

**NATIONAL OIL SPILL DETECTION AND RESPONSE AGENCY
(ESTABLISHMENT) ACT, 2006**



ARRANGEMENT OF SECTIONS

SECTION :

PART I—ESTABLISHMENT OF THE NATIONAL OIL SPILL DETECTION
AND RESPONSE AGENCY

1. Establishment of the National Oil Spill Detection and Response Agency.

PART II—NATIONAL OIL SPILL RESPONSE GOVERNING BOARD, ETC.

2. Establishment of the Governing Board of the Agency.
3. Tenure of Office.
4. Cessation of Membership.

PART III—OBJECTIVES, ETC, OF THE AGENCY

5. Objectives of the Agency.
6. Functions of the Agency.
7. Special Functions of the Agency.

PART IV—DIRECTOR-GENERAL AND OTHER STAFF OF THE AGENCY, ETC.

8. Appointment of the Director-General of the Agency.
9. Other employees of the Agency.
10. Pensions Reform Act 2004.

PART V.—FINANCIAL PROVISIONS

11. Fund of the Agency.
12. Expenditure of the Agency.
13. Annual estimates and accounts.
14. Annual reports.
15. Power to accept gifts.
16. Power to borrow.
17. Investment.

PART VI—ESTABLISHMENT OF NATIONAL CONTROL AND RESPONSE CENTRE

18. Establishment of National Control and Response Centre.

PART VII—FEDERAL GOVERNMENT INTERVENTION, ETC.

19. Federal Government Intervention, Etc.

PART VIII—LEGAL PROCEEDINGS

20. Limitations of suits against the Agency, etc. Cap. 379 LFN.
21. Service of documents.
22. Restriction on execution against property of the Agency.
23. Indemnity of officers.
24. Secrecy.
25. Directives by the Minister, etc.
26. Regulations.
27. Interpretation.
28. Short Title.

SCHEDULES

**NATIONAL OIL SPILL DETECTION AND RESPONSE AGENCY
(ESTABLISHMENT) ACT, 2006
2006 ACT No. 15**

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE NATIONAL OIL SPILL DETECTION AND
RESPONSE AGENCY ; AND FOR RELATED MATTERS.

[18th Day of October, 2006]

Commence-
ment.

ENACTED by the National Assembly of the Federal Republic of Nigeria—

PART I—ESTABLISHMENT OF THE NATIONAL OIL SPILL DETECTION
AND RESPONSE AGENCY

1.—(1) There is established an Agency to be known as the National Oil Spill Detection and Response Agency (in this Act referred to as “the Agency”) with responsibility for preparedness, detection and response to all oil spillages in Nigeria as set out in section 5 of this Act.

Establishment
of the
National Oil
Spill
Detection
and Response
Agency.

(2) The Agency :

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

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

(3) The Headquarters of the Agency shall be in the Federal Capital Territory, Abuja and it may establish zonal offices in the States of the Federation.

PART II—NATIONAL OIL SPILL RESPONSE GOVERNING BOARD, ETC.

2.—(1) There is established for the Agency a Governing Board to be known as the National Oil Spill Response Governing Board (in this Act referred to as “the Governing Board”) which shall be responsible for the formulation of policy for the Agency and act in Governing Board capacity to the Agency in the exercise of any of the functions conferred on the Agency and the Director-General by this Act.

Establishment
of the
Governing
Board of the
Agency.

(2) The Governing Board shall consist of :

(a) a Chairman ;

(b) one representative each of the following Federal Ministries not below the rank of Director :

(i) Environment ;

(ii) Defence ;

(iii) Petroleum Resources ;

(iv) Transport ;

(v) Aviation (Department of Meteorology) ;

(vi) Communications ;

(vii) National Emergency Management Agency (NEMA) ;

(viii) Works ;

(ix) Information and National Orientation ;

- (x) Housing and Urban Development ;
- (xi) the Nigerian Police ;
- (xii) Oil Products Trade Section of Lagos Chamber of Commerce (OPTS) ;
- (xiii) Agriculture and Rural Development ;
- (xiv) Water Resources ; and
- (xv) Institute of Oceanography and Marine Research .

