



THE SENATE
FEDERAL REPUBLIC OF NIGERIA

REPORT OF THE SENATE COMMITTEE ON
ENVIRONMENT

ON

EROSION CONTROL AND PREVENTION COMMISSION
(ESTABLISHMENT, ETC) BILL, 2017(SB.32).

APRIL, 2017

REPORT OF THE SENATE COMMITTEE ON ENVIRONMENT ON A BILL FOR AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE EROSION CONTROL AND PREVENTION COMMISSION AND VEST IT WITH THE RESPONSIBILITY FOR THE PREVENTION, CONTROL, MANAGEMENT AND REDRESS OF EROSION AND FOR RELATED MATTERS.

1.0 BACKGROUND

The Erosion Control and Prevention Commission Bill, 2017 (SB 32) was read for the First Time on Wednesday, **12th August, 2016**. It was further presented for debate on the general principles, and read the Second Time on **Wednesday, 2nd November, 2016** and was referred to the Senate Committee on Environment for further legislative action through a letter Ref: **NASS/SB/R/03/Vol.1/393**.

There is no doubt that erosion has been recognized as one of the major environmental problems dislodging the delicate equilibrium of our ecosystem. Many States and Local Government Areas in Nigeria are currently under the threat of this phenomenon process increased by nature and human activities. Erosion activity at various scales has resulted in the loss of lives and properties almost on a yearly basis, which has greatly degraded our environment and negatively affected our national economy among others.

2.0 OBJECTIVES OF THE BILL

The objectives of the Bill amongst others include:

- To establish the Erosion Prevention and Control Commission of the Federal Republic of Nigeria;
- To establish a Commission that will undertake the formation of policies and guidelines for the prevention, control and management of erosion in the country.
- To establish a Commission that will accommodate ecological problems associated with the erosion, desertification, drought as well as environmental degradation.

3.0 METHODOLOGY

The Committee considering the sensitive and vital nature of this Bill adopted the following Legislative procedures in carrying out the assignment:

- i. Requested for written memorandum from relevant Stake holders on this Bill:
- ii. The Committee conducted a Public Hearing on 7th February 2017 in order to get necessary input and stakeholders' participation to ensure adequate consultation and Justification for the passage of this Bill into Law; and
- iii. Committee members also carried out an in depth Clause by Clause consideration of the entire provisions of the Bill and came up with its recommendations.

4.0 PUBLIC HEARING

The Committee conducted a Public Hearing on Tuesday, 7th February, 2017 at Conference Hall 231, Senate New Building of the National Assembly, Abuja.

The Public Hearing was declared open by the President of the Senate, **His Excellency, Distinguished Senator Dr. Abubakar Bukola Saraki, CON** ably represented by the **Leader of the Senate, Senator Ahmed Ibrahim Lawan**. In his key note address, the President of the Senate thanked the Committee and other Stakeholders present for the commitment and devotion demonstrated by ensuring that we come out with a quality piece of legislation at which will be most effective and efficient in the conservation of our environment.

He also stressed that, erosion is a wide spread phenomenon that cut across all parts of the country, therefore we must view this menace holistically as one country and not be divided along ethnic, institutional or regional differences.

He further enjoined the stakeholders to contribute positively in building policies and strategies that will ensure that our environment is properly protected and salvaged from environmental menaces.

<p>5.0</p>	<p>The hearing attracted relevant Stakeholders who made their submissions, with a view to enabling the Committee find an acceptable legislative framework.</p> <p>OBSERVATION(S)</p> <p>At the end of analysis, evaluation of the presentations and submissions made by the Stakeholder on the Bill, the Committee observed as follows:</p> <ul style="list-style-type: none"> (i) That there is a mutual understanding amongst stakeholders that if the Bill is passed into law, it will provide a lasting solution through institutional framework and funding mechanism to erosion as one of the serious environmental problems bedeviling our country. (ii) That there is need to review the restrictive title of the Bill to widen the scope to cover all forms of erosion and not only "Gully Erosion" as stated in the Bill.
<p>6.0</p>	<p>FINDING(s)</p> <ul style="list-style-type: none"> (i) Following the presentations and submissions at the Public Hearing, the Committee agreed that the environmental problems are security threats to our peaceful co-existence and the conservation of our natural resources. (ii) The establishment of the Erosion Prevention and Control Commission is indispensable; "Because if we allow the environment to be destroyed we will not have a society"
<p>7.0</p>	<p>RECOMMENDATION(s)</p> <p>The Committee recommends as follows;</p> <ul style="list-style-type: none"> i. Long title of the Bill: since prevention of occurring any disaster is highly important than taking action to control the disaster. In view of this, "Prevention" should come before "Control", the long title of the Bill be read as: <p>A Bill for an Act to provide for the establishment of the Erosion Prevention and Control Commission and vest it with the</p>

Responsibility for the prevention, Control, Management and Redress of Erosion and for related matters 2017.

