



ZAMFARA STATE

**EMERGENCY MANAGEMENT
AGENCY LAW**

2008

**A LAW TO PROVIDE FOR THE ESTABLISHMENT OF ZAMFARA
EMERGENCY MANAGEMENT AGENCY AND FOR OTHER MATTERS
CONNECTED THEREWITH**

LAW No.....2008

I ASSENT THIS.....DAY OF.....2008
ALH. MAHMUDA ALIYU SHINKAFI (DALLATUN ZAMFARA)
THE EXECUTIVE GOVERNOR, ZAMFARA STATE.

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

Short Title

1. This Law may be cited as Zamfara Emergency Management Agency Law No.....2008

Commencement

2. This Law shall be in force on the day.....
.....2008.

Interpretation

3. In this Law, unless the context otherwise admit:

“Agency” means the Zamfara Emergency Management Agency otherwise called “ZEMA”, established under section 4 of this Law

“Chairman” means the chairman of the Zamfara Emergency Management Committee;

“Committees” means and includes State Emergency Management Committee and Local Government Emergency Management Committee.

“Dissolved Agency” means Zamfara Emergency Relief Agency

“Functions and Duties” includes such other things which necessary to ensure efficient performance of the functions and duties of the Agency and the committee in accordance with provisions of this Law;

“Government” means the Government of Zamfara State of Nigeria;

“Governor” means Governor of Zamfara State of Nigeria;

"Governor" means Governor of Zamfara State of Nigeria;

"Member" includes chairman and member of the Committee.

"Natural and Other Disasters" includes any form of disaster arising from any crises, epidemic, droughts, flood, earthquake, storm, train, roads, aircraft, flood, oil spillage or other incidents and mass deportation and repatriation of Nigerians from any other country.

"Person" includes natural and artificial person.

"State" means Zamfara State of Nigeria.

**PART II: ESTABLISHMENT OF THE ZAMFARA
EMERGENCY MANAGEMENT AGENCY,
THE COMMITTEE, ETC.**

Establishment of the
Zamfara Emergency
Management Agency

4(1) There is hereby established a body to be known as Zamfara Emergency Management Agency, (in this Law referred to as "ZEMA")

(2) The Agency:-

(a) shall be a body corporate with perpetual succession and a common seal;

(b) May sue and be sued in it's corporate name;

(c) shall be under the supervision of the Governor's office.

Establishment of
State Emergency
Management
Committee

5(1) There is hereby established a State Emergency Management Committee (in this Law referred to as "The Committee")

Members of the
Committee

(2) The committee shall consists of the following:

(a) the State Deputy Governor, who shall be the Chairman;

(b) the Secretary to the State Government;

(c) the Chairman, Special Committee State House of Assembly

(d) one representative each from:-

- (ii) the State Ministry of Health;
- (iii) the State Ministry of Works;
- (iv) the State Fire Service;
- (v) the Federal Airport Authority of Nigeria;
- (vi) the State Ministry of Environment;
- (vii) the Executive Secretary to the Agency;
- (viii) the Commander of the Disaster Reaction Units;
- (ix) the Nigerian Police Force;
- (x) be persons of proven integrity;
- (xi) the Federal Road Safety Commission;
- (xii) the Nigerian Security and Civil Defence Corps;
- (xiii) the Nigerian Red Cross Society and Red Crescent Society;
- (xiv) the Executive Secretary to the Agency, who shall be the Secretary to the Committee.

Establishment of
Local Government
Agency's Committee

6 The Governor may on the advise of the State Emergency Management Committee establish a Local Government Emergency Management Committee in each of the Local Government Councils. The State Emergency Management Committee shall nominate persons that may be appointed in the Local Government Committee

7(1) The members of the Committees established in section 5 & 6 above shall:-

- (a) be persons of proven integrity;
- (b) be appointed by the Governor;
- (c) be paid such allowances as the Governor may, from time to time, determine; and

(2) The Committee may make rules regulating its own proceedings;

(3) The supplementary provisions set out in the schedule to this Law shall have effect to the proceedings of the committee and other matters contained therein.

