

## **NATIONAL EMERGENCY MANAGEMENT AGENCY (ESTABLISHMENT, ETC.) ACT 1999**

An Act to establish a National Emergency Management Agency which shall be charged with responsibility for disaster management in Nigeria; and to make provision for other matters connected therewith.

**1999 No. 12**

**(23rd March**

**1999)** Commencement

### **PART I – ESTABLISHMENT, ET. OF THE NATIONAL EMERGENCY MANAGEMENT AGENCY AND THE GOVERNING COUNCIL**

**1.-(1)** There is hereby established a body to be known as the  
**National Emergency Management Agency**

National Emergency Management Agency (in this Act referred to as “ the Agency”).

**(2)** The Agency –

**(a)** shall be a body corporate with perpetual succession;

And

**(b)** may sue and be sued in its corporate name.

**2. (1)** There is hereby established for the management of the

**Establishment and Membership of Governing Council of the Agency**

A governing council (in this Act referred to as ‘the Governing Council of the agency.

Council’)

**(2)** The Council shall consist of –

**(a)** The Vice president, Federal Republic of Nigeria who Shall be the Chairman;

**(b)** The Secretary to the Government of the Federation;

**(c)** One representative each of the following Federal Ministries who shall not be below the rank of a Director

That is –

**(i)** Aviation,

**(ii)** Foreign Affairs,

**(iii)** Health,

**(iv)** Internal Affairs,

**(v)** Transport,

**(vi)** Water Resources,

**(vii)** Works and Housing;

**(d)** One representative each of –

1. The Armed Forces,

2. The Nigeria Police force,

3. The Nigeria red Cross Society,

4. Such voluntary organizations as may be
  1. Determined from time; and
- (e) The Director – General of the Agency.
- (3) The Chairman and other members of the council, other than ex officio members, shall be-
  - (b) Shall be persons of proven integrity and ability.
- (4) The supplementary provisions set out in the Schedule to

### **Schedule**

This Act shall have effect with respect to the proceedings of the Council and the other matters contained therein

3. Subject to the provisions of section 4 of this Act, a

### **Tenure of office.**

Member of the Council, other than ex-officio members, shall each hold office –

- (a) For a term of 4 years in the first instance and may be reappointed for a further of 4 years and no more; and
- (b) On such terms and conditions as may be specified in his letter of appointment.

4-(1) notwithstanding the provisions of section 3 of this

### **Cessation of Membership**

Act a person shall cease to hold office as a member of the Council if –

- (a) He becomes bankrupt, suspends payment or compounds with his creditors; or
  - (b) He is convicted of a felony or any offence involving dishonesty or fraud; or
  - (c) He becomes of unsound mind, or incapable of carrying out his duties; or
  - (d) He is guilty of a serious misconduct in relation to his duties; or
  - (e) In the case of a person possessed of professional qualifications, he is disqualified or suspended, other than at his own request, from practicing his profession in any part of the world by an order of a competent authority made in respect of that member; or
  - (f) He resigns his appointment by a letter addressed to the president, Federal Republic of Nigeria.
- (2) If a member of the Council ceases to hold office for any Reason whatsoever, before the expiration of the term for which he His appointed, another person representing the same interest as that Member shall be appointed to the Council for the unexpired term.
  - (3) A member of the Council may be removed by the President, Federal republic of Nigeria if he is satisfied that it is not in the interest of the Agency or the interest of the public that the member continues in office.

5. There shall be paid to every member of the Council such

### **Allowances of Member**

Allowances and expenses as the Federal Government may, from time to time, direct.

## **PART II – FUNCTIONS AND POWERS OF THE AGENCY, ETC**

6. (1) The Agency shall –

### **Function of The Agency**

- (a) Formulate policy on all activities relating to disaster management in Nigeria and co-ordinate the plans and Programmes for efficient and effective response to disasters at national level;
- (b) Co-ordinate and promote research activities relating to disaster management at the national level;
- (c) monitor the state of preparedness of all organizations or agencies which may contribute to disaster management in Nigeria;
- (d) collate data from relevant agencies so as to enhance forecasting planning and field operation of disaster management;
- (e) Educate and inform the public on disaster prevention and control measures;
- (f) co-ordinate facilitate the provision of necessary resources for search and rescue and other types of disaster curtailment activities in response to distress call;
- (g) co-ordinate the activities of all voluntary organizations engaged in emergency relief operations in any part of the Federation;
- (h) Receive financial and technical aid from international organizations and non – governmental agencies for the purpose of disaster management in Nigeria;
- (i) Collect emergency relief supply from local, foreign Sources and from international and non-governmental Agencies;
- (j) Distribute emergency relief material victims of natural Or other disasters and assist in the rehabilitation of the victims where necessary;
- (k) Liaise with State Emergency Management Committees Established under section 8 of this Act to assess and monitor where necessary the distribution of relief material to Disaster victims;
- (i) Process relief assistance to such countries as may be determined from time to time;
- (l) Liaise with the United Nations Disaster Reduction organization or such other international bodies for the

