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GOMBE STATE ENVIRONMENTAL PROTECTION AGENCY LAW
1998



A LAW TO ESTABLISH THE GOMBE STATE ENVIRONMENTAL PROTECTION AGENCY PURSUANT TO SECTION 24 OF THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY, NO. 59 OF 1992 AND TO PROVIDE MATTERS NOT PROVIDED FOR UNDER THE REFERRED ACT

THE HOUSE OF ASSEMBLY OF GOMBE STATE hereby make the following Law.

1. This Law may be cited as the Gombe State Environmental Protection Agency Law and shall be read as one with the Federal Environmental Protection Agency Act No. 59 of 1992 and shall come into force on 3rd day of July, 19998.

Citation and commencement

2. In this Law, unless the context otherwise requires: --

Interpretation

"Agency"	Means the Gombe State Environmental Protection Agency Established Pursuant to Section 3 (1) of this Law.
"Chairman"	Means the Chairman of the Governing council of the Agency appointed under Section 8 of this Law.
"Director General"	Means the Director General of the Agency appointed pursuant to Section 5 (1) of this Law.

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"Environmental"	means the surrounding which includes land, water, air plants animals, human beings and the entire ecosystem.
"Fees"	Means any sum payable to the Agency for permits, approvals and any other payment for service as the Agency may charge.
"Functions"	Includes powers and duties;
"Government"	Means the Government of Gombe State
"Member"	Means any member of the Governing Council and includes the Chairman;
"Governor"	means Governor of Gombe State.
"Regulations"	Means any Regulation or guidelineees the Governing Council is empowered to make under this Law;
"State"	Means Gombe State of Nigeria.

3. (1) It is hereby established for the State a body vcalled the Gombe State Environmental Protection Agency (hereinafter referred to as "the Agency"). Establishment of the Agency.
- (2) The Agency shall be a body corporate with perpetual succession and a comon sea, capable of suing and being sued in its corporate name.
- (3) The Agency shall be responsible to the Governor.

4. (1) The Agency shall consist of the following departments; - **Establishment of Departments.**
- a. Finance and Administration; and
 - b. Environmental protection.
- (2) The Governing Council, on the recommendation of the Director General may create more departments as it deems fit for the due discharge of its functions.
5. (1) The Director General shall hold office on such terms and conditions as may be specified in his letter of appointment or no such terms and conditions as may be determined from time to time. **Appointment of Director General**
- (2) The Director General shall be the Chief Executive of the Agency.
6. Every department shall be headed by a Director to be appointed by the Governor on the recommendation of the Secretary to the State Government. **Appointment of Directors.**
7. The Director Finance and Administration or any other person that the Agency deems fit in the absence of Director shall be the secretary to the Council. **Secretary of the Council.**
8. The Agency shall have a Governing Council which shall consist of the following members to be appointed by the Governor. **Establishing of Governing Council.**
- a. The Secretary to the State Government - Chairman
 - b. Honourable Commissioner Ministry of Works and Housing - Member
 - c. Honourable Commissioner Ministry of Health - Member

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- d. Honourable Commissioner Ministry of Agriculture and Water Resources - Member
- e. Director General of Department of Land and Survey - Member
- f. Director General of the Agency - Member
- g. Director Rural Development; and
- h. Two other members Representative of Environmental Interest Groups and nominees of Public interest.

9. (1) The functions of the Agency shall be to:

- a. Formulate, implement and review environmental policy in the state and in particular to demand and review Environmental project and such other operations which are deemed to have serious repercussions on the environment.
- b. In conjunction with Bureau for Urban Development in the Ministry of Works and Housing co-ordinate Urban and regional planning processes throughout the state and liaise with other public and private Authorities/Agencies or Institutes engaged.
- c. With the approval of the Governor adopt and execute all existing bilateral and multilateral agreements, and obligations including entering into joint venture relationships and executing projects and programmes with foreign countries, non-governmental organisations and Private Voluntary Organisations and individuals on environmental matters.
- d. Advise the Governor on local, National and International Environmental policies priorities on scientific and technological activities and developments relating to the environment.

