bill or any other law may be served by delivering the same to the Director-General of the Agency or by sending it by registered post addressed to the Director-General at the headquarters of the Agency.

Service of documents,
notices or processes

(2) Service of notices, warrants, orders, summons, proceedings, documents or written communication of which service is required, shall be made by a person appointed for that purpose by the Agency, provided that where a party is represented by a legal practitioner, service of notices, warrants, orders, summons, proceedings, documents or written communication of which service is required may be made through such legal practitioner or through a partner, counsel or clerk under his control.

(3) All notices, warrants, order, summons, proceedings, documents or written communications in respect of which service is required by this Bill shall be sufficient service if left with an adult person resident or employed at the address for service; provided that where there is no person on the premises at the time of service, service shall be effected by posting the process sought to be served at the main entrance gate or wall of the premises or by advertisement or otherwise as may be deemed necessary and proper in the circumstances.

37. (1) Any notice required or authorised under this Bill to be served on any person may be served either by –

Service of notice on
individual or body
corporate

(a) delivering it to the person or his agents or servants;

(b) leaving it at the person's proper address; or

(c) posting it to the person's principal office by registered post or courier.

(2) Any notice required or authorised to be served upon a body corporate shall be deemed to have been duly served if it is served on a Director of or the Secretary to the body corporate.

(3) For the purpose of this section, the proper address of any person on whom such notice is to be served shall –

(a) in the case of a body corporate, be that of the registered or principal office of the body corporate; and

(b) in any other case, be the last known address of the person.

38. In any action or suit against the Agency, no execution or attachment of process in any nature of it shall be issued or levied against the Agency unless – Restriction on execution against property of the Agency

(a) not less than three months' notice of the intention to execute or attach has been given to the Agency; and

(b) the consent of the Attorney-General of the Federation has been obtained before execution of the judgment.

39. (1) A member of the Board, the Director-General or any officer or employee of the Agency shall be indemnified out of the assets of the Agency against any liability incurred by him in defending any proceeding, whether civil or criminal, where the proceeding is brought against him in his capacity as a member of the Board, Director-General, officer or employee of the Agency. Indemnity of officers

(2) Any sum of money which may be the judgment of any court awarded against the Agency shall, subject to any direction given by the court where no notice of appeal against the judgment has been given, be paid from the fund of the Agency.

40. (1) Members of the Governing Board, Director-General, Directors and employees of the Agency shall not manage or operate any meteorological enterprise while in office. Conflicts of interest and use of insider information for personal gain

(2) Any of the persons specified in subsection (1) of this section, having a financial interest in any meteorological enterprise –

(a) shall make full disclosure of such interest to their respective appointing Authorities and to the Agency;

(b) is prohibited from participating in any action or decision that may, directly or indirectly, affect their financial interest in any meteorological enterprise.

(3) A member of the Board or the Director-General or any other officer or employee of the Agency shall –

(a) not for his personal gain, make use of any information which has come to his knowledge in the exercise of his powers or is obtained by him in the ordinary course of his duty as a member of the Board or as the Director-General, officer or employee of the Agency;

(b) treat as confidential any information which has come to his knowledge in the exercise of his powers or is obtained by him in the performance of his duties under this Bill; and

(c) not disclose any information referred to under paragraph (b) of this subsection, except where required to do so by a court or in such other circumstances as may be prescribed by the Agency and approved by the Board, from time to time.

41. The Federal High Court shall have jurisdiction to try offences, hear and determine proceedings arising under this Bill. Jurisdiction

PART X – MISCELLANEOUS

42. (1) The Minister may from time to time, give general policy guidelines to the Agency. Power of the Minister to give directives of general character to the Agency
- (2) Notwithstanding the provisions of subsection (1) of this section, the Minister may give to the Agency directives of a general or specific nature relating generally to a particular matter or case, as the case may be.
- (3) The Agency shall comply with any policy guidelines or any directive given to it by the Minister pursuant to subsection (1) or (2) of this section.
43. (1) The Agency may with the approval of the Board, make rules, guidelines or regulations as in its opinion are necessary or expedient for giving full effect to the provisions of this Bill and for the due administration of its provisions, save for aeronautical meteorological services. Power to make regulations or issue guidelines
- (2) The contravention of any regulations issued pursuant to any of the provisions of this Bill shall constitute an offence and shall be punishable as prescribed in the particular regulations.
44. (1) The Nigerian Meteorological Agency (Establishment, Etc.) Act No. 9 of 2003 is hereby repealed. Repeal and Savings Provision
- (2) Without prejudice to section 6 of the Interpretation Act, Cap 123, Laws of the Federation of Nigeria, 2004 the repeal of the Act specified in subsection (1) of this section, shall not affect anything done under or pursuant to the Bill.
- (3) Every regulation, order, requirement, certificate, notice, direction, decision, authorisation, consent, application, request or thing made, issued, given or done under the repealed Act shall, if in force at the commencement of this Bill, continue to be in force and have effect as if made, issued, given or done under the corresponding provisions of this Bill.
- (4) All assets, funds, resources and other movable and immovable property which, immediately before the commencement of this Bill, vested in the Agency established under the repealed Act shall by virtue of this Bill and without further assurance be vested in the Agency established under section 1 of this Bill.
- (5) Every reference to the former Agency, Board, Minister, Director-General, Chairman or any person under their control or a document issued in the name of the former Agency, Board, Minister, Director-General, Chairman of the former Board or employee of the former Agency shall be read, unless the context otherwise requires, as a reference to the Agency, Minister, Board, Director-General, Chairman, or an employee of the Agency established under this Bill, as the case may be.
45. (1) Any person who immediately before the commencement of this Bill was a staff of the Agency established under the repealed Act shall continue in office and be deemed to have been appointed under this Bill for purposes of pension Transitional provisions
- (2) Any person who immediately before the coming into force of this Bill is the holder of any office in the Agency existing before the commencement of this Bill shall on the commencement of this Bill continue in office and be deemed to have been appointed to his office unless the authority by which the person was appointed terminates the appointments.