Schedule

Tenure of office
of the
Committee

8. a member of the committee, shall each hold office:-

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

Cessation of
membership of
the Committee

9(1) Notwithstanding the provision of section 8 of this law, a person shall cease to hold office as member of the Committees 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 qualification, he is disqualified or suspended, other than at his own request from practicing his own 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; or
- (g) the tenure of office of the Governor that appointed him has expired.

(2) If a member of the Committee 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 committee for the unexpired term.

(3) A member of the committee 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.

Removal of
member of the
Committee

ii. Keeping all financial records or books of the Agency.

PART III: FUNCTIONS AND POWERS OF THE
AGENCY AND THE COMMITTEE, ETC.

Functions of the
Agency

10(1). The Agency shall:-

- (a) (Formulate policies on all activities relating to disaster management in the State and coordinate plans and programmes for the efficient and effective response to disasters at State level;
- (b) Coordinate and promote research activities relating to disaster management at the State level;
- (c) ~~monitor the state of preparedness of all organizations or Agencies which may contribute to disaster management in the State;~~
- (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) coordinate and 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 engage in emergency relief operations in any part of the State;
- (h) receive financial and technical aid from international and non-governmental organizations for the purpose of disaster management in the State;
- (i) collect emergency relief supply from Local and foreign sources and from international and non-governmental organizations;
- (j) distribute emergency relief materials to victims of natural or other disasters and assist in rehabilitation of the victims where necessary;
- (k) liaise with the Committee established under section 5 of this Law to assess and monitor where necessary, the distribution of relief materials to disaster victims;
- (l) liaise with United Nations' Disaster Reduction Organization or

such other international bodies for the reduction of natural or other disaster;

- (m) process relief assistance to such countries as may be determined from time to time;
- (n) prepare the annual budget for disaster management in the State;
- (o) perform such other functions which in the opinion of the Agency or Committee are required for the purpose of achieving its objectives under this Law;

- (p) perform such other functions as may be directed by the Governor for the purpose of achieving its objectives under this Law;
- (q) ensure observance of and compliance with rule of Law in all its activities and functions; and
- (r) organize seminars, workshops, symposiums and lectures on disaster management, preparedness and search and rescue operations or disaster curtailment activities.

(2) Generally, Manage the affairs of the Agency.

(3) The Committee shall:--

- (a) notify the Agency of any natural or other disasters occurring in the State;
- (b) respond to any disaster within the State;
- (c) seek assistance for the victims of any disaster, in the State or elsewhere, from the Agency if it deems fit in each circumstance;
- (d) carry out disaster management activities in the State as may, from time to time, be recommended by the Agency; and
- (e) be accountable to Agency for all funds accruing to it for purposes of discharging its functions under this Law.

PART IV: STAFF OF THE AGENCY

11(1) There shall be an Executive Secretary of the Agency who shall be appointed by the Governor.

Functions of the
Committee

Appointment of
Executive Secretary
of the Agency

- (2) The Executive Secretary shall be:
- (a) a civil servant not below Grade Level 14; and
 - (b) a person of proven integrity.

(3) The Executive Secretary shall be:-

- (a) The Chief Executive and accounting officer of the Agency;
- (b) responsible for the day – to – day administration of the Agency;

(4) The Executive Secretary of the Agency shall hold office on such terms and conditions as are specified in his letter of Appointment.

(5) The Executive Secretary shall hold office for a term of 4 years in the first instance and may be re-appointed for a further term of 4 years and no more.

Appointment of staffs
of the Agency

12(1). The Agency shall have 6 Departments, each to be headed by a Director.

(2) There shall be such other staff as may be required by the Agency on transfer, seconded or on posting in case of senior staff.

(3) The Agency may employ such number of Junior staff as it may require.

(4) The Departments are:

(a) Administration department

(b) Relief and Rehabilitation

(c) Disaster Management & Control Department

(d) Information

(e) Planning

(f) Finance & Supply

(a). Admin Department is in charge of:

i. Day to day running of the Agency

ii. Staff promotion and discipline

iii. Any other duty that may be assigned to him by the Executive Secretary

(b) Relief and Rehabilitation is responsible for:

i. Distribution of relief materials.

ii. Reforming the physically deformed victims of any form of disaster

✓ iii. Any other duty that may be assigned.

