



Membership of the Technical Advisory Committee.	1	3.—(1)There shall be established a technical arm of <b>the</b> Commission to
	2	be known as the Technical Advisory Committee which shall consist of the
	3	Executive Secretary of the Commission as Chairman.
Tenure of Office.	4	(2) The other members of the committee who shall be appointed by <b>the</b>
	5	President shall be professionals representing the following Ministries,
	6	Government Agencies or Professional Organisations, that is to say —
		(a)Nigerian Institute of Geological and Mining Research;
		(b) Nigerian Institute of Oceanography;
		(c) Nigerian Metrological Agency ( <b>NIMET</b> );
	1	(d) Nigerian Communications Commission;
	0	(e) Nigerian Electricity Regulatory Commission (MERC);
		(f) Nigerian Atomic Energy Commission;
	13	(g) Nigerian Academy of Sciences;
	14	(h) Representative of Civil Society /Non-Governmental Organization (NGO);
	15	(i) National Planning Commission;
		(j) Power Holding Company of Nigeria (PHCN);
	17	(k) Manufacturers Association of Nigeria;
	18	(l) Federal Ministry of Environment Housing and Urban Development;
	39	(m) Energy Commission of Nigeria;
	20	(n) Nigerian Society of Engineers;
	21	
		(p) Nigerian National Petroleum Corporation;
	22	(p) Aviation and Transport;
	23	(q) Federal Ministry of <b>Health</b> ;
	24	(r) Foreign Affairs;
	25	(s) Federal Ministry of Finance;
	26	(0 Federal Ministry of Education;
	27	(a) and two other persons to be appointed the President.
	28	(3)The Committee may co-opt, when necessary, any suitable Nigerian
	29	whose contributions may be needed by the Committee.
	30	4. The Executive Secretary shall hold office for a term of 4 years and
	31	may be re-appointed for a further term of 4 years and no more.

1 5.—(1)The Commission shall have power to regulate its own proceedings Proceedings  
of the  
2 and may make standing orders for that purpose **and**, subject to such standing Commission.  
3 orders, may function notwithstanding any vacancy in its membership or the  
4 absence of any member.

5 (2) The Commission shall meet at least six times in every year for the  
6 due performance of its functions under this Act.

7 (3) Six member shall form a quorum at any meeting of the Commission.

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

13 6. The Commission shall consist of the following departments, that is— (a) Climate Structure of  
14 Science, Inventories and Mitigation (CSIM); the  
Commission.

15 (b) Vulnerability, Impacts and Adaptations (MBP);

16 (c) Multilateral and Bilateral Programmes (MBP);

17 (d) Research and Systematic Observations;

18 (e) Planning, Statistics and Policies;

19 (f) Administration and services.

20 7. Subject to this Act, the Commission is hereby charged **with the** Functions of  
21 responsibility for the strategic planning and co-ordination of national policies the  
22 in the field of climate change and energy in **all** its ramifications and, **without** Commission.

(fl) advise the Federal Government on policies and priorities on the  
International Climate Change regime and its effects on the country;

{b} initiate research in technological use, acquisition and deployment to  
23 prejudice to the generality of the foregoing, **the** Commission shall:

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27 reduce impact of climate change;

28 (c) maintain a programme of technical assistance to bodies (public and  
29 private) concerning implementation of climate change criteria, guidelines,  
30 regulations and standards and monitoring compliance with such regulations  
31 and standards thereof;

- 1           (d) establish programmes for the prevention, reduction and **elimination** of  
2 **greenhouse** gases **in** the nation's air, land and inter-state waters as well as  
3 national programmes for restoration and enhancement of the **environment**;
- 4           (e) utilize and promote expansion of research, experiments, surveys and  
5 studies by public and private agencies, institutions and organizations  
6 concerning causes, effects, extent, prevention, reduction and elimination of  
7 green house gases and such other related environmental protection as the  
8 **commission** may deem expedient;
- 9           (i) serve as **centre** for gathering and dissemination of **information** relating  
10 to national policy on climate change its effects and mitigation;
- 11           (g) serve as centre for solving any inter-related problem that may arise **in**  
12 **the** implementation of any policy, strategy or guideline relating to climate  
13 change, develop strategy, master plan, programme for combating climate  
14 **change**;
- 15           (h) coordinate all institutional and voluntary actions and programmes of  
16 reducing green house gases and taking inventory of green house gases;
- 17           (i) **undertake the** implementation and ensuring national compliance with  
18 **all commitments** under the United Nations Framework Convention on Climate  
19 **Change** (UNFCCC), Kyoto Protocol, Marakesh Accords and all **other** related  
20 international agreements on climate change;
- 21           (j) prepare after consultation with such relevant agencies of government  
22 and private sector, periodic master plan for balanced and coordinated  
23 development of actions to adapt to climate change;
- 24           (k) make recommendation for **the** exploiting of other renewable sources  
25 of energy as and when necessary;
- 26           (l) monitor the **performance of the** energy use **in the industrial**, agricultural,  
27 land, water, transport and aviation sectors to ensure stabilization of green  
28 house gases and reduce emission level; .
- 29           (m) promote training and manpower development in climate change related  
30 matters;
- 31           (n) carry out such **other functions** as conducive, necessary and expedient

1 to the discharge of its function under this Act or as may be directed from  
2 time to time by the president;

3 (o) act as Designated National Authority (DNA) for the purpose of  
4 implementation of **the** Kyoto Protocol financial mechanisms. For the time  
5 being, tend any other Post-Kyoto Mechanisms in pursuant to that, it shall  
6 have the powers to:

7 (i) make and set out criteria in accordance to national laws for the  
8 implementation of the Clean Development Mechanism (CDM),

9 (ii) evaluate and assess applications for CDM projects and grant  
10 necessary approvals.