ii. Amended **clauses of the Bill**

- Clause 1 - Establishment of the Commission
- Clause 1(3) - Head office of the Commission
- Clause 2(2c,2e) - Establishment and Membership of the Governing Council.
- Clause 5 - Allowances of Members
- Clause 7(a, b, c,e, f,g,h, j, l, n, p) - Function of the Commission
- Clause 8 (ic,id) - Power of the Commission
- Clause 11 - Executive Secretary
- Clause 12 ,12(a) - Appointment and Duties of Administrative Secretary
- Clause 14 - Pensions and Gratuity
- Clause 15(1, 2) - Appointment and Secondment from Public Service.
- Clause 16 - Engagement of Consultants and Advisers
- Clauses 17(3) - The structure of the Commission
- Clause 19(2, 2a, 2b, 4,4e)-Funds of the Commission.
- Clause 20(2) - Power to accept gift
- Clause 21(2) - Power to borrow.
- Clause 22(2) - Annual Estimate and Expenditure
- Clause 24 (2) - Audit
- Clause 26(1,2) - Power to acquire land
- Clause 28 - Service of Document
- Clause 32 - Engagement of Professional other than Staff
- Clause 35 - Interpretation
- Clause 36 - Citation
- Schedule (1)
- Explanatory memorandum

iii. **CLAUSES INSERTED IN THE BILL**

New clauses 1(4)– Objectives of the Commission

Clause 2 (2c Viii, ix)

Clause 4 (1e)

Clause 7 (r,s)

Clause 8 (e)

Clause 24(4a-e) - Internal Auditor of the Commission.

New Clause 28(1,2)

Supplementary Provision Relating to the Council

Cap 192 LFN

2 (2)

3 (3)

iv **DELETED CLAUSES IN THE BILL**

Clause 2 (2b)

Clause 7(i, k)

Clause 8 1(a)

Clause 19 (3)

v. **All other Clauses were retained.**

8.0 CONCLUSION

The Committee wishes to thank the President of the Senate and our Distinguished Colleagues for the opportunity given to serve in this capacity and strongly recommend the passage of **“A Bill for An Act to Provide for the Establishment of the Erosion Prevention and Control Commission and Vest it with the Responsibility for the Prevention, Control, Management and Redress of Erosion and for related matters, 2017”**.

Thank you.

Senator Oluremi Tinubu, OON
Chairman



THE SENATE

FEDERAL REPUBLIC OF NIGERIA

COMMITTEE ON ENVIRONMENT

ENDORSEMENT SHEET:

DATE: 2nd MAY, 2017

REPORT OF THE SENATE COMMITTEE ON ENVIRONMENT ON A BILL FOR AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE EROSION CONTROL PREVENTION COMMISSION AND VEST IT WITH THE RESPONSIBILITY FOR THE PREVENTION CONTROL, MANAGEMENT AND REDRESS OF EROSION AND FOR RELATED MATTERS, 2017 (SB. 32)

S/No	NAME	STATUS	SIGNATURE
1.	Senator Oluremi Tinubu, OON	Chairman	
2.	Senator Ibrahim Bukar Abba	Member	
3.	Senator Hunkuyi Suleiman Othman	Member	
4.	Senator Abubakar Kyari	Member	
5.	Senator Rose Oko	Member	
6.	Senator Foster Ogola	Member	
7.	Sen. Ovie Omo-Agege	Member	
8.	Sen. Magnus Ngei Abe	Member	
	Sani L. Rimingado	Committee Clerk	

REPORT OF THE SENATE COMMITTEE ON ENVIRONMENT ON A BILL FOR AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE EROSION CONTROL PREVENTION COMMISSION AND VEST IT WITH THE RESPONSIBILITY FOR THE PREVENTION CONTROL, MANAGEMENT AND REDRESS OF EROSION AND FOR RELATED MATTERS, 2017 (SB. 32)

Clauses	Provisions of the Bill	Committee Recommendations	Remarks
	ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:	Retained	
Long Title	A BILL FOR AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE EROSION CONTROL PREVENTION COMMISSION AND VEST IT WITH THE RESPONSIBILITY FOR THE PREVENTION CONTROL, MANAGEMENT AND REDRESS OF EROSION AND FOR RELATED MATTERS, 2017	A BILL FOR AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE EROSION PREVENTION AND CONTROL COMMISSION AND VEST IT WITH THE RESPONSIBILITY FOR THE PREVENTION, CONTROL, MANAGEMENT AND REDRESS OF EROSION AND FOR RELATED MATTERS, 2017	
1. Establishment of the Commission.	<p>PART I - ESTABLISHMENT OF THE EROSION CONTROL AND PREVENTION COMMISSION</p> <p>Establishment of the Commission.</p> <p>1. (1) There is established a body to be known as Gully Erosion Control and Prevention Commission (in this Bill referred to as "the Commission").</p> <p>(2) The Commission shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.</p> <p><i>Head office of the Commission.</i></p> <p>(3) The Head office of the Commission shall be in Abuja with operational Offices in Imo, Anambra, Abia, Enugu, Ebonyi, Edo, Akwa Ibom, Bayelsa, Delta Cross River, Rivers, Ekiti, Lagos, Ogun, Ondo, Osun, Oyo and Benue.</p>	<p>PART I - ESTABLISHMENT OF THE EROSION PREVENTION AND CONTROL COMMISSION</p> <p>Establishment of the Commission.</p> <p>1. (1) There is established a body to be known as Erosion Prevention and Control Commission (in this Bill referred to as "the Commission").</p> <p>Retained</p> <p><i>Head office of the Commission.</i></p> <p>(3) <i>The Head office of the Commission shall be in Abuja and may establish its operational Offices in the 36 States of Federation as the Commission may deem fit.</i></p>	<p>Using the word "Gully erosion" has limited the mandate of the Commission and does not cover all types of erosion.</p> <p>There is no State in Nigeria that does not have erosion problem and it should not unduly restrict the Commission in performing its statutory assignment</p>