(c) Disaster Management & Control Dept. is to:-

i. Provide rescue and search operations.

✓ ii. Any other duty that may be assigned by the Executive Secretary

(d) Information is responsible for:-

i. Educating and enlightening public on disaster prevention and control measures.

ii. Coordinate the activities of all voluntary organizations engaged in Emergency Relief operations in any part of the State.

(e) Planning is to take charge of:-

i. Designing and formulating policies on all activities relating to disaster management.

ii. Coordinate and promote research activities relating to disaster management.

iii. Collate data from relevant Agencies so as to enhance forecasting and field operation in disaster management.

(f) The Finance and Supply Department is responsible for:

i. Payment of salaries, fees, allowances of staff of the Agency and members of any Committee or Sub-Committees

- ii. Keeping all financial records or books of the Agency.
 - iii. Chief Financial Adviser of the Agency.
 - iv. Keeping all finances of the Agency.
 - v. Prepares Annual Financial Estimates.
 - vi. Maintaining / Supervision of the Agency's warehouses through Store officer.
 - ✓ vii. Any other duty that may be assigned to him by the Executive Secretary.
- (5) Service in the Agency shall be approved service for the purpose of the Pension Law.

PART V: FINANCIAL PROVISION

Establishment of
ZEMA Funds

13(1) There shall be established for the Agency a fund to be known as Zamfara Emergency Management Agency Fund.

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

- (a) Initial take off grant to be paid by the State Government.
- (b) 1% monthly subvention from the State Government Ecological Fund allocation.
- (c) N100,000.00 Monthly subvention from each of all the Local Government Councils Joint Allocation Account.
- (d) All such sums and payments made to the Agency for carrying out its functions under this law, and all other assets accruing to it.
- (e) Such sums as may from time – time be credited to the fund by way of interest from the investment made from the fund
- (f) Aid, grant from international, national, state, testamentary disposition, gift or loan that may from time to time accrue to the Agency in order to carryout its functions.
- (g) Such monies as may be received from the National Emergency Trust Fund.

(3) The Fund shall be managed in accordance with the rules made by the Governor.

Maintenance of
separate fund by the
Agency

14(1). The Agency shall establish and maintain a separate fund from which shall be defrayed all expenditures incurred by the Agency except such expenditure pursuant to section 13 of this Law.

(2) There shall be paid and credited to the fund establish pursuant to (1) of this section such payments as may be made to the Agency by the State Government to defray:

(a) Cost of administration of the Agency.

(b) For reimbursing members of any Committee or Sub-committee set up by the Agency.

(c) Payment of fees, remunerations or allowances of Committee or sub-committees members of the Agency.

Gift to the Agency

15(1) The Agency may accept gifts of land, money or any other property on such term and conditions, if any, as may be specified by the person or organization making the gift.

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

Award of contract by
the Agency

16(1) The Agency may have power to award contract(s) not exceeding the sum of **N20million** for the performance of any of its functions or duties under this Law.

(2) The Agency shall not award a contract exceeding the sum of **N20million** without the prior approval of the State Governor.

Power to borrow
money by the Agency

17(1) The Agency may, with the consent of the Governor, 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 Law;

(2) The Agency shall not, without the prior approval of the Governor, borrow money which exceeds, at any time, the limit set

by the Governor;

(3) Notwithstanding the provision of subsection 2 of this section, where the sum to be borrowed is in foreign currency, whether or not it exceeds the limit set by the Governor, the Agency shall not borrow the sum without the approval of the Governor.

18. Any contract to be awarded and money to be borrowed by the Agency shall be deliberated and consented by the Committee at a meeting before the consent or approval of the Governor is sought, where necessary.

Annual estimate and
expenditure of the
Agency

19(1) The Agency shall, not later than 30th September in each year, submit to the Governor an estimate of the expenditure and income of the Agency during the next succeeding year.

Accounts and records
of the Agency

(2) The Agency shall cause to be kept proper account 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 auditors appointed from the list and in accordance with the guidelines supplied by the Auditor General of the State.