11 (iii) liaise with **the** United Nations Framework Convention on Climate  
12 Change UNFCCC Secretariat on verification, validation and registration  
13 of CDM projects in Nigeria,

14 (iv) make rules, guidelines and set procedures for the development of  
15 a carbon trading mechanism in the country assist in marketing and  
15 promoting CDM project and establishing market structures that will  
16 encourage the evolvement of a carbon market,

17 (v) public awareness of Clean Development Mechanism (CDM);

18 (p) the powers conferred on the Commission may be exercised by it or  
19 through any of its employees or agents authorised in that behalf by the  
20 Commission;  
21 Commission;

22 (q) the Commission shall not be subject to the direction, control or  
23 supervision by any other authority or person in the performance of its functions  
94 under this Act other than the President.

25 8.—(1)The Commission shall, from time to time, appoint such other Staff and  
26 persons as members of staff of the Commission as it may deem necessary, to Pension  
27 assist the agency in the performance of its functions under this act. Matters,

28 (2) Appointment of staff in the junior cadre, i.e. level01-06, shall be  
29 made by the Executive-Secretary, while appointment in the senior cadre, i.e.  
30 level 07-17 shall be made with the ratification and approval of the Commission.

31 (3) The members of staff of the Commission appointed under subsection (3) of

1 **this** section shall be appointed on such terms and conditions of service (including  
2 remuneration, allowances/benefits, pensions) as determined by the President.

3 (4) Promotion of staff in the junior cadre shall be as recommended by the  
4 Junior Staff **Committee** to the Executive Secretary for ratification and approval.

5 (5) Promotion of staff in the senior cadre shall be as recommended by **the**  
6 Senior Staff Committee to the Commission for ratification and approval.

Pension Act No.  
2, of 2004.

7 (6) Service in **the Commission** shall be approved service for the purposes  
8 of the Pension Reform Act and, accordingly, officers and other persons **employed**  
9 in the Commission shall be entitled to pensions, and other retirement benefits  
10 as are prescribed **thereunder**.

11 (7) Notwithstanding the provisions of subsection (1) of this section, the  
12 Commission may appoint a person to any office on terms, which preclude the  
13 grant of a pension, or other retirement benefits in respect of that office.

14 (8) For the purpose of **the** Pension Reform Act, any power exercisable  
15 **thereunder** by a Minister or other authority of the **Government** of the Federation,  
16 **other than the** power to make regulations under Section 18 thereof, is hereby  
17 vested in and shall be exercised by the Commission and not by any other person

Funds of the  
Commission.

18 9.—(1) **The Commission shall** establish and maintain a fund into which all  
20 the monies accruable to the Commission shall be paid and from which all the  
21 activities of the Commission shall be funded.

22 (2) There shall be paid and credited to the Fund:

23 (a) from the Federal Government, the equivalent of 2 percent of the  
24 Consolidated Revenue Fund:

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26 **to the states affected by climate change; (c) Donations, gifts and grants from**  
**governments.**

18 or authority.

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28 (3) The funds of the Commission shall be disbursed according to the  
29 approved formula.

30 (4) The Commission shall cause the accounts of the Commission to be  
31 audited quarterly and shall be externally audited once every year.

- 1           10.—(1)The Auditor-General for the Federation **shall**— Audit.  
2            (a) inspect and audit the accounts and records of financial transaction of  
3           the Commission;  
4            (b) inspect records relating to assets of the Commission; and  
5            (c) draw the attention of the Executive Secretary to any irregularity  
6           disclosed by the inspection and audit.
- 7 (2) The Auditor-General may dispense with all or any part of detailed  
8 inspection and audit of any account or record referred to in Subsection (1).
- 9           (3) The Auditor-General or an officer **authorised** by **him** is entitled at all  
10          reasonable time to a full and free access to all accounts, records, documents  
11          and papers of the Commission relating directly or indirectly to the receipt or  
12          payment of money by the Commission or to the acquisition, receipt, custody or  
13          disposal of assets by the **Commission**.
- 14          **11.** The Commission shall submit to the President not later than 30th Annual  
Report.  
15          June, of each financial year, a report of its activities during the proceeding  
16          financial year and it shall include a copy of the audited accounts of the  
17          Commission for that year and a copy of auditors report on it. Power to  
Acquire Land.  
Cap. 202LFN,  
1990. ■  
Limitation of  
Suit against the  
Commission.  
Cap- 380 LFN  
1990.
- 18          12. The Commission may, subject to the Land Use Act, acquire any land  
19          for the purpose of discharging its functions.
- 20          13.— (1) The provisions of the Public Protection Act shall apply in relation  
21          to any suit instituted against any officer or employee of the Commission.
- 22          (2) No suit shall be commenced against a member of the Commission,  
23          the Executive Secretary, officer or employee of the Commission before the  
24          expiration of a period of one **month** after written notice of intention to commence  
25          the suit shall have been served upon the Commission by the intending plaintiff  
26          or his agent. Service of  
Documents.
- 27          (3) The notice referred to in subsection (2) shall state **the** cause of action,  
28          **the** particulars of the claims, the name and place of abode of the intending  
29          plaintiff and relief which he claims.
- 30          14. A notice, summons or any other document required or authorised to  
31          be served upon **the** Commission under the provisions of this Act or any other