(3) The Director-General of the Agency, shall be a Member/Secretary to the Governing Board.

(4) The Chairman and other members of the Governing Board shall be appointed by the President on the recommendation of the Minister.

First
Schedule.

(5) The supplementary provision specified in the First Schedule to this Act shall have effect with respect to the proceedings of the Governing Board and the other matters therein mentioned.

Tenure of
Office.

3.—(1) The Chairman and members of the Governing Board shall each hold office for a period of four years in the first instance and may be re-appointed for a further term of four years and no more.

(2) A member of the Governing Board may resign his membership by notice in writing addressed to the President through the Minister and that member shall, on the date of the receipt of the notice by the President, cease to be a member.

Cessation of
Membership.

4.—(1) A member of the Governing Board may at any time be removed by the President for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misconduct or if the President is satisfied that it is not in the interest of the Agency or the interest of the public that the member should continue in office.

(2) Where a vacancy occurs in the membership of the Governing Board, it shall be filled by the appointment of a successor to hold office for the remainder of the term of office of his predecessor, so however that the successor shall represent the same interest as his predecessor and be appointed by the President on the recommendation of the Minister.

PART III—OBJECTIVES, ETC. OF THE AGENCY

Objectives of
the Agency.

5. The objectives of the Agency shall be to co-ordinate and implement the National Oil Spill Contingency Plan for Nigeria (in this Act referred to as “the Plan”) as follows :

- (a) establish a viable national operational organization that ensures a safe, timely, effective and appropriate response to major or disastrous oil pollution ;
- (b) identify high-risk areas as well as priority areas for protection and clean up ;
- (c) establish the mechanism to monitor and assist or where expedient direct the response, including the capability to mobilize the necessary resources to save lives, protect threatened environment, and clean up to the best practical extent of the impacted site ;

(d) maximize the effective use of the available facilities and resources of corporate bodies, their international connections and oil spill co-operatives, that is Clean Nigeria Associates (CNA) in implementing appropriate spill response ;

(e) ensure funding and appropriate and sufficient pre-positioned pollution combating equipment and materials, as well as functional communication network system required for effective response to major oil pollution ;

(f) provide a programme of activation, training and drill exercises to ensure readiness to oil pollution preparedness and response and the management and operational personnel ;

(g) co-operate and provide advisory services, technical support and equipment for purposes of responding to major oil pollution incident in the West African sub-region upon request by any neighbouring country, particularly where a part of the Nigerian territory may be threatened ;

(h) provide support for research and development (R&D) in the local development of methods, materials and equipment for oil spill detection and response ;

(i) co-operate with the International Maritime Organization and other national, regional and international organizations in the promotion and exchange of results of research and development programme relating to the enhancement of the state-of-the art of the oil pollution preparedness and response, including technologies, techniques for surveillance, containment, recovery, disposal and clean up to the best practical extent ;

(j) establish agreements with neighbouring countries regarding the rapid movement of equipment, personnel and supplies into and out of the countries for emergency oil spill response activities ;

(k) determine and preposition vital combat equipment at most strategic areas for rapid response ;

(l) establish procedures by which the Nigerian Customs Service and the Nigerian Immigration Services shall ensure rapid importation of extra support response equipment and personnel ;

(m) develop and implement an appropriate audit system for the entire plan ;

(n) carry out such other activities as are necessary or expedient for the full discharge of its functions and the execution of the Plan under this Act.

6.—(1) The Agency shall :

(a) be responsible for surveillance and ensure compliance with all existing environmental legislation and the detection of oil spills in the petroleum sector ;

(b) receive reports of oil spillages and co-ordinate oil spill response activities throughout Nigeria ;

(c) co-ordinate the implementation of the Plan, as may be formulated, from time time, by the Federal Government ;

Functions of
the Agency.

