CHAPTER 131  
FEDERAL ENVIRONMENTAL PROTECTION AGENCY ACT

1988 No. 58.

An Act to establish the Federal Environmental Protection Agency with its functions and the powers for the effective implementation of such functions.

Commencement.  
[30th December, 1988]

PART 1.—ESTABLISHMENT, MEMBERSHIP, FUNCTIONS AND POWERS OF THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY

Establishment of the Federal Environmental Protection Agency.

1. There is hereby established a body to be known as the Federal Environmental Protection Agency (hereinafter in this Act referred to as "the Agency") which under that name shall be a body corporate with perpetual succession and a common seal, and may sue and be sued in its Agency corporate name.

Membership of the Agency

2. (1) The Agency shall consist of the following members, that is to say— (a) a Chairman who shall be a person with wide knowledge in environmental matters to be appointed by the President, Commander-in-Chief of the Armed Forces;

(b) four distinguished scientists to be appointed by the President, Commander-in-Chief of the Armed Forces and one representative each from the following Federal Ministries—

(i) Health,

(ii) Science and Technology,

(iii) Works and Housing,

(iv) Agriculture, Water Resources and Rural Development,

(v) Industries,

(vi) Mines, Power and Steel,

(vii) Employment, Labour and Productivity,

(viii) Petroleum Resources (Petroleum Resources Department),

(ix) Transport

(x) Aviation, and

(c) the Director of the Agency.
(2) Subject to section 3 of this Act, a member who is not a public officer—

(a) shall hold office for a period of four years from the date of his appointment and shall be eligible for re-appointment for one further term of four years only;

(b) shall be paid such remuneration and allowances as the President, Commander-in-Chief of the Armed Forces may, from time to time, determine.

(3) The supplementary provisions contained in the Schedule to this Act shall have effect with respect to the proceedings of the Agency and the other matters therein mentioned.

Removal from office of member of the Agency

3. The office of a member who is not a public officer shall become vacant if he resigns his office by a letter addressed by him to the Minister, or if the Minister is satisfied that it is not in the interest of the Agency for the person appointed to continue in office as a member in which case the Minister shall, with the approval of the President, Commander-in-Chief of the Armed Forces, notify the member in writing to that effect.

Functions of the Agency.

4. The Agency shall, subject to this Act, have responsibility for the protection and development of the environment in general and environmental technology, including initiation of policy in relation to environmental research and technology; and without prejudice to the generality of the foregoing, it shall be the duty of the Agency to—

(a) advise the Federal Military Government on national environmental policies and priorities and on scientific and technological activities affecting the environment;

(b) prepare periodic master plans for the development of environmental science and technology and advise the Federal Government on the financial requirements for the implementation of such plans;

(c) promote co-operation in environmental science and technology with similar bodies in other countries and with international bodies connected with the protection of the environment;

(d) co-operate with Federal and State Ministries, Local Government Councils, statutory bodies and research agencies on matters and facilities relating to environmental protection; and

(e) to carry out such other activities as are necessary or expedient for the full discharge of the functions of the Agency under this Act.

Powers of the Agency to give grants

5. In carrying out the functions prescribed in section 4 of this Act and in other provisions of this Act, it shall be lawful for the Agency to—

(a) make grants to suitable authorities and bodies with similar functions for demonstration and for such other purposes as may be determined appropriate to further the purposes and provisions of this Act;
(b) collect and make available, through publications and other appropriate means and in co-operation with public or private organisations, basic scientific data and other information pertaining to pollution and environmental protection matters;

(c) enter into contracts with public or private organisations and individuals for the purpose of executing and fulfilling its functions and responsibilities pursuant to this Act;

(d) establish, encourage and promote training programmes for its staff and other appropriate individuals from public or private organisations;

(e) enter into agreements with public or private organisations and individuals to develop, utilise, co-ordinate and share environmental monitoring programmes, research effects, basic data on chemical, physical and biological effects of various activities on the environment and other environmentally related activities as appropriate;

