



CROSS RIVER STATE OF NIGERIA

LAW NO. 5 (2010)

A Law to provide for the establishment of the Cross River State Waste Management Agency and for matters connected therewith.

Long Title.

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Commencement

The Cross River State House of Assembly enacts as follows -

Enactment.

PART I

Establishment and Functions of the Agency

1. (1) There is established an agency, known as the Cross River State Waste Management Agency (in this Law referred to as "the Agency").

Establishment of Agency.

(2) The Agency is a body corporate with perpetual succession and a common seal and with power to sue and be sued in its corporate name and to own, hold and dispose of property whether movable or immovable.

2. (1) The Agency shall-

Functions of the Agency

- (a) be responsible for the efficient and effective collection, evacuation, appropriate treatment and disposal of waste from private and public premises, in all urban areas in the State;
- (b) subject to the approval of the Ministry of Environment, undertake the establishment, management and maintenance of landfills, dumpsites, waste collection and treatment sites and locations for the purpose of facilitating the sustainable and environmentally friendly management and disposal of waste in the State;
- (c) undertake the removal and disposal of silt and obstructions from gutters and drains, and to surcharge any person whose misconduct creates any such obstruction;
- (d) retain consultants, contractors and enter into such other arrangements that would facilitate the attainment of any or all of the functions or objectives of the Agency;
- (e) carry out public enlightenment and education with regard to waste management and environmental sanitation generally, and the responsibilities of citizens, and ensure compliance;

- (f) monitor, regulate and oversee the installation, pollution control device, waste management methods and waste disposal systems and management;
- ✓ (g) design and encourage the establishment of sewage systems and provide maintenance service for such systems;
- (h) maintain refuse bins and dumpsters in strategic locations and deploy such other receptacles and equipment for the collection and evacuation of waste as the Agency may deem necessary;
- (i) undertake the evacuation, treatment and disposal of sewage, and to ensure the construction of drains, sewers and other facilities to aid the efficient and effective disposal of sewage in a safe and environmentally friendly manner;
- (j) acquire such other facilities, machines and equipments as may be required for the efficient execution of the Agency's functions; and
- (k) carry out such other functions as may be directed by the Governor.

(2) Notwithstanding the provisions of any other Law or Regulation the Agency is vested with the responsibility for the enforcement of all laws and regulations relating to waste management and sanitation in urban areas of the State.

PART II

Establishment, Constitution and Powers of the Board

Establishment and
Constitution of the
Board.

3. (1) There is hereby established, for the supervision of the Agency, a Board (in this Law referred to as "the Board") which shall consist of seven (7) members to be appointed by the Governor as follows-

- (a) a Chairman;
- (b) one (1) member from each Senatorial District;
- (c) a representative of the Ministry of Environment;
- (d) the General Manager of the Agency; and
- (e) one other person with a distinguished background in waste or environmental management matters.

(2) The Board shall serve on such terms and conditions as the Governor may determine and its members shall be paid such allowances as applicable in the State Public Service.

4. The Board, which shall function on part time basis shall have power to -

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Powers of the
Board.

(a) Provide the general policies and guidelines relating to the functions of the Agency;

(b) subject to the provisions of this Law, make, alter or revoke rules and regulations for the conduct of the functions of the Agency; and

(c) do such other things which in the opinion of the Board are necessary or incidental to the efficient performance of the functions of the Agency.

5. A member of the Board, other than an ex-officio member, shall hold office for a term of four (4) years and may, at the end of such term, be eligible for re-appointment.

Tenure of
Office.

6. (1) Subject to the provisions of this Section, the Board may appoint one or more committees to advise or take any other action as to the initiation, management or implementation of any project which the Board may undertake or in which it may participate, or for any other purpose, whether general or specific, relating to the functions of the Agency, which in the opinion of the Board would be better achieved, regulated or managed by means of a committee, and may delegate to the committee so appointed, with or without restrictions or conditions, any function of the Agency under this Law; Provided that the power to make rules or regulations or to borrow money shall not be delegated by the Board to any committee.

Appointment of
Committees.

(2) The number of members of any committee appointed under this Section, the Chairman of the Committee, the term of office and remuneration of the members shall be as applicable in the Public Service of the Cross River State.

(3) Any Committee appointed under this Section may include persons who are not officers of the Agency but who possess such special qualification or experience as, in the opinion of the Board, would be beneficial to the work or purpose of the committee.

PART III

Management of the Agency

7. (1) The Agency shall be headed by a General Manager who shall be appointed by the Governor on such terms and conditions as are applicable in the Public Service.

Appointment of
General
Manager and
Managers.

(2) The General Manager, who shall be the Chief Executive Officer of the Agency, shall be a person with proven training, expertise and experience in environmental sciences or environmental management.

(3) The General Manager shall be assisted by Managers who shall be appointed by the Governor and shall be deployed as heads of departments of the Agency to be created on the Governor's approval.

(4) The Governor may appoint the General Manager or any other Manager directly or deploy such staff from the State Civil Service; such staff shall be deployed to the Agency for the period of the appointment on such terms and conditions as applicable in the State Public Service.

(5) The terms and conditions of service of the General Manager and Managers, including remuneration, shall be as are applicable in the Public Service.

Disqualification
and Vacation of
Office of the
General Manager
and other
Managers.

