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Federal Environmental Protection Agency (Amendment) Decree

Federal Environmental Protection Agency (Amendment) Decree No 59 of 1992 Laws of the Federation of Nigeria

2nd August, 1992

The Federal Military Government hereby decrees as follows:

1. (1) The Federal Environmental Protection Agency Act (in this Decree referred to as "the principal Act") is hereby amended as provided in this Decree.
2. Section 1 of the principal Act is amended as follows-
 - (a) by renumbering the existing section 1 thereof as section 1(1); and
 - (b) by inserting immediately after subsection (1) as renumbered a new subsection (2) as follows, that is -

"(2) The Agency shall be an integral part of the Presidency."
3. For the existing section 2 of the principal Act, there shall be substituted the following new section 2, that is-

"Governing council of the Agency
2. (1) There shall be as the governing body of the Agency, a Council which shall consist of a Chairman to be appointed by the Head of State, Commander in-Chief of the Armed Forces and the following other members, that is-
 - (a) the Minister, charged with the responsibility for-
 - (i) Agriculture, and Natural Resources,
 - (ii) Commerce and Tourism,
 - (iii) Communications,
 - (iv) Education
 - (v) Finance, and Human Services,
 - (vi) Health,
 - (vii) Industry

- (viii) Petroleum Resources,
 - (ix) Science and Technology
 - (x) Solid Minerals
 - (xi) Transport
 - (xii) Works and Housing
 - (xiii) Youth and Sports
- (b) two other persons from the private sector who shall have distinguished themselves in environmental matters.
- (2)
- (3) The Chairman of the Technical Committee established under section 2A of this Act shall also be an ex-officio member
4. Immediately after the existing section 2 of the principal Act, shall be inserted the following new section 2A that is -
- 2A. (1)** There is hereby established for the Agency, a Technical Committee to be known as the Federal Environmental Protection Agency Technical Committee (in this Decree referred to as "the Technical Committee").
- (2) The Technical Committee shall consist of the following members, that is -
- (a) a Chairman who shall be the Director-General and Chief Executive of the Agency;
 - (b) three distinguished persons having wide knowledge and possessing such skills and expertise in environmental matter;
 - (c) one representative each of the following Ministries not below the rank of a Director, that is
 - (i) Agriculture, Water Resources and Rural Development,
 - (ii) Finance,
 - (iii) Health and Human Services,
 - (iv) Industries and Technology,
 - (v) Petroleum and Mineral Resources,
 - (vi) Works and Housing,
 - (vii) Transport and Communications,
 - (viii) Education and Youth Development; and
 - (d) a representative each of-
 - (i) the Manufacturers' Association of Nigeria; and
 - (ii) the Nigerian Conservation Foundation.
- (3) The functions of the Technical Committee shall be-
- (a) to assist and advise the Council and the Agency in the performance of their functions under this Act; and
 - (b) to give technical opinion on issues referred to it or delegated by the Council." .

5. In section 4 of the principal Act-

- (a) immediately after the word "environment" appearing in the third line thereof, there shall be inserted the following words, that is -
"and biodiversity conservation and sustainable development of Nigeria's natural resources";
- (b) for the existing paragraphs (a) to (e) thereof, there shall be substituted the following new paragraphs, that is -
 - "(a) prepare a comprehensive national policy for the protection of the environment and conservation of natural resources, including procedure for environmental impact assessment for all development projects;
 - (b) prepare, in accordance with the National policy on the Environment, periodic master plans for the development of environmental sciences and technology and advise the Federal Military Government on the financial requirements for the implementation of such plans;
 - (c) advise -
 - (i) the Federal Military Government on the national environmental policies and priorities, the conservation of natural resources and sustainable development, and scientific and technological activities affecting the environment, and natural resources;
 - (ii) the President, Commander-in-Chief of the Armed Forces on the utilisation of the 1 per cent Ecological Fund for the protection of the environment;
 - (d) promote co-operation in environmental science and conservation technology with similar bodies in other countries and with international bodies connected with the protection of the environment and the conservation of natural resources;
 - (e) co-operate with Federal and State Ministries, Local Governments, statutory bodies and research agencies on matters and facilities relating to the protection of the environment and the conservation of natural resources ; and
 - (f) carry out such other activities as are necessary or expedient for full discharge of the functions of the Agency under this Decree."

