

NIGERIAN METEOROLOGICAL AGENCY (ESTABLISHMENT) ACT

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NIGERIAN METEOROLOGICAL AGENCY (ESTABLISHMENT) ACT

An Act to establish the Nigerian Meteorological Agency; and for related matters.

[2003 No. 9.]

[Commencement: 19th June, 2003]

PART I

Establishment of the Nigerian Meteorological Agency

1. Establishment of the Nigerian Meteorological Agency

(1) There is established a body to be known as the Nigerian Meteorological Agency (in this Act referred to as "the 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) shall acquire, hold or dispose of property, whether movable or immovable.

PART II

Establishment and membership of the Governing Board

2. Establishment and membership of the Governing Board

(1) There is established for the Agency a Governing Board (in this Act referred to as "the Board") which shall be constituted and have the functions set out in this Act.

(2) The Board shall consist of—

- (a) a part-time chairman;
- (b) one representative of the Federal Ministry of Aviation;
- (c) one representative of the Federal Ministry of Agriculture and Rural Development;
- (d) one representative of the Federal Ministry of Transport;
- (e) one representative of the Federal Ministry of Water Resources;
- (f) one representative of the Federal Ministry of Environment;
- (g) two other persons to represent public interest and who shall be persons who possess cognate experience in meteorological matters; and
- (h) the Director-General of the Agency.

(3) The Chairman and other members of the Board shall be appointed by the President directly or on the recommendation of the Minister.

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

[Schedule.]

3. Tenure of office, etc.

The Chairman and other members of the Board, other than *ex-officio* members as specified in (2) (g) above—

- (a) shall each hold office for a period of four years on such terms and conditions as may be specified in their letters of appointment; and
- (b) may be reappointed for one further period of four years and no more.

4. Cessation of membership

(1) Notwithstanding the provisions of section 3 of this Act, a person shall cease to hold office as a member of the Board 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 become 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 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.

(2) If a member of the Board ceases to hold office for any reason whatsoever, before the expiration of the term for which he is appointed, another person representing the same interest as that member shall be appointed to the Board for the unexpired term.

(3) A member of the Board may be removed by the President directly or on the recommendation of the Minister if he is satisfied that it is not in the interest of the Agency or in the interest of the public that the member continues in office.

5. Emoluments, etc.

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.

6. Power of the Board

The Board shall have power to—

- (a) formulate the general policies and guidelines relating to major expansion programmes of the Agency;
- (b) supervise the management of the affairs of the Agency;
- (c) subject to the provisions of this Act, make, alter and revoke rules and regulations for carrying out the functions of the Agency and the provisions of this Act; and
- (d) formulate policies and guidelines which in the opinion of the Board are necessary to ensure the efficient performance of the functions of the Agency.

PART III

Functions of the Agency

7. Functions of the Agency

- (1) The Agency shall—
- (a) advise the Federal Government on all aspects of meteorology;
 - (b) project, prepare and interpret Government policy in the field of meteorology;
 - (c) issue weather forecasts for the safe operation of aircrafts, ocean going vessels and oil rigs;
 - (d) promote the services 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) subject to regulation by the Nigerian Communications Commission, provide and operate telecommunications systems for meteorological purposes only;
 - (h) proffer advice to the Federal and State Government on seismological activities;
 - (i) collect, process and disseminate all meteorological data and information within and outside Nigeria;
 - (j) keep in safe custody all meteorological records in the National Meteorological Archive;
 - (k) ensure uniform standards of observation of all meteorological phenomena in Nigeria;
 - (l) ensure that international standards and practices in meteorological operations are maintained;
 - (m) train, conduct and undertake research particularly in the field of tropical, agricultural, hydro and marine meteorology and other related areas of meteorology;
 - (n) provide consultancy services to the public on meteorology;
 - (o) monitor meteorological components of environmental pollution and ozone concentration;
 - (p) calibrate, develop and fabricate meteorological conventional equipment for export and internal use;
 - (q) be the sole authority to approve and establish meteorological stations for meteorological observations; and
 - (r) carry out other activities as are necessary and expedient for the full discharge of any of its functions under or pursuant to this Act.

(2) Without prejudice to the functions in subsection (1) of this section, the Agency shall prescribe the climatic requirements for all sectoral activities including aviation, defence, finance, agriculture, construction works, environment, industries, marine, natural disaster and relief management, water resources, power and steel, transport, science and technology.