- r education of natural and other disaster;
- (m) Prepare the annual budget for disaster management in Nigeria; and  
Perform such other function which in the opinion of the Agency are required for the purpose of achieving its Objectives under this Act.
- (2) For the purpose of paragraphs (e), (f) , (k) and (m) of Subsection (1) of this section-  
Natural or other disaster include any disaster arising From any crisis, epidemic, drought, flood earthquake, Storm, train, road, aircraft, oil spillage or other accidents and mass deportation or repatriation of Nigeria from any other country.
7. The Council shall have power to –

### **Power of**

#### **the Council**

- (a) Manage and superintend the affairs of the Agency;
- (b) Subject to the provisions of this Act, make, alter and revoke rules and regulations for carrying on the functions Of the Agency;
- (c ) fix the terms and conditions of services, including remuneration with the Federal Civil Service Commission: and
- ( d) Do such other things which in the opinion of the Agency are necessary [to ensure the efficient performance of the Functions of the Agency.

## **PART III – ESTABLISHMENT OF STATE EMERGENCY MANAGEMENT COMMITTEES, ETC.**

### **Establishment of state Emergency management committee,**

**8,-(1)** There is hereby established for each State of the Federation, a state Emergency Management committee (in this Act referred to as “the State Committee”)

**(2)** The State Committee shall consist of –

- (a)** The Governor of the State, who shall be the Chairman;
- (b)** The Secretary to the State Government;
- (c)** One representative each from-
5. The State Ministry of Women and Social Welfare,
  6. The State Ministry of Health
  7. The State Ministry of Works,
  8. The State fire Service,
  9. The Federal Airport Authority of Nigeria,
  10. The State environmental protection Agency,

11. The Commander of the Disaster Reaction Units,
  12. The Nigeria Police Force,
  13. The Federal Road Safety Corps,
  14. The Nigeria Security and Civil Defence Corps,-
  15. The Nigerian Red Cross Society,
  16. The National Maritime Authority in coastal States,
- (3) The members of the State Committee shall –
- (a) Be persons of proven integrity;
  - (b) Other than ex-officio members, hold office on such term as may be specified by the Governor of the State;
  - (c) Be appointed by the Governor of the State; and
  - (d) Be paid such allowances as the Governor of the State may, from time to time, determine,
- (4) The State Committee may make rules regulating its own proceedings.
- (5) The provisions of section 4 of this Act shall apply mutatis mutandis to the State Committee
9. The State Committee shall –
- (a) Notify the Agency of any natural or other disasters occurring in the State;
  - (b) Respond to any disaster within the State and may seek assistance from the Agency if it deems fit in each circumstance;
  - (c) Carry out disaster management activities in the State as may, from time to time, be recommended by the Agency; and
  - (d) Be accountable to the Agency for all funds accruing to it for purposes of discharging its functions under this Act.

## PART V- FINANCIAL PROVISIONS

- 13- (1) The agency shall establish and maintain a fund from **Fund Of**  
**The Agency**  
 which shall be defrayed all expenditure incurred by the agency.
- (2) There shall be paid and credited to the fund established Pursuant to subsection (1) of this section –
- (a) Any allocation to the Agency from the Federation Account;
  - (b) 20 percent of the Ecological fund
- Amended By**
- For the management Of ecologically related disaster;
- (b) such monies as may from time to time be grand to the Agency by the Federal Government r a State Government or a Laocal Government Council;
  - (c) such money asma non-
  - (d) from time be granted or received from-
    - (i) The organized private sector,
    - (ii) International or donor organization and
    - (iii) Government organizations;

- (e) All monies raised for the purpose of the Agency by way of gifts, loan, grants – in aid, testamentary disposition or otherwise;
  - (f) Such money as may be received from the national Emergency Trust fund and
  - (g) All other assets that may from time to time, accrue to the agency
- (3) The fund shall be managed in accordance with the rules made by the president, Federal Republic of Nigeria and without Prejudice to the generality of the power to make rules under this Subsection, the contain provisions.
- (a) Specifying the manner in which the assets or the fund of the Agency are to be held and regulating the making of Payments into and out of the fund; and
  - (b) Requiring the keeping of proper account and record for the purpose of the fund in such form as may be specified in the rules.