(3) Properties held immediately before the commencement date of this Bill on behalf of the Nigerian Meteorological Agency by any person shall, by virtue of this Bill, be vested in the Agency established under this Bill.

(4) The Agency established in section 1 of this Bill shall be subject to all the obligations and liabilities to which the former Agency was subject immediately before the commencement of this Bill and all other persons shall have the same rights, powers and remedies against the Agency established by this Bill as they had against the Agency immediately before the commencement of this Bill.

(5) Any proceeding or cause of action pending or existing immediately before the commencement of this Bill by or against the Agency established under the repealed Act in respect of any right, interest, obligation or liability of the Agency may be continued or commenced, as the case may be, and any determination of a court of law, tribunal or other Commission or person may be enforced by or against the Agency established by this Bill to the same extent that such proceeding, cause of action or determination might have been continued, commenced or enforced by or against the Agency existing before the commencement of this Bill.

(6) As from the commencement of this Bill, any disciplinary proceeding pending or existing against any employee of the Agency shall be continued and completed by the Agency established under this Bill.

46. (1) In this Bill, unless the context otherwise requires –

Interpretation

“aeronautical service” includes information, direction and other facilities furnished, issued or provided in connection with meteorological forecasts or data;

“Agency” means the Nigerian Meteorological Agency established under section 1 of this Bill;

“agro-meteorology” means the application of meteorological information and data in the monitoring, management of agricultural activities and in aid of food production and security;

“airport” means any area on land or water including any building, installation and equipment intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft;

“authorised officer” means the Director-General or any other officer of the Agency specifically or generally authorised by the Director-General to carry out the functions of the Agency under this Bill;

“Board” means the governing Board of the Agency established under section 2(1) of this Bill.

“Convention of the World Meteorological Organization” is found in the Basic Documents of the World Meteorological Organization Publication Number 15. Authentic text of the Convention of the World Meteorological Organization, adopted by the Washington Conference on 11 October 1947, is as amended by Resolutions 1 and 2 adopted by the Third Congress in 1959; Resolutions 1 and 2 adopted by the Fourth Congress in 1963; Resolutions 1, 2 and 3 adopted by the Fifth

Congress in 1967; Resolution 48 adopted by the Seventh Congress in 1975; Resolution 50 adopted by the Eighth Congress in 1979; Resolutions 41, 42 and 43 adopted by the Ninth Congress in 1983; Resolutions 39 and 41 adopted by the Fourteenth Congress in 2003; and Resolution 44 adopted by the Fifteenth Congress in 2007;

“Government” means Government of the Federal Republic of Nigeria;

“hydro-meteorology” means the application of meteorological information and data in the monitoring and management of water resources sector and water related phenomenon;

“marine-meteorology” means the application of meteorological information and data in the monitoring and management of coastal and ecosystem and maritime activities such as ocean transportation and shipping, fisheries, oil exploration etc.;

“member” means a member of the Board and includes the Chairman;

“meteorology” means the study dealing with the phenomena of the atmosphere;

“Minister” means the Minister in charge with the responsibility of matters relating to aviation and “Ministry” shall be construed accordingly;

“policy and guidelines” means policy and guidelines made for the administration of the functions of the Agency;

“power” includes functions and duties;

“premises” includes lands, plants and ancillary works;

“President” means the President of the Federal Republic of Nigeria;

“Regulations” means rules that may be established by the Agency from time to time for the administration and regulation of meteorological services in Nigeria;

“synoptic station” means a meteorological observatory where all the meteorological parameters are observed and reported on a 24 hourly basis;

“volcanic ash” means a mixture of rock, mineral and glass particles expelled from a volcano during a volcanic eruption;

“weather” means the state of the atmosphere which consists of the short-term minutes to months variation of the atmosphere; and

(2) Every other term shall have the same meaning as contained in the Basic Documents of the World Meteorological Organisation.