(f) establish advisory bodies composed of administrative, technical or other experts in such environmental areas as the Agency may consider useful and appropriate to assist it in carrying out the purposes and provisions of this Act;

(g) establish such environmental criteria, guidelines, specifications or standards for the protection of the nation's air and inter-State waters as may be necessary to protect the health and welfare of the population from environmental degradation;

(h) establish such procedures for industrial or agricultural activities in order to minimise damage to the environment from such activities;

(i) maintain a programme of technical assistance to bodies (public or private) concerning implementation of environmental criteria, guidelines, regulations and standards and monitoring enforcement of the regulations and standards thereof; and

(j) develop and promote such processes, methods, devices and materials as may be useful or incidental in carrying out the purposes and provisions of this Act.

Powers of the Minister to give directions.

6. Subject to this Act, the Minister may give to the Agency directions of a general nature or relating generally to particular matters, but not to any particular individual or case with regard to the performance by the Agency of its functions under this Act and it shall be the duty of the Agency to comply with the directions.

Director and other staff of the Agency

7. (1) There shall be appointed by the President, Commander-in-Chief of the Armed Forces a Director of the Agency.

(2) The Director who shall be the chief executive of the Agency shall hold office on such terms and conditions as may be specified in his letter of appointment and, subject thereto, on such other terms and conditions as may be determined by the Agency in respect of the other employees thereof.

(3) The Agency may appoint such other persons to be employees of the Agency as it may deem fit.
(4) The remuneration and tenure of office of employees (other than the Director) shall be determined by the Agency with the approval of the Minister.

(5) The Agency shall have the power to make, with the approval of the Minister, staff regulations governing conditions of service of its employees.

(6) The Agency may grant loans to its employees for purposes approved by the Minister.

Pensions Cap. 346.

8. (1) It is hereby declared that service in the Agency shall be public service for the purposes of the Pensions Act and accordingly officers and other such staff of the Agency shall in respect of their services be entitled to such pensions, gratuities and other retirement benefits as are prescribed thereunder.

(2) For the purposes of the application of the provisions of the Pensions Act, any powers exercisable thereunder by a Minister or other authority of the Government of the Federation (not being the power to make regulations under section 23 thereof) are hereby vested in and shall be exercisable by the Agency and not by any other person or authority.

Power of the Director

9. The Director shall, subject to the policies laid down by the Agency, develop programmes to carry out the purposes and provisions of this Act and, without prejudice to the generality of the foregoing, shall, in particular and in consultation with appropriate agencies—

(a) establish programmes for the prevention, reduction and elimination of pollution of the nation's air, land and inter-State waters, as well as national programmes for restoration and enhancement of the nation's environment;

(b) encourage and promote the co-ordination of environmentally related activities at all levels;

(c) utilise and promote the expansion of research, experiments, surveys and studies by public or private agencies, institutions and organisations concerning causes, effects, extent, prevention, reduction and elimination of pollution and such other matters related to environmental protection as the Agency may, from time to time, determine necessary and useful; and

(d) conduct public investigations on pollution.

Power to accept gifts etc.

10. (1) Subject to subsection (2) of this section, the Agency may accept gifts of land, money, books or other property upon such terms and conditions, if any, as may be specified by the person making the gift.

(2) The Agency shall not accept any gift if the conditions attached thereto by the person making the gift are inconsistent with the functions of the Agency under this Act.

Residence, offices and premises
11. (1) For the purposes of providing residential accommodation for its staff, offices and premises as may be considered necessary for the performance of its functions under this Act, the Agency may—

(a) purchase or take on lease any interest in land; and

(b) build, furnish, equip and maintain residential quarters, offices and premises.

(2) Subject to the Land Use Act, the Agency may, with the approval of the Minister, sell or lease any residential quarters, land, offices or premises held by it and no longer required for the performance of its functions.

