

CHAPTER 286

NATURAL RESOURCES CONSERVATION
COUNCIL ACT

ARRANGEMENT OF SECTIONS

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CHAPTER 286

NATURAL RESOURCES CONSERVATION
COUNCIL ACT

An Act to establish the Natural Resources Conservation Council to be responsible for the conservation of natural resources of Nigeria and to formulate national policy for natural resources conservation.

1989 No. 50.

[29th December 1989]

Commence-
ment

Establish-
ment of the
Natural
Resources
Conservation
Council.

1. There is hereby established a body to be known as the Natural Resources Conservation Council (hereafter in this Act referred to as "the Council") which shall be a body corporate with perpetual succession and a common seal, and may sue and be sued in its corporate name.

Membership
of the
Council.

2. (1) The Council shall consist of a Chairman who shall be the President, Commander-in-Chief of the Armed Forces, and the following other members, that is to say—

- (a) the Chief of General Staff;
- (b) the Chief of Defence Staff;
- (c) the Minister charged with responsibility for the following matters, that is—
 - (i) natural resources;
 - (ii) external affairs;
 - (iii) works and housing;
 - (iv) health; and

(d) a representative of the Nigerian Conservation Foundation.

(2) The provisions of the Schedule to this Act shall have effect with respect to the proceedings of the Council and the other matters contained therein.

Functions of
the Council.

3. The functions of the Council shall be to—

- (a) co-ordinate matters concerning the conservation of natural resources in Nigeria;
- (b) formulate a national policy for natural resources conservation;
- (c) monitor regularly activities of the various natural resources conservation agencies with regard to implementation of their respective programmes and projects;
- (d) resolve any conflict that may arise in respect of any project implementation under paragraph (c) of this section;
- (e) carry out such other activities calculated to facilitate the effectiveness of the performance of the functions of the Council under this Act.

4. The Council shall have power to—

Powers of
the Council.

- (a) designate sites and species of conservation interests;
- (b) grant honours and give awards for projects that enhance national conservation objectives;
- (c) take fiscal measures to encourage conservation of natural resources in Nigeria;
- (d) provide grants for scientific investigation and study of ecological impacts of projects;
- (e) in collaboration with other bodies and agencies, control coastal zone development to minimise erosion on the national coastline.

5. (1) There is hereby established a committee to be known as the National Advisory Committee on Conservation of Renewable Resources (hereafter in this Act referred to as the "Advisory Committee") which shall be an integral part of the Council.

Establishment of the National Advisory Committee on Conservation of Renewable Resources.

(2) There shall be appointed by the Council as members of the Advisory Committee such number of persons to represent public and private interest in soil, water, forestry, fisheries and wildlife conservation.

6. (1) A member of the Advisory Committee other than an *ex-officio* member shall—

Tenure of
office of
members.

(a) hold office for a period of five years and on such terms and conditions as may be specified in his letter of appointment;

(b) unless he previously vacates his office, be eligible for re-appointment for one further term of five years.

(2) Members of the Advisory Committee shall be paid such remuneration and allowances out of the money at the disposal of the Council as the President, Commander-in-Chief of the Armed Forces may, from time to time, determine.

(3) The office of a member of the Advisory Committee who is not a public officer shall become vacant if—

(a) he resigns his office by a letter addressed by him to the Council;

(b) the period of his appointment has expired; or

(c) he is removed from office by notice in writing served on him by the Council for reasons stated in the notice.

(4) Subject to any directions from the Council, the Advisory Committee may regulate its proceedings.

Functions of
the Advisory
Committee.

7. Subject to the provisions of this Act, the Advisory Committee shall be charged with responsibility for—

- (a) mobilising action of resources to finance operations geared towards conservation activities within Nigeria and advising the Council on ways and means of generating revenue;
- (b) compiling and maintaining the lists of wild species of economic and cultural significance;
- (c) reviewing of socio-economic factors inhibiting resources conservation;
- (d) monitoring implementation of the recommended actions in the natural conservation strategy;
- (e) promoting conservation measures for sustainable development in the economic and social sectors generally; and
- (f) reporting to the Council, on a regular basis, all conservation activities carried on by the Advisory Committee and advising the Council on permanent solution to conservation problems discovered from its activities.

Secretary to
the Council.

8. (1) There shall be appointed by the President, Commander-in-Chief of the Armed Forces, a Secretary to manage the affairs of the Council.

(2) Subject to the general control of the Council, the Secretary shall be the chief executive of the Council and shall be responsible for the execution of the policy of the Council and the day-to-day running of the affairs of the Council.

(3) Without prejudice to the generality of the provisions of subsections (1) and (2) of this section, the Secretary shall perform such other functions as the Council may, from time to time, direct.

9. (1) The Council may appoint such other employees as it may consider necessary for the efficient performance of the Council's functions under this Act.

Appointment of other staff of the Council.