		Objectives of the Commission. <i>(4) The Commission shall, subject to the provisions of this Bill, have responsibility for the prevention and control of erosion in all the States of the Federation including the Federal Capital Territory, Abuja.</i>	(Inserted) The objective of the Commission need to be clearly stated at the commencement of the Bill
2. Establishment and membership of the Governing Council.	Establishment and membership of the Governing Council. 2. (1) There is established a Governing Council for the Commission (in this Bill referred to as "the Council") which shall be responsible for the discharge of the functions of the Commission. (2) The Council shall consist of: (a) a Chairman; (b) a representative each from the States set out in section 1 (3); (c) a representative of the Federal Ministries in charge of: (i) Environment; (ii) Transportation; (iii) Works; (iv) Agriculture and Rural Development; (v) Finance; (vi) Mines and Steel, and	Retained Retained Retained (2b) Two representatives each from the six geopolitical zones of the Federation (c) a representative not below the rank of a Director from the Federal Ministries in charge of: Retained Retained Retained Retained Retained	

	<p>(vii) National Planning.</p> <p>(d) the Executive Secretary of the Commission.</p> <p>(e) two representatives of recognised professional associations of environmentalists in Nigeria.</p> <p>(3) The Chairman and members of the Council of the Commission shall be:</p> <p>(a) appointed by the President on the recommendation of the Minister subject to the confirmation by the Senate;</p> <p>(b) persons of proven integrity, honour and ability; and</p> <p>(c) Part-time members except the Executive Secretary who shall be a full-time member.</p> <p><i>Schedule.</i></p> <p>(4) The supplementary provisions set out in the Schedule to this Bill shall have effect with respect to the proceedings of the Council and other matters contained therein.</p>	<p>Retained</p> <p>(viii) Federal Ministry of Housing</p> <p>(ix) Federal Ministry of Water Resources</p> <p>Retained</p> <p>(e) a representative each from Nigeria environmental society and Nigerian Society of Engineers.</p> <p>Retained</p> <p>Retained</p> <p>Retained</p> <p>Retained</p> <p>Retained</p>	<p>(Inserted) Housing is one of key indicator of the negative impact of erosion menace nationwide</p> <p>(Inserted) They are professional in dealing with Water Based Erosion</p> <p>NSE are expert in addressing national and global environmental issues and are involved in seeking solution to problems of gully erosion</p>
<p>3. Tenure of Office</p>	<p>Tenure of Office.</p> <p>3. The Chairman and members of the Council other than the Executive Secretary shall each hold office:</p>	<p>Retained</p>	

	(a) for a term of 4 years and may be re-appointed for a further term of 4 years and no more; and	Retained	
	(b) on such terms and conditions as may be specified in their letters of appointment.	Retained	
4. Cessation of Membership.	Cessation of Membership. 4. (1) A person shall cease to hold office as a member of the Council on the occurrence of any of the following:	Retained	
	(a) he becomes bankrupt, suspends payment or compounds with his creditors;	Retained	
	(b) he is convicted of a felony or any offence involving dishonesty or fraud;	Retained	
	(c) he becomes of unsound mind or is incapable of carrying out his duties;	Retained	
	(d) he is guilty of a serious misconduct in relation to his duties;	Retained	
	(e) in the case of a person who possesses any professional qualification and he is disqualified or suspended, other than at his own request from practicing his profession in any part of the world by any order of a competent authority made in respect of that member; or	Retained	
	(f) he resigns his appointment by a letter addressed to the President.	Retained	
		(g) if it appears to the Commission that a member of the Council, shall be removed from office on the grounds of misconduct or inability to perform the	(inserted)

	<p>(2) Where a member of the Council 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 Council for the expired term.</p> <p>(3) A member of the Council may be removed by the President on the recommendation of the Minister if he is satisfied that it is not in the interest of the Commission or the public that the member continues in office.</p> <p>(4) Where a vacancy occurs in the membership of the Council, it shall be filled by the appointment of a successor to hold office for the remainder of the term of office of his predecessor.</p>	<p>functions of his office, the Council shall make a recommendation to the President through the Minister;</p> <p>Retained</p> <p>Retained</p> <p>Retained</p>	
<p>5. Allowances of members.</p>	<p>Allowances of members. 5. Members of the Council shall be paid such allowances and expenses as the Government may direct from time to time.</p>	<p>Allowances of members. 5. Members of the Council shall be paid such remunerations and allowances as appropriately placed by the National Incomes, Salaries and Wages Commission.</p>	
<p>6. Powers of the Council.</p>	<p>Powers of the Council. 6. The Council shall have power to:</p> <p>(a) manage and superintend over the affairs of the Commission;</p> <p>(b) make, alter and revoke rules and regulations for the effective running of the Commission;</p>	<p>Retained</p> <p>Retained</p> <p>Retained</p>	