14. The Agency shall apply the proceeds of the fund

**Expenditure of**

**The Agency**

Established pursuant to section 13 of this act to –

- (a) The cost of administration of the agency.
- (b) The payment of salaries, fees, remuneration, allowances Pensions and gratuities payable to the Council members and the employees of the Agency;
- (c) The payment for all purchase; and
- (d) undertaking such other activities as are connected with All or any of the functions of the agency under this Act

15. – (i) The agency may accept gifts of land, money or

**Gift to**

**the Agency**

Other property on such terms and conditions, if any as may be, Specified by the person or organization making the gift

(2) The Agency shall have power to award contracts not exceeding the

**said Award of Contract**

Sum of 30 million without the prior approval of the president, Federal republic of Nigeria's

17 – (1) The Agency may, with the consent of the President,

**Power**

**to Borrow**

Federal Republic of Nigerian borrow on such terms and conditions As the Agency may determine, such sums of money as the agency May require in the exercise of its functions under this Act.

(2) The agency shall not without the approval of the president, Federal Republic of Nigeria: borrow money which exceeds at any time, the limit set by the president, Federal Republic of Nigeria

(3) Notwithstanding subsection (2) of this section, where

The sum to be borrowed is in foreign currency, whether or not it exceeds the limits set by President Federal Republic of Nigeria . The Council shall not borrow the sum without the prior approval Of the President, Federal Republic of Nigeria.

18 – (1) The Council shall, not later than 30th sptember

### **Annual Estimate**

#### **and Expenditure**

In each year submit to the President, federal Republic of Nigeria an estimate of the expenditure and income of the Agency during the next succeeding year.

(2) The Council shall cause to be kept proper accounts of the Agency in respect of each year and proper records in relation Thereto and shall cause the accounts to be audited not later than 6 Months after the end of each year by auditor appointed from the List and in accordance with the guidelines supplied by the Auditor General for Federation.

19 The Council shall prepare and submit to the President, Annual report Federal Republic of Nigeria, not later than 30th June in each year, a report in such form as the president, Federal Republic of Nigeria 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 thereon.

### **PART VI- MISCELLANEOUS**

20 – (1) In the exercise of the functions under this Act, the Agency may demand by requisition form any organization, any available equipment, facilities of personnel which may assist in a speedy and effective search and rescue operation and any other form of disaster operation during a period of emergency.

(2) Any organization which:

(a) Willfully obstructs or impedes the Agency or any person action under the authority of the agency in the exercise of any powers or duties under this action.

(b) Without reasonable excuse fails to;

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

(ii) Comply with an objective of the Agency.

is guilty of an offence and liable on conviction to a fine not exceeding #50,000 or imprisonment for a term of 6 months or to both such fine and imprisonment.

(3) The Agency shall provide compensation for loss or damage arising from the use of any equipment, facility or personnel required under this section of this Act.

21- (1) For the purpose of providing offices and premises necessary for the performance of its functions under this Act, the Agency may subject to the

Land Use Act.

(2) The Agency may Subject to the Land Use Act, sell or

Lease out any office or premises held by it, which office or premises  
Is no longer required for the performance of its functions under this

(a) Act. Purchase or take on lease any interest in land. Or other  
Property; and

(b) Construct office and premises and equip and maintain  
Same

22. Subject to the provisions of this Act, the president, **Direct By the  
president Federal Republic of Nigeria**

may give to the Agency directives a general nature or relating generally to  
matters of policy with regard to the performance by the Agency of its functions  
and it shall

be the duty of the Agency to comply with the directives

23. – (1) The national Emergency Relief Agency Act is  
**Cap 257**

**Replace of**

hereby repealed and accordingly the Agency established under that **LFN 1990  
and**

**Saving provision e.t.c**

Act (in this section referred to as “the dissolved Agency’) is

Consequently dissolved.