Functions of the Agency

- e. Establish and supervise perational mechanisms for the refuse collection, transportation and disposal in conjunction with Federal and Local Governments or other Agencies as may be necessary.
 - f. Establish Area Office in Local Government Areas throughout the State and to constitute joint consultative committees with the purpose of operating, administering and enforcing the provisions of this Law and or regulations or any enactment generally.
 - g. Stimulate public interest on environment by dissemination of information, organization of lectures, seminars, public awareness campaign and generally encourage sponsor environmental education programmes in schools, mass media and other formal and informal sectors.
 - h. Sponsor and conduct training programmes for industrial, commercial and public institution and to recruit and train environmental extension workers for the purpose of effective mobilisation for the public towards environmental education and awareness.
 - 2. For the avoidance of doubt, the Agency shall subject to his Law have the general responsibility for all matters relating to environmental protection, sanitation, technology, research and initiation of policy relating thereto.
- Establishment of
the Agency.
10. (1) It is hereby established in the State a body to be known as the State Task Force Committee on Environmental Sanitation (hereinafter referred to as "the committee").
- (2) It is hereby established in every Local Government Area in the State a Task Force Committee on Environmental Sanitation.
- (3) The State Committeee shall be responsible to the Director General while the Local Government Area Committee shall be responsible to the Chairman

11. 1. The State Committee shall consist of the following members to be appointed by Governor -

Composition
Committee

- a. Officer in the Nigerian Army not below the rank of Captain, who shall be the Chairman of the Committee.
- b. Police Officer not below the rank of Deputy Superintendent of police;
- c. Representatives of Social Clubs.
- d. Magistrate not below the rank of Senior Magistrate.
- e. Health Officer
- f. Environmental Officer.
- g. Traditional Title Holder, and
- h. Representative of State Development Bureau.

2. The Local Government Area Committee shall consist of the following members to be appointed by the Local Government Council Chairman.

Function of
The Committee

- | | | |
|----|---------------------------|----------|
| a. | Magistrate | Chairman |
| b. | Divisional Police Officer | Member |
| c. | Traditional title holder | Member |
| d. | Health Officer, and | Member |
| e. | Secretary | Member. |

12. (1) The functions of the committees shall be to:

- a. Ensure regular clearing of refuse from collections points;
- b. Direct and control the dumping the disposal of refuse;
- c. Prescribe and employ effective modes of refuse disposal;
- d. Ensure the opening and clearing of drainage in order to allow the free draining of waste;

- e. Ensure the neatness or tidiness of highways by cutting or trimming grasses and other growth along such highways as well as by ensuring grasses and other growth along such neatness or tidiness of the highways in any other manner;
 - f. Remove any dirt, filth, obstruction, unauthorized structures from streets, highways, open places, parks and other public places
 - g. Carry out regular inspection of building and premises for purposes of ensuring that sanitary conditions are maintained in such building and premises;
 - h. Remove and dispose of any vehicles abandoned or remaining on any highway, street, lane or public premises.
 - i. Impound any vehicle that causes hazards, improperly kept or parked along a highway, street or lane especially in areas where parking is prohibited.
2. Functions of the state committee shall cover the whole state while that of the Local Government Area Committee shall cover only the respective Local Government Area.
13. It is hereby established a Committee to be known as the State Environmental Protection Agency Technical Committee ("hereinafter" referred to as "The Technical Committee").
- Establishment of
Technical
Committee.
14. The Technical Committee shall consist of the following members to be Appointed by the Governor.
- a. The Director General . Chairman
 - b. Three distinguished persons that possessed such skills and expertise in environmental matter. - Member

c. one representative not below the rank of a Director from each of the following Ministries and organizations: -

i.	Agriculture	Member
ii.	Works and Housing	Member
iii.	Health	Member
iv.	Finance	Member
v.	Justice	Member
vi.	Land and Survey	Member
vii.	Education	Member
viii.	Trade and Industry	Member
ix.	State Branch of the Manufacturer's Association of Nigeria;	Member
x.	A renowned NGO; and	Member

d. Federal Environmental Protection Agency (FEPA) Zonal Field Officer.

15. The functions of the Technical Committee shall be to -

- Assist and advise the Council or the Agency in the Discharge of their functions
- Give technical opinion on issues Referred to it or delegated by the Council.