	<p>(c) employ and pay the staff of the Commission such remunerations and allowances as payable to persons in similar organization in the country;</p> <p>(d) enter into contracts and do such other things as may be necessary or expedient for the discharge of its functions and ensure the efficient performance of the functions of the Commission; and</p> <p>(e) receive, disburse and account for funds of the Commission.</p>	<p>Retained</p> <p>Retained</p> <p>Retained</p>	
<p>PART II</p> <p>7. Functions of the Commission.</p>	<p>PART II - FUNCTIONS AND POWERS OF THE COMMISSION</p> <p>Functions of the Commission. 7. The Commission shall:</p> <p>(a) carry out an extensive survey of the extent of gully erosion in the country;</p> <p>(b) manage, control redress and prevent gully erosion in the country;</p> <p>(c) formulate policies and guidelines for the prevention, control and management of gully erosion in the country;</p> <p>(d) advise on balanced and responsible use of land in the country;</p>	<p>Retained</p> <p>Retained</p> <p>(a) carry out an extensive survey of the extent of erosion in the country;</p> <p>(b) manage, control redress and prevent erosion in the country;</p> <p>(c) Build capacity, Knowledge and skills at Federal, State and local community levels for effective prevention, control and management of erosion in the country.</p> <p>Retained</p>	<p>Section 7(c) of the Bill coincide with section 26 of NESREA Act</p>

	<p>(e) conceive, plan and implement in accordance with set rules and regulations projects and programmes for gully erosion prevention, control and management;</p> <p>(f) co-ordinate and promote research activities relating to gully erosion control, management and prevention;</p> <p>(g) adopt an integrated approach addressing the physical, biological and socio-economic aspects of the process of gully erosion;</p> <p>(h) monitor the state of preparedness of all organizations or agencies which may contribute to the control of gully erosion;</p> <p>(i) integrate strategies for poverty eradication into the process with participation of affected local communities;</p> <p>(j) educate and inform the public on gully erosion prevention and control measures;</p> <p>(k) examine and implement innovative ways of promoting alternative livelihoods including training in new skills;</p> <p>(l) collate data from relevant agencies so as to enhance planning and field operation of gully erosion prevention, management and control.</p> <p>(m) cooperate with relevant inter-governmental organisations;</p>	<p>(e) conceive, plan and implement in accordance with set rules and regulations projects and programmes for erosion prevention, control and management;</p> <p>(f) co-ordinate and promote research activities relating to erosion prevention, control and management;</p> <p>(g) adopt an integrated approach addressing the physical, biological and socio-economic aspects of the process of erosion;</p> <p>(h) monitor the state of preparedness of all organizations or agencies which may contribute to the control of erosion;</p> <p>(i) Deleted</p> <p>(j) educate and inform the public on erosion prevention and control measures;</p> <p>(k) Deleted</p> <p>(l) collate data from relevant agencies so as to enhance planning and field operation of erosion prevention, management and control;</p> <p>Retained</p>	
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	<p>(n) facilitate through International cooperation the transfer of technology knowledge and know how on the prevention, control and management of gully erosion;</p> <p>(o) ensure sound and efficient management of the resources available to the Commission from the Federation Account;</p> <p>(p) receive financial and technical aid from international organisations and non-governmental agencies for the purpose of prevention management and control of gully erosion;</p> <p>(q) carry out such other functions as the President may from time to time direct.</p>	<p>(n) facilitate through International cooperation the transfer of technology knowledge and know how on the prevention, control and management of erosion;</p> <p>Retained</p> <p>(p) receive financial and technical aid from international organisations and non-governmental agencies for the purpose of prevention management and control of erosion;</p> <p>Retained</p> <p><i>(r) aerial mapping and documentation of all critical erosion sites/locations throughout the country;</i></p> <p><i>(s) determination, collation, profiling and categorization (critical, advanced, minor) of the erosion sites/location and the generation of erosion data bank for both prevention and control.</i></p>	<p>(Inserted)</p> <p>(Inserted)</p>
<p>8. Powers of the Commission.</p>	<p>Powers of the Commission.</p> <p>8. (1) The Commission shall have power to do anything which will facilitate the carrying out of its functions and in particular may:</p> <p>(a) sue and be sued in its corporate name;</p> <p>(b) acquire, hold, manage and alienate movable and immovable property;</p>	<p>Retained</p> <p>(a) Deleted;</p> <p>Retained</p>	<p>Captured in section 1(2) of this Bill</p>

	<p>(c) monitor and control gully erosion in the affected areas;</p> <p>(d) enter into contracts for the prevention, control and management of all gully erosion problems;</p> <p>(e) purchase or acquire any asset, business or property considered necessary for the proper conduct of its functions;</p> <p>(f) sell, let, lease or dispose of any of its property;</p> <p>(g) undertake or sponsor research where necessary for the performance of its functions; and</p> <p>(h) train managerial, technical or other category of staff for the purpose of running the affairs of the Commission;</p> <p>(i) enter into partnerships, combines, relationships, understandings, agreements and joint ventures for the purpose of carrying out any of the functions.</p> <p>(2) The powers conferred on the Commission may be exercised by it or through any of its officers, employees, agents authorized in that behalf by the Commission.</p>	<p>(c) monitor and control erosion in the affected areas;</p> <p>(d) enter into contracts for the prevention, control and management of all erosion problems;</p> <p>Retained</p> <p>Retained</p> <p>Retained</p> <p>Retained</p> <p>Retained</p> <p>Retained</p> <p><i>(j) enforce environmental laws to prevent erosion by human activities;</i></p> <p>Retained</p>	<p>(Inserted)</p>
<p>PART III – 9 Appointment of Executive Secretary and</p>	<p>PART III - APPOINTMENT OF EXECUTIVE SECRETARY AND OTHER STAFF OF THE COMMISSION</p> <p>Appointment and duties of the Executive Secretary of the Commission.</p>	<p>Retained</p>	

