

CHAPTER 177

**BAUCHI STATE EMERGENCY MANAGEMENT AGENCY LAW**

ARRANGEMENT OF SECTIONS

SECTION

1. Citation.
2. Commencement.
3. Interpretation.
4. Board of the Agency.
- 5 to 13.
14. Function and power of the Agency.  
*Principal Officers of the Agency*
15. Principal officers.
16. Appointment of Secretary.
17. Director of Administration.
- 18 to 20.
21. Financial provisions.
- 22 to 27.
28. Miscellaneous.
- 29.

SCHEDULE

*Procedures of the Board*

CHAPTER 177

**BAUCHI STATE EMERGENCY MANAGEMENT AGENCY LAW**

**A Law to establish Bauchi State Emergency Management Agency and for matters connected therewith.**

[Commencement: 30th October, 2004]

BE IT ENACTED by the Bauchi State House of Assembly as follows:

**1. Citation**

This Law shall be cited as the Bauchi State Emergency Management Agency Law, 2004.

**2. Commencement**

This Law shall come into force on the 30th day of October, 2004.

**3. Interpretation**

In this Law, unless the context otherwise requires—

- "Agency" means Bauchi State Emergency Management Agency;
- "Board" means the Governing Board as established for the Agency;
- "Chairman" means the Chairman of the Board;
- "disaster" means war, internal conflicts, famine, flood, fires, epidemics, droughts, hurricanes, earthquakes, volcanoes, mass destruction of animal and birds and related events;
- "the Government" means the Government of Bauchi State;
- "the Governor" means the Governor of Bauchi State.

**4. Board of the Agency**

There shall be a Governing Body of the Agency to be known as the Board of the Agency. The Board shall be responsible for the policy and management of the Agency.

**5. It shall be the duty of the Board to—**

- (a) prepare a long-term plan of activities of the Agency and how to secure funds for the discharge of its duties;
- (b) subject to the prevailing recruitment policy of Government to approve recommendations of the Agency on the appointment, promotion and exercise disciplinary control over all staff;
- (c) prepare and implement schemes and conditions of service for the staff subject to the approval of the Governor;
- (d) acquire such equipments, furniture and other property as may be required for the use of the Agency;
- (e) prepare and submit to the Governor an annual report on the activities of the Agency;
- (f) prepare an annual budget of the Agency;
- (g) perform on behalf of the Agency all the functions and exercise all the powers conferred on the Agency by this Law or any other enactment.

6. The Board shall, subject to the approval of the Bauchi State House of Assembly consist of: a part-time Chairman and the following other members who shall be appointed by the Governor:

- (i) three persons who in the opinion of the Governor are capable of making useful contribution to the functions of the Agency;
- (ii) one representative from each of the following:
  - (a) Directorate of Fire Service;
  - (b) BASEPA;
  - (c) Local Government Chairmen;
  - (d) Council of Chiefs;
  - (e) Attorney-General's Chambers.

7. A person appointed as Chairman of the Board shall hold office for a period of three years and shall be eligible for one further period of three years and no more.

8. A person appointed as a member of the Board (not being an *ex officio* member shall hold office for a period of three years and shall be eligible for one further period of three years and no more.

9. A member may resign his appointment at any time by notice in writing to the Governor and upon receipt of the notice by the Governor the appointment of that member shall be deemed to have terminated.

10. (1) Notwithstanding anything contained in this Law the Governor may at any time remove any member from office in the public interest.

(2) The Governor may appoint any suitable person to fill any vacancy that may exist as a result of the removal, death or resignation of a member.

11. Any member who is not an *ex officio* shall cease to hold office if—

- (a) he has been absent from three consecutive meetings of the Board without good reasons;
- (b) he has been convicted of an offence involving or implying fraud or dishonesty;
- (c) he is incapacitated by physical or mental illness from performing his function as a member; and
- (d) he is otherwise unable to or unfit to discharge the function of a member.

12. The proceedings of the Board shall be as contained in the Schedule to the Law.  
[Schedule.]

13. The Secretary of the Agency shall be the Secretary of the Board of the Agency.

#### 14. Function and power of the Agency

(1) The Agency shall—

- (a) notify the State Government of any disaster occurring in the State;
- (b) respond to any disaster within the State and may seek assistance from individuals, organisations and Government both local and international 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 Board;
- (d) distribute relief materials to needy persons and communities affected by the disaster;
- (e) determine the ways and means of collection of relief materials;
- (f) advise Government on how to arrest an impending disaster;
- (g) determine the priority of all emergency relief operations in the State;
- (h) co-ordinate the efforts and activities of voluntary organisations in emergency relief operations in the State.

(2) The Agency shall be accountable to the Board for all funds accruing to it for the purpose of discharging its functions under this Law.

*Principal Officers of the Agency*

**15. Principal officers**

The principal officers of the Agency shall be—

- (a) the Director-General;
- (b) the Director of Administration and Finance;
- (c) the Director of Planning, Relief and Natural Disaster Management.

**16. Appointment of Secretary**

(1) The Governor may appoint a person to be Secretary to the Agency.