8. (1) A person may not be appointed as a General Manager or Manager if that person -

- (a) under any Law in any part of Nigeria, is adjudged to be a lunatic or otherwise declared to be of unsound mind;
- (b) is under a sentence of death imposed on him by any competent court of law in Nigeria or under a sentence of imprisonment or fine for an offence involving dishonesty or fraud;
- (c) has, within a period of less than ten years prior to nomination, been convicted and sentenced for an offence involving dishonesty or fraud; and
- (d) is a bankrupt, having been so adjudged by a competent court or otherwise declared bankrupt under any law in force in any part of Nigeria.

(2) The General Manager or Manager shall vacate office if -

- (a) he becomes disqualified under subsection (1) from being appointed as a General Manager;
- (b) he dies or is otherwise incapacitated from the performance of his duties for a continuous period of one year;
- (c) he submits his resignation to the Governor in writing; or
- (d) is otherwise removed from office by the Governor.

Monthly Reports
of the Agency.

9. The Agency shall submit monthly reports of its operations to the Commissioner who shall over see the activities of the Agency and may give the Agency directives of a general nature.

Staff of the
Agency.

10. (1) The Agency may, from time to time, appoint, subject to the approval of the Governor, such other staff, as may be necessary for the performance of the business of the Agency.

(2) The terms and conditions of service (including recruitment, remuneration, allowances, benefits and pensions) of employees of the Agency shall be determined by the rules and regulations governing the civil service, and subject to such rules:

- (a) the staff of the Agency shall be civil servants deployed from other ministries or agencies of government or recruited for the Agency, as the need may arise; by the State Civil Service Commission;

- (b) the Agency may appoint a person to any office on contract terms, which shall preclude the grant of a pension, gratuity or retirement benefits.

PART IV Funds and Accounts

11. The funds of the Agency shall consist of -

Funds and
Accounts.

- (a) such sums as may be appropriated to the Agency in the State budget;
- (b) such revenue as the Agency may derive from its investments and services;
- (c) loans and grants to the Agency; and
- (d) such sums as may accrue to the Agency from any other source whatsoever.

12. The Agency may, subject to such terms and conditions as may be approved by the Governor, borrow such moneys as it may from time to time require for the performance of any of its functions under this Law.

Borrowing Power.

13. (1) The Agency shall keep and operate bank accounts in reputable banks approved by the Commissioner on the recommendation of the Accountant-General and all moneys received on behalf of the Agency shall be paid into the said accounts.

Bank Account.

(2) No withdrawal shall be made from the said accounts unless the cheque or other instrument in respect of such withdrawal is signed by the General Manager and the Accountant of the Agency or such other persons as may be authorized in that behalf by the Agency.

14. The Agency shall, not later than the 31st day of September in each year, submit to the Governor estimates of the revenue and expenditure of the Agency for the succeeding financial year.

Estimates.

15. (1) The Agency shall keep proper records, books and statements of the Agency relating to the income and expenditure of the Agency, and balance sheet for each financial year.

Account, Audit
and Annual
Reports.

(2) The Agency shall, within 3 months after the end of each financial year, submit to the Governor -

- (a) a report of its activities for that financial year;
- (b) the financial statement and balance sheet for that financial year; and
- (c) the report of the State Auditor General on the said account.

(3) The State Auditor-General shall submit the audited account of the Agency to the House of Assembly.

PART V
Miscellaneous Provisions

Execution or Issue
of Instrument.

16. (1) Any contract or instrument which, if entered into or executed by a person not being a body corporate, which is not required to be under seal, may be entered into or executed on behalf of the Agency by any person generally or specifically authorized by the General Manager for that purpose.

(2) Any document purporting to be a document duly executed or issued under the seal of the Agency or on behalf of the Agency shall, unless the contrary is proved, be deemed to be a document so executed or issued as the case may be.

A Member Not
Personally Liable.

17. An officer or staff of the Agency shall not be personally liable for any act or omission or for any default of the Agency so long as such act, omission or default was in good faith and in the course of the operations of the Agency.

Service of Notice
of other Legal
Process.

18. Service upon the Agency of any notice, order or other document may be effected by delivering the same or by sending it by registered post addressed to the General Manager of the Agency.

Interpretation.

19. In this Law unless the context otherwise requires -

"Agency" means the Cross River State Waste Management Agency;

"Board" means the Board of the Agency;

"Commissioner" means the Commissioner or any other officer charged with the responsibility for environment;

"Ex-officio" means a member of the Board by reason of his office;

"General Manager" means the Chief Executive Officer of the Agency;

"Governor" means the Governor of Cross River State;

"House of Assembly" means the Cross River State House of Assembly;

"Manager" means a person so appointed to head any of the Departments of the Agency;

"State" means Cross River State of Nigeria;

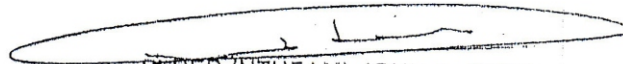
"Urban Area" means any area so designated by Law;

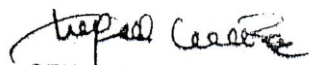
"Waste" means waste of all descriptions, any substances which constitute scrap material or any effluent or other unwanted surplus substance arising from the application of any process.

Short Title and
Commencement.

20. This Law may be cited as Cross River State Waste Management Agency Law 2010, and shall come into force on theday of2010.

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This printed impression has been carefully compared by me with the Law which has been passed by the Cross River State House of Assembly and found by me to be a true and correctly printed copy of the said Law.


ELDER (NTUFAM) JOHN A. OKON
CLERK OF THE HOUSE


SENATOR LIYEL IMOKE
GOVERNOR
CROSS RIVER STATE

Done AT Calabar this 2nd day of August 2010