<p>other Staff of the Commission</p>	<p>9. (1) There shall be an Executive Secretary of the Commission who shall be appointed by the President.</p> <p>(2) The Executive Secretary shall:</p> <p>(b) be the chief executive and accounting officer of the Commission; and</p> <p>(c) be responsible to the Council for the execution of the policies and the administration of the daily affairs of the Commission.</p>	<p>Retained</p> <p>Retained</p> <p><i>(a) the Executive Secretary shall be a registered professional Engineer or an Environmentalist with not less than 15 years continuous cognate professional experience</i></p> <p>Retained</p> <p>Retained</p>	<p>(Inserted)</p>
<p>10. Tenure of and office Term of remuneration of the Executive Secretary.</p>	<p>Tenure of and office Term of remuneration of the Executive Secretary.</p> <p>10. (1) The Executive Secretary shall be appointed for a term of 5 years in the first instance and may be re-appointed for a further term of 5 years and no more, subject to satisfactory performance.</p> <p>(2) The Executive Secretary shall:</p> <p>(a) be paid such remuneration as may be prescribed in his letter of appointment; and</p>	<p>Tenure/remuneration of office of the Executive Secretary.</p> <p>Retained</p> <p>Retained</p> <p>Retained</p>	

	(b) ensure compliance with the provision of section 21 of this Bill relating to power to borrow.	Retained	
11. Executive Secretary.	Executive Secretary. 11. The Executive Secretary shall hold office on such terms and conditions as are specified in his letter of appointment, and may resign his appointment by writing under his hand delivered to the Minister.	11.The Executive Secretary shall hold office on such terms and conditions as are specified in his letter of appointment, and may resign his appointment by writing a letter to the President through the Minister	
12. Appointment and duties of Administrative Secretary.	Appointment and duties of Administrative Secretary. 12. The Council shall appoint for the Commission an Administrative Secretary who shall: (a) be a legal practitioner and is so qualified for a period of not less than 10 years; (b) keep the records of transactions and correspondence of the Commission; and (c) perform such other functions as the Council or Executive Secretary may direct.	Retained 12.The Council shall employ or appoint for the Commission an Administrative Secretary who shall (a)be a Public Administrative Officer and is so qualified for a period of not less than 10 years Retained Retained	
13. Staff of the Commission and their functions and remuneration.	Staff of the Commission and their functions and remuneration. 13. The Council shall appoint for the Commission such number of employees as may in the opinion of the Council be expedient and necessary for the proper and efficient performance of the Commission and pay them remuneration and allowances as it determines.	Retained 13.The Council shall employ or appoint for the Commission such number of employees as may in the opinion of the Council be expedient and necessary for the proper and efficient performance of the Commission and pay them remuneration and allowances as provided by the Salaries and Wages Commission.	

14. Pensions and Gratuity (Service in the Commission).	<p>Pensions and Gratuity (Service in the Commission).</p> <p>14. The staff of the Commission shall be entitled to pensions, gratuities and other retirement benefits as are enjoyed by persons holding equivalent grade in the Civil Service of the Federation.</p>	<p>Pension Act 2014.</p> <p>Retained</p>	<p>This section is supposed to be under the Staff functions and remuneration of the Commission</p>
15. Appointment and Secondment from Public service.	<p>Appointment and Secondment from Public service.</p> <p>15. (1) Notwithstanding the provisions of sections 12 and 13 of this Bill, the Council shall have power to appoint for the Commission either directly or on secondment from any Public Service in the Federation, of employees may, in the opinion of the Council be required to assist the Commission in the discharge of any of its function under this Bill.</p> <p>(2) The person seconded under this section may elect to be transferred to the service of the Commission, and all previous service he may render in the public service shall count as service to the Commission for the purpose of al pension subsequently payable by the Commission.</p>	<p>15. (1) Notwithstanding the provisions of sections 12 and 13 of this Bill, the Council shall have power to employ or appoint for the Commission either directly or on secondment from any Public Service in the Federation, of employees may, in the opinion of the Council be required to assist the Commission in the discharge of any of its function under this Bill.</p> <p>(2) The person seconded under this section may <i>choose</i> to be transferred to the service of the Commission, and all previous <i>years of service</i> he may have rendered in the Public Service shall count as service to the Commission for the purpose of pension subsequently payable by the Commission.</p>	
16. Engagement of Consultants and Advisers.	<p>Engagement of Consultants and Advisers.</p> <p>16. Without prejudice to the provisions of sections 13 and 14 of this Act, the Council may engage such consultant and advisers as it may require for the effective discharge of the functions of the Commission.</p>	<p>16. Without prejudice to the provisions of sections 13 and 14 of this <i>Bill</i>, the Council may engage such consultant and advisers <i>certified by recognized professional body</i> as it may require for the effective discharge of the functions of the Commission.</p>	
17. The structure of the Commission.	<p>The structure of the Commission.</p> <p>17. (1) There shall be established in the Head Office of the Commission, the following Departments:</p>	<p>Retained</p>	