47. This Bill may be cited as the Nigerian Metrological Agency (Establishment, etc.) Act (Repeal and Re-enactment) Bill, 2022. Short title

SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD ETC.

Proceedings of the Board

6. Subject to this Bill and section 27 of the Interpretation Act, Cap 123, Laws of the Federation of Nigeria, 2004, the Board shall have power to regulate its proceedings and may make Standing Order with respect to the holding of its meetings, and those of the committees, notices to be given, the keeping of minutes of its proceedings, the custody and production for inspection of such minutes and such other matters as the Board may from time to time, determine.
7. At every meeting of the Board, the Chairman shall preside and in his absence the members present at that meeting shall appoint one of their numbers to preside at the meeting.
8. The quorum at a meeting of the Board consists of the Chairman or, in an appropriate case, the person presiding at the meeting pursuant to paragraph 2 of this schedule, and 4 other members.
9. The Board shall for the purpose of this Bill, meet not less than 4 times in each year and subject to it, the Board shall meet whenever it is summoned by the Chairman, and if required to do so, by notice given to him by not less than 4 other members, he shall summon a meeting of the Board to be held within 14 days from the date on which the notice is given.
10. Where the Board desires the advice of any person on a particular matter, the Board may invite that person to attend for such period as it thinks fit, but a person who is invited by virtue of this paragraph shall not be entitled to vote at any meeting of the Board and shall not count towards the quorum.

Committees

11. Subject to its standing orders, the Board may appoint such number of standing or Ad-Hoc Committees as it thinks fit to consider and report on any matter with which the Agency is concerned.
12. A committee appointed under paragraph (6) shall—
- consist of such number of persons (not necessarily members of the Board as may be determined by the Board) and a person other than a member, of the Board, shall hold office on the committee in accordance with the terms of this appointment; and
 - be presided over by a member of the Board.
13. The quorum of any committee set up by the Board shall be determined by the Board.

Miscellaneous

14. The common seal of the Agency shall be kept in the custody of the Director Legal Services.
15. The fixing of the seal of the Agency shall be authenticated by the signature of the Director-General and the Director Legal Services/Secretary of the Agency.

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

3. The validity of any proceedings of the Board or any of its committees shall not be affected by –

- a) any vacancy in the membership of the Board or committee; or
- b) any defect in the appointment of a member of the Board or committee; or
- c) reason that any person not entitled to do so took part in the proceedings of the Board or committee.

4. A member of the Board or a Committee set up by the Board or Agency who is directly or indirectly interested in any matter being deliberated on by the Board, or is interested in any contract made or proposed to be made by the Agency shall, as soon as possible after the relevant facts have come to his knowledge disclose the nature of his interest at a meeting of the Board or Committee and shall not vote on any question relating to the contract or arrangement.

5. A disclosure under paragraph 15 of this Schedule shall be recorded in the minutes of the meetings of the Board and the member concerned shall –

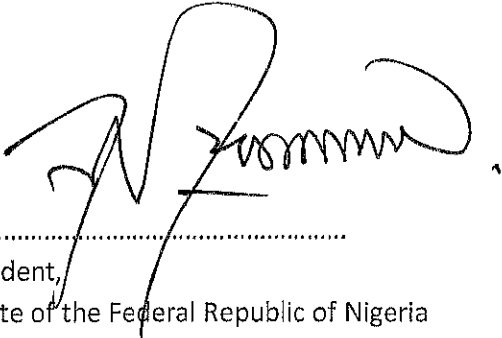
- a) not, after the disclosure, take part in any deliberation or decision of the Board; and
- b) be excluded for the purpose of constituting a quorum of any meeting of the Board for any deliberation or decision, with regard to the subject matter in respect of which his interest is so disclosed.

6. A member of the Board or a committee shall not be personally liable for any act or omission done or made in good faith while engaged on the business of the Agency.

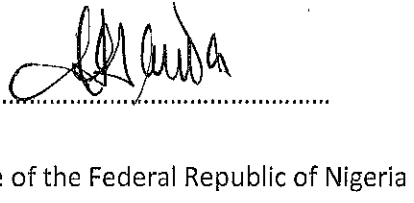
EXPLANATORY MEMORANDUM

This Bill seeks to repeal the Nigerian Meteorological Agency (Establishment etc.) Act No. 9 of 2003 and to Re-enact the Nigerian Meteorological Agency (Establishment etc.) Bill to provide for comprehensive legal and institutional framework for the regulation of meteorology in Nigeria.

THIS BILL WAS PASSED BY THE SENATE ON WEDNESDAY, 26TH JANUARY, 2022



.....
President,
Senate of the Federal Republic of Nigeria



.....
Clerk,
Senate of the Federal Republic of Nigeria