SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Tuesday, 29th November, 2011

1. The Senate met at 10:30 a.m. The Senate President read prayers.

2. **Votes and Proceedings:**
The Senate President announced that he had examined the Votes and Proceedings of Thursday, 24th November, 2011 and approved same.

By unanimous consent, the Votes and Proceedings were approved.

3. **Announcements:**
(i) ***Award of Excellence:***
The Senate President read a letter from Senator Adegbenga Sefiu Kaka (*Ogun East*) as follows:

SENATOR ADEGBENGA SEFIU KAKA
OGUN EAST SENATORIAL DISTRICT
Vice Chairman, Senate Committee on Agriculture and Rural Development

NASS/S/VCMA/OESD/033 ***24th November, 2011***

His Excellency
Senator (Dr.) David A. B. Mark, GCON, fnim
President of the Senate
National Assembly
Abuja.

My dear President,

Invitation

Re: Award of Excellence
I am happy to inform you that the School of Agriculture and Agricultural Technology of the Federal University of Technology Akure, (FUTA) has nominated me to be worthy of the Award of Excellence of the University.

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Therefore, I will be most appreciative if you could kindly find time to honour me with your esteemed presence at the School's 7th Annual Lecture and Award of Excellence coming up on Friday Dec. 2nd 2011 at the Hill Top Auditorium, FUTA by 11.00am.

I also have the pleasure to invite the Senate leadership and all members of the Senate to the Ceremony. Details as contained in the attached invitation card.

While counting on your attendance and usual solidarity, please accept, Your Excellency the assurances of my best regards.

(Signed)

Senator Adegbenga Sefiu Kaka.

(ii) ***Acknowledgment:***

The Senate President acknowledged the presence of the following who were in the gallery to observe Senate Proceedings:

(*i*) Honourable Councillors of Etsako East Local Government Legislative Council of Edo State; and

(*ii*) Wives of Members of Edo, Kwara, Rivers and Plateau States Houses of Assembly.

4. Matter of Urgent Public Importance:

Rising on Rule 42, Senator Andy E. Uba*(Anambra South*) drew the attention of the Senate to the demise of Chief Chukwuemeka Odimegwu Ojukwu on Saturday, 26th November, 2011. He sought and obtained the leave of the Senate to present the matter.

Matter to stand over to another Legislative Day.

5. Joint Committee on Judiciary, Human Rights and Legal Matters; and Interior:
Report on Same Sex Marriage (Prohibition) Bill 2011 (SB. 05):

Motion made: That the Senate do consider the Report of the Joint Committee on Judiciary, Human Rights and Legal Matters; and Interior on the Same Sex Marriage (Prohibition) Bill 2011 (*Senator Umaru Dahiru — Sokoto South*).

Question put and agreed to.

Report presented.

Motion made: That the Senate do resolve into the Committee of the Whole to consider the Report *(Senate Deputy Leader)*.

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF THE REPORT OF THE JOINT COMMITTEE ON JUDICIARY, HUMAN RIGHTS AND LEGAL MATTERS; AND INTERIOR ON A BILL FOR AN ACT TO PROHIBIT MARRIAGE OR CIVIL UNION ENTERED INTO BETWEEN PERSONS OF SAME SEX, SOLEMNIZATION OF SAME AND FOR OTHER MATTERS RELATED THEREWITH, 2011.

Clause 1: Prohibition of Marriage or Civil Union by Persons of Same Sex:

(1) Marriage Contract or civil union entered into between persons of same sex is hereby prohibited in Nigeria.

(2) A marriage Contract or civil union entered into between persons of same sex is invalid and shall not be recognised as entitled to the benefits of a valid marriage.

Amendment Proposed:
Immediately after the word "invalid" in line 2, *insert* the word "illegal" (*Senator James E. Manager — Delta South*).

Question that the amendment be made, put and agreed to.

(3) A Marriage Contract or civil union entered into between persons of same sex by virtue of a certificate issued by a foreign country shall be void in Nigeria, and any benefits accruing there from by virtue of the certificate shall not be enforced by any court of law in Nigeria (*Senator Umaru Dahiru — Sokoto South*).

Question that Clause 1 *as amended do stand part of the Bill, put and agreed to.*

Clause 2: **Solemnization of Same Sex Marriage in Places of Worship:**

(1) Marriage or civil union entered into between persons of same sex shall not be solemnized in any place of worship either Church or Mosque in Nigeria.

Amendment Proposed:
Immediately after the word "Mosque" in line 2, *insert* the words "or any other place wheresoever" (*Senator Dahiru A. Kuta — Niger East*).

Question that the amendment be made, put and agreed to.

(2) No certificate issued to persons of same sex in a marriage or civil union shall be valid in Nigeria (*Senator Umaru Dahiru — Sokoto South*).

Question that Clause 2 *as amended do stand part of the Bill, put and agreed to.*

Clause 3: **Recognized Marriage in Nigeria:**
Only marriages contracted between a man and a woman either under Islamic Law, Customary Law or the Marriage Act is recognized as valid in Nigeria.

Committee's Recommendation:
That the provision in Clause 3 be retained (*Senator Umaru Dahiru — Sokoto South*) — *Agreed to.*

Question that Clause 3 *do stand part of the Bill, put and agreed to.*

Clause 4: **Registration of Homosexual Clubs and Societies:**

(1) The Registration of gay clubs, societies and organisations, their sustenance, processions and meetings are hereby prohibited.