	<p>(a) Administration and Finance;</p> <p>(b) Education and Public Awareness;</p> <p>(c) Works and Services;</p> <p>(d) Planning, Research and Statistics;</p> <p>(e) Monitoring and Evaluation; and</p> <p>(f) Legal Services.</p> <p>(2) The Council shall set up its own monitoring panel to monitor the projects being executed by the Commission.</p> <p>(3) The Council, may with the approval of the President, increase the number of Departments as it may deem necessary and expedient to facilitate the realization of the objectives of the Commission.</p>	<p>Retained</p> <p>Retained</p> <p>Retained</p> <p>Retained</p> <p>Retained</p> <p>Retained</p> <p>Retained</p> <p><i>(3) The Council, may create such other departments, units or offices in any part of the Federation as may be required for the proper performance of the functions of the Commission.</i></p>	
18. Provision of Super-annuation	<p>PART IV - FINANCIAL PROVISIONS AND AUDIT</p> <p>Provision of Super-annuation. 18. The Commission shall pay gratuities or provide and maintain superannuation scheme (whether contributory or not) for the employees.</p>	Retained	
19. Funds of the Commission.	<p>Funds of the Commission. 19. (1) The Commission shall establish and maintain a fund into which all moneys accruable to the Commission</p>	Retained	

	<p>shall be paid and from which all the activities of the Commission shall be funded.</p> <p>(2) There shall be paid and credited to the fund:</p> <p>(a) all moneys in the accounts of the Ecological Fund relating to the States affected by erosion;</p> <p>(b) Federal Government contribution to the Fund of the Commission equivalent of 100 percent of the total money due to member state of the Commission from the Ecology Fund;</p> <p>(c) donations, gifts, grants and testamentary disposition from individuals or corporate organisations at home or abroad;</p> <p>(d) all other assets that may, from time to time, accrue to the Commission.</p> <p>(3) The funds of the Commission shall be disbursed according to the approved formula.</p> <p>(4) The Commission shall apply the proceeds of the Fund established pursuant to section 19 (1) of this Act to:</p> <p>(a) the cost of administration of the Commission;</p> <p>(b) the payment of salaries, fees, remuneration, allowances, pensions and gratuities payable to the members of the Governing Council and the employees of the Commission;</p>	<p>(2) There shall be paid and credited to the fund of the Commission:</p> <p><i>(a) 15 percent of Ecological Fund relating to erosion;</i></p> <p><i>(b) Federal Government contribution to the Fund of the Commission;</i> annual subventions and budgetary allocations from the Federal Government</p> <p>Retained</p> <p>Retained</p> <p><i>(3) Deleted</i></p> <p>(4) The Commission shall apply the proceeds of the Fund established pursuant to section 19 (1) of this Bill to:</p> <p>Retained</p> <p>Retained</p>	
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	<p>(c) the payment of all contracts, including mobilisation, fluctuations variations, legal fees and cost on contract administration;</p> <p>(d) the payment for all purchases; and</p> <p>(e) undertaking such other activities as are connected with all or any of the functions of the Commission under this Act.</p> <p>(5) The Council shall cause the accounts of the Commission to be audited quarterly and shall be externally audited once every year.</p>	<p>Retained</p> <p>Retained</p> <p>(e) undertaking such other activities as are connected with all or any of the functions of the Commission under this Bill.</p> <p>Retained</p>	
<p>20. Power to accept gifts.</p>	<p>Power to accept gifts.</p> <p>20. (1) The Commission may accept gifts of land, money or other property on such terms and conditions, if any, as may be specified by the person or organisation making the gift.</p> <p>(2) The Commission shall not accept any gift if the conditions attached are inconsistent with the functions of the Commission under this Act.</p>	<p>Retained</p> <p>(2)The Commission shall not accept any gift if the conditions attached are inconsistent with the functions of the Commission under this Bill</p>	
<p>21. Power to borrow.</p>	<p>Power to borrow.</p> <p>21. (1) The Commission may, from time to time, borrow money as it may require to execute or complete some special projects of the Commission.</p> <p>(2) The Commission shall not, without the approval of the President, borrow money which exceeds ₦1,000,000.00 at any one time.</p>	<p>Retained</p> <p><i>(2) The Commission shall with the approval of the President borrow such sums of money as may be</i></p>	

		<i>required from time to time to execute or complete any special project of the Commission.</i>	The amount of N1,000,000 is very inadequate to mention as a limit to be borrowed
22. Annual estimates and expenditure.	<p>Annual estimates and expenditure.</p> <p>22. (1) The Council shall not later than 30th September, of each year, submit to the National Assembly through the Minister an estimate of the expenditure of the Commission during the next succeeding year.</p> <p>(2) The Council shall approve all expenditure of the Commission.</p>	<p>Retained</p> <p>(2)The Council shall approve all expenditure of the Commission subject to the recommendation of the National Assembly</p>	
23. Proper account to be kept by Commission.	<p>Proper account to be kept by Commission.</p> <p>23. The Commission shall:</p> <p>(a) cause to be kept proper accounts and records of the transactions and affairs of the Commission and ensure that all payments out of its moneys are correctly made and properly authorized;</p> <p>(b) ensure that adequate control is maintained over the assets belonging to or in the custody of the Commission and over its incurring of liabilities;</p> <p>(c) prepare in respect of each financial year a statement of accounts in such forms as the Auditor-General may direct.</p>	<p>Retained</p> <p>Retained</p> <p>Retained</p> <p>Retained</p>	
24. Audit.	<p>Audit.</p> <p>24. (1) The Auditor-General of the Federation shall:</p> <p>(a) inspect and audit the accounts and records of financial transaction of the Commission;</p>	<p>Retained</p> <p>Retained</p>	

