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2022 No. 29

*Nigerian Meteorological Agency
(Establishment) Act, 2022*

**NIGERIAN METEOROLOGICAL AGENCY
(ESTABLISHMENT) ACT, 2022**



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**NIGERIAN METEOROLOGICAL AGENCY
(ESTABLISHMENT) ACT, 2022**

ACT No. 29

AN ACT TO REPEAL THE NIGERIAN METEOROLOGICAL AGENCY (ESTABLISHMENT ETC.) ACT No. 9, 2003 AND ENACT THE NIGERIAN METEOROLOGICAL AGENCY (ESTABLISHMENT) ACT, 2022, TO PROVIDE FOR THE REGULATION OF METEOROLOGY ; AND FOR RELATED MATTERS

[16th Day of August, 2022]

Commence-
ment.

ENACTED by the National Assembly of the Federal Republic of Nigeria—

PART I — ESTABLISHMENT OF THE NIGERIAN METEOROLOGICAL AGENCY

1. —(1) There is established the Nigerian Meteorological Agency (in this Act referred to as “the Agency”).

Establishment
of Nigerian
Meteorological
Agency.

(2) The Agency—

(a) shall be a body corporate with perpetual succession and a common seal ;

(b) may sue or be sued in its corporate name ; and

(c) may acquire, hold, purchase, mortgage and deal howsoever with property, movable or immovable, real or personal, subject to the provisions of the Land Use Act.

Cap. L5,
LFN, 2004.

2.—(1) There is established for the Agency a Governing Board (in this Act referred to as “the Board”) which shall consist of —

Establishment
of the
Governing
Board.

(a) a part-time Chairman ;

(b) a representative each not below the rank of a director from the Federal Ministries responsible for —

(i) Aviation,

(ii) Agriculture and Natural Resources,

(iii) Environment,

(iv) Transportation, and

(v) Water Resources ;

(c) two other persons with cognate experience in meteorological matters representing public interest ; and

(d) the Director-General of the Agency.

(2) The Chairman and other members of the Board other than ex-officio members as specified in subsection (1) (b) shall be appointed by the President on the recommendation of the Minister.

(3) The composition of the Governing Board shall reflect equity and fairness as enshrined in Section 14 (3) of the 1999 Constitution.

Cap. C23,
LFN, 2004.

(4) The Chairman shall be a person knowledgeable in meteorology, or related sciences.

(5) The Board may co-opt any person to attend and participate at any of its meetings provided that the person so co-opted shall only be in attendance and shall not count towards the quorum or vote at the meeting.

Schedule.

(6) The Supplementary Provisions set out in the Schedule to this Act shall have effect with respect to the proceedings of the Board and other matters contained in it.

Tenure of office.

3. The Chairman and other members of the Board, other than ex-officio members as specified in section 2 (1) (b) of this Act shall hold office for a term of four years on such terms and conditions as may be specified in their letters of appointment and may be re-appointed for a further term of four years and no more.

Cessation of membership.

4.—(1) The office of a member of the Board shall become vacant where—

(a) his term of office expires ;

(b) he resigns his appointment by notice in writing under his hand addressed to the President ;

(c) he is bankrupt ;

(d) he dies ;

(e) he is incapable of performing the functions of his office due to mental or physical illness ;

(f) he has been convicted of a felony or any offence involving dishonesty ;

(g) he is found guilty of gross misconduct ;

(h) in the case of a person possessed of professional qualifications, he is disqualified or suspended from practising his profession in any part of the world by an order of a competent authority made in respect of that member ;

(i) the President directs his removal on the satisfaction that it is not in the interest of the Agency or the public for the person to continue in office as a member of the Board ; or

(j) in the case of an ex-officio member, he ceases to hold the office on the basis of which he became a member of the Board.

(2) Where a vacancy occurs in the membership of the Board, it shall be filled by appointment by the President of a successor to hold office for the remainder of the term of office of his predecessor and the successor shall represent the same interest as that member whose exit created the vacancy.

5. The Chairman and members of the Board shall be paid such emoluments, allowances and benefits as the Federal Government may direct in accordance with extant laws and regulations. Emoluments.

6. The Board shall have power to— Powers and functions of the Board.

(a) formulate the general policies and guidelines for the efficient discharge of the functions of the Agency ;

(b) monitor and ensure the implementation of the policies and programmes of the Agency ;

(c) receive and review annual reports from the Management of the Agency and submit same to the Minister not later than 30 June each year ;

(d) determine the job description, title, terms, qualifications and salaries, including allowances of the employees of the Agency, subject to the approval of the National Income, Salaries and Wages Commission in the case of remunerations ;

(e) make rules relating generally to the conditions of service of employees of the Agency, including rules providing for the appointment, promotion, advancement, determination of appointment and disciplinary control of employees ; and

(f) exercise such other powers as may be necessary or expedient to ensure the efficient performance of the functions of the Agency under this Act.

PART II — FUNCTIONS OF THE AGENCY

7.—(1) The Agency shall be the authority for the performance of meteorological activities and shall — Functions of the Agency.