Financial provisions

12. (1) The Agency shall establish and maintain a fund from which there shall be defrayed all expenses incurred by the Agency.

(2) There shall be paid and credited to the fund established under subsection (1) of this section—

(a) such sums as may, from time to time, be granted to the Agency by the Federal Military Government;

(b) all moneys raised for the purposes of the Agency by way of gifts, grants-in-aid, testamentary dispositions and sales of publications;

(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.

Borrowing power.

13. (1) The Agency may, with the consent of the Minister or in accordance with the general authority given by the Federal Military Government, borrow by way of loan or overdraft from any source any moneys required by the Agency to meet its obligations and its functions under this Act, so however that no such consent or authority shall be required where the sum or aggregate of the sums involved at any time does not exceed such amount as is for the time being specified in relation to the Agency by the Federal Military Government.

(2) The Agency may, subject to the provisions of this Act and the conditions of any trust in respect of any property, invest all or any of its funds with the like consent or general authority.

(3) The Agency may invest any of its surplus funds in such securities as may be permitted by law.

Annual Estimates, accounts and audits.

14. (1) The Agency shall cause to be prepared not later than six months before the end of each year an estimate of the expenditure and income of the Agency during the next succeeding financial year and when prepared they shall be submitted to the Minister.
(2) The Agency shall cause to be kept proper accounts and proper records in relation thereto and when certified by the Agency such accounts shall be audited as provided in subsection (3) of this section.

(3) The accounts of the Agency shall be audited as soon as may be practicable after the end of each year by auditors appointed from the list and in accordance with the guidelines supplied by the Auditor-General of the Federation.

PART II.—NATIONAL ENVIRONMENTAL STANDARDS

Water quality

Federal water quality standards

15. (1) The Agency shall make recommendations to the Minister for the purpose of establishing water quality standards for the inter-State waters of Nigeria to protect the public health or welfare and enhance the quality of water to serve the purposes of this Act.

(2) In establishing such standards, the Agency shall take into consideration the use and value for public water supplies, propagation of fish and wildlife, recreational purposes, agricultural, industrial and other legitimate uses.

(3) The Agency shall establish different water quality standards for different uses.

Effluent limitations

16. (1) The Agency shall, as soon as possible after the commencement of this Act, establish effluent limitations for new point sources which shall require application of the best control technology currently available and implementation of the best management practices.

(2) The Agency shall, as soon as possible after the commencement of this Act, establish effluent limitations for existing point sources which shall require the application of the best management practices under circumstances as determined by the Agency, and shall include schedules of compliance for installation and operation of the best practicable control technology as determined by the Agency.

Air quality and atmospheric protection

Air quality etc.

17. (1) The Agency shall establish more criteria, guidelines, specifications and standards to protect and enhance the quality of Nigeria's air resources so as to promote the public health or welfare and the normal development and productive capacity of the nation's human, animal or plant life, and include in particular—

(a) minimum essential air quality standards for human, animal or plant health;

(b) the control of concentration of substances in the air which separately or in combination are likely to result in damage or deterioration of property or of human, animal or plant health;

(c) the most appropriate means to prevent and combat various forms of atmospheric pollution;

(d) controls for atmospheric pollution originating from energy sources, including that produced by aircraft and other self-propelled vehicles and in factories and power generating stations;
(e) standards applicable to emission from any new mobile source which in the Agency's judgment causes or contributes to air pollution which may reasonably be anticipated to endanger public health or welfare; and

(f) the use of appropriate means to reduce emission to permissible levels.

(2) The Agency may establish monitoring stations or networks to locate sources of atmospheric pollution and determine their actual or potential danger.

Ozone protection.

18. (1) The Agency shall undertake to study data and recognise developments in international force and other countries regarding the cumulative effect of all substances, practices, processes and activities which may affect the stratosphere, especially ozone in the stratosphere.