PART IV

Staff of the Agency

8. Director-General 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 Government of the Federation.

(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;
- (c) appointed for a term of five years in the first instance and may, subject to satisfactory performance, be reappointed for one further term of five years and no more; and
- (d) a person who possesses relevant and adequate professional qualifications in a senior management cadre and shall have been so qualified for a period of not less than 15 years.

(3) The Director-General shall be the permanent representative of Nigeria in the World Meteorological Organisation in accordance with the provisions of Regulation 6 of the Basic Documents of the World Meteorological Organisation Publication Number 15.

9. Principal officers of the Agency

The other principal officers of the Agency shall be—

- (a) Director, Weather Forecast services;
- (b) Director, Applied Meteorological Services;
- (c) Director, Meteorological Research and Training;
- (d) Director of Finance;
- (e) Director of Administration; and
- (f) Director of Engineering and Technical Services.

10. Functions of the Directorate

The Agency shall have—

- (a) Weather Forecasting Services Directorate for the services—
 - (i) the collation, supply and archiving of climatological data in general;

- (ii) daily provision of climatological data including weather forecasts, actual weather and weather trends to incoming and out-going aircraft at all airports;
 - (iii) daily provision of climatological data including weather forecasts, warnings and advice to the general public through radio, television and general mass media;
 - (iv) provision of basic and specific weather information and other climatological data needed for commercial, industrial and agricultural purposes, including purposes of private and public agencies and individuals whose respective business are affected by climatological variations; and
 - (v) the formulations and implementation of policies, regulations and guidelines as are specifically related to climatology;
- (b) Applied Meteorological Services Directorate for the services—
- (i) the formulation and implementation of meteorological policies, regulations and guidelines as are related specifically to the fields of Hydro-meteorology, Agro-meteorology and Marine Meteorology;
 - (ii) the provision of such services as are related to or connected with any or all of the three meteorological fields listed in subparagraph (i) of this paragraph;
 - (iii) the dissemination of meteorological data as may specifically be related to or connected with any or all of the meteorological fields listed in subparagraph (i) of this paragraph; and
 - (iv) the execution of such other meteorological duties or services as the Board may, from time to time, specify;
- (c) Meteorological Research and Training Directorate for the services—
- (i) the conduct and standard and consistent meteorological research;
 - (ii) the training of all classes of meteorologists;
 - (iii) the provision of regular training for all categories of Agency staff;
 - (iv) the provision of consultancy services in the field of meteorology;
 - (v) the execution and satisfaction of the research and training requirements of the Agency in general; and
 - (vi) the conduct of such other research or training activities as the Board may, from time to time, direct;
- (d) Engineering and Technical Services Directorate for the services—
- (i) the provision of Building and Civil Engineering Services;
 - (ii) the provision of Mechanical Engineering Services;
 - (iii) the provision of Electrical and Electronics Engineering Services;
 - (iv) the provision, development and maintenance of information and communication technology infrastructure and services;
 - (v) instrument design, fabrication and calibration;

- (vi) the provision of consultancy services specifically related to or connected with meteorological engineering; and
 - (vii) the general maintenance of movable and immovable assets of the Agency;
- (e) Finance and Accounts Directorate for the services—
- (i) funds generation and management;
 - (ii) the filing of appropriate financial returns with relevant government authorities;
 - (iii) the preparation and submission of financial statements and reports;
 - (iv) the provision of financial advice to management as appropriate;
 - (v) the disbursement of funds for capital and recurrent expenditure of the Agency; and
 - (vi) the preparation of budget and the keeping of the Agency accounts;
- (f) Administration Directorate for the services—
- (i) the appointment, promotion, supervision and discipline of staff of the Agency;
 - (ii) staff welfare;
 - (iii) the supply of stationery, household and office equipment and materials; and
 - (iv) the maintenance of the inventory of Agency assets, equipment and materials.

11. Appointment of Secretary

The Board shall appoint for the Agency a Secretary and Legal Adviser who shall—

- (a) be a legal practitioner and shall have been so qualified for a period of not less than 12 years;
- (b) be of Director status;
- (c) be responsible for keeping the books and proper records of proceedings and correspondences of the Board and the upkeep of the records of the Agency;
- (d) administer and discharge all legal obligations of the Agency;
- (e) administer and discharge all insurance requirements of the Agency;
- (f) retain external legal services on behalf of the Agency as he may deem necessary or expedient; and
- (g) perform such other functions as the Board or the Director-General, as the case may be, may from time to time, assign to him.