(a) advise the Federal Government on all aspects of meteorology ;

(b) project, prepare and interpret government policies in the field of meteorology ;

(c) issue weather forecasts for the safe operation of air-crafts, ocean going vessels and oil rigs in accordance with the International Civil Aviation Organisation (ICAO) and World Meteorological Organisation (WMO) Standard and Recommended Practices (SARPs) ;

(d) promote the service of meteorology in agricultural, drought and desertification activities ;

(e) provide meteorological services in operational hydrology and water resources activities ;

(f) provide weather services in marine, environmental pollution and bio-meteorology for climatic and human health activities ;

(g) provide and operate telecommunications systems for meteorological purposes subject to regulations made by the Nigerian Communications Commission ;

(h) proffer advice to the Federal, State and Local Governments on volcanic ash advisories ;

(i) collect, process and disseminate all meteorological data and information within and outside Nigeria ;

(j) keep in safe custody all meteorological data and records in the National Meteorological Archive ;

(k) be the sole authority to approve, licence, certify and regulate the establishment of meteorological stations for meteorological observations, the operators and operating personnel at a fee to be prescribed by the Agency and where necessary, make regulation in this regard, save for aeronautical meteorological services ;

(l) charge cost and sustainability recovery charges for services and consultancy rendered by the Agency to users ;

(m) ensure uniform standards of observation of all meteorological phenomena in Nigeria ;

(n) keep and maintain a register of all meteorological stations, observatories, operators and operating personnel ;

(o) levy fees, penalties and administrative cost of proceedings or other charges on any person in relation to the functions of this Agency as prescribed in this Act ;

(p) enter and seal or close up synoptic stations and observatories at the premises of persons illegally carrying out any meteorological activities ;

(q) call for or furnish such data and information generated in the course of carrying out meteorological activities in Nigeria as may be considered necessary for the efficient discharge of its functions ;

(r) prepare adequate guidelines and organise training programmes for the training of all meteorological professionals and for other meteorological related activities ;

(s) establish training schools for the training of observers, forecasters, meteorologists, metrological engineers or technicians, and for other related activities ;

(t) ensure that international standards and practice in meteorological operations is maintained ;

(u) train, conduct and undertake research in the field of tropical, agricultural, hydro and marine meteorology and other areas of meteorology ;

(v) provide consultancy and advisory services on meteorology and meteorological engineering and technology ;

(w) monitor and issue meteorological components of environmental pollution and ozone concentration ;

(x) calibrate, develop and fabricate meteorological conventional equipment for export and national needs ;

(y) report to the relevant authority or organisation and demand appropriate sanction or closure of any station or premises where meteorological information is used in contravention of the provisions of this Act ; and

(z) carry out other activities as are necessary and expedient for the performance of any of its functions under this Act.

(2) Without prejudice to the functions specified in subsection (1), the Agency shall be the sole authority to prescribe and issue the meteorological information and data required for all sectoral activities in Nigeria including —

- (a) aviation ;
- (b) defence ;
- (c) finance ;
- (d) agriculture ;
- (e) construction works ;
- (f) environment ;
- (g) industries ;
- (h) marine ;
- (i) natural disaster and relief management ;
- (j) water resources ;
- (k) power and steel ;
- (l) transport ;
- (m) science and technology ;
- (n) oil and gas ;
- (o) sports ;
- (p) tourism ;
- (q) communication ;
- (r) insurance ; and
- (s) health.

(3) A person, organisation or corporate body shall not carry out or undertake any of the sectoral activities listed under subsection (2) without complying with the meteorological requirements as prescribed by the Agency.

(4) In this section, “synoptic stations” includes stations where meteorological parameters are observed.

Powers of
the Agency.

8.—(1) The Agency shall enforce and administer the provisions of this Act and all other laws impacting on meteorology in Nigeria.

(2) The Agency shall be the sole authority to regulate, licence, approve and authorise the standard of meteorological activities and operations in Nigeria save for aeronautical meteorological services.

(3) The Agency shall provide aeronautical meteorological services for aviation in Nigeria in line with the Nigerian Civil Aviation Regulations.

Intellectual
property.

9.—(1) All data generated or acquired by the Agency either processed or unprocessed shall be the property of the Agency.

(2) The Agency shall have the power to receive or acquire intellectual property of any kind on meteorological information and data generated from its activities.

PART III — MANAGEMENT AND STAFF OF THE AGENCY

Appointment
of the
Director-
General of
the Agency.

10.—(1) There shall be for the Agency a Director-General who shall be appointed by the President on the recommendation of the Minister and on such terms and conditions as may be specified in his letter of appointment or as may be determined by the Federal Government.

(2) The Director-General shall be—

(a) the chief executive and accounting officer of the Agency ;

(b) responsible to the Board for the day-to-day administration of the Agency ; and

(c) appointed for a term of five years in the first instance and may, subject to satisfactory performance, be re-appointed for a further term of five years and no more.

(3) A person shall not be appointed as the Director-General, except he has a recognised professional degree in meteorology or any other meteorological related sciences with at least 15 years cognate experience, five of which shall be at senior management level.

(4) The Director-General shall be the permanent representative of Nigeria in the World Meteorological Organisation in accordance with the provisions of Article 6, Part V of the Convention of the World Meteorological Organisation, 1947.

(5) The Director-General may be suspended or removed from office by the President on the recommendation of the Minister where he —

(a) has demonstrated inability to effectively perform the duties of the office ;

(b) has been absent from five consecutive meetings of the Board without the consent of the Chairman unless he shows good reason for such absence ;

(c) is found guilty of gross misconduct ;

(d) in the case of a person possessed of professional qualifications, is disqualified or suspended from practising his profession in any part of the world by an order of a competent authority ; or

(e) is in breach of the conflict of interest and use of insider information for personal gain provisions as stipulated under section 40 of this Act and in the Schedule to this Act.

Schedule.

(6) The Director-General of the Agency shall not be removed from office except in accordance with the provisions of this Act.

11.—(1) The Board shall appoint a legal adviser for the Agency.

Appointment
of Legal
Adviser.

(2) The legal adviser shall be the Secretary to the Board and shall —

(a) be a legal practitioner with at least 12 years post call experience ;

(b) be the Director, Legal Services of the Agency ;

(c) be responsible for keeping the books and proper records of proceedings and correspondence of the Board and the upkeep of the records of the Board ;

(d) administer and discharge all legal obligations and insurance requirements of the Agency ;

(e) retain external legal services on behalf of the Agency as he may deem necessary or expedient ;

(f) ensure enforcement and compliance with the provisions of this Act ;

(g) carry out the registration and licencing of third parties and keep records of third party relationships with the Agency ;

(h) participate in meteorological inspections and investigation ; and

(i) perform such other functions as the Board or the Director-General may assign to him.