(2) The Agency may make recommendations and programmes for the control of any substance, practice, process or activity which may reasonably be anticipated to affect the stratosphere, especially ozone in the stratosphere, when such effect may reasonably be anticipated to endanger public health or welfare.

(3) For the purposes of this section, "stratosphere' means that part of the atmosphere above the troposphere.

Noise

Noise control

19. (1) The Agency shall, as soon as practicable after the commencement of this Act, in consultation with appropriate authorities—

(a) identify major noise sources, noise criteria and noise control technology; and

(b) establish such noise abatement programmes and noise emission standards as it may determine necessary to preserve and maintain public health or welfare.

(2) Any noise criteria identified under this section shall reflect the scientific knowledge most useful in indicating the kind and extent of all identifiable effects on the public health or welfare which may be expected from differing qualities and quantities of noise.

(3) The Agency shall make recommendations to control noise originating from industrial, commercial, domestic, sports, recreational, transportation or other similar activities.

Hazardous substances, etc.

Discharge of hazardous substances and related offences.

20. (1) The discharge in such harmful quantities of any hazardous substance into the air or upon the land and the waters of Nigeria or at the joining shorelines is prohibited, except where such discharge is permitted or authorised under any law in force in Nigeria;
(2) Any person who violates the provisions of subsection (1) of this section commits an offence and shall on conviction be liable to a fine not exceeding N100,000 or to imprisonment for a term not exceeding 10 years or to both such fine and imprisonment.

(3) Where an offence under subsection (1) of this section is committed by a body corporate it shall on conviction be liable to a fine not exceeding N500,000 and an additional fine of N1,000 for every day the offence subsists.

(4) Where any offence under this Act has been committed by a body corporate, the body corporate and every person who at the time the offence was committed was in charge of, or was responsible to the body corporate for the conduct of the business of the body corporate shall be deemed to be guilty of such offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this subsection shall render any person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(5) The Agency shall, as soon as possible after the commencement of this Act, determine for the purposes of this section what substances are hazardous substances and such hazardous substances the discharge of which shall be harmful under the circumstances to public health or welfare and, for this purpose, the Agency shall take into account such special circumstances including locations, quantity and climatic conditions relating to discharge as it may determine appropriate.

Cap. 165.

(6) Notwithstanding the provisions of this section or of any other sections of this Act the provisions of the Harmful Waste (Special Criminal Provisions, Etc.) Act shall apply in respect of any hazardous substance constituting harmful waste as defined in section 15 thereof.

Spiller's liability.

21. (1) Except where an owner or operator can prove that a discharge was caused solely by a natural disaster or an act of war or by sabotage, such owner or operator of any vessel or onshore or offshore facility from which the hazardous substance is discharged in violation of section 20 of this Act, shall in addition to the penalty specified in that section be liable for—

(a) the cost of removal thereof, including any costs which may be incurred by any Government body or agency in the restoration or replacement of natural resources damaged or destroyed as a result of the discharge; and

(b) costs of third parties in the form of reparation, restoration, restitution or compensation as may be determined by the Agency from time to time.

(2) The owner or operator of a vessel or onshore or offshore facility from which there is a discharge in violation of section 20 of this Act shall, to the fullest extent possible, act to mitigate the damage by—

(a) giving immediate notice of the discharge to the Agency and any other relevant agencies;

(b) beginning immediate clean-up operations following the best available clean-up practice and removal methods as may be prescribed by regulations made under section 22 of this Act; and

(c) promptly complying with such other directions as the Agency may from time to time, prescribe.
Removal methods, etc.

22. The Minister for purposes of this Part of this Act may, by regulations, prescribe any specific removal methods, national contingency plans, financial responsibility levels for owners or operators of vessels, or onshore or offshore facilities, notice and reporting requirements, penalties and compensation as he may determine necessary to minimise pollution by any hazardous substance.

