

**BAYELSA STATE EMERGENCY MANAGEMENT AGENCY
LAW, 2012**

ARRANGEMENT OF SECTIONS

SECTIONS

PART I

Establishment of the Bayelsa State Emergency Management Agency and the Governing Council

1. Establishment of the Bayelsa State Emergency Management Agency
2. Establishment and Membership of the Governing Council of the Agency
3. Tenure of Office
4. Cessation of membership
5. Allowances of members

PART II

Functions and Powers of the Agency

1. Functions of the Agency
2. Powers of the Council

PART III

Establishment of Local Government Emergency Management Committees

1. Establishment of Local Government Committees
2. Functions of Local Government Committees

PART IV

Staff

1. Appointment of Director-General of the Agency
2. Appointment of other staff of the Agency
3. Service in the Agency to be pensionable

PART V

Financial Provisions

1. Fund of the Agency
2. Expenditure of the Agency
3. Gifts to the Agency
4. Annual estimates and expenditure
5. Annual report

PART VI

Miscellaneous

1. Requisition
2. Offices and premises of the Agency
3. Directives by the Governor
4. Regulations
5. Interpretation
6. Short Title

Schedule

Supplementary provisions relating to the council

GOVERNMENT OF BAYELSA STATE OF NIGERIA
BAYELSA STATE EMERGENCY MANAGEMENT AGENCY
LAW, 2012

A LAW to establish the Bayelsa State Emergency Management Agency and a Local Government Emergency Management Committee for each Local Government Area in the State and for other matters connected therewith.

Commencement ()

BE IT ENACTED by the House of Assembly of Bayelsa State of Nigeria and by the Authority of same as follows:

PART I

**Establishment of the Bayelsa State
Emergency Management Agency and the
Governing Council**

(1) There is hereby established a body to be known as the Bayelsa State Emergency Management Agency (in this Law referred to as “the Agency”).

(2) The Agency –

Establishment
of the Bayelsa
State
Emergency
Management
Agency

1.

(a) Shall be a body corporate with perpetual succession; and

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

Establishment
and
membership of
the Governing

2.

(1) There is hereby established for the management of the Agency a governing council (in this Law referred to as “the Council”).

Council of the
Agency

(2) The Council shall consist of –

(a) The Deputy Governor who shall be the chairman;

(b) The commissioner in charge of Environment in the state;

(c) The commissioner in charge of Health in the State;

(d) The commissioner in charge of Gender and Social Development

(e) One representative each of the following Ministries in the Bayelsa State Civil Service who shall not be below the rank of a Director, that is –

i. Transport;

ii. Water Resources;

iii. Works and

Infrastructure

iv. Agriculture

v. Housing and Urban

Development

(f) One representative each of –

i. The armed forces;

ii. The Nigerian Police

Force;

iii. The Nigerian Red

Cross Society;

iv. The State Fire Service;

v. Federal Road Safety

(g) The Director – General of the Agency

(3) The members of the Council, other than ex-officio members, shall be appointed by the Governor; and shall be persons of proven integrity and ability.

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

Subject to the provisions of section 4 of this Law, a member of the Council, other than ex-officio members, shall hold office –

For a term of four years in the first instance and may be re-appointed for a further term of four years and no more; and

On such terms and conditions as may be specified in his letter of appointment.

Tenure of office

3.

(1) Notwithstanding the provisions of section 3 of this Law 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 any other law

Cassation of membership

4.

(e) In the case of a person possessed of professional qualifications, he is disqualified or suspended, other than at his own request, from practising 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 Governor.

(2) If a member of the Council ceases to hold office, for any reason whatsoever, before the expiration of the terms for which he is 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 Governor 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.

Allowances of members

5. There shall be paid to every member of the council such allowances and expenses as the Governor may, from time to time, direct by a notice published in a gazette.