(d) co-ordinate the implementation of the Plan for the removal of hazardous substances as may be issued by the Federal Government ;

(e) perform such other functions as may be required to achieve the aims and objectives of the Agency under this Act or any plan as may be formulated by the Federal Government pursuant to this Act.

Penalties.

(2) An oil spiller is by this Act to report an oil spill to the Agency in writing not later than 24 hours after the occurrence of an oil spill, in default of which the failure to report shall attract a penalty in the sum of five Hundred Thousand Naira (N500,000.00) for each day of failure to report the occurrence.

(3) The failure to clean up the impacted site, to all practical extent including remediation, shall attract a further fine of one million Naira.

(4) Such notice in writing is deemed to have been made, if delivered at the nearest zonal office closer to the impacted site, and of the Agency, the National Control and Response Centre within the stipulated time in subsection (2).

Special
functions of
the Agency.

7. The Agency shall :

(a) ensure the co-ordination and implementation of the Plan within Nigeria including within 200 nautical miles from the baseline for which the breadth of the territorial waters of Nigeria is measured ;

(b) undertake surveillance, reporting, alerting and other response activities as they relate to oil spillages ;

(c) encourage regional co-operation among member States of West African sub-region and in the Gulf of Guinea for combating oil spillage and pollution in our contiguous waters ;

(d) strengthen the national capacity and regional action to prevent, control, combat and mitigate marine pollution ;

(e) promote technical co-operation between Nigeria and member States of the West African sub-region ;

(f) facilitate :

(i) the arrival and utilization in and departure from Nigeria of ships, aircrafts and other modes of transport engaged in responding to oil pollution incidents or transporting personnel, cargo, materials and equipment required to deal with such an incident ; and

(ii) the expeditious movement into, through and out of Nigeria of personnel, cargoes, materials and equipment ;

(g) (i) The National Control and Response Centre shall for the purposes of a Tier 3 oil spill response, undertake such functions as specified under section 20 of this Act.

Second
Schedule.

(ii) The Director-General shall have the power to co-opt all the Government Ministries and Agencies mentioned under the Second Schedule to this Act, in the management of a Tier 3 or a major Tier 2 oil spill.

PART IV—DIRECTOR-GENERAL AND OTHER STAFF OF THE AGENCY, ETC.

8.—(1) There shall be for the Agency, a Director-General who shall be appointed by the President on the recommendation of the Minister.

Appointment of the Director-General of the Agency.

(2) The Director-General shall be the Chief Executive and Accounting Officer of the Agency and be responsible for the execution of the policy and the day-to-day administration of the affairs of the Agency.

(3) The Director-General so appointed shall have a minimum of 10 years cognate experience on Environmental matters.

(4) The Director-General shall 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.

9.—(1) The Agency shall appoint, such officers and other employees as it may, from time to time, deem necessary for the purpose of the Agency.

Other employees of the Agency.

(2) The terms and conditions of service (including remuneration, allowances, benefits and pensions) of officers and employees of the Agency shall be as determined by the Agency, subject to the approval of the National Income, Salaries and Wages Commission (NISWC).

10.—(1) It is hereby declared that service in the Agency shall be approved service for the purpose of the Pensions Reforms Act and accordingly, employees of the Agency shall be entitled to pensions, gratuities and other retirement benefits as are prescribed under the Pensions Reform Act.

Act No 2, 2004.

(2) Notwithstanding the provisions of subsection (1) of this section, 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 benefits in respect of that office.

(3) For the purpose of the application of the provisions of the Pensions Reform Act any power exercisable by the Minister or other authority of the Federal Government, other than the power to make regulations under the Pensions Reform Act, is hereby vested in and shall be exercisable by the Agency and not by any other person or authority.

PART V—FINANCIAL PROVISIONS

11. The Agency shall establish and maintain a fund into which shall be paid and credited:

Fund of the Agency.