Restriction on Execution against Property of the Commission.

1 law or enactment may be served by delivering it to the Executive Secretary at  
 2 the principal office of the Commission.  
 3 15.—(1) No execution or attachment of process shall be issued against  
 4 the Commission in any action or suit without the consent of the Attorney-  
 5 General of the Federation.

6 (2) Any sum of money **which** may by the judgment of any court be awarded  
 7 against the Commission shall, subject to any direction given, be paid from the  
 8 general reserve fund of the Commission.

9 16. A member of the Commission, the Executive Secretary, any officer  
 10 or employee of the Commission shall be indemnified out of the assets of the  
 11 Commission against any proceeding, whether civil or criminal, in **which judgment**  
 12 is given in his favour, or in which he is acquitted, if any such proceeding is  
 13 brought against **him** in his capacity as member of the Commission, the Executive  
 14 Secretary, officer or employee of the Commission.

Engagement of Professionals other than Staff.

15 17. The Executive Secretary may with the approval of the Commission  
 16 engage persons with knowledge or experience in Climate Change control or in  
 17 matters relevant to the functions of the Commission to assist otherwise than on  
 18 the basis of full time employment.

Regulation.

19 18. The Commission may make regulations for the purpose of carrying  
 20 out or giving full effect to the provisions of this Act.

Interpretation

21 "Commission" means National Climate Change Commission established  
 22 under section 1 (1) of this Act; 24/15

Citation.

21 **19. In this Bill:**  
 22

"Function" includes power and duty;

"Member" means a member of the Commission and includes the Chairman;

26 "President" means the President of the Federal Republic of Nigeria. 20. This Act  
 27 may be cited as the National Climate Change Commission

28 Bill, 2008.

## SCHEDULE

## SUPPLEMENTARY PROVISIONS RELATING TO THE COMMISSION, ETC.

*Proceedings of the Commission*

1—(1) Subject to this Act and Section 27 of the Interpretation Act, the Commission may make standing orders regulating its proceedings or those of its committees. Cap. 192 LFN1990 any of

(2) The quorum of the Commission shall be the Chairman, or the person presiding at the meeting, and 6 other members of the **Commission**, one of whom shall be ex-officio member, and the quorum of any committee of the Commission shall be as determined by the Commission.

2,—(1) The Commission shall meet **whenever** it is summoned by the Chairman and if the Chairman is required to do so by notice given to him by not less than 6 other members, he shall summon a meeting of the Commission to be **held** within 24 days from the date of which the notice is given.

(2) **Where** the Commission desires to obtain the advice of any person on a particular matter, the Commission may co-opt him to the Commission for such period as it deems fit, but a person who is in attendance by virtue of **this** sub-paragraph shall not be entitled to vote at any meeting of the Commission and shall not count towards a quorum.

*Committee*

3.—(1) The Commission may appoint one or more committees to carry out, on **behalf of the** Commission such functions as the Commission may determine.

(2) The committee appointed under this paragraph shall consider such number of persons as may be determined by the Commission and a person shall hold office **in** the committee **in** accordance with the terms of his appointment.

(3) A decision of a committee of the Commission shall be of no effect until it is confirmed by the Commission. ;

4.—(1) The **fixing of the** seal of the **Commission** shall be **authenticated by the** signature of the **Chairman** or any other member **of the** Commission generally or specifically authorised by the Commission to act for that purpose and the Executive Secretary. ■

(2) Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the Commission by the Executive Secretary or any person generally or specifically authorised by the Commission to act for that purpose.

(3) A document purporting to be a document duly executed under **the** seal of the Commission shall be received in evidence and shall, unless and until the contrary is proved, be presumed to be so executed.

5. The validity of any proceedings of the Commission or of a committee shall not be adversely affected by:

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

EXPLANATORY MEMORANDUM

This Act seeks to establish the Climate Change Commission as a statutory body and to vest it **with** the responsibility to manage and control climate change and other related environmental matters.

This Act also seeks to transfer funds relating to states affected by the climate change problems from the Ecological Funds Office under the Allocation from the Consolidate Account (CA) etc. to the Commission.