Function of
The Technical
Committee

16. The Agency may, for the discharge of its functions contained in this Law -

- Enter into contracts with public or private organizations and individuals for the purpose of executing and fulfilling its functions and responsibilities under their Law.
- Collect and make available through publications and other appropriate means and cooperation with public or private

Functions of the
Technical
Committee

organizations basic Scientific data and other information pertaining to environmental protection matters.

- c. At all reasonable times enter upon or have access to any public or private property or premises for the purposes of inspection and investigation to verify and violation of the Environmental law and regulations.
- d. Issue permits, licenses, approval and to administer certification system and operation procedures as may be provided under any Regulations by law or any Federal enactments and to charge fees, levies for the issuance of such permits, licenses, approvals and certifications as the Agency may from time to time prescribe.
- e. Generally investigate, ascertain all violations of this Law and any relevant rules and regulations made under this Law and other laws related thereto and the terms and conditions upon which any permit is granted by the Agency and to take or cause to take appropriate legal and penal remedies to prevent, remove, rehabilitate any aspect of the environment that has been violated or degraded.
- f. Prevent, stop any act of omission or commission which consequences are likely to adversely affect the environment and to generally deal with any discharge, solid, liquid or gaseous deposited willfully or otherwise in the environment and to deal generally with any violation which the Agency may deem hazardous to the environment and the ecosystem. In this regard to -
 - i. Monitor the whole state any of such discharge.
 - ii. Remove or cause to be removed such discharge at the expenses and account of the defaulting party.
 - iii. Cause the responsible party to stop or remove such discharge.
 - iv. Cause penalty to be paid for such violation and to propose compensation to be paid to the victims of such discharge.

17. The governing council shall have the following powers -

Powers of the Council.

- a. Advise the Governor on the appointment of State Committee on Environment.
 - b. Be responsible for formulation of policy and the General Management of the Agency and may advise the Governor or the same.
 - c. Exercise on behalf of the Agency the powers conferred on the Agency by section 13 of this Law and any other enactment in that behalf.
 - d. Delegate any of its powers not exclusively to be exercised by the Council itself to either the Chairman, the Director General or to any of its Committee as the Council may deem fit.
 - e. Make rules and regulations for the purpose of exercising any of its respective functions or regulating its own proceedings.
2. In the exercise of these powers, the Council shall not be engage in the day to day management of the Agency.

18. The supplementary provisions contained in the schedule to this Law shall have effect with respect to the proceedings of the Agency and other matters mentioned therein.

Effect of Supplement Provisions

19. A member not being an ex-officio shall hold office for a period of three years and may be re-appointed for another period of three years.

Tenure of a member

20. A member not being an ex-officio may resign his appointment by letter under his hand addressed to the Governor.

Removal of Member.

21. (1) The Governor may at any time in writing remove a member from office where he is unable to perform the functions under this law.

(2) Where the Agency is satisfied that the continued presence of a member is not in its interest of the State, the Agency shall recommend to the Governor who after making such inquiries as he considers necessary, may in writing declare the office of the member vacant.

22. Members may be paid such salaries and allowances as the Governor may determine from time to time. **Salaries and allowances**

23. (1) The Agency may employ through the Civil Service Commission such staff as it may deem necessary for the efficient discharge of its functions under this Law. **Staff of the Agency**

(2) The Agency may accept Staff on secondment or transfer from the State Ministries, Parastatals and Local Government Service.

(3) Notwithstanding the provision of any Law, the Staff of the Agency shall be entitled to such pensions, gratuities and other retirement benefits, as are enjoyed by persons holding equivalent grades in the Civil Service of the state, provided that nothing in this Section shall prevent the appointment of a person to any office in the Agency on terms which preclude the grant of pension, gratuity and other retirement benefit in respect of that office.

24. The Agency shall establish and maintain funds which shall be Applied towards the promotion of the functions specified in this Law. **Funds of the Agency**

25. The sources of funds of the Agency shall be: -- **Sources of Funds**

a. Such sums as may from time be granted to it by the Federal, State and Local Government Councils.

b. All monies raised for the purposes of the Agency by way of gifts, aids, testamentary, dispositions and sales of publications or in any other manner

c. All subscriptions, fees and charges for services rendered by the Agency and all other sums that may accrue to the Agency from any source.

Application of the Funds.

