



A Law to establish the Cross River State Environment and carbon emission Board and for matters connected therewith.

TABLE OF CONTENTS

NO.	SECTIONS	PAGE NO.
PART I		
ESTABLISHMENT OF THE BOARD		
1.	Establishment of the Board.	1
2.	Powers of the Board.	1
3.	Functions of the Board	2
PART II		
STRUCTURE OF THE BOARD		
4.	Structure of the Board.	3
5.	Advisory Council.	3
6.	Functions of the Advisory Council	4
7.	Administration and management.	4
8.	Appointment and Composition of the Board.	4
9.	Tenure.	4
10.	Cessation of office.	4
11.	Service of the Board.	5
12.	Remuneration	5
PART III		
SITINGS AND MEETINGS OF THE BOARD		
13.	Meetings of the Board.	5
14.	Quorum.	5
15.	Voting.	5
16.	Validity of proceedings	5
17.	Appointment of sub-committees.	5
18.	Standing orders.	5
PART IV		
FUNDS AND ACCOUNT		
19.	Funds and Account	5
20.	Bank Account	6
21.	Annual estimates.	6
22.	Accounts and Audit.	6
23.	Accounts, Audit and Annual Report to be submitted to the House.	6

Cross River Environment and Carbon Emission Board Law

PART V STAFF AND DEPARTMENTS

24. Staff of the Board.
25. Departments of the Bureau.
26. Training programme/capacity building
27. Power to enter into contracts.

PART VI MISCELENEOUS PROVISIONS

28. Representation in court.
 29. Jurisdiction.
 30. Establishment of Mobile Courts.
 31. Power to make regulations.
 32. Sources of pollution.
 33. Interpretation.
 34. Short Title and Commencement.
- Schedule

Cross River Environment and Carbon Emission Board Law



CROSS RIVER STATE OF NIGERIA

LAW NO. 7 (2016)

A Law to establish the Cross River State Environment and Carbon Emission Board and for matters connected therewith. Long Title.

() Commencement.

The Cross River State House of Assembly enacts as follows - Enactment.

PART 1
ESTABLISHMENT OF THE BOARD

1. (1) There is hereby established the Cross River State Environment and carbon emission Board (hereinafter referred to as "the Board"). Establishment of the Board.

(2) The Board is a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

2. The Board shall have powers to - Powers of the Board.

- (a) acquire or take on lease, any interest in land, building or property;
- (b) build, equip and maintain offices and premises for the performance of its functions under this Law;
- (c) prohibit processing and use of equipment or technology that undermines environmental safety and quality;
- (d) conduct investigations on pollution and other degradation of the environment;
- (e) open and operate ordinary and a domiciliary account for the Board;
- (f) borrow by overdraft or otherwise, with the approval of the Governor, such sums as it may require for the performance of its functions under this Law;
- (g) accept gifts of land, money or other properties upon such terms and conditions as maybe specified by the person or organization making the gift, provided such conditions are consistent with the functions of the Board;
- (h) charge fees for tests, investigations and other services performed by the Board; as approved by the Commissioner for Finance and laid before the House of Assembly;
- (i) develop and promote such processes, methods, devices and materials as maybe useful in carrying out the purposes and provisions of this Law;

- (j) engage such persons and staff as it may consider necessary for the efficient and effective performance of its functions;
- (k) establish and operate, upon the approval of the Governor, such organizational structure as the Board may require for the effective performance of its functions;
- (l) liaise with other line Ministries, Departments, Agencies and Private sector to embark on waste to wealth and waste to energy projects in order to reduce release of carbon dioxide into the atmosphere;
- (m) engage in research/scientific activities to study and recommend the volume of carbon and other related gases emitted into the atmosphere and assess for damages in providing for international standards on carbon pricing instruments, taxes and Emission Trading Schemes (ETS); and
- (n) in collaboration with other relevant Ministries, Departments and Agencies and subject to the approval of the Governor, establish programmes for setting standard and regulations for the prevention, reduction and elimination of pollution and other forms of degradation of the State's environment and natural resources; and
- (o) do such other acts as the Board may consider supplementary, ancillary or incidental to its functions

Functions of the Board.

3. (1) The Board shall perform the following functions-

- (a) enforce compliance with Laws, guidelines, policies and standards on environmental matters;
- (b) collaborate and liaise with relevant stake holders within and outside the State, on matters of environmental standards, regulation and enforcement;
- (c) maintain data and other information on environment and carbon emission level of the State.
- (d) enforce compliance with any legislation on management of hazardous chemicals, safe use of pesticides and disposal of spent packages thereof;
- (e) ensure that construction, mining and other related activities in the State adhere to regulations on environmental safety and protection;
- (f) create public awareness and provide environmental education on sustainable environmental management;
- (g) mobilize relevant environmental stakeholders to enhance their participation and cooperation towards environmental protection and sustenance;
- (h) carry out such activities as are necessary or expedient for the performance of its functions;

Cross River Environment and Carbon Emission Board Law

- (i) maintain a data base on environmental checks and abatement of nuisance;
- (j) ensure and enforce the use of pollution abatement technology by industries that are prone to environment and carbon emission nuisance and
- (k) carry out such other functions as the Governor may from time to time direct.