12. Other employees of the Agency

- (1) The Board shall appoint for the Agency such officers and other employees as it may, from time to time, deem necessary for the purposes of the Agency.

(2) The terms and conditions of service (including remuneration, allowances, benefits and pensions of officers and employees of the Agency shall be as determined by the Board with the approval of the Minister.

(3) Without prejudice to the generality of subsection (1) of this section, the Board may appoint persons as employees of the Agency, either by way of transfer or secondment from any of the public services in the Federation or otherwise, as it considers necessary.

13. Pensions, etc.

(1) The service in the Agency shall be approved service for the purposes of the Pensions Act and, accordingly, employees of the Agency shall be entitled to pensions, gratuities and other retirement benefits as are prescribed under the Pensions Act.

[L.F.N. 2004 Cap. P5.]

(2) Notwithstanding the provisions of subsection (1) of this section, nothing in this Act shall prevent the appointment of a person to any office on terms which preclude the grant of a pension, gratuity and other retirement benefits in respect of that office.

(3) For the purposes of the application of the provisions of the Pensions Act, any power exercisable by a Minister or other authority of the Federal Government, other than the power to make regulations under section 23 of the Pensions Act, is hereby vested in and shall be exercisable by the Board and not by any other person or authority.

PART V

Financial Provisions

14. Fund of the Agency

There is established for the Agency a fund into which shall be paid and credited—

- (a) all subventions and budgetary allocations from the Federal Government;
- (b) gifts, loans, grants-in-aid from national, bilateral and multilateral agencies;
- (c) fines payable for violation of meteorological regulations;
- (d) returns on investments made by the Agency;
- (e) 10 per cent of landing charges from the Federal Airport Authority of Nigeria;
- (f) 10 per cent of en-route and over flight charges from the Nigerian Airspace Management Agency;
- (g) 10 per cent of the 5 per cent sales tax surcharged on tickets by the Nigerian Civil Aviation Authority;
- (h) fees, charges and funds, approved by the Board in respect of services provided by the Agency in the following—
 - (i) rendering of climatic information;
 - (ii) provisions of agricultural, marine and aeronautical meteorological services;
 - (iii) exhibition and sale of meteorological equipment;

- (iv) production and sale of books, pamphlets, bulletins, etc., on meteorological services;
- (v) provision of consultancy services on meteorology;
- (vi) rents and fees received from the use of properties owned by the Agency; and
- (vii) such 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 this Act.

15. Expenditure of the Agency

The Agency may, from time to time, apply the proceeds of the fund established under section 13 of this Act—

- (a) to the cost of administration of the Agency;
- (b) to the payment of the emoluments, 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 offices 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) publicise and promote the activities of the Agency; and
- (f) undertake such activities as are in connection with all or any of its functions under this Act.

16. Annual estimates and accounts

(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.

(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 six months after the end of each year by auditors appointed from the list and in accordance with the guidelines supplied by the Auditor-General of the Federation.

17. Annual reports

The Agency shall prepare and submit to the Federal Executive Council, through the Minister, not later than six 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.

18. Power to accept gifts

(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.

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

19. Power to borrow

(1) The Agency may, from time to time, borrow by way of overdraft or otherwise such sums as it may require for the performance of its functions under this Act.

(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 Authority of the Agency.

(3) Notwithstanding the provisions of subsection (1) of this section, where the sum to be borrowed is in foreign currency, the Agency shall not borrow the sum without the prior approval of the Board through the Minister.

20. Investment in securities

The Agency may, subject to the provisions of this Act and the conditions of any trust created in respect of any property, invest all or any of its funds in any security prescribed by the Trustee Investments Act or in such other securities as may, from time to time, be approved by the Minister.

[L.F.N. 2004 Cap. T22.]

21. Exemption from tax

(1) The Agency shall be exempted from the payment of income tax on any income accruing from investments made by the Board for the Agency or otherwise howsoever.

(2) The provisions of any enactment relating to the taxation of companies or trust funds shall not apply to the Agency or the Board.

PART VI

Provisions relating to Land

22. Acquisition of land, etc.

(1) The Agency may, subject to the Land Use Act, acquire any land for the purpose of discharging its functions under this Act.

[L.F.N. 2004 Cap. L5.]

(2) If there is any hindrance to the acquisition of any land by the Agency under this Act (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 declaration under subsection (3) of this section.