26. (1) The Agency may from time to time apply the funds at its disposal to:

- a. The pursuance of all or any of its functions under the provisions of this Law.
- b. The salaries and allowances of members.
- c. Allowances, gratuities or pension of staff of the Agency.
- d. The course of its administration.
- e. The payment of taxes, duties or other charges payable by it under any enactment.
- f. Any other purpose necessary or incidental to the carrying out of its functions.

(2) The Agency may for the due discharge of its functions under this law make grants to any institution, society or scheme related thereto from time to time

27 The Agency as it deem necessary may from time to time with the approval of the Governor borrow such sum of money for and in connection with the exercise of its functions under this law.

Power to Borrow

28. (1) District Court shall have jurisdiction to try all cases or matters arising under this Law.

Courts to try Offences

- (2) A district court may move from one place to another for the purpose of carrying out its duties under this Law.

29. (1) Notwithstanding, anything to the contrary, no suit shall lie or be instituted against the Agency, member or an Employee of the Agency for any act or omission done in good faith in the course of discharging his duties under this law or any enactment related thereto in any court unless it is commenced within twelve months after the act or omission or in the course of the continuance of the act or omission commence within twelve months next after the ceasing thereof.

Limitation of suit
Against the
Agency

- (2) No suit shall be commenced against the agency before the expiration of a period of one month after a written intention to commence the suit shall have been served upon the agency by the intending plaintiff or his authorised agent and the notice shall state the course of action and the particulars of claim.

30. (1) The Agency shall prepare not later than three months before the end of every year an estimate of expenditure and income of the agency during the next succeeding financial year and be submitted to the Honourable Commissioner of Finance.

Annual Estimate
Accounts and
Audit

- (2) The Agency shall keep proper accounts and proper records in relation to its operations in respect of each financial year.

(3) The accounts of the agency shall be audited not later than three months after the end of each financial year by the auditors appointed in accordance with the guidelines supplied by the Auditor General of the State.

31. The Governor may give to the agency, in writing, in connection with any matter of exceptional public importance, directions of a general character not being inconsistent with the provision for the purpose of operating, administering and enforcing the provisions of this law and

Directives by the
Military
Administrator

or regulations or any enactment generally of this law or with contract for the purpose of operating, administering and enforcing the provisions of this law and or regulations or any enactment generally. Actual or other legal obligations of the agency relating to the exercise by the agency of its functions under this law and the agency shall give effect to such directives.

32. (1) An instrument or contract which is executed or entered into by a person other than a body corporate, would not require to be under seal, may be executed or entered into on behalf of the Agency by any member of the Agency if such person has previously been authorised by a resolution of the Agency to execute or enter into that instrument or contract.

Execution of
Contracts by

- (2) The Agency may in writing under common seal appoint any person outside the State as an Agent to execute an instrument or contract on its behalf, and if so entered or executed shall have effect as if it had been duly Executed or entered into by the Agency.

33. (1) The Director General is Authorised to keep and use the Common Seal of the Agency.

Common Seal of
Agency

- (2) The use of the common seal of the Agency shall be authenticated by the signature of the Chairman or some other person authorised specifically by the Agency.

34. The adaptation of Bauchi State Law and Legal Notices Law No. 1 of 1996 is for the purpose of this Law hereby Repealed.

Repeal of Law No.
1 of 1996 of

SUPPLEMENTARY PROVISIONS

1. Subject to this Law, the Agency may make standing orders regulating its proceedings or any committee thereof.

Standing orders

2. The Chairman shall preside over every meeting; but in his absence the members present at the meeting shall nominate one of them to preside at the meeting.

Meetings

3. The quorum at a meeting of the Agency shall consist of 5 members. **Quorum**
4. Where upon any special occasion the Agency desires to obtain the advise of any person on a particular mater, it may co-opt that person to be a member for that purpose and that person whilej so co-opted shall have all the rights and privileges of a member except the right to vote. **Co-option of a member**
5. No act or proceedings of the Agency shall be invalidated by reason of any vacancy in its membership or by reason of any defect in the appointment of any member. **Validity of Proceedings**
6. Judicial notice shall be taken of the common seal of the Agency and very document purpoting to be an instrument made by the Agency with its common seal shall be received in evidence and be deemed to be such unless the contrary is shown.