(2) The terms and conditions of service (including the terms and conditions as to remuneration, allowances, retiring benefits and discipline) of the Secretary and other employees of the Council shall be such as may be determined, from time to time, by the Council.

10. (1) For the purpose of providing offices and premises necessary for the performance of its functions, the Council may—

Offices and premises.

- (a) purchase or take on lease any land; and
- (b) build, equip and maintain offices and premises.

(2) The Council may sell or lease any land, offices or premises held by it and which it no longer requires for the performance of its functions under this Act.

11. (1) The Council shall establish and maintain a fund which shall be applied towards the promotion of the objectives specified in this Act.

Fund of the Council.

(2) There shall be paid and credited to the fund established pursuant to subsection (1) of this section—

- (a) such sums as may be provided by the Federal Government;
- (b) any fees charged for services rendered by the Council; and
- (c) subject to section 12(2) of this Act, all other sums accruing to the Council by way of gifts, testamentary disposition and endowments or contributions from philanthropic persons or organisations or otherwise howsoever.

12. (1) The Council may within and outside Nigeria, accept gifts of land, money or other property or things upon such terms and conditions, if any, as may be specified by the person or organisation making the gift.

Power to accept gifts.

(2) The Council shall not accept any gift if the conditions attached by the person or organisation making the gift to the acceptance thereof are inconsistent with the aims and objectives of the Council under this Act.

Annual estimates, accounts and audit.

13. (1) The Council shall cause to be prepared not later than three months before the end of each year an estimate of the expenditure and income of the Council during the next succeeding year and when prepared they shall be submitted for approval of the National Council of Ministers.

(2) The Council shall cause to be kept proper accounts and proper records in relation thereto and when certified by the Council such accounts shall be audited as provided in subsection (3) of this section.

(3) The accounts of the Council shall be audited within six months after the end of the year to which the accounts relate by auditors appointed by the Council from the list and in accordance with the guidelines supplied by the Auditor-General of the Federation and the fee of the auditors; and expenses for the audit generally shall be paid from the funds of the Council in accordance with the guidelines on the level of fees to be paid to external auditors as provided by the Auditor-General of the Federation.

Annual report.

14. The Council shall, not later than six months after the end of each year, submit to the National Council of Ministers a report on the activities of the Council and its administration during the immediately preceding year and shall include in such report the audited accounts of the Council and the auditor's comments thereon.

Application of Pensions Act. Cap. 346.

15. (1) Service in the Council shall be approved service for the purposes of the Pensions Act, and, accordingly, officers and other persons employed in the Council shall be entitled to pensions, gratuities and other retirement benefits as are prescribed thereunder, so however that nothing in this Act shall prevent the appointment of a person to any office on terms which preclude the grant of a pension, gratuity or other retirement benefit in respect of that office.

(2) For the purposes of the application of the provisions of the Pensions Act, any power exercisable thereunder by a Minister or other authority of the Government of the Federation, other than the power to make Regulations under section 23 thereof, is hereby vested in and shall be exercisable by the Council and not by any other person or authority.

16. The Council may make regulations for the carrying out of its functions under this Act. Regulations.

17. In this Act, unless the context otherwise requires— Interpreta-
tion.
“Advisory Committee” means the National Advisory Committee on Conservation of Renewable Resources established under section 5 of this Act.

“Council” means the Natural Resources Conservation Council established under section 1 of this Act;

“Secretary” means the person appointed as Secretary to the Council under section 8 of this Act.

18. This Act may be cited as the Natural Resources Conservation Council Act. Short title.

SCHEDULE

Section 2(2)

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

Proceedings of the Council

1. (1) Subject to this Act and to section 27 of the Interpretation Act, Cap. 192.
the Council may make standing orders regulating proceedings of the Council or of any committee thereof.

(2) The quorum at any meeting of the Council shall be five and the quorum of any committee of the Council shall be determined by the Council.

2. (1) The Council shall meet not less than four times in each year and, subject thereto, the Council shall meet whenever it is summoned by the Chairman.

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

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

(4) Notwithstanding anything in the foregoing provisions of this paragraph, the first meeting of the Council shall be summoned by the President, Commander-in-Chief of the Armed Forces.

(5) The validity of any proceedings of the Council or of a committee thereof shall not be adversely affected by any vacancy in the membership of the Council or committee, or by any defect in the appointment of a member of the Council or committee, or by reason that a person not entitled to do so took part in the proceedings.

Committees

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

(2) A committee appointed under this paragraph shall consist of such number of persons (not necessarily all members of the Council) as may be determined by the Council and a person other than a member of the Council 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. (1) The fixing of the seal of the Council shall be authenticated by the signature of the Chairman and of some other member authorised specially to act for that purpose by the Council.

(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 Council by the Secretary or any person generally or specially authorised to act for that purpose by the Council.

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

5. Members of the Council who are not public officers shall be paid out of moneys at the disposal of the Council such remuneration, fees or allowances in accordance with such scales as may be approved, from time to time, by the President, Commander-in-Chief of the Armed Forces.

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