(3) The Minister on receiving an application from the Agency and after such inquiry as he may think fit, may request the Governor of the State in which 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 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—

- (a) the land has been acquired pursuant to subsection (4) of this section; or
- (b) the Governor of the State concerned is satisfied that there are no rights subsisting in respect of the land,

the Governor of the State may vest the land in the Agency by issuing a certificate of occupancy in respect thereof 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 in the first instance be paid by the Federal Government, but the Agency shall refund to the Government any compensation so paid and all incidental expenses incurred by the Federal Government.

(7) The plan of any land referred to in subsection (2) of this section—

- (a) containing the 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,

shall be a sufficient description of the land for the purpose of application under that subsection.

(8) The Agency shall not, without the prior approval in writing of 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.

23. Power to enter land to make survey, etc.

(1) Subject to this section, the Agency may by its offices, 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 such land for the purpose of—

- (a) inspecting and examining lands, buildings and equipment of meteorological out stations;
- (b) inspecting and examining accounts, records and memoranda required to be kept by meteorological out stations;
- (c) cutting down and removing a tree, underwood or structures that may interfere with surveys and any installation which constitute hindrance to meteorological climate.

(2) The Agency shall, when practicable, serve on the occupiers 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 offices, 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.

24. Compensation for damages, etc.

(1) In the exercise of the power conferred upon it by section 22 of this Act, the Agency, its offices, employees, workmen or agents shall do as little damage as may be necessary and the Agency shall pay compensation for any damage done to any building, crops and economic trees.

(2) In the case of dispute as to the amount of compensation payable, the same shall be determined by a magistrate or district judge exercising jurisdiction in the place where the land is situated or the High Court within whose area of jurisdiction the land is situated, as the case may require, and such decision shall be final and binding.

PART VII

Legal Processing

25. Limitation of suits against the Agency, etc.

(1) Subject to the provisions of this Act, the provisions of the Public Officers Protection Act shall apply in relation to any suit instituted against an officer or employee of the Agency.

[L.F.N. 2004 Cap. P41.]

(2) Notwithstanding anything to the contrary contained in any enactment, 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 Act, or in an action in contract tort or howsoever unless it is commenced—

- (a) within three months next after the act, neglect or default complained of; or
- (b) in the case of a continuation of damage or injury, within six months next after the ceasing thereof.

(3) No suit shall 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 one 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 claim, the name and place of abode of the intending plaintiff and the relief which he claims.

26. Service of document

A notice, summons or other document required or authorised to be served on the Agency under the provisions of this Act or any other law or enactment may be served by delivering it to the Director-General or by sending it by registered post addressed to the Director-General at the principal office of the Agency.

27. Restriction on execution against property of the Agency

(1) In any action or suit against the Agency, no execution or attachment of process in any nature thereof shall be issued against the Agency unless not less than three months notice of the intention to execute or attached as been given to the Agency.

(2) Any sum of money which may be the judgment of any court be awarded against the Agency shall, subject to any direction given by the court where notice of appeal against the judgment has been given, be paid from the fund of the Agency.

28. Indemnity of officers

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, if the proceeding is brought against him in his capacity as a member, Director-General, officer or employee of the Agency.

29. Secrecy

(1) 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 this 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 Act; and

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

(2) Any person who contravenes the provisions of subsection (1) of this section commits an offence and is liable on conviction to a fine of not less than ₦20,000 or imprisonment for a term no exceeding two years or to both such fine and imprisonment.

PART VIII

Offences, Penalties and Jurisdiction

30. Offences by body corporate

(1) Where an offence under this Act which has been committed by a body corporate is proved to have been committed on the instigation or with the connivance of, or be 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 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.

(2) Where a person is convicted of an offence under subsection (1) of this section, he shall—

- (a) in the case of an individual, be liable to a fine of ₦5,000 or imprisonment for a term of six months; and
- (b) in the case of the body corporate, be liable to a fine of no less than ₦50,000.

31. Power to investigate and impose fines, etc.

(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 Act, regulation, rules or orders made thereunder.

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

32. Jurisdiction

The Federal High Court shall have jurisdiction to try offences committed under this Act.

PART IX

Miscellaneous

33. Dissolution of Meteorological Services Department

The body known and referred to as “the Meteorological Services Department” in the Federal Ministry of Aviation (in this section referred to as “the Department”) is hereby consequently dissolved.