12.—(1) The Agency shall appoint, designate or cause to be deployed, directly or on secondment from any public or private bodies such number and category of employees as it may require to assist it in the effective discharge of its duties and functions under this Act.

Other
employees
of the
Agency and
conditions of
service.
Cap. C23,
LFN, 2004.

(2) The composition of the Directors and senior management staff of the Agency appointed under subsection (1) shall reflect equity and fairness as enshrined in Section 14 (3) of the 1999 Constitution.

(3) The terms and conditions of service including remuneration, allowances, benefits and pensions of the employees of the Agency shall be as determined by the Board in line with extant laws and regulations.

(4) The Agency may with the approval of the Board, make staff regulations relating generally to the conditions of service of its employees and providing for —

- (a) appointment, promotion and staff discipline ;
- (b) appeals by employees against disciplinary measures ; and
- (c) such other matters as it may deem necessary to ensure the efficient performance of the functions of the Agency under this Act.

(5) Staff Regulations and conditions of service made under subsection (4) shall not have effect until they are published in the Federal Government Gazette and website of the Agency.

Directorates
of the
Agency.

13.—(1) The Agency may with the approval of the Board —

- (a) set up or collapse directorates, departments, special units, technical committees, working groups and task forces to assist the Agency in the discharge of its duties and performance of its functions under this Act ; and
- (b) make changes to the structure of the Agency.

(2) There shall be appointed for each of the directorates, departments and special units, a principal officer who shall be known by such designation as the Agency may determine.

Service in the
Agency to be
pensionable.
Act No. 4,
2014.

14.—(1) Service in the Agency shall be approved public service for the purpose of the Pension Reform Act, and accordingly, officers and other staff of the Agency shall in respect of their service in the Agency, be entitled to such pension and other retirement benefits as are prescribed in the Pension Reform Act.

(2) Nothing in subsection (1) shall prevent the appointment of a person to any office on terms which may preclude the grant of a pension, gratuity or other retirement benefit in respect of that office.

(3) For the purpose of the application of the provisions of the Pension Reform Act, any power exercisable under it by a Minister or other authority of the Government of the Federation, not being the power to make regulations, is vested in and shall be exercisable solely by the Board.

Co-
operation.

15. In exercising and performing the powers, functions and duties conferred on it under this Act, the Agency may appoint, contract, liaise or co-operate with experts, relevant organisations, international institutions including

specialised agencies, resource persons, academic and technical institutes, advisory committees and any other person or authority in order to assist it in carrying out its functions or duties under this Act.

PART IV — FINANCIAL PROVISIONS

16.—(1) There is established for the Agency a Fund (in this Act referred to as “the Fund”) into which shall be paid or credited — Fund of the Agency.

(a) all subventions and budgetary allocations from the Federal Government ;

(b) gifts, loans, grants-in-aid from national, bilateral and multilateral agencies ;

(c) administrative penalties payable for violation of meteorological regulations ;

(d) returns on investments made by the Agency ;

(e) 10% of landing charges from the Federal Airports Authority of Nigeria (FAAN) ;

(f) 10% of en-route and over flight charges from the Nigerian Airspace Management Agency ;

(g) 9% of the 5% sales tax surcharged on tickets and cargo charges by the Nigerian Civil Aviation Authority (NCAA) ;

(h) fees or funds, approved by the Board in respect of such services provided by the Agency including —

(i) rendering of climatic information to the power and energy sector operators, marine and ocean going vessels and crude oil explorers in Nigeria,

(ii) provisions of agricultural, marine and non-aeronautical meteorological services,

(iii) exhibition and sale of meteorological data, information or equipment,

(iv) production and sale of books, pamphlets, bulletins, etc. on meteorological services,

(v) provision of consultancy services on meteorology including investigative meteorological activities and meteorological training,

(vi) rentals of property, plant and equipment including rents and fees received from the use of pamphlets and documentaries owned by the Agency, sale, rent or lease of landed properties,

(vii) fees from personnel licensing,

(viii) establishment, registration, licencing, monitoring and supervision of meteorological stations, telecommunication masts, including observatories on all on-shore and off-shore platforms used by oil and gas companies in Nigeria,

(ix) provision of meteorological information on the construction of Government and non-Government owned four storey buildings and beyond, roads, dams, telecommunication masts and other related projects, or

(x) any other commercial activities ;

(i) any other fund which the Federal Government may designate for the development of Civil Aviation or Meteorology in Nigeria ; and

(j) such other moneys as may be received by the Agency in the course of its operations or in relation to the exercise by the Agency of any of its functions under this Act.

Cap. C 23,
LFN, 2004.

(2) Subject to the provisions of the Constitution of the Federal Republic of Nigeria, 1999, the Fund established under subsection (1) shall be managed in accordance with extant Financial Regulations applicable in the public service of the Federation.

Expenditure
of the
Agency.

17. The Agency may apply the proceeds of the Fund established under section 16 of this Act —

(a) to the cost of administration of the Agency ;

(b) to the payment of the allowances and benefits of members of the Board and for reimbursing members of the Board or of any committee of the Board and for such expenses as may be expressly authorised by the Board ;

(c) to the payment of the salaries, fees or other remuneration or allowances, gratuities and pensions, and other benefits payable to the officers and other employees of the Agency, provided that no payment of any kind under this paragraph, except such as may be expressly authorised by the Board, shall be made to any person who is, within the relevant period, in receipt of emoluments from the Federal or State Government ;

(d) for the development and maintenance of any property vested in or owned by the Agency ;

(e) to publicise and promote the activities of the Agency ; and

(f) to undertake such other activities as are connected with the functions of the Agency under this Act.