PART II FUNCTIONS OF THE AGENCY

(1) The Agency shall –

(a) Formulate policy on all activities relating to disaster management and co-ordinate plans and programmes for efficient and effective response to disasters in the State;

Functions of the Agency

6. (b) Develop and maintain an electronic data base;

- (c) Co-ordinate and promote research activities relating to disaster management in the State;
- (d) Monitor the state of preparedness of all organisations or agencies which may contribute to disaster management in the State.
- (e) Collate data from relevant agencies so as to enhance forecasting;
- (f) Educate and inform the public on disaster prevention and control measures;
- (g) Co-ordinate and facilitate the provision of necessary resources for search and rescue and other types of disaster curtailment activities in response to call;
- (h) Co-ordinate the activities of all voluntary organisations engaged in emergency relief operations in any part of the state;
- (i) Receive financial and technical aid from national and international organisations and non-governmental agencies for the purpose of disaster management in the state;
- (j) Collect emergency relief supply from local and foreign sources and from international and non-governmental agencies;
- (k) Distribute emergency relief materials to victims of natural or other disasters and assist in the rehabilitation of the victims where necessary;
- (l) Liaise with Local Government Emergency Committees established under this Law to assess and monitor, where necessary, the distribution of relief materials to disaster victims;
- (m) Liaise with the National Emergency Management Agency for the reduction of natural and other disasters and any possible effect thereof;

- (n) Prepare the annual budget for disaster management in the state; and
 - (o) Perform such other functions which in the opinion of the Agency are required for the purpose of achieving its objectives under this Law.
- (2) For the purpose of subsection (1) of this section

–

“Natural or other disasters” include any disaster arising from any crisis, epidemic, drought, flood, earthquake, storm, train, roads, aircraft, oil spillage or other accidents.

The Council shall have power to –

- (a) Manage and superintend the affairs of the Agency;
- (b) Make, alter and revoke rules and regulations for carrying on the functions of the Agency, subject to the provisions of this law; and
- (c) Do such other things which in the opinion of the Council are necessary to ensure the efficient performance of the functions of the Council.

Powers of the Council 7.

PART III

**Establishment of Local Government
Emergency Management Agency Committees**

- (1) There is hereby established for each Local Government Area of the State, a Local Government Emergency Management Committee (in this Law referred to as “the Local Government Committee”).

Establishment of Local Government Committees 8.

(2) The Local Government Committee shall consist of –

(a) The Vice-Chairman of the Local Government who shall be chairman;

(b) The Supervisory Council (Supervisor) in charge of environment

(c) One representative each from the Local Government –

i. Health Department;

ii. Works Department;

iii. A representative of the Traditional Rulers;

iv. Chairmen of Community Development Committees in the Local Government Area;

v. Social Welfare

(3) The members of the Local Government Committee shall be persons of proven integrity and shall, save for the ex-officio members, hold office on such terms as may be specified on their letters of appointment.

The Local Government Committee shall –

(a) Notify the Agency of any natural or other disasters occurring in the Local Government;

(b) Liaise with the Agency in responding to any disaster within the Local Government;

(c) Carry out disaster management activities in the Local Government as may, from time to time, be recommended by the Agency; and

Functions of
Local
Government
Committee

9.

(d) Be accountable to the Agency for all funds accruing to it for purposes of discharging its functions under this Law.

**PART IV
Staff**

(1) There shall be for the Agency a Director-General, who shall be appointed by the Governor.

(2) The Director-General shall be –

(a) The chief executive and accounting officer of the Agency;

(b) Responsible for the day-to-day administration of the Agency subject to the directions of the Council.

(3) The Director-General shall hold office on such terms and conditions as are specified in his letter of appointment.

Appointment of
Director-
General of the
Agency

10.

(1) The Council shall appoint for the Agency such number of employees as may in the opinion of the Council be expedient and necessary for the proper and efficient performance of the functions of the Agency.

(2) The terms and conditions of service (including remuneration, allowances, benefits and pensions) of the employees of the Agency shall be as determined by the Council after consultation with the State Civil Service Commission and as shall be approved by the Governor.

Appointment of
other staff of
the Agency

11.

(1) Service in the Agency shall be approved service for the purposes of the Pensions Law.

(2) The officers and other persons employed in the Agency shall be entitled to pensions, gratuities and other retirement benefits as are enjoyed by persons holding equivalent grades in the civil service of the State.

(3) Nothing in subsections (1) and (2) of this section shall prevent the appointment of a person to any office on terms which preclude the grant of pension and gratuity in respect of that office.

Service in the Agency to be Pensionable

12.

**PART V
FINANCIAL PROVISIONS**

(1) The Agency shall establish and maintain a fund from 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 budgetary allocation to the Agency from the State;

(b) The allocation of the State from the Ecological Fund for the management of ecologically related disasters;

(c) Such monies as may, from time to time, be granted or lent to the Agency by the Federal Government Council;

Funds of the Agency

13.