Annual Report

20. The Agency 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 immediately proceeding 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 PROVISIONS

Requisition, etc. by
the Agency

21(1) In the exercise of its functions under this Law, the Agency may demand by requisition from any person, authority or organization, any available equipment, facilities or personnel which may assist in a speedy effective search and rescue operation to any form of disaster during a period of emergency

Offences

(2) Any person or organization who:-

- (a) willfully abstracts 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, facility or personnel required for 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 N50,000 or imprisonment for a term of 6 months or to both such fine and imprisonment.

Compensation

- (3) Where an equipment, facility or personnel is lost or damaged, in the search and rescue operation or any other form of disaster operation ~~during a period of emergency, by the Agency, the~~ Agency shall provide compensation for the loss or damage arising from the use of the equipment, facility or personnel required pursuant to this section.

Exemption from personal liability

- (4) The officer or employee of the Agency, member of the committee or any other person who, in the course of performing his duty for search and rescue operation, any other form of disaster operation during a period of emergency or any other disaster curtailment activities, shall not be personally liable to any person for any loss or damage caused therefrom.

Offices and premises of the Agency

- 22(1) 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;

- (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 Law.

Directives by the Governor

23. Subject to the provisions of this Law. The Governor may give to the Agency directives of 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.

Dissolution of the Zamfara Emergency Relief Agency

- 24(1) The Zamfara Emergency Relief Agency "ZERA" (in this Law referred to as "The Agency") is hereby dissolved.

- (2) By virtue of this Law, there shall be vested in the Agency immediately at the commencement of this Law, without further assurance, all assets, funds, resources and other movable and immovable property which immediately before the commencement of this Law were vested in the dissolved Agency.
- (3) As from the date of commencement of this Law:-
- (a) all rights, interests, obligations and liabilities of the dissolved Agency existing before the commencement of this Law under any contract or instrument, or in Law or in equity, shall by virtue of this Law be assigned to and vested in the Agency.
 - (b) any contract or instrument as is mentioned in paragraph (a) of this sub-section shall be of the same force and effect against or in favour of the Agency and shall be enforceable as fully and effectively as if instead of the dissolved Agency, the Agency has been named therein or had been a party thereto;
 - (c) the Agency shall be subject to all the obligations and liabilities to which the dissolved Agency was subject immediately before the commencement of this Law and all other persons shall have the same rights, powers and remedies against the Agency as they had against the dissolved Agency immediately before the commencement of this Law.
- (4) Any proceedings or cause of Action pending or existing before the commencement of this Law 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 any other Authority or person may be enforced by or against the Agency to the same extent that the proceedings, cause of action or determination might have been continued, commenced or enforced by or against the dissolved Agency as if this Law had not been made.
- (5) Notwithstanding the provisions of this Law but subject to such directions as may be issued by the Agency, a person who immediately before the commencement of this Law held office in the dissolved Agency shall be deemed to have been transferred to the Agency on terms and conditions not less favourable than those

obtaining immediately before the commencement of this Law,
and service in the dissolved Agency shall be deem to be
service in the Agency for purposes of pension.

SCHEDULE

Section 5(5)

SUPPLEMENTARY PROVISIONS RELATING TO THE COMMITTEE, ETC.

Cap 123 LFN. 2004

- 1(1) Subject to this Law and section 27 of the interpretation Law, the committee may make standing orders regulating its proceedings or those of any of its sub-committees.
- (2) The quorum of the committee shall be the chairman and 8 other members of the committee, and the quorum of any of the sub-committee of the committee shall be determined by the Committee.
- 2(1) The committee 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 8 members, shall summon a meeting of the committee to be held within 14 days from the date on which the notice is given.
- (2) At any meeting of the committee, 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 committee desires to obtain the advice of any person on a particular matter, the committee may co-opt him to the committee for such period as it deems fit, but the person who is in attendance by virtue of this sub-paragraph shall not be entitled to vote at any meeting of the Committee and shall not be counted towards a quorum of the Committee.

SUB - COMMITTEES

- 3(1) The Committee may appoint one or more sub-committees, to carry out on behalf of the committee, such functions as the committee may determine.
- (2) A Sub-committee appointed under this paragraph shall consist such number of persons as the Committee may determine and a person may hold office on the sub-Committee in accordance with the terms of his appointment.
- (3) A decision of Sub-committee of the committee shall be of no effect until it is confirmed by the Committee.