(2) The Board shall perform the functions contained in sub-section (1) of this Section after due consultation and collaboration with other Agencies established by the State to perform duties relating to the environment.

PART 11 STRUCTURE OF THE BOARD

4. The Board is hereby structured as follows-

- (a) advisory Council; and
- (b) the Administrative structure.

Structure of the Board.

5. The Advisory Council shall consist of the following -

- (a) the Governor, as the Chairman ;
- (b) the Commissioner of the Ministry charged with the responsibility of environment;
- (c) the Commissioner of the Ministry charged with the responsibility of Climate Change ;
- (d) the Commissioner of the Ministry charged with the responsibility of Agriculture;
- (e) the Commissioner of the Ministry charged with the responsibility of Health;
- (f) the Commissioner of the Ministry charged with the responsibility of International Donor Support;
- (g) Special Adviser, Department of Biodiversity and Conservation;
- (h) the Chairman, Forestry Commission;

Advisory Council.

Cross River Environment and Carbon Emission Board Law

4

Functions of the
Advisory Council.

6. The Council shall perform the following functions –

- (a) advise the Board on general issues affecting its functions and powers and the environment;
- (b) serve as a consultative forum for the Board; and
- (c) offer suggestions on general policy directions for the Board for the effective implementation of this Law.

Administration
and
management.

7. The administration and management of the Board shall vest in the Chairman and members of the Board.

Appointment and
Composition of
the Board.

8. (1) The Board shall comprise of a Chairman and not more than 6 (six) members or as the Governor may deem appropriate; **Provided** that 2 members are appointed from each of the three senatorial districts.

(2) The Chairman and Board Members shall be persons of proven integrity, honest and of strong character who will be willing to address environment and carbon emission issues.

Tenure.

9. Subject to the provisions of this Law, a person appointed a member of the Board, and not being an ex-officio member, shall hold office for a period of four (4) years from the date of his appointment and may be re-appointed for a further term of four (4) years and no more.

Cessation of
office.

10. (1) Notwithstanding the provisions of Section 9 of this Law, a member of the Board shall cease to hold office if he –

- (a) resigns his appointment as a member of the Committee by notice under his hand addressed to the Governor;
- (b) becomes of unsound mind;
- (c) is convicted of a felony or any other offence involving dishonesty or corruption;
- (d) becomes bankrupt or makes a compromise with his creditors; and
- (e) becomes incapable of carrying out the functions of his office either arising from an infirmity of mind or body.

(2) Notwithstanding the provisions of Sub-Section (1) of this Law, a member of the Committee may at any time be removed from the office by the Governor –

- (a) for misbehaviour; or
- (b) if he is satisfied that it is not in the interest of the Board or the public for the member to continue in office.

11. The Board shall serve on full time basis.

Service of the Board.

12. The Chairman and Board members shall be paid such remuneration as is contained in their letters of appointment which shall be in tandem with other Boards in the Public Service of the State.

Remuneration.

**PART III
SITTINGS AND MEETINGS OF THE BOARD**

13. (1) The Board shall sit in session at least twelve (12) times in a year and as frequently as may be necessary in situations of emergencies.

Meetings of the Board.

(2) The chairman shall preside at all meetings of the Board and in his absence, the members present at such meetings shall elect one of their numbers to preside.

14. No meeting of the Board shall proceed to business unless there is a quorum of 5 (five) members present at a meeting.

Quorum.

15. At the meetings of the Board, issues requiring a vote shall be determined by a simple majority of votes of the members present and in the case of a tie, the Chairman shall have a casting vote.

Voting.

16. The validity of any proceedings of the Board shall not be affected by the absence of any member of the Board or any defect in the appointment of a member or any vacancy in the membership of the Board or by reason of a person, not so entitled, taking part in such meetings.

Validity of proceedings

17. The Board may appoint sub-committees to advise it or take other actions on any matter which the Board may participate in or any other purposes, whether general or special relating to the functions of the Board where such other purposes would be better regulated or managed by means of sub-committees.

Appointment of sub-committees.

18. The Board may make standing Orders to regulate its proceedings and those of any of its ad-hoc Committees.

Standing orders.