(a) the take-off grant from the Federal Government;

(b) annual subvention from the Federal Government consolidated revenue;

(c) such counter-part funding as may be provided, from time to time by a State or Local Government;

(d) loans and grants-in-aid from national, bilateral and multilateral agencies;

(e) rents, fees and other internally generated revenues from services provided by the Agency ; and

(f) all other sums accruing to the Agency from time to time.

Expenditure
of the
Agency.

12. The Agency may, from time to time, apply the proceeds of the funds established in pursuance of Section 11 of this Act :

(a) to the cost of administration of the Agency ;

(b) to the paying of the emoluments, allowances and benefits of members of the Governing Board and for reimbursing members of the Governing Board or of any committee set up by the Governing Board for such expenses as may be expressed or authorized by the Governing Board ;

(c) to the payment of the salaries, fees or other remuneration or allowances, gratuities and pensions, and other benefits payable to the officers and other employees of the Agency, so, however that no payment of any kind under this paragraph (except such as may be expressly authorized by the Agency) shall be made to any person who is in receipt of emoluments from the Federal or a State Government ;

(d) for the development and maintenance of any property vested in or owned by the Agency ; and

(e) for and in connection with all or any of its functions under this Act.

Annual
Estimates and
Accounts.

13.—(1) The Agency shall, not later than 30th September in each year, submit through the Minister to the President an estimate of its expenditure and income (including payments to the Agency) for the next succeeding year.

(2) The Agency shall keep proper accounts in respect of each year and proper records in relation to those accounts and shall cause its accounts to be audited within six months after the end of each year by auditors appointed from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation.

Annual
Reports.

14. The Agency shall prepare and submit through the Minister to the Federal Executive Council, not later than six months after the end of each year, a report in such form as he may direct on the activities of the Agency during the immediate preceding year, and shall include in such report a copy of the audited accounts of the Agency for that year and the auditor's report on the accounts.

Power to
accept gift.

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

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

Power to
borrow.

16.—(1) The Agency may, from time to time, borrow by way of overdraft or otherwise such sums as it may require for the performance of its functions under this Act.

(2) The Agency shall not, without the approval of Governing Board, borrow money which exceeds at any time the amount set by the Minister.

(3) Notwithstanding subsection (1) of this Section, where the sum to be borrowed is in foreign currency, the Agency shall not borrow the sum without the prior approval of the Minister.

17. The Agency may, subject to the provisions of this Act and the conditions of any trust created in respect of any property, invest all or any of its funds in any security prescribed by the Trustee Investment Act or in such other securities as may, from time to time, be approved by the Minister.

Investment.

PART VI—ESTABLISHMENT OF NATIONAL CONTROL AND RESPONSE CENTRE

18.—(1) There is established for purposes of this Act, a National Control and Response Centre (in this Act referred to as “the Centre”) which shall:

Establishment of National Control and Response Centre.

(a) act as a report processing and response co-ordinating centre for all oil spillage incidents in Nigeria;

(b) receive all reports of oil spillages from the zonal offices and control units of the Agency;

(c) serve as the command and control centre for compliance monitoring of all existing legislation on environmental control, surveillance for oil spill detection and monitoring and co-ordinating responses required in plan activations.

(2) The Centre shall be headed by such officer of the Agency as may be designated from time to time.

(3) The officer so designated under subsection (2) of this section shall report to the Director-General of the Agency on all activities of the Centre.

PART VII—FEDERAL GOVERNMENT INTERVENTION, ETC.

19.—(1) The Agency shall:

Federal Government Intervention, Etc. Second Schedule.