Annual
estimates
and accounts.

18.—(1) The Agency shall, not later than 30 September in each year, submit to the Minister an estimate of its expenditure and income including payments to the Agency's Fund for the next succeeding year.

(2) The Agency shall keep proper accounts in respect of each year and proper records in relation to those accounts and shall cause its accounts to be audited within six months after the end of each year by auditors from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation.

19. The Agency shall prepare and submit to the Federal Executive Council, through the Minister, not later than six months after the end of each year, a report in such form as he may direct on the activities of the Agency during the immediate preceding year and shall include in the report a copy of the audited accounts of the Agency for that year and the auditor's report on the accounts.

Annual
reports.

20.—(1) The Agency may accept any gift of land, money or other property on such terms and conditions as may be specified by the person or organisation making the gift.

Power to
accept gifts.

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

21.—(1) The Agency may with the approval of the Minister, borrow such sums by way of loan, overdraft or from any source, as may be required for the performance of its functions and meeting its obligations under this Act and any interest payable on money so borrowed shall be paid out of the Fund of the Agency.

Power to
borrow.

(2) The Agency shall not, without the approval of the Board, borrow money which exceeds, at any time, the amount set by the Government as the limit of the borrowing powers of the Agency.

22.—(1) The Agency may, subject to the provisions of this Act and the conditions of any trust created in respect of any property, invest any or all money in its Fund, not immediately required for its current expenditure in —

Investment
in securities.

(a) any security prescribed by the Trustee Investments Act or in such other securities as may be approved by the Minister ;

Cap. T22,
LFN, 2004.

(b) any securities created or issued by or on behalf of the Federal Government, as may be approved by the Board ;

(c) the purchase or improvement of any land in any part of the Federation ; or

(d) any venture in Nigeria as may be approved by the Minister, including investment in stocks quoted on the Nigerian Stock Exchange.

(2) In the exercise of its powers of investment of its Fund under subsection (1), the Agency may vary any of such investments and may deposit any money for the time being un-invested with any bank approved by the Agency in line with government Regulations.

Exemption
from tax.

23.—(1) The Agency shall be exempted from the payment of income tax on any income accruing from investments made by the Agency.

(2) The provision of any law relating to the taxation of companies or trusts shall not apply to the Agency.

(3) The Agency shall be exempted from taxes, levies and tenement rates and any arrears whatsoever related to them.

PART V — PROVISIONS RELATING TO THE ACQUISITION OF LAND

Acquisition
of land.

24.—(1) The Agency may, subject to the Land Use Act or any relevant law, acquire any land for the purpose of discharging its functions under this Act.

(2) Where there is any hindrance in the acquisition of any land by the Agency under this Act, including any failure by the Agency to reach an agreement as to the amount to be paid in respect of the acquisition, the Agency may apply to the Minister for a declaration under subsection (3).

(3) The Minister on receiving an application from the Agency and after such enquiry as he may deem fit in the circumstance, may request the Governor of the State or the relevant authority where the land is situated to declare that the land is required for the service of the Agency and accordingly for an over-riding public purpose.

Cap L4,
LFN, 2004.

(4) Where a declaration is made under subsection (3), the land to which the declaration relates shall be deemed to be land required for the purpose of the Federation within the meaning of the Land Use Act, and the Agency shall acquire the land accordingly.

(5) Where a declaration has been made under subsection (3) in respect of any land and the —

(a) land has been acquired under subsection (4) ; or

(b) Governor of the State concerned is satisfied that there is no rights subsisting in respect of the land,

the Governor of the State may vest the land in the Agency by issuing a Certificate of Occupancy in respect of it, in favour of and in the name of the Agency.

(6) The compensation, if any, payable under the Land Use Act for the revocation of any rights relating to the land, where applicable, shall be paid by the Agency. Cap L4, LFN, 2004.

(7) The plan of the land referred to in subsection (2) —

(a) containing measurement of the boundaries of the land ;

(b) showing the relationship of the land to any sufficient identifying mark ; and

(c) signed by the Surveyor-General of the Federation or of the State concerned,

shall be a sufficient description of the land for the purpose of an application under that subsection.

(8) The Agency shall not, without the prior approval in writing by the Governor of the State in which the land is situated, alienate, mortgage, charge or otherwise demise any immovable property which has been vested in the Agency under this section or in respect of which a right of occupancy has been granted to the Agency.

25.—(1) Subject to this section, the Agency may by its officers, employees, workmen or agents enter upon any land for the purpose of the discharge of any of the functions of the Agency under this Act and, in particular, may enter upon any of such land for the purpose of — Power to enter land to make survey.

(a) inspecting and examining lands, buildings and equipment of meteorological stations ;

(b) inspecting and examining accounts, records and memoranda required to be kept by meteorological stations ; and

(c) cutting down and removing a tree, underwood or structures that may interfere with surveys and any installation which constitute hindrance to meteorological or climate activity.

(2) The Agency shall, when practicable, serve on the occupier of any land on which it intends to enter under subsection (1), a notice in writing giving description of the nature of the work intended to be carried out on the land.

(3) In the performance of its functions under subsection (1), the officers, employees, workmen or agents of the Agency may remain on any land for such reasonable time as may enable them to execute and do all such work and things as may be necessary for the performance of the functions of the Agency under this Act.

Compensation
for damages.

26.—(1) In the exercise of the power conferred upon it by section 25 of this Act, the Agency, its officers, employees, workmen or agents shall ensure that buildings, crops and economic trees are protected from damages and the Agency shall pay compensation for any damage done to any building, crops and economic trees.

(2) In the case of dispute as to the amount of compensation payable, the same shall be determined by the Federal High Court.