	<p>(b) inspect records relating to assets of the Commission; and</p> <p>(c) draw the attention of the Minister to any irregularity revealed and disclosed by the inspection and audit.</p> <p>(2) The Auditor-General may dispense with all or any part of detailed inspection and audit of any account or record referred to in subsection.</p> <p>(3) The Auditor-General or any officer authorized by him is entitled at all reasonable time to a full and free access to all accounts, records, documents and papers of the Commission relating directly or indirectly to the receipt or payment of money by the Commission or to the acquisition, receipt, custody or disposal of assets by the Commission.</p>	<p>Retained</p> <p>Retained</p> <p>(2) The Auditor-General may dispense with all or any part of detailed inspection and audit of any account or record referred to in subsection <i>(1) of this section.</i></p> <p>Retained</p> <p><i>(4) there shall be an internal auditor of the Commission whose duties will include:</i></p> <p><i>(a) provision of complete and continuous account and records of revenue, expenditure and assets of the Commission;</i></p> <p><i>(b) making sure that assets of the Commission are safe and guarded;</i></p> <p><i>(c) detection and correction of any errors or omission in the account of the Commission;</i></p> <p><i>(d) making reports on the audited account to the Chairman of the Commission;</i></p>	<p>(inserted)</p> <p>As Explained in subsection (3) of this section</p>
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		<i>(e) submit the audited report to the auditor general of the federation.</i>	
25. Annual Report.	Annual Report. 25. The Commission shall submit to the President through the Minister not later than 30th June, of each financial year, a report of its activities during the preceding financial year and it shall include a copy of the audited accounts of the Commission for that year and a copy of Auditors Report on it.	Retained	
26. Power to acquire land. Cap. 202 LFN	Power to acquire land. Cap. 202 LFN 26. (1) For the purposes of providing offices and premises necessary for the performance of its functions under this Act, the Commission 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 Commission 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 Act.	Power to acquire land. Cap. L5 LFN, 2004 (1) For the purposes of providing offices and premises necessary for the performance of its functions under this Bill , the Commission may, subject to the Land Use Act: Retained Retained (2) The Commission 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 Bill .	
PART V Miscellaneous Provisions 27	PART V - MISCELLANEOUS PROVISIONS Limitation of Suits against the Commission. Cap. 379 LFN	Limitation of Suits against the Commission. Cap. P41 LFN, 2004	

	<p>27. (1) The provisions of the Public Officers Protection Act shall apply in relation to any suit instituted against the Commission or any of the officers or employees of the Commission.</p> <p>(2) No suit shall be commenced against a member of the Council, the Executive Secretary, officer or employee of the Commission before the expiration of a period of one month after written notice of intention to commence the suit shall have been served upon the Commission by the intending plaintiff or his agent.</p> <p>(3) The notice referred to in subsection (2) shall state the cause of action the particulars of the claims, the name and place of abode of the intending plaintiff and the relief which he claims.</p>	<p>Retained</p> <p>Retained</p> <p>Retained</p>	
		<p>Offences and penalties.</p> <p><i>28. (1) any Staff found guilty of an offence under this section shall after being found guilty by properly constituted disciplinary Committee be subjected to relevant punishment stipulated under the Public Service Rule(Disipline);</i></p> <p><i>(2) A person who obstructs an officer of the Commission in the performance of his duties under section 7 of this Bill commits an offence and is liable on conviction to a fine of not less than N200,000 or imprisonment for a term not exceeding one year or both for an individual, or a fine of N2,000,000 in the case of a cooperate body.</i></p>	<p>(Inserted)</p>

<p>29. Service of Documents.</p>	<p>Service of Documents. 29. A notice, summons or other document required or authorized to be served upon the Commission under the provisions of this Act or any other Law or enactment may be served by delivering it to the Executive Secretary or by sending it by registered post and addressed to the Executive Secretary at the principal office of the Commission.</p>	<p>29. A notice, summons or other document required or authorized to be served upon the Commission under the provisions of this Bill or any other Law or enactment may be served by delivering it to the Executive Secretary or by sending it by registered post and addressed to the Executive Secretary at the principal office of the Commission.</p>	
<p>30. Restriction on Execution against Property of the Commission.</p>	<p>Restriction on Execution against Property of the Commission. 30. (1) No execution or attachment of process shall be issued against the Commission or its properties in any action or suit without the consent of the Attorney-General of the Federation. (2) Notwithstanding the provisions of subsection (1) of this section, in any action or suit against the Commission, no execution or attachment of process in the nature thereof shall be issued against the Commission unless not less than three months' notice in writing of the intention to execute or attach has been given to the Commission. (3) Any sum of money which by the judgment of any Court is awarded against the Commission shall, subject to any direction given by the Court where notice of appeal of the said judgment has been given, be paid from the general reserve fund of the Commission.</p>	<p>Retained Retained Retained</p>	
<p>31. Indemnity of Officers.</p>	<p>Indemnity of Officers. 31. A member of the Council, the Executive Secretary, any officer or employee of the Commission shall be indemnified out of the assets of the Commission against any proceedings, whether civil or criminal, in which</p>	<p>Retained</p>	

	judgment is given in his favour, or in which he is acquitted, if any such proceeding is brought against him in his capacity as a member of the Council, the Executive Secretary, officer or employee of the Commission.		
32. Engagement of Professionals other than staff.	Engagement of Professionals other than staff. 32. The Executive Secretary may with the approval of the Council engage persons with knowledge or experience in gully erosion control and prevention or in matters relevant to the functions of the Commission to assist otherwise than on the basis of full - time employment.	Retained 32. The Executive Secretary may with the approval of the Council engage persons with knowledge or experience <i>in erosion prevention and control</i> or in matters relevant to the functions of the Commission to assist otherwise than on the basis of full - time employment.	
33. Power of the Minister to give direction.	Power of the Minister to give direction. 33. The Minister may give to the Commission directives of a general or special nature with respect to any of its functions.	Power of the Minister to give directives. Retained	
34. Regulations.	Regulations. 34. The Council may, with the approval of the Minister, make Regulations for the purpose of carrying out or giving full effect to the provisions of this Bill.	Retained	
35. Interpretation.	Interpretation. 35. In this Bill unless the context otherwise requires: "Chairman" means the Chairman of the Governing Council of the Commission;	Retained Retained	