(a) in the event of a major or disastrous oil spill, in collaboration with other Agencies co-opt, undertake and supervise, all those provisions as set out in the Second Schedule to this Act;

(b) assess the extent of damage to the ecology by matching conditions following the spill against what existed before (reference baseline data and ESI maps);

(c) undertake a post-spill impact assessment to determine the extent and intensity of damage and long term effects;

(d) advise the Federal and State Governments on possible effects on the health of the people and ensure that appropriate remedial action is taken for the restoration and compensation of the environment;

(e) assist in mediating between affected communities and the oil spiller;

(f) monitor the response effort during an emergency, with a view to ensuring full compliance with existing legislation on such matters;

(g) assess any damage caused by an oil spillage;

(h) expeditiously process and grant approval for any request made to it by an oil spiller for the use of approved dispersant or the application of any other technology considered vital in ameliorating the effect of an oil spill ;

(i) advise and guide the response efforts as to ensure the protection of highly sensitive areas, habitats and the salvation of endangered or threatened wild life ; and

(j) monitor the clean-up operations to ensure full rehabilitation of the affected areas.

Second
Schedule.

(2) The Agency shall act as the Lead Agency for all matters relating to oil spills response management and liaise with the other Agencies for the implementation of the plan, as contained in the Second Schedule.

(3) The Agency shall :

(a) co-operate with an oil spiller in the determination of appropriate measures to prevent excessive damage to the environment and the communities ;

(b) expeditiously consider any proposal made for response effort by the oil spiller ;

(c) mobilize internal resources and also assist to obtain any outside human and financial resources that may be required to combat any oil spill ; and

(d) assist in the assessment of damage caused by an oil spillage.

(4) Notwithstanding the functions of the Agency set out under this Act the specified Federal Ministries, Extra-Ministerial Departments, Parastatals and other bodies mentioned herein shall be charged with the following responsibilities set out under this Section as provided in the second schedule to this Act.

PART VIII—LEGAL PROCEEDINGS

Limitations
of suits
against the
Agency etc.
Cap.379
LFN.

20.—(1) Subject to the provisions of this Act, the provisions of the Public Officers Protection Act shall apply in relation to any suit instituted against an officer or employee of the Agency.

(2) Notwithstanding anything contained in any other enactment, no suit against a member of the Governing Board or the Director-General, or any other officer or employee of the Agency or the Centre for any act done in pursuance or execution of this Act or any other enactment or law, or of any public duty or authority in respect of any alleged neglect or default in the execution of this Act or any other enactment or law, duty or authority, shall lie or be instituted in any court unless it is commenced :

(a) within three months next after the Act, neglect or default complained of ; or

(b) in the case of a continuation of damage or injury, within six months next after the ceasing thereof.

(3) The notice referred to in Section 21 of this section shall clearly and explicitly state the cause of action, the particulars of the claim, the name and place of abode of the intending plaintiff and the relief which he claims.

21. A notice, summons or other document required or authorized to be served on the Agency under the provisions of this Act or any other enactment or law may be served by delivering it to the Director-General or by sending it by registered post addressed to the Director-General at the principal office of the Agency.

Service of documents.

22.—(1) In any action or suit against the Agency, no execution or attachment of process in the nature thereof shall be issued against the Agency unless not less than three months notice of the intention to execute or attach has been given to the Agency.

Restriction on execution against property of the Agency.

(2) Any sum of money which by the judgment of any court has been awarded against the Agency shall, subject to any direction given by the court, where notice of appeal against the judgment has been given, be paid from the fund of the Agency.

23. A member of the Governing Board or the Director-General or any officer or employee of the Agency or the Centre shall be indemnified out of the assets of the Agency against any liability incurred by him in defending any proceeding, whether civil or criminal, if the proceeding is brought against him in his capacity as a member, Director-General, officer or other employee of the Agency or the Centre.

Indemnity of officers.

24.—(1) A member of the Governing Board or the Director-General or any other officer or employee of the Agency or the Centre shall :

Secrecy.

(a) not, for his personal gain, make use of any information which has come to his knowledge in the exercise of his powers or is obtained by him in the ordinary course of his duty as a member of the Governing Board or as the Director-General, officer or employee of the Agency or the Centre ;

(b) treat as confidential any information which has come to his knowledge in the exercise of his powers or is obtained by him in the performance of his duties under this Act ;

(c) not disclose any information referred to under paragraph (b) of this subsection, except when required to do so by a court or in such other circumstances as may be prescribed by the Governing Board, from time to time.