Establishment
of staff
housing
scheme.

27.—(1) The Agency may, with the approval of the Minister, engage in the establishment of staff housing scheme.

(2) The Agency shall, with the approval of the Board, issue guidelines for the establishment and management of the staff housing scheme referred to under subsection (1).

Establishment
of
meteorological
calibration
laboratories.

28.—(1) The Agency shall establish and operate calibration laboratories at designated locations for purposes of carrying out regular calibration of meteorological instruments and equipment.

(2) The Agency shall have power to certify that calibrated meteorological equipment meet the standard specified by the World Meteorological Organisation, International Civil Aviation Organisation and the Standard Organisation of Nigeria.

Duties of an
authorised
officer of the
Agency.

29.—(1) Any authorised officer of the Agency who has reasonable grounds for believing that an offence under this Act has been or is being committed on any premises or there is on any premises, anything connected with the commission of any offence under this Act or any regulation made under it, may enter such premises to—

(a) conduct a search and inspection of the premises ;

(b) take measurement and samples, where necessary, for conducting analysis and tests of any substance found on any premises under paragraph (a) ;

(c) arrest any person whom he reasonably suspects to have committed an offence ;

(d) take photographs, films, audio, video and other recordings or extracts from documents ; and

(e) seal up any premises or seize any articles including plant, equipment, substance, or any other thing whatsoever used in the commission of an offence or in respect of which an offence has been committed.

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

30.—(1) A person who —

Offences
and
penalties.

(a) hinders or obstructs an authorised officer in the exercise of his duties under this Act or regulations made under it ;

(b) fails to comply with a lawful order or requirement made by an authorised officer under the provisions of this Act or regulations made under it ; or

(c) fails, neglects or refuses to carry out a meteorological order issued under this Act,

commits an offence and is liable on conviction to a fine of at least ₦250,000 or imprisonment for a term of six months or both.

(2) Any person who—

(a) collects, uses or disseminates weather forecast or any other meteorological information obtained from any other source outside the approval, licence or authority of the Agency for commercial or public purpose ; or

(b) impersonates an authorised officer of the Agency, refuses to state or wrongly states his address and misleads or gives wrongful information to an authorised officer of the Agency,

commits an offence and is liable on conviction—

(i) in the case of an individual, to a fine of ₦1,000,000 or imprisonment for a term of three years or both ; and

(ii) in the case of a body corporate, to a fine of at least ₦1,000,000 for every day after receipt of notice of the commission of the offence from the Agency.

(3) Where an offence by a body corporate is proved to have been committed on the instigation, with the connivance of, or is attributable to any neglect on the part of a director, manager, secretary, head of branch, project manager or other similar officer of the body corporate, or any person purporting to act in any such capacity, he as well as the body corporate, where practicable, shall be deemed to have committed that offence and liable to be proceeded against and punished accordingly in line with the provisions of subsection (1).

(4) Where an offence under this section continues unabated, the offender shall be liable, upon conviction to twice the fine and term of imprisonment imposed under this section.

31.—(1) The Agency shall, after notice and hearing the complaint or on its own initiative and investigation, determine whether any person is violating any provision of this Act, regulations, rules or orders made under it.

Power to
investigate
and impose
fine.

(2) Where the Agency is satisfied after such hearing that a person is violating any provision of this Act, regulations, rules or orders made under it, it shall by order require the person to pay penalty, revoke its licence or take such action consistent with the provisions of this Act, regulations, rules or orders, as may be necessary in the opinion of the Agency to prevent further violation of the provisions of this Act, regulations, rules or orders.

(3) In the exercise of its powers, the Agency shall appoint an administrative panel to give effect to the provisions of this section.

(4) The decision of the administrative panel appointed under subsection (3) shall become effective upon confirmation by the Board provided that an appeal from the decision of the administrative panel as may be confirmed by the Board shall lie to the Minister.

Meteorological
orders.

32.—(1) The Agency may cause an order known as Meteorological Order to be issued or served on any person where it has reasonable grounds to believe that the person has contravened, is contravening, or there exists a likelihood of contravention of the provision of this Act or regulations made under it.

(2) A Meteorological Order shall—

- (a) specify the provision of the Act contravened ;
- (b) state the specific content of the permit or licence contravened ;
- (c) direct the owner or person in possession to take remedial measures to terminate or prevent further re-occurrence ; and
- (d) set out maximum fine for failure to comply with the order.

(3) A Meteorological Order may impose any other requirements for the purpose of preventing, remedying or minimising harm which may include an order that a person should —

- (a) stop the commencement of a specified activity indefinitely or for a specified period of time ;
- (b) take certain measures within a specified period to prevent harm, remedy or restore the environment to its original state ; or
- (c) not conduct a specific activity except within a specified time or subject to specified conditions.

(4) The issuance of or compliance with an order in respect of a person's alleged contravention of this Act or the regulations made under it shall not be a bar to any proceedings against the person under this or any other Act in relation to the alleged contravention by that person.

33. Subject to the provisions of the Constitution of the Federal Republic of Nigeria, 1999, the Agency shall take necessary measures to give effect to any international treaty, convention or agreement concerning any aspect of meteorology to which Nigeria is a party.

International treaties, conventions or agreements.

Cap. C 23,
LFN, 2004

**PART VI — METEOROLOGICAL OBSERVATORY AND SYNOPTIC
OFFICE ESTABLISHMENT PERMIT**

34.—(1) The Agency may on application made to it by any person, grant a meteorological permit in respect of any activity prescribed by the Agency, including permit to —

Grant of a meteorological permit.

- (a) conduct meteorological research activities ; or
- (b) develop or test experimental equipment.

(2) Activities for which meteorological permit or licence may be granted shall include activities specified under sections 7 (1) (k) and 7 (2) of this Act.