34. Transfer of rights, etc.

(1) Accordingly, the statutory functions, rights, interests, obligations and liabilities of the Department, 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 deemed to have been assigned to and vested in the Agency established by this Act.

(2) Any such contract or instrument as is mentioned in subsection (1) of this section 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 Department existing before the commencement of this Act the Agency established by this Act had been named therein or had been a party thereto.

35. Obligations and liabilities

The Agency established by this Act shall be subject to all the obligations and liabilities to which the Department existing before the commencement of this Act was subject to immediately before the commencement of this Act and all other persons shall have the same rights, powers and remedies against the Agency established by this Act as they had against the Department existing before the commencement of this Act.

36. Pending or existing proceedings or cause of action

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

37. Vesting of assets

All assets, funds, resources and other movable or immovable property which immediately before the commencement of this Act were vested in the Department existing before the commencement of this Act shall by virtue of this Act and without further assurance, be vested in the Agency established by this Act.

38. Holders of office in the Department to continue in the Agency

Any person who immediately before the coming into force of this Act is the holder of any office in the Department existing before the commencement of this Act shall on the commencement of this Act continue in office and be deemed to have been appointed to his office by the Agency established by this Act, unless the authority by which the person was appointed terminates the appointments.

39. Regulations

The Board may make such regulations as in its opinion are necessary or expedient for giving full effect to the provisions of this Act and for the due administration of its provisions.

40. Interpretation

(1) In this Act—

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

“airport” has the meaning assigned to it by section 17 of the Civil Aviation Act;

“Board” means the Governing Board of the Agency established under section 2 (1) of this Act;

“marine meteorology” means meteorology as applied by ocean activities;

“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 charged with the responsibility of matters relating to aviation and “Ministry” shall be construed accordingly;

“power” includes functions and duties;

“premises” includes lands, plants and ancillary works;

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

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

“Agency” means the Nigerian Meteorological Agency;

“Agro-meteorology” means the application of meteorological information and data in the monitoring and management of agricultural activities;

“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;

“Marine-meteorology” means the application of meteorological information and data in the monitoring and management of coastal, ocean transportation, fisheries and all other marine activities ecosystem;

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

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

“seismological activities” means application of meteorological information and data in the monitoring of earthquakes and tremor and other earth related activities.

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

41. Short title

This Act may be cited as the Nigerian Meteorological Agency (Establishment, etc.) Act, 2003.

SCHEDULE

[Section 2 (3).]

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

Proceedings of the Board

1. Subject to this Act and section 27 of the Interpretation Act (which provides for decision of a statutory body to be taken by a majority of its members for the person presiding at any

meeting, when a vote is ordered, to have a second or casting vote), the Board may make standing orders regulating its proceedings or that of any of its committees.

[L.F.N. 2004 Cap. I23.]

2. At every meeting of the Board, the Chairman shall preside and in his absence the members present at that meeting shall appoint one of them to preside at the meeting.
3. The quorum at a meeting of a Board shall consist of the Chairman or, in an appropriate case, the person presiding at the meeting pursuant to paragraph 2 of this Schedule, and four other members.
4. The Board shall for the purpose of this Act, meet not less than four times in each year and subject thereto, 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 four 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.
5. Where the Board desires to obtain the advice of any person on a particular matter, the Board may co-opt him to the Board for such period as it thinks fit, but a person who is a member by virtue of this subparagraph shall not be entitled to vote at any meeting of the Board and shall not count towards a quorum.
6. A member of the Board 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.
7. A disclosure under this paragraph shall be recorded in the minutes of 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 of any deliberating or decision, with regard to the subject matter in respect of which his interest is so disclosed.

Committees

8. (1) 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.
- (2) A committee appointed under this paragraph shall—
 - (a) 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 his appointment; and
 - (b) be presided over by a member of the Board.
- (3) The quorum of any committee set up by Board shall be as may be determined by the Board.

Miscellaneous

9. The fixing of the seal of the Agency shall be authenticated by the signature of the Chairman or any other person generally or specifically authorised by the Board to act for that purpose and that of the Director-General.

10. Any contract or instrument which if made 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 other person generally or specially authorised by the Board to act for that purpose.

11. 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.

12. 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.

13. A member of a committee who has a personal interest in any contract or arrangement entered into or proposed to be considered by the committee shall forthwith disclose his interest to the committee and shall not vote on any question relating to the contract or arrangement.

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