6. Section 3 of the principal Act is amended as follows, that is-

- (a) in paragraph (b) thereof, immediately after the word "matters" there shall be inserted the following words, that-
"and the degradation of natural resource ;";
- (b) in paragraph (f) thereof, immediately after the word "advisory" there shall be inserted the word "committees";
- (c) in Paragraph (h) thereof, immediately after the word "environment" there shall be inserted the following words, that is -
"and natural resources";
- (d) in paragraph (i) thereof, immediately after the words "implementation of" there shall be inserted the following words, that is-
"natural resources conservation".

7. For the existing section 7 of the principal Act there shall be substituted the following new section 7, that is-

"Director- General and other staff of the Agency

- 7. (1) There shall be appointed by the President, Commander-in-Chief of the Armed Forces, a Director-General of the Agency.
- (2) The Director-General shall be the Chief Executive of the Agency and shall hold office in the first

instance for five years and thereafter, shall be eligible for reappointment for one further term of five years only, on terms and conditions as may be specified in his letter of appointment.

- (3) The Agency may appoint such other persons to be employees of the Agency as it may deem fit, on such terms and conditions as may be determined by the Agency.
- (4) The Agency shall with the approval of the President, Commander-in-Chief of the Armed Forces, make staff regulations governing conditions of service of its employees.
- (5) The Agency may grant loans to its employees for purposes approved by the President, Commander-in-Chief of the Armed Forces."

8. In section 9 of the principal Act-

- (a) insert immediately after the word "environment" appearing in the last line of paragraph (a) thereof, the words, "and natural resources ;";
- (b) insert immediately after the words "co-ordination of" in paragraph (c) thereof, the words "the conservation of natural resources";
[Editorial Note: - There is no subsection (c) in this section]
- (d) insert immediately after the words "environmental protection" in paragraph (c) thereof, the words "and natural resource conservation";
- (e) insert immediately after the word "pollution" in paragraph (d) thereof, the words "and the degradation of natural resources,".

9. For the existing section 12 of the principal Act, there shall be substituted the following new section, that is -

- 12. (1)** The Agency shall establish and maintain a fund from which shall be defrayed all expenses incurred by the Agency in the performance of the Agency's duties and function" under this Act.
- (2)** The fund established under subsection (1) of this section shall consist of the following, that is -
 - (a) 25 per cent of the 1 per cent Ecological Fund of the Federation Account;
 - (b) such sums as may, from time to time, be granted to the Agency by the Government of the Federation;
 - (c) all money raised for the purposes of the Agency by way of gifts, grants-in-aid, testamentary disposition and sale of publications;
 - (d) subscriptions, fees and charges for services rendered by the Agency and all other sums that may accrue to the Agency from any other source".

10. In section 36 of the principal Act-

- (a) insert immediately after the words, "in addition" appearing in line eight thereof, the words "the body corporate, firm or partnership";
- (b) delete in line eleven thereof, all the words appearing after the word "Agency" and substitute therefor the "punctuation mark".

11. Immediately after the existing section 36 of the principal Act, there shall be inserted the following new Sections that is -

- 36A. (1)** The Council may delegate any of its functions and duties under this Act to the Technical Committee or the Director-General, as the case may be.
- (2)** Nothing contained in subsection (1) of this section shall preclude the exercise by the Council of any of the functions or duties delegated by it to the Technical Committee or the Director-General.
- 36B. (1)** The Natural Resources Conservation Act is hereby repealed.
- (2)** The repeal of the enactment referred to in subsection (1) of this section shall not affect anything

done or purported to have been done under the repealed enactment ".

12. For the existing section 37 of the principal Act there shall be substituted the following new section, that is -
37. The Director-General may, with the approval of the Council make regulations generally for the purposes of this Act and without prejudice to the generality of the foregoing, the Director-General may in particular prescribe standards for-
- (a) water quality;
 - (b) effluent limitations
 - (c) air quality;
 - (d) atmospheric protection;
 - (e) Ozone protection;
 - (f) noise control, and
 - (g) control of hazardous substances and removal control methods ".
13. For the words, "the Chairman and of the Director" occurring in paragraph 7 of the Schedule to the principal Act, there shall be substituted the words, "Director-General".
14. In the principal Act-
- (a) for the word "Minister" wherever it appears, there shall be substituted the words, "the President, Commander-in-Chief of the Armed Forces;
 - (b) For the word ' Director" wherever it appears there shall be substituted the word "Director General".
15. This Decree may be cited as the Federal Environmental Protection Agency (Amendment) Decree 1992 and shall be deemed to have come into force on 2nd January 1992.

Made at Abuja this 2nd day of August 1992.

General I. B. Babangida,
*President, Commander-in-Chief of the Armed Forces
Federal Republic of Nigeria.*

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