(3) A person, organisation or corporate body shall not carry out or undertake such sectoral activities as mentioned in subsection (2) and any other meteorological activity without obtaining the Agency's certification, permit or licence and complying with the meteorological requirements as prescribed by the Agency.

(4) A person who contravenes the provisions of subsection (3), commits an offence and is liable on conviction, where the contravention is by —

- (a) a corporate body, to a fine not more than ₦5,000,000 ; and
- (b) an individual, to a fine not more than ₦2,000,000.

(5) Where the contravention mentioned in subsection (4) continues unabated, the offender shall be liable on conviction to twice the fine imposed under that subsection.

PART VII — LEGAL PROCEEDINGS

35.—(1) The provisions of the Public Officers Protection Act shall apply in relation to any suit instituted against a member of the Board, an officer or employee of the Agency.

Limitation of suits against the Agency.

(2) Notwithstanding anything to the contrary contained in any law, no suit against the Agency, members of the Board, Director-General or any employee shall lie or be instituted in respect of any act done in pursuance to or in execution of the functions, powers and public duties prescribed under this Act, or in an action in contract, tort, or howsoever unless it is commenced —

Cap. P41,
LFN, 2004.

(a) within three months next after the act, neglect or default complained of ; or

(b) in the case of a continuation of damage or injury, within six months next after cessation of it.

(3) A suit shall not be commenced against a member of the Board, the Director-General or any other officer or employee of the Agency before the expiration of a period of one month after written notice of intention to commence the suit has been served on the Agency by the intending plaintiff or his agent.

(4) The notice referred to in subsection (3) shall clearly and explicitly state the cause of action, particulars of the claims, name and place of abode of the intending plaintiff and the relief which he claims.

(5) In any proceeding before a court of law or tribunal, the Agency may, with the consent of the Attorney-General of the Federation, be represented by its legal officers or any legal practitioner authorised by the Agency who shall have the right to appear at any stage of a proceedings and who shall satisfy the court that he is duly authorised by the Agency in that behalf.

Service of
documents,
notices or
processes.

36.—(1) A notice, summons or other document required or authorised to be served on the Agency under the provisions of this Act or any other law may be served by delivering the same to the Director-General of the Agency or by sending it by registered post addressed to the Director-General at the headquarters of the Agency.

(2) Service of notices, warrants, orders, summons, proceedings, documents or written communication of which service is required, shall be made by a person appointed for that purpose by the Agency:

Provided that where a party is represented by a legal practitioner, service of notices, warrants, orders, summons, proceedings, documents or written communication of which service is required may be made through such legal practitioner or through a partner, counsel or clerk under his control.

(3) All notices, warrants, order, summons, proceedings, documents or written communications in respect of which service is required by this Act shall be sufficient service if left with an adult person resident or employed at the address for service:

Provided that where there is no person on the premises at the time of service, service shall be effected by posting the process sought to be served at the main entrance gate or wall of the premises or by advertisement or otherwise as may be deemed necessary and proper in the circumstances.

37.—(1) Any notice required or authorised under this Act to be served on any person may be served either by—	Service of notice on individual or body corporate.
(a) delivering it to the person or his agents or servants ; (b) leaving it at the person’s proper address ; or (c) posting it to the person’s principal office by registered post or courier.	
(2) Any notice required or authorised to be served upon a body corporate shall be deemed to have been duly served if it is served on a director of or the Secretary to the body corporate.	
(3) For the purpose of this section, the proper address of any person on whom such notice is to be served shall —	
(a) in the case of a body corporate, be the registered or principal office of the body corporate ; and	
(b) in any other case, be the last known address of the person.	
38. In any action or suit against the Agency, no execution or attachment of process in any nature of it shall be issued or levied against the Agency unless —	Restriction on execution against property of the Agency
(a) not less than three months’ notice of the intention to execute or attach has been given to the Agency ; and	
(b) the consent of the Attorney-General of the Federation has been obtained before execution of the judgment.	
39.—(1) A member of the Board, the Director-General or any officer or employee of the Agency shall be indemnified out of the assets of the Agency against any liability incurred by him in defending any proceeding, whether civil or criminal, where the proceeding is brought against him in his capacity as a member of the Board, Director-General, officer or employee of the Agency.	Indemnity of officers.
(2) Any sum of money which may be the judgment of any court awarded against the Agency shall, subject to any direction given by the court where no notice of appeal against the judgment has been given, be paid from the Fund of the Agency.	
40.—(1) Members of the Board, Director-General, directors and employees of the Agency shall not manage or operate any meteorological enterprise while in office.	Conflict of interest and use of insider information for personal gain.
(2) A person specified in subsection (1), having a financial interest in any meteorological enterprise—	
(a) shall make full disclosure of such interest to their respective appointing authorities and to the Agency ;	

(b) is prohibited from participating in any action or decision that may, directly or indirectly, affect their financial interest in any meteorological enterprise.

(3) A member of the Board or the Director-General or any other officer or employee of the Agency shall —

(a) not for his personal gain, make use of any information which has come to his knowledge in the exercise of his powers or is obtained by him in the ordinary course of his duty as a member of the Board or as the Director-General, officer or employee of the Agency ;

(b) treat as confidential any information which has come to his knowledge in the exercise of his powers or is obtained by him in the discharge of his duties under this Act ; and

(c) not disclose any information referred to under paragraph (b), except where required to do so by a court or in such other circumstances as may be prescribed by the Agency and approved by the Board.

Jurisdiction.

41. The Federal High Court shall have jurisdiction to try offences, hear and determine proceedings arising under this Act.

PART VIII — MISCELLANEOUS PROVISIONS

Power of the Minister to give directives.

42.—(1) The Minister may give general policy guidelines to the Agency.