(2) Any person who contravenes the provisions of subsection (1) of this section commits an offence and is liable on conviction to a fine of not less than ₦50,000 or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

25. The Minister may give to the Governing Board or the Director-General such directives of a general nature or relating generally to matters of policy with regard to the exercise of its or his functions as he may consider necessary and it shall be the duty of the Governing Board or the Director-General to comply with the directives or cause them to be complied with.

Directives by the Minister, etc.

26. The Agency may, with the approval of the Governing Board make such regulations as in its opinion are necessary or expedient for giving full effect to the provisions of this Act and for the due administration of its provisions.

Regulations.

Interpretation.

27. In this Act :

“*Governing Board*” means the National Oil Spill Detection Response Governing Board of the Agency established under section 2 of this Act ;

“*Agency*” means the National Oil Spill Detection Response Agency established under section 1 of this Act ;

“*Chairman*” means the Chairman of the Governing Board of the Agency ;

“*Centre*” means the National Control and Response Centre established under section 19 of this Act ;

“*Member*” means a member of the Governing Board of the Agency and includes the Chairman ;

“*Minister*” means the Minister charged with responsibilities for matters relating to environment ; and

“*Ministry*” shall be construed accordingly.

Short Title.

28. This Act may be cited as the National Oil Spill Detection Response Agency (Establishment) Act, 2006.

SCHEDULE

FIRST SCHEDULE

Section 2 (5)

SUPPLEMENTARY PROVISIONS RELATING TO THE GOVERNING BOARD, ETC

CAP. 192 LFN

Proceedings of the Governing Board

1. Subject to this Act and section 27 of the Interpretation Act (which provides for decisions of a statutory body to be taken by a majority of its members and for the person presiding at any meeting, when a vote is ordered, to have a second or casting vote), the Governing Board may make standing orders regulating its proceedings or that of any of its committees.

2. At every meeting of the Governing Board, the Chairman shall preside and in his absence the members present at the meeting shall appoint one of their member to preside at the meeting.

3. The quorum at a meeting of the Governing Board shall consist of the Chairman or, in an appropriate case, the person presiding at the meeting pursuant to paragraph 2 of this schedule and six other members.

4. The Governing Board shall for the purpose of this Act, meet not less than three times in each year and subject thereto the Governing Board shall meet whenever it is summoned by the Chairman, and if required to do so, by notice given to him by not less than six other members, he shall summon a meeting of the Governing Board to be held within 14 days from the date on which the notice is given.

5. Where the Governing Board desires to obtain the advice of any person on a particular matter, the Board may co-opt him to the Governing Board 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 Governing Board and shall not count towards a quorum.

Committees

6.—(1) Subject to its standing orders, the Governing Board may appoint such number of standing and *ad hoc* committees as it thinks fit to consider and report on any matter with which the Agency is concerned.

(2) A committee appointed under this paragraph shall :

(a) consist of such number of persons (not necessarily members of the Governing Board as may be determined by the Governing Board), and a person, other than a member of the Governing Board, shall hold office on the committee in accordance with the terms of his appointment ; and

(b) be presided over by a member of the Governing Board.

(3) The quorum of any committee set up by the Governing Board shall be as may be determined by the Governing Board.

(4) A decision of a Committee on the Governing Board shall be of no effect until it is confirmed by the Governing Board.

Miscellaneous

7. The fixing of the seal of the Agency shall be authenticated by the signature of the Chairman, the Director-General or any other person generally or specifically authorized by the Governing Board to act for that purpose.

8. Any contract or instrument which, if made 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 by any other person specially authorized by the Governing Board to act for that purpose.

9. Any document purporting to be a contract, instrument or other document duly signed or sealed on behalf of the Agency shall be received in evidence and shall, unless the contrary is proved, be presumed without further proof to have been so signed or sealed.