Co-operation with the Ministry of Petroleum Resources

23. The Agency shall co-operate with the Ministry of Petroleum Resources (Petroleum Resources Department) for the removal of oil related pollutants discharged into the Nigerian environment and play such supportive role as the Ministry of Petroleum Resources (Petroleum Resources Development) may from time to time request from the Agency).

PART III.—ESTABLISHMENT OF STATE AND LOCAL GOVERNMENT ENVIRONMENTAL PROTECTION BODIES

Establishment of State and Local Government Bodies

24. The Minister shall, as soon as possible after the commencement of this Act encourage States and Local Government Councils to set up their own Environmental Protection Bodies for the purpose of maintaining good environmental quality in the areas of related pollutants under their control subject to the provisions of this Act.

PART IV.—SUPPLEMENTARY AND MISCELLANEOUS

Enforcement powers

Powers to inspect, etc.

25. For the purposes of enforcing this Act, any authorised officer may, without a warrant—

(a) require to be produced, examine and take copies of, any licence, permit, certificate or other document required under this Act or any regulations made thereunder;

(b) require to be produced and examine any appliance, device or other item used in relation to environmental protection.

Powers to search, seize and arrest

26. (1) Any authorised officer, where he has reasonable grounds for believing that an offence has been committed against this Act or any regulations made thereunder, may without a warrant—

(a) enter and search any land, building, vehicle, tent, vessel, floating craft or any inland water or other structure whatsoever, in which he has reason to believe that an offence against this Act or any regulations made thereunder has been committed;
(b) perform tests and take samples of any substances relating to the offence which are found on the land, building, vehicle, tent, vessel, floating craft or any inland water or other structure whatsoever, searched pursuant to paragraph (a) of this subsection;

(c) cause to be arrested any person who he has reason to believe has committed such offence; and

(d) seize any item or substance which he has reason to believe has been used in the commission of such offence or in respect of which the offence has been committed.

(2) A written receipt shall be given for any article or thing seized under subsection (1) of this section and the grounds for such seizure shall be stated on such receipt.

Obstruction of authorised officers

27. Any person who—

(a) wilfully obstructs any authorised officer in the exercise of any of the powers conferred on him by this Act; or

(b) fails to comply with any lawful enquiry or requirements made by any authorised officer in accordance with the provisions of section 25 of this Act,

commits an offence and shall on conviction be liable to a fine not exceeding N 500,000 or to imprisonment for a term not exceeding 10 years or to both such fine and imprisonment.

Authorised officers to disclose identity.

28. (1) Any authorised officer, in uniform when acting under the provisions of this Act, shall, on demand, declare his office and produce to any person against whom he is taking action such identification or written authority as may reasonably be sufficient to show that he is an authorised officer for the purposes of this Act.

(2) It shall not be an offence for any person to refuse to comply with any request, demand or order made by any authorised officer not in uniform, if such authorised officer refuses, on demand being made by such person, to declare his office or produce such identification or written authority.

Procedure in respect of suits against the Agency.

29. (1) No suit against the Agency, a member of the Agency or any employee of the Agency for any act done in pursuance or execution of any law, or of any public duties or in respect of any alleged neglect or default in the execution of such law, duties or authority, shall lie or be instituted in any court unless it is commenced within twelve months next after the act, neglect or default complained of or, in the case of a continuance of damage or injury within twelve months next after the ceasing thereof.

(2) No suit shall be commenced against the Agency before the expiration of a period of one month after written notice of intention to commence the suit shall have been served upon the Agency by the intending plaintiff or his agent; and the notice shall clearly and explicitly state—

(a) the cause of action;
(b) the particulars of the claim;
(c) the name and place of abode of the intending plaintiff; and
(d) the relief which he claims.

Service of documents.

30. The notice referred to in section 29(2) of this Act and any summons, notice or other document required or authorised to be served upon the Agency under the provisions of this Act or any other law may be served by delivering the same to the Chairman or the Director, or by sending it by registered post addressed to the Director at the Secretariat of the Agency.

Restriction on execution against the property of the Agency.