(2) Notwithstanding the provisions of subsection (1), the Minister may give to the Agency directives of a general or specific nature relating generally to a particular matter or case.

(3) The Agency shall comply with any policy guidelines or directive given to it by the Minister under subsections (1) or (2).

Power to make regulations or issue guidelines.

43.—(1) The Agency may with the approval of the Board, make rules, guidelines or regulations as in its opinion are necessary or expedient for giving full effect to the provisions of this Act and for the due administration of its provisions, except for aeronautical meteorological services.

(2) The contravention of any regulations issued under any of the provisions of this Act shall constitute an offence and shall be punishable as prescribed in the particular regulations.

Repeal and savings provision.

44.—(1) The Nigerian Meteorological Agency (Establishment, etc.) Act No. 9 of 2003 is hereby repealed.

(2) Without prejudice to section 6 of the Interpretation Act, the repeal of the Act specified in subsection (1), shall not affect anything done under the Act.

Cap. I23,
LFN, 2004.

(3) Every regulation, order, requirement, certificate, notice, direction, decision, authorisation, consent, application, request or thing made, issued, given or done under the repealed Act shall, if in force at the commencement of this Act, continue to be in force and have effect as if made, issued, given or done under the corresponding provisions of this Act.

(4) All assets, funds, resources and other movable and immovable property which, immediately before the commencement of this Act, vested in the Agency established under the repealed Act shall by virtue of this Act and without further assurance be vested in the Agency established under section 1 of this Act.

(5) Every reference to the former Agency, Board, Minister, Director-General, Chairman or any person under their control or a document issued in the name of the former Agency, Board, Minister, Director-General, Chairman of the former Board or employee of the former Agency shall be read, unless the context otherwise requires, as a reference to the Agency, Minister, Board, Director-General, Chairman, or an employee of the Agency established under this Act.

45.—(1) Any person who immediately before the commencement of this Act was a staff of the Agency established under the repealed Act shall continue in office and be deemed to have been appointed under this Act for purposes of pension.

Transitional provisions.

(2) Any person who immediately before the coming into effect of this Act is the holder of any office in the Agency existing before the commencement of this Act shall on the commencement of this Act continue in office and be deemed to have been appointed to his office unless the authority by which the person was appointed terminates the appointments.

(3) Properties held immediately before the commencement date of this Act on behalf of the Nigerian Meteorological Agency by any person shall, by virtue of this Act, be vested in the Agency established under this Act.

(4) The Agency established in section 1 of this Act shall be subject to all the obligations and liabilities to which the former Agency was subject immediately before the commencement of this Act and all other persons shall have the same rights, powers and remedies against the Agency established by this Act as they had against the Agency immediately before the commencement of this Act.

(5) Any proceeding or cause of action pending or existing immediately before the commencement of this Act by or against the Agency established under the repealed Act in respect of any right, interest, obligation or liability of

the Agency may be continued or commenced, as the case may be, and any determination of a court of law, tribunal or other Commission or person may be enforced by or against the Agency established by this Act to the same extent that such proceeding, cause of action or determination might have been continued, commenced or enforced by or against the Agency existing before the commencement of this Act.

(6) As from the commencement of this Act, any disciplinary proceeding pending or existing against any employee of the Agency shall be continued and completed by the Agency established under this Act.

Interpretation.

46. (1) In this Act —

“*aeronautical service*” includes information, direction and other facilities furnished, issued or provided in connection with meteorological forecasts or data ;

“*Agency*” means the Nigerian Meteorological Agency established under section 1 of this Act ;

“*agro-meteorology*” means the application of meteorological information and data in the monitoring, management of agricultural activities and in aid of food production and security ;

“*authorised officer*” means the Director-General or any other officer of the Agency specifically or generally authorised by the Director-General to perform the functions of the Agency under this Act ;

“*airport*” means any area on land or water including any building, installation and equipment intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft ;

“*Board*” means the governing Board of the Agency established under section 2 (1) of this Act ;

“*Convention of the World Meteorological Organisation*” is found in the Basic Documents of the World Meteorological Organisation Publication Number 15. Authentic text of the Convention of the World Meteorological Organisation, adopted by the Washington Conference on 11 October, 1947, is as amended by Resolutions 1 and 2 adopted by the Third Congress in 1959 ; Resolutions 1 and 2 adopted by the Fourth Congress in 1963 ; Resolutions 1, 2 and 3 adopted by the Fifth Congress in 1967 ; Resolution 48 adopted by the Seventh Congress in 1975 ; Resolution 50 adopted by the Eighth Congress in 1979 ; Resolutions 41, 42 and 43 adopted by the Ninth Congress in 1983 ; Resolutions 39 and 41 adopted by the Fourteenth Congress in 2003 ; and Resolution 44 adopted by the Fifteenth Congress in 2007 ;

“*Government*” means Government of the Federal Republic of Nigeria ;

“*hydro-meteorology*” means the application of meteorological information and data in the monitoring and management of water resources sector and water related phenomenon ;

“*marine-meteorology*” means the application of meteorological information and data in the monitoring and management of coastal and ecosystem and maritime activities such as ocean transportation and shipping, fisheries, oil exploration, etc. ;

“*member*” means a member of the Board and includes the Chairman ;

“*meteorology*” means the study dealing with the phenomena of the atmosphere ;

“*Minister*” means the Minister responsible for matters relating to aviation and “*Ministry*” shall be construed accordingly ;

“*policy and guidelines*” means policy and guidelines made for the administration of the functions of the Agency ;

“*power*” includes functions and duties ;

“*premises*” includes lands, plants and ancillary works ;

“*President*” means the President of the Federal Republic of Nigeria ;

“*Regulations*” means rules that may be established by the Agency for the administration and regulation of meteorological services in Nigeria ;

“*synoptic station*” means a meteorological observatory where all the meteorological parameters are observed and reported on a 24 hourly basis ;

“*volcanic ash*” means a mixture of rock, mineral and glass particles expelled from a volcano during a volcanic eruption ;

“*weather*” means the state of the atmosphere which consists of the short-term minutes to months variation of the atmosphere ; and

“*WMO*” means World Meteorological Organisation.