10. The validity of any proceedings of the Governing Board or of any of its committees shall not be affected by :-

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

11. A member of the Governing Board who has a personal interest in any contract or arrangement entered into or proposed to be considered by the committee shall forthwith disclose his interest to the committee and shall not vote on any question relating to the contract or arrangement.

12. No member of the Governing Board shall be personally liable for any act or omission done or made in good faith while engaged in the business of the Agency.

SECOND SCHEDULE Section 19(1), (2) and 7(g)(ii)

The Agency shall in the event of a major Tier 2 or Tier 3 oil spill co-opt and collaborate with the various Ministries/Agencies in respect of their various functions, as set out hereunder—

1. The Nigerian Institute of Oceanography and Marine Research shall :

- (a) assist with data on oil spill trajectory for spillages in brackish and ocean waters ;
- (b) monitor the extent of impact in the coastal and marine environment ;
- (c) monitor the effectiveness of clean up exercises and advise on least-damaging techniques for quick recovery of impacted areas ;
- (d) monitor the recovery rates of impacted areas and document for future use and the most acceptable methods for clean-up in each ecotype ;
- (e) recommend rehabilitation and restoration methods for the recovery of impacted areas ; and
- (f) provide technical and scientific support services for the Agency.

2. The Federal Ministry of Works shall :

- (a) mobilize human and equipment resources to evacuate affected human communities to safer grounds ;
- (b) construct temporary or semi-permanent structures and shelters for the resettlement of victims ;
- (c) provide access roads to the scene of an oil spill ;
- (d) mobilize the Fire Service to combat fires that may result after an oil spill and for general rescue operations.

3. The Federal Ministry of Health shall :

- (a) set up medical outposts around the scene of an oil spillage to provide medical treatment to affected communities ;
- (b) mobilize medical personnel, drugs and other relief materials to check epidemic ;
- (c) monitor the effect of an oil spill on the general health of a community ;
- (d) observe for possible outbreak of new health conditions that might be attributable to the incidence of an oil spill especially health impacts on potable water supplies ; and
- (e) mobilize requirements in hospitals to respond to the emergency.

4. The Federal Ministry of Transport shall :

- (a) mobilize all nearby port facilities to assist in any response effort ;
- (b) provide barges and storage for recovered oil ;
- (c) facilitate berthing for vessels involved in an oil spill combat ; and
- (d) provide advice on the navigability of shipping lanes, creeks and other inland waterways.

5. The Federal Ministry of Information shall :

- (a) provide up-to-date information about an oil spill and give an unbiased view of the response effort to avail the affected communities and the general public with a clear and true picture of Federal Government's efforts ; and
- (b) monitor the response activities work in co-operation with outside media organizations to provide accurate reporting of any oil spillage.

6. The Federal Ministry of Water Resources and the Federal Ministry of Agriculture and Rural Development shall :

- (a) provide bore holes for water supply ;
- (b) provide food and relief materials ; and
- (c) provide agricultural implements and other inputs to resettle fishermen who may have been put out of business by the pollution of fishing areas by oil.

7. The Ministry of Communications, shall :

- (a) assist in the setting up of communications centres around the scene of any oil spillage ;
- (b) assist with international contacts with foreign based resource centres for assistance ; and
- (c) allocate special frequencies for use by the Agency and the Centre.

8. The Federal Ministry of Aviation (NIMET) shall :

- (a) provide regularly, data on the prevailing weather conditions ; and
- (b) make predictions on weather changes.

9. The National Emergency Management Agency shall :

- (a) in the event of a major Tier 2 or Tier 3 oil spill, perform its obligatory function of supply of relief materials to needy persons and liaise with relevant States Agencies to evacuate and re-settle persons should the need arise ;
- (b) work alongside the Agency in coordinating oil spill emergencies.