31. In any action or suit against the Agency no execution or attachment or process in the nature thereof shall be issued against the Agency but any sums of money which by judgment of the court is awarded against the Agency shall subject to any directions given by the Agency, be paid from the general reserve fund of the Agency.

Indemnity of members of the Agency and employees of the Agency.

32. Every member of the Agency, agent, auditor or employee for the time being of the Agency shall be indemnified out of the assets of the Agency against any liability and incurred by him in defending any proceeding whether civil or criminal, if any such proceeding is brought against him in capacity as such member, agent, auditor or employee as aforesaid.

33. The Agency shall, not later than 30th September in each year submit to the Minister a report on the activities of the Agency and its administration during the immediately preceding year and shall include in such report the audited accounts of the Agency.

Material misrepresentation and impersonation.

34. (1) If a person knowingly or recklessly makes any statement in purported compliance with a requirement to furnish information which is false in a material particular, he commits an offence and shall on conviction be liable to a fine not exceeding N200 or imprisonment for a term not exceeding one year or to both such fine and imprisonment.

(2) Any person who falsely represents himself to be an authorised officer of the Agency and assumes to do any act or to attend in any place for the purpose of doing any act on behalf of the Agency shall be guilty of an offence under this Act and on conviction shall be liable to imprisonment for a term not exceeding two years.

General penalties.

35. Any person who contravenes any provisions of this Act or any regulation made thereunder commits an offence and shall on conviction, where no specific penalty is prescribed therefor, be liable to a fine not exceeding N 20,000 or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.
Companies and firms liable.

36. Where any offence against this Act or any regulations made thereunder has been committed by a body corporate or by a member of a partnership or other firm or business, every director or officer of that body corporate or any member of the partnership or other person concerned with the management of such firm or business shall, on conviction, be liable to a fine not exceeding N500,000 for such offence and in addition shall be directed to pay compensation for any damage resulting from such breach thereof or to repair and restore the polluted environmental area to an acceptable level as approved by the Agency unless he proves to the satisfaction of the court that—

(a) he used due diligence to secure compliance with this Act; and

(b) such offence was committed without his knowledge, consent or connivance.

Miscellaneous

Power to make regulations.

37. The Minister, on the advice of the Agency, may make regulations generally for the purposes of this Act but without prejudice to the generality of the foregoing, the Minister may, in particular, prescribe standards for—

(a) water quality;

(b) effluent limitations;

(c) air quality;

(d) atmospheric protection,

(e) ozone protection;

(f) noise control; and

(g) control of hazardous substances and removal methods.

Interpretation

38. In this Act, unless the context otherwise requires—

"appropriate agencies" means any government agencies which has jurisdiction over the land or water affected by the pollution or any government agencies which ordinarily has jurisdiction over the operation which led to the pollution;

"authorised officer" means any employee of the Agency, any police officer not below the rank of an Inspector of Police, or any customs officer;

"court" means the Federal High Court;

"Director" means the Director of the Federal Environmental Protection Agency;

"disposal" includes both land-based disposal and dumping in waters and airspace of Nigeria;
"effluent limitation" means any restriction established by the Agency of quantities, rates and concentration of chemical, physical, biological or other constituents which are discharged from point sources into the waters of Nigeria;

"environment" includes water, air, land and all plants and human beings or animals living therein and the interrelationships which exist among these or any of them;

"hazardous substance" includes any substance designated as such by the Minister by order published in the Federal Gazette;

"Minister" means the Minister charged with responsibility for the environment;

"new source" means any source, the construction of which is commenced after the publication of any regulations prescribing a standard of performance under this Act, which is applicable to such source;

"offshore facility" means any facility of any kind located over, in, on or under any of the waters of Nigeria;

"onshore facility" means any facility (including but not limited to motor vehicles and rolling stock) of any kind located over, in or under any land within Nigeria other than submerge land;