(d) Such money as may, from time to time, be granted or received from –

i. The organised private sector;

ii. International or donor organisations and non-governmental organisations;

(e) All monies raised for the purposes of the Agency by way of gifts, grants-in-aid, testamentary disposition or otherwise; and

(f) 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 Governor and without prejudice to the generality of the power to make under this subsection, the rules shall in particular contain provision-

(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 accounts and records for the purpose of the fund in such form as may be specified in the rules.

The agency shall apply the proceeds of the funds established pursuant to section 13 of this law to –

(a) The payment of salaries, fees, remuneration, allowances, pensions and gratuities payable to the Council members and the employees of the Agency;

(b) The payment of all contracts, including mobilisation, fluctuations, variations, legal fees and cost on contracts administration;

Expenditure
of the
Agency

14.

(c) The payment for all purchases; and

(d) Undertaking such other activities as are connected with all or any of the functions of the Agency under this Law.

(1) The Agency may accept gifts 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 Law.

Gifts to the
Agency 15.

(1) The Council shall, not later than 30 August in each year *submit to the Governor 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 six months after the end of each year by auditors appointed from the list and in accordance with the guideline supplied by the Auditor-General of the State.

Annual
estimates
and
Expenditure 16.

Annual
report 17.
The Council shall prepare and submit to the Governor, not later than 30 June in each year, a report in such form as the Governor 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 IV
MISCELLANEOUS**

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

(2) Any organisation which –

(a) Wilfully obstruct or impedes the Agency or any person acting under the authority of the Agency in the exercise of any powers or duties under this Law; or

(b) Without reasonable excuse fails to –

i. Render assistance or release any available equipment or facility required for a search and rescue operation or other disaster curtailment activities; or

ii. Comply with a directive of the Agency, is guilty of an offence and liable on conviction to a fine not exceeding two hundred thousand naira (N200,000) or imprisonment for a term of one year 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 Law.

Requisition and
Offences

18.

		For the purposes of providing offices and premises necessary for the performance of its functions under this Law, the Agency may, subject to the Land Use Act-
		(a) Purchase or take on lease any interest in land, or other property; and
		(b) Construct offices and premises and equip and maintain same.
Offices and premises of the Agency	19.	
		Subject to the provisions of this Law, the Governor may give to the Agency directives of a general nature or relating generally to matters or 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.
Directives by the Governor	20.	
		The Agency may, with the approval of the Governor, make regulations generally for the purposes of giving full effect to this Law.
Regulations	21.	
		In this Law, unless the context otherwise requires –
		“Agency” means the Bayelsa State Emergency Management Agency established under section1 of this Law;
		“Chairman” means the chairman of the Council;
		“Council” means the governing council established for the Agency under section2 (1) of this Law;
Interpretation	22.	“Deputy Governor” means the Deputy Governor of Bayelsa State;

“**Member**” means a member of the council and includes the chairman;

“**Governor**” means the Governor of Bayelsa State;

“**State**” means Bayelsa State

Short Title and Commencement 23. This Law may be cited as the Bayelsa State Emergency Management Agency (Establishment) Law and shall come into force on the day of 2012.

SCHEDULE
SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

Proceedings of the Council 1. (1) Subject to this Law and section 27 of the interpretation Law of Bayelsa State, 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 five other members of the Council, and the quorum of any committee of the Council shall be as determined by the Council.

(1) The Council shall meet whenever it is summoned by the chairman and if the chairman is required to do so by notice given to him by not less than eight other members, he shall summon a meeting of the Council to be held within fourteen days from the date on which the notice is given.

2.

(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 their members 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.

(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 the 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.

Committees 3

(1) The fixing of the seal of the Agency shall be authenticated by the signature of either the chairman or the Director-General or any person generally or specifically authorised by the Council to act for that purpose.

Miscellaneous 4.

(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 authorised 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.

The validity of any proceedings of the Council or of a committee shall not be adversely affected by reason

–

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

(b) A defect in the appointment of a members of the Council or committee; or

(c) That a person not entitled to do so took
5 part in the Proceedings of the Council or committee.

This printed impression has been carefully compared by me with the Bill which has passed the Bayelsa State House of Assembly and found by me to be a true and correctly printed copy of the said Bill.

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Mr. AARON NICODEMUS TIMIYE
Clerk of the House

Assented the day of 2012

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HON. HENRY SERIAKE DICKSON
Governor of Bayelsa Stat