(2) Every other term shall have the same meaning as contained in the Basic Documents of the World Meteorological Organisation.

47. This Act may be cited as the Nigerian Meteorological Agency (Establishment) Act, 2022. Citation.

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

Proceedings of the Board

1. Subject to this Act and section 27 of the Interpretation Act, Cap. I23, Laws of the Federation of Nigeria, 2004, the Board shall have power to regulate its proceedings and may make standing order with respect to the holding of its meetings, and those of the committees, notices to be given, the keeping of minutes of its proceedings, the custody and production for inspection of such minutes and such other matters as the Board may determine.

2. At every meeting of the Board, the Chairman shall preside and in his absence the members present at that meeting shall appoint one of their numbers to preside at the meeting.

3. The quorum at a meeting of the Board consists of the Chairman or, in an appropriate case, the person presiding at the meeting under paragraph 2, and four other members.

4. The Board shall for the purpose of this Act, meet not less than four times in each year and subject to it, the Board shall meet whenever it is summoned by the Chairman, and if required to do so, by notice given to him by not less than four other members, he shall summon a meeting of the Board to be held within 14 days from the date on which the notice is given.

5. Where the Board desires the advice of any person on a particular matter, the Board may invite that person to attend for such period as it deems fit, but a person who is invited by virtue of this paragraph shall not be entitled to vote at any meeting of the Board and shall not count towards the quorum.

Committees

6. Subject to its standing orders, the Board may appoint such number of standing or Ad-hoc committees as it deems fit to consider and report on any matter with which the Agency is concerned.

7. A committee appointed under paragraph (6) shall—

(a) consist of such number of persons, not necessarily members of the Board, as may be determined by the Board, and a person other than a member of the Board, shall hold office on the committee in accordance with the terms of his appointment ; and

(b) be presided over by a member of the Board.

8. The quorum of any committee set up by the Board shall be determined by the Board.

Miscellaneous

9. The common seal of the Agency shall be kept in the custody of the Director Legal Services of the Agency.

10. The fixing of the seal of the Agency shall be authenticated by the signature of the Director-General and the Director Legal Services or Secretary of the Agency.

11. 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-General or any other person generally or specifically authorised by the Board to act for that purpose.

12. 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.

13. The validity of any proceedings of the Board or any of its committees shall not be affected by —

- (a) any vacancy in the membership of the Board or committee ;
- (b) any defect in the appointment of a member of the Board or committee ; or
- (c) reason that any person not entitled to do so took part in the proceedings of the Board or committee.

14. A member of the Board or a committee set up by the Board or Agency who is directly or indirectly interested in any matter being deliberated on by the Board, or is interested in any contract made or proposed to be made by the Agency shall, as soon as possible after the relevant facts have come to his knowledge disclose the nature of his interest at a meeting of the Board or committee and shall not vote on any question relating to the contract or arrangement.

15. A disclosure under paragraph 15 of this Schedule shall be recorded in the minutes of the meetings of the Board and the member concerned shall—

- (a) not, after the disclosure, take part in any deliberation or decision of the Board ; and

(b) be excluded for the purpose of constituting a quorum of any meeting of the Board for any deliberation or decision, with regard to the subject matter in respect of which his interest is so disclosed.

16. A member of the Board or a committee shall not be personally liable for any act or omission done or made in good faith while engaged in the business of the Agency.

I, certify, in accordance with Section 2 (1) of the Acts Authentication Act, Cap. A2, Laws of the Federation of Nigeria 2004, that this is a true copy of the Bill passed by both Houses of the National Assembly.

OJO O. A., fnia, fcia
Clerk to the National Assembly
18th Day of July, 2022.

EXPLANATORY MEMORANDUM

This Act repeals the Nigerian Meteorological Agency (Establishment, etc.) Act, No. 9 of 2003 and enacts the Nigerian Meteorological Agency (Establishment) Act, to provide for comprehensive legal and institutional framework for the regulation of meteorology in Nigeria.

SCHEDULE TO THE NIGERIAN METEOROLOGICAL AGENCY (ESTABLISHMENT) BILL, 2022

(1) <i>Short Title of the Bill</i>	(2) <i>Long Title of the Bill</i>	(3) <i>Summary of the Contents of the Bill</i>	(4) <i>Date Passed by the Senate</i>	(5) <i>Date Passed by the House of Representatives</i>
Nigerian Meteorological Agency (Establishment) Bill, 2022	An Act to repeal the Nigerian Meteorological Agency (Establishment etc.) Act No. 9, 2003 and enact the Nigerian Meteorological Agency (Establishment) Act, 2022, to provide for the regulation of meteorology; and for related matters.	This Bill repeals the Nigerian Metrological Agency (Establishment, etc.) Act, No. 9 of 2003 and enacts the Nigerian Meteorological Agency (Establishment) Act, to provide for comprehensive legal and institutional framework for the regulation of meteorology in Nigeria.	26th January, 2022.	25th January, 2022.

I certify that this Bill has been carefully compared by me with the decision reached by the National Assembly and found by me to be true and correct decision of the Houses and is in accordance with the provisions of the Acts Authentication Act Cap. A2, Laws of the Federation of Nigeria, 2004.

I ASSENT



OJO O. A., fma, fcia

Clerk to the National Assembly

18th Day of July, 2022.

MUHAMMADU BUHARI, GCFR

President of the Federal Republic of Nigeria

16th Day of August, 2022.