	<p>"Commission" means Erosion Control and Prevention Commission;</p> <p>"Council" means a Governing Council of the Commission;</p> <p>"Gully Erosion" means land degradation and destruction resulting from various factors including natural causes (activities of rivers, rain, weathering) and human activities creating thereby gullies, ravines, craters, landslides and mudslide;</p> <p>"Member" means a member of the Council and includes the Chairman;</p> <p>"Minister" means the Minister in charge of matters relating to the Environment;</p> <p>"Power" includes functions and duty; and</p> <p>"President" means the President of the Federal Republic of Nigeria.</p>	<p>"Commission" means Erosion Prevention and Control Commission;</p> <p>Retained</p> <p>"Erosion" means land degradation and destruction resulting from various factors including natural causes (activities of rivers, rain, weathering) and human activities creating thereby gullies, ravines, craters, landslides and mudslide;</p> <p>Retained</p> <p>Retained</p> <p>Retained</p> <p>Retained</p>	
36. Citation.	Citation. 36. This Bill may be cited as the Erosion Control and Prevention Commission Bill, 2015.	36. This Bill may be cited as the Erosion Prevention and Control Commission Bill, 2017.	
	<p style="text-align: center;">SCHEDULE</p> <p style="text-align: right;">Section 2 (4)</p> <p style="text-align: center;">SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL, ETC.</p> <p>1. (1) Subject to this Act and section 27 of the Interpretation Act, the Council may make standing</p>	<p>Retained</p> <p>Retained</p> <p>(1) Subject to this Bill and section 27 of the Interpretation Act, the Council may make standing</p>	

	<p>orders regulating its proceedings or those of any of its Committees.</p> <p>(2) The quorum of the Council shall be the Chairman or the person presiding at the meeting and five other members of the Council, one of whom shall be ex-officio member and the quorum of any Committee of the Council shall be as determined by the Council.</p> <p>2. (1) The Council 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 eight other members, he shall summon a meeting of the Council to be held within fourteen days from the date on which the notice is given.</p> <p>(3) Where the Council desires to obtain the advice of any person on a particular matter, the Council may co-opt him to the Council for such a period as it deems fit, but a person who is in attendance by virtue of this subparagraph shall not be entitled to vote at any meeting of the Council and shall not count towards a quorum.</p> <p style="text-align: center;"><i>Committees</i></p> <p>3. (1) The Council may appoint one or more Committees to carry out, on behalf of the Council such functions as the Council may determine.</p>	<p>orders regulating its proceedings or those of any of its Committees.</p> <p>Retained</p> <p>Retained</p> <p><i>(2) At any meeting of the Council, the Chairman shall preside but if he is absent, the members present at the meeting shall appoint one of them to preside at the meeting.</i></p> <p>Retained</p> <p>Retained</p>	<p>(Inserted)</p>
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	<p>(2) A Committee appointed under this paragraph shall consist of such number of persons as may be determined by the Council and a person shall hold office in the Committee in accordance with the terms of his appointment.</p> <p style="text-align: center;"><i>Miscellaneous</i></p> <p>4. (1) The fixing of the seal of the Commission shall be authenticated by the signatures of the Chairman or any other member of the Council generally or specifically authorized by the Council to act for that purpose and the Executive Secretary.</p> <p>(2) Any contract or instrument which if made or executed by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the Commission by the Executive Secretary or any person generally or specifically authorized by the Council to act for that purpose.</p> <p>(3) A document purporting to be a document duly executed under the seal of the Commission shall be received in evidence and shall unless and until contrary is proved, be presumed to be so executed.</p> <p>5. The validity of any proceedings of the Council or of a Committee shall not be adversely affected by:</p> <p>(a) a vacancy in the membership of the Council or Committee; or</p>	<p>Retained</p> <p><i>(3) A decision of a committee of the Council shall be of no effect until it is ratified by the Council.</i></p> <p>Retained</p> <p>Retained</p> <p>Retained</p> <p>Retained</p> <p>Retained</p>	<p>(inserted)</p>
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	<p>(b) a defect in the appointment of a member of the Councilor Committee;</p> <p>(c) Reason that a person not entitled to do so took part in the proceedings of the Council or Committee.</p>	<p>Retained</p> <p>Retained</p>	
	<p>EXPLANATORY MEMORANDUM</p> <p>This Bill seeks to provide for the establishment of the Erosion Control and Prevention Commission as a statutory body and to vest it with the responsibility to prevent, manage, control and redress erosion in the affected States.</p>	<p>EXPLANATORY MEMORANDUM</p> <p>This Bill seeks to provide for the establishment of the Erosion <i>Prevention and Control</i> Commission as a statutory body and to vest it with the responsibility to prevent, manage, control and redress erosion in the <i>Federation</i>.</p>	