**PART IV
FUNDS AND ACCOUNT**

19. The Funds of the Board shall come from the following sources -

Funds and Account

- (a) funds appropriated by the State Appropriation Law;
- (b) grants from Federal Government;
- (c) grants and donations from local or internal organizations;
- (d) grants or donations from any other source; and

Cross River Environment and Carbon Emission Board Law

(e) fees, levies, fines and such revenue that maybe generated from the activities of the Board.

Bank Account.

20. The Board shall open and operate an account in any reputable bank approved by the State Accountant-General and all monies received by or on behalf of the Board shall be paid into the said account and no withdrawal shall be made from the account unless the Cheque or other instrument for such withdrawal has been signed by the Chairman and the Accountant of the Board or any other officer of the Board as maybe authorized in that behalf by the Board.

Annual estimates.

21. The Board shall cause to be prepared not later than 15th September each year, estimates of the recurrent and capital expenditure for the succeeding year.

Accounts and Audit.

22. The Board shall cause to be kept such proper accounts and financial records, which shall be audited by Auditors on the recommendation of the Auditor-General for the State.

Accounts, Audit and Annual Report to be submitted to the House.

23. The Board shall within 3 months after the end of each financial year, submit to the House of Assembly-

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

PART V STAFF AND DEPARTMENTS

Staff of the Board.

24. The Board may, in consultation with the State Civil Service Commission, deploy, second or employ such number of staff as it may deem necessary for the effective performance of its duties.

Departments of the Agency.

25. The Board shall have the following Departments -

- (a) Administration;
- (b) Finance and Supplies;
- (c) Enforcement;
- (d) Carbon emission; and
- (e) such other departments as the Board may deem fit.

Training programme/ capacity building.

26. For the purpose of enhancing its services under this Law, the Board shall maintain and sustain programmes of technical assistance with bodies and organizations concerning implementation of activities geared towards -

Cross River Environment and Carbon Emission Board Law

- (a) establishment and promotion of training programmes for its staff, members of the Board, various communities and stakeholders in order to build their capacities on environmental sustainability and management with regard to controlling the carbon emission level;
- b) collection, collation and make available, through publication basic data and information on environment and carbon emission level of the State.

27. The Board shall have power to enter into contracts PROVIDED THAT: such contracts will enhance and accelerate the attainment of the goals of this Law. Power to enter into contracts,

PART VI MISCELENEOUS PROVISIONS

28. In any legal cause or action, the Board may at any time be represented in court by a State Counsel or a private legal practitioner nominated by the Board and approved by the State Attorney-General. Representation in court.

29. The Magistrates and High Courts shall have jurisdiction in causes or disputes arising from transactions of this Law; Provided it is within their monetary jurisdiction. Jurisdiction.

30. The Chief Justice of Cross River State shall ensure the establishment of mobile courts to expeditiously dispense cases of violation of regulations on environmental pollution and emissions; Establishment of Mobile Courts.

31. (1) The Board may make regulations for the Agency, subject to the approval of the Governor. Power to make regulations.

(2) Such regulations made pursuant to subsection (1) of this Section, shall be laid before the House of Assembly.

(3) The Commissioner for Finance shall make regulations with regard to fees, fines and charges.

32. The list of all the sources of pollution and waste generation that the Board shall have powers to carry out investigations under this Law are as stated in the Schedule to this Law. Sources of pollution.

33. In this Law, unless the context otherwise requires - Interpretation.

" Attorney -General" means the Attorney-General of the State;

"Board" means the Environment and Carbon emission Board;

"Chairman" means Chairman of the Board established under this Law;

"Governor" means the Governor of Cross River State;

Cross River Environment and Carbon Emission Board Law

8

"Members" means Members of the Board established under this Law;

"State" means Cross River State.

Short Title/
Commencement

34. This Law may be cited as the Cross River State Environment and Carbon Emission Board Law, 2016 and shall come into force on theday of2016

SCHEDULE I

- 1. Electric power generators (in categories)
- 2. Charcoal production and sale
- 3. Logging
- 4. Slash and burn agriculture
- 5. Large scale agriculture
- 6. Waste generation
- 7. Bush burning
- 8. Fuel wood production and sale
- 9. Industrial Emission and effluence
- 10. Motor vehicles divided into -
 - i. Motor cycles and tricycles
 - ii. Commercial trucks
 - iii. Commercial taxis
 - iv. Commercial pickup vans
 - v. Private SUV cars
 - vi. Private cars

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 (BARR.) BASSEY EKPENYONG
CLERK OF THE HOUSE

I assent

SENATOR (PROF.) BEN AYADE
GOVERNOR
CROSS RIVER STATE

MADE AT Calabar this 19th day of August 2016