(2) By virtue of this Act, there shall be vested in the Agency  
Immediately at the commencement of this act, without further assurance, all  
assets, funds, resources and other movable and  
Immovable property which immediately before the commencement  
of this Act were vested in the dissolved Agency.

(3) As from the Date of commencement of this Act –

(a) All rights interest, obligations and liabilities of the  
dissolved Agency existing before the commencement of this  
Act under any contract or instrument or in law or in equity,  
Shall by virtue of this Act be assigned to and vested in the  
Agency established by this Act;

(c) Any contract or instrument as is mentioned in paragraph

(a) Of this subsection shall be of the same force and effect  
against or in favour of the Agency established by this Act  
and shall be enforceable as fully and effectively as if instead  
of the dissolved Agency, the Agency established by this Act  
had been named therein or had been a party thereto;

(c ) The Agency established by this Act shall be subject to all  
the obligations and liabilities to which the dissolved Agency  
was subject immediately before the commencement of this  
Act and all other person shall have the same rights, powers  
And remedies against the agency as they had against the  
dissolved Agency immediately before the commencement of  
this Act.

(4) Any proceedings or cause of action pending or existing



Immediately before the commencement of this Act by or against the dissolved Agency in respect of any right, interest, obligation or liability of the dissolved Agency may be commenced or continued, as the case may be and any determination of any court of law, tribunal or other authority or person may be enforced by or organist The Agency to the same extent that the proceedings cause of action Or determination mighty have been continued, commenced or enforced by or against the dissolved Agency as if this Act had not been made.

(5) Notwithstanding the provision of the Act but subject to Such directions as may be issued by the Agency established this Act, a person who immediately before the commencement of this Act held office in the dissolved Agency shall be deemed to have been transferred to the Agency established by this Act on terms and Conditions not less favorable than those obtaining immediately before the commencement of this Act, and service in the dissolved Agency shall be deemed to service in the Agency established by This Act for purposes of pension.

(6) The President, Federal Republic of Nigeria, if he thinks fit, may within twelve months after the commencement of this Act, by order published in the Gazette, make additional transitional or Savings provision for the better carrying out of the objective of this section.

24. The Agency may, with the approval of the President,

#### **Regulations.**

Federal Republic of Nigeria, make regulations, generally for the Purpose of giving full effect to this Act,

25. In this Act, unless the context otherwise requires “Agency” means the National Emergency Management Agency established, under section 1 of this Act;

“Chairman” means the Chairman of the Council;

“Council means governing council established for the Agency under section 2 (1) of this Act;

“member” means a member of the Councils and includes the Chairman,

26. This Act may be cited as National Emergency Management Agency (Establishment, etc. ) Act.

**Short Title**

#### **SCHEDULE Section 2 (4)**

#### **SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL, ETC**

Proceedings of the Council

1. - (1) Subject to this Act and section 27 of the interpretation

**Cap 192**

#### **LFN**

Act, the Council may make standing orders regulating its Proceedings or those of any of its committees.

(2) The quorum of the Council shall be the Chairman or the

Person presiding at the meeting and 5 other members of the Council and the quorum of any committee of the Council shall be as determined by the Council.

2- (1) The Council shall meet whenever it is summoned by the Chairman and if the Chairman is required to do noticed Given to him by not less than 8 other members, he shall summon a Meeting of the Council to be held within 14 days from the date on Which the noticed is given

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

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

### **Committees**

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

(2) A committee appointed under this paragraph shall consist Of such number of persons as may be determined by the Council and a person shall hold office on the committee in accordance with the terms of his appointment.

(3) A decision of a committee of the Council shall be of no effect until it is confirmed by the Council.

### **MISCELLANEOUS**

4- (4) The Fixing of the seal of the Agency shall be authenticated by the signature of the Chairman, the Director – General or any person generally or specifically authorized by the Council to act for that purpose.

(2) Any contract or instrument which , if made or executed by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the Agency by the Director – General or any person generally or specifically Authorized by the Council to act for that purpose.

(3) A document purporting to be a document duly executed under the seal of the Agency shall be received in evidence and Shall, unless and until the contrary is proved, be presumed to be so executed.

(4). The validity of any proceedings of the Council or of a Committee shall not be adversely affected by-

(a) A vacancy in the membership of the Council or Committee; or

(b) A defect in the appointment of a member of the Council

or committee; or  
(c) Reason that a person not entitle to do so took part in the  
Proceeding of the Council or committee.