(2) The Director-General shall be the Chief Executive of the Agency and shall be responsible for the day to day execution of its policy and management and as may be directed by the Board from time to time.

**17. Director of Administration**

The Director of Administration and Finance shall be responsible for the day to day administration and financial affairs of the Agency and shall keep proper records of the proceedings of the Agency.

**18.** The Director of Planning, Relief and Natural Disaster Management shall be responsible for the planning and supervision of relief and disaster management activities of the Agency.

**19.** (1) Subject to the powers delegated to it by C.S.C. the Agency shall recommend to the Board for appointment such a number of employees as may in the opinion of the Agency be expedient and necessary for the proper and efficient performance of the functions of the Agency.

(2) The terms and condition of service (including remuneration, allowance, benefit and pension) of the employees of the Agency shall be as obtained in the State Civil Service.

(3) The Agency shall accept staff on posting as the Governor may deem proper.

**20.** (1) Service in the Agency shall be an approved service for the purpose of the Pensions Act.

[L.F.N. 2004 Cap. P4.]

(2) The employees of 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.

**21 Financial provisions**

(1) The Agency shall establish and maintain a fund from which shall be defrayed all expenditure incurred by it.

(2) There shall be paid and credited to the Fund established—

- (a) any allocation to the Agency from the State Government and such other monies as the Government may make from time to time;
- (b) such money as may from time to time be granted or lent to the Agency by the Federal Government, State Government or any Local Government Council;
- (c) such money as may from time to time be granted or received from—
  - (i) the organised private sector;
  - (ii) international donor organisation and non-government organisations;
- (d) all monies raised for the purpose of the Agency by way of gifts, grants- in-aid or otherwise;
- (e) such money as may be received from the National Emergency Management Agency fund.

(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 rules under this subsection, the rules shall in particular contain provisions—

- (a) specifying the manner in which the assets or the Fund of the Agency are to be held and regulating of payments into and out of the Fund; and
- (b) requiring keeping of proper accounts and records for the purpose of the Fund in such form as may be specified in the rules.

22. The Agency shall manage and apply its finances strictly in compliance with the budgetary provision approved for the Agency.

23. The Agency shall apply the proceeds of the fund as follows:

- (a) the cost of administration of the Agency;
- (b) the payment of salaries, fees, remuneration, allowances, pension and gratuities payable to the Board members and the employees of the Agency;
- (c) the payment for all contracts, including mobilisation, fluctuations, variations, legal fees and costs on contract administration;
- (d) the payment for all purchases; and
- (e) undertaking such other activities as are connected with all or any of the functions of the Agency under this Law.

24. (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 condition attached by the person or organisation on making the gift are inconsistent with the functions of the Agency under this Law.

25. The Agency may borrow such sum of money with the approval of the Governor on such terms and condition as the Agency may determine and as required for the execution of its functions under the Law.

26. (1) The Board shall not later than 30th of September each year submit to the Government an estimate of the expenditure and income of the Agency during the next succeeding year.

(2) The Board shall cause to be kept proper books of 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 the auditors appointed from the list and in accordance with the guidelines supplied by the Auditors-General of the State.

27. The Board shall prepare and submit to the Governor not later than 30th June in each year a report in such form as the Governor may direct on the activities of the Agency during the preceding year and shall include the audited accounts and the auditors report of the year thereof.

#### 28. Miscellaneous

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

(2) Any organisation which—

- (a) wilfully obstructs or impedes the Agency or any person acting under the authority of the Agency in the exercise of any powers under this Law; or
- (b) without reasonable excuse fails to render assistance or release any available equipment, facility or personnel required for a search and rescue operation or other disaster curtailment activities,

is guilty of an offence and liable on conviction to a fine not exceeding N50,000.00 or imprisonment for a term of 6 months or both.

(3) The Agency may with the approval of the Governor provide fair and reasonably established compensation for loss or damage arising from the use of any equipment, facility or personnel required under this section.

29. (1) Subject to approval of the Governor 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 purchase or take on lease any interest in land, or any other property and or construct, equip and maintain same.

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

(2) The Agency may lease out any office or premises held by it, which office or premises is no longer required for the performance of its functions.

SCHEDULE

*Procedures of the Board*

1. The quorum of the Board shall be the Chairman or any person acting in that behalf at the meeting and 5 other members of the Board and the quorum of any committee of the Board shall be as determined by the Board.

2. The Board 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 5 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.

3. (a) At any meeting of the Board 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.

(b) Where the Board desires to obtain the advice of any person on a particular matter the Board may co-opt him for such period as it deems fit but a person who is in attendance by virtue of this subsection shall not be entitled to vote at any meeting of the Board.

4. (a) The fixing of the seal of the Agency shall be authenticated by the signatures of the Chairman, the Secretary or any person generally or specifically authorised by the Board to act for that purpose.

(b) 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 Executive Secretary or any person generally or specifically authorised by the Board to act for that purpose.

(c) A document purporting to be 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.

5. The validity of any proceedings of the Board or of any of its committees shall not be adversely affected by—

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