10. The Agency shall :

- (a) assign an office or agency to represent the State or a Local Government on the zonal response team ;
- (b) cooperate fully in all the activities during a response exercise ;
- (c) assist in raising and training an *ad hoc* intervention team from within its area of jurisdiction ;
- (d) include contingency planning for responses, consistent with its plan and zonal plans, in all related emergency and disaster planning ;
- (e) initiate public safety and community relations actions necessary to protect public health and welfare during an emergency ; and
- (f) assist in directing evacuation in accordance with existing State and Local Government Contingency Procedures.

11. The Oil Producers Trade Section/Lagos Chamber of Commerce (OPTS) shall :

- (a) provide the operational and ESI maps of the area or areas affected or likely to be affected by an oil spill ;
- (b) provide all necessary logistic support services including equipment and specialist personnel for response efforts; and
- (c) assist in securing the services of international organizations in response efforts.

12. In conjunction with the Agency, Non-Governmental Organizations, Industrial Groups, Academic Organizations and others may offer services in :

- (a) assisting in their respective ways to ensure effective response actions ;
- (b) conducting scientific researches alongside government to evolve and devise sustainable clean up strategies and rehabilitation techniques ; and
- (c) organizing, coordinating and ensuring safe use of volunteers in a response action and actually identifying where these, can best render service effectively.

13. The Ministry of Science and Technology shall :

- (a) initiate and sustain research and development, into the development of local methods, materials and equipment for oil spill detection and response ;
- (b) disseminate the results of such R&D for adoption at the levels of the oil communities, companies and relevant government agencies ; and
- (c) enter into collaborative R&D with international organizations that are involved in oil spill detection and response.

14. The Ministry of Defence shall assist :

- (a) to evacuate victims of the spill to designated areas for settlement ;
- (b) to provide additional security back-up ;
- (c) to patrol the sea and coastline ;
- (d) in providing vessels for oil recovery ;
- (e) to render assistance to vessels in distress ;
- (f) with communication support; in the recovery operation in the sea ;
- (g) to make surveillance flights over the scene of the spill ;
- (h) to monitor oil slick movement ; and
- (i) to provide transportation to and from the scene.

15. The Nigerian Police Force shall assist on full alert :

- (a) to keep order in the vicinity of the incident ;
- (b) to protect property and equipment at the scene ;
- (c) to protect workers from angry mobs ; and
- (d) to assist with communication support.

I Certify, in accordance with section 2 (1) of the Acts Authentication Act, Cap. 4, Laws of the Federation of Nigeria 1990, that this is a true copy of the Bill passed by both Houses of the National Assembly.

NASIRU IBRAHIM ARAB,
Clerk to the National Assembly
11th Day of October, 2006

EXPLANATORY MEMORANDUM

This Act establishes the National Oil Spill Detection and Response Agency as the co-ordinating and monitoring body on the implementation of Federal Government policies on National Oil Spill Contingency Plan.

**SCHEDULE TO NATIONAL OIL SPILL DETECTION AND RESPONSE AGENCY
(ESTABLISHMENT, ETC) BILL, 2006**

(1) <i>Short title of the Bill</i>	(2) <i>Long title of the Bill</i>	(3) <i>Summary of the contents of the Bill</i>	(4) <i>Date Passed by the Senate</i>	(5) <i>Date Passed by the House of Representatives</i>
National Oil Spill Detection and Response Agency (Establishment) Bill, 2006.	An Act to provide for the establishment of the National Oil Spill Detection and Response Agency ; and for related matters.	This Bill seeks to establish the National Oil Spill Detection and Response Agency as the coordinating and monitoring body on the implementation of Federal Government policies on National Oil Spill Contingency Plan.	23rd August, 2006.	16th August, 2006.

I certify that this Bill has been carefully compared by me with the decision reached by the National Assembly and found by me to be true and correct decision of the Houses and is in accordance with the provisions of the Acts Authentication Act Cap. 4, the Laws of the Federation of Nigeria, 1990.

I ASSENT.



NASIRU IBRAHIM ARAB,
Clerk to the National Assembly
11th Day of October, 2006.

CHIEF OLUSEGUN OBASANJO, GCFR
President of the Federal Republic of Nigeria
18th Day of October, 2006.