"owner" or "operator" means—

(a) in the case of a vessel, any person owning, operating or chartering by demise such vessel;

(b) in the case of an onshore facility or an offshore facility, any person owning or operating such onshore facility or offshore facility; and

(c) in the case of any abandoned offshore facility the person who owned or operated such facility immediately prior to such abandonment;

"point source" means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation or vessel or other floating craft from which pollutants are or may be discharged;

"pollution" means man-made or man-aided alteration of chemical, physical or biological quality of the environment to the extent that is detrimental to that environment or beyond acceptable limits and "pollutant" shall be construed accordingly;

"removal" means removal of hazardous substances from waters of Nigeria, including shorelines or the taking of such other action as may be necessary to minimise or mitigate damage to the public health or welfare, ecology and natural resources of Nigeria;

"waters of Nigeria" means all water resources in any form including atmospheric, surface and subsurface, and underground water resources where the water resources are inter-State, or in the Federal Capital Territory, territorial waters, Exclusive Economic Zone or in any other area under the jurisdiction of the Federal Government.

Short title.

39. This Act may be cited as the Federal Environmental Protection Agency Act.
SCHEDULE
Section 1(3) Section 1(3)
SUPPLEMENTARY PROVISIONS RELATING TO THE AGENCY

Proceedings

Cap.192.

1. Subject to this Act and section 27 of the Interpretation Act (which provides for decisions of a statutory body to be taken by a majority of its members and for the person presiding to have a second or casting vote), the Agency may make standing orders regulating the proceedings of the Agency or any committee thereof.

2. Every meeting of the Agency shall be presided over by the Chairman or in his absence the members present at the meeting shall elect one of their number to preside at the meeting.

3. The quorum at a meeting of the Agency shall consist of the Chairman (or in an appropriate case the person presiding at the meeting pursuant to paragraph 2 of this Schedule) and six other members.

4. Where upon any special occasion the Agency desires to obtain the advice of any person on any particular matter, the Agency may co-opt that person to be a member for as many meetings as may be necessary; and that person while so co-opted shall have all the rights and privileges of a member except that he shall not be entitled to vote.

Committees

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

       (2) Every committee appointed under the foregoing provisions of this paragraph shall be presided over by a member of the Agency and shall be made up of such number of other persons, not necessarily members of the Agency, as the Agency may determine in each case.

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

6. Where standing orders made pursuant to paragraph 1 of this Schedule provide for a committee of the Agency to consist of co-opted persons who are not members of the Agency, the committee may advise the Agency on any matter referred to it by the Agency and the members thereof may attend any meeting of the Agency for that purpose.

Miscellaneous

7. The fixing of the seal of the Agency shall be authenticated by the signature of the Chairman and of the Director of the Agency.

8. Any contract or instrument which, if made by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the Agency by the Director or by any other person generally or specially authorised to act for that purpose by the Agency.

9. Any document purporting to be a contract, instrument or other document duly signed or sealed on behalf of the Agency shall be received in evidence and shall, unless the contrary is proved, be presumed without further proof to have been so signed or sealed.
10. The validity of any proceedings of the Agency or of a committee thereof shall not be adversely affected—

   (a) by any vacancy in the membership of the Agency or any committee thereof; or

   (b) by any defect in the appointment of a member of the Agency or any committee thereof.

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

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

EXPLANATORY NOTE

(This note does not form part of the above Decree but is intended to explain its purport)

The Decree establishes the Federal Environmental Protection Agency with the following functions:

   (a) responsibility for monitoring and helping to enforce environmental protection measures;
   (b) co-operation with Federal and State Ministries, Local Government Councils, statutory bodies, and research agencies on matters and facilities relating to environmental protection.

For the effective implementation of its functions, the Decree confers additional powers on the Agency including the power to establish standards in certain environmental areas. In order to make the work of the Agency effective, the Decree confers upon its employees certain specific powers, for instance power to inspect, search and seize and the power to arrest offenders.