(2) The public show of same sex amorous relationship directly or indirectly is hereby prohibited.

Committee's Recommendation:
That the provision in Clause 4 be retained (*Senator Umaru Dahiru — Sokoto South*) — *Agreed to.*

Question that Clause 4 *do stand part of the Bill, put and agreed to.*

Committee's Recommendation:
That the provision in Clause 4 be retained (*Senator Umaru Dahiru — Sokoto South*) — *Agreed to.*

Question that Clause 4 *do stand part of the Bill, put and agreed to.*

Clause 5: **Offences and Penalties:**

(1) Persons who entered into a same sex marriage contract or civil union commit an offence and are each liable on conviction to a term of 10 years imprisonment.

(2) any person who registers, operates or participates in gay clubs, societies and organisation, or directly or indirectly make public show of same sex amorous relationship in Nigeria commits an offence and shall each be liable on conviction to a term of 5 years imprisonment.

(3) Any person or group of persons that witness, abet and aids the solemnization of a same sex marriage or civil union, or supports the registration, operation and sustenance of gay clubs, societies, organisations, processions or meetings in Nigeria commits an offence and shall be liable on conviction to a term of 5 years imprisonment (*Senator Umaru Dahiru — Sokoto South*).

Amendment Proposed:
Leave out the figures "10" in subclause (1), "5" in subclauses (2) and (3) and *insert* the figures "14 and10" respectively instead thereof (*Senator Ifeanyi A. Okowa — Delta North*).

Question that the amendment be made, put and agreed to.

Question that Clause 5 *as amended do stand part of the Bill, put and agreed to.*

Clause 6: **Jurisdiction:**
The High Court of a State or of the Federal Capital Territory shall have jurisdiction to entertain matters arising from the breach of the provisions of this Bill.

Committee's Recommendation:
That the provision in Clause 6 be retained (*Senator Umaru Dahiru — Sokoto South*) — *Agreed to.*

Question that Clause 6 *do stand part of the Bill, put and agreed to.*

Clause 7: **Interpretation:**
In the Bill —

"Marriage" means a legal union entered into between persons of opposite sex in accordance with the Marriage Act, Islamic Law or Customary Law.

Question: That the word "Marriage" be as defined in the Interpretation to this Act, put and agreed to.

"Court" means High Court of a State or of the Federal Capital Territory.

Question: That the word "Court" be as defined in the Interpretation to this Act, put and agreed to.

"Same Sex Marriage" means the coming together of persons of the same sex with the purpose of living together as husband and wife or for other purposes of same sexual relationship.

Question: That the words "Same Sex Marriage" be as defined in the Interpretation to this Act, put and agreed to.

"Civil Union" means any arrangement between persons of the same sex to live together as sex partners, and shall include such descriptions as adult independent relationships, caring partnerships, civil partnerships, civil solidarity pacts, domestic partnerships, reciprocal beneficiary relationships, registered partnerships, significant relationships, stable unions, etc.

Question: That the words "Civil Union" be as defined in the Interpretation to this Act, put and agreed to.

Amendment Proposed:
Insert the meaning of the word "Witness" as follows:
""Witness" means those who sign as witnesses to the solemnisation of the marriage" (*Senator Umaru Dahiru — Sokoto South*).

Question that the amendment be made, put and agreed to.

Question that Clause 7 as amended do stand part of the Bill, put and agreed to.

Clause 8: **Citation:**
This Bill may be cited as Same Sex Marriage (Prohibition) Bill 2011.

Committee's Recommendation:
That the provision in Clause 8 be retained (*Senator Umaru Dahiru — Sokoto South*) — *Agreed to.*

Question that Clause 8 do stand part of the Bill, put and agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered the Report of the Joint Committee on Judiciary, Human Rights and Legal Matters; and Interior on the Same Sex Marriage (Prohibition) Bill 2011 and approved as follows:

Clauses 1 - 2	—	As Amended.
Clauses 3 - 4	—	As Recommended.
Clause 5	—	As Amended.
Clause 6	—	As Recommended.

Clause 7 — As Amended.

Clause 8 — As Recommended.

Question: That the Senate do approve the Report of the Committee of the Whole — *Resolved in the Affirmative.*

Motion made: That the Bill be now read the Third Time *(Senate Deputy Leader)*.

Question put and agreed to.

Bill accordingly read the Third Time and Passed.

6. **Committee on Judiciary, Human Rights and Legal Matters:**
Report on Transfer of Convicted Offenders Bill 2011 (SB. 26):
Motion made: That the Senate do stand down the consideration of the Report of the Committee on Judiciary, Human Rights and Legal Matters, on the Transfer of Convicted Offenders Bill 2011 (*Senate Deputy Leader*).

Question put and agreed to.

Consideration of Report deferred to another Legislative Day.

7. **Rock Blasting and Explosive Demolition Bill 2011 (SB. 37):**
Motion made: That the Bill for an Act to Regulate Rock Blasting, Explosive Demolition and Other use of Explosives within the Federal Capital Territory and to Encourage the use of Appropriate Modern Technology and for other Matters Related Thereto, 2011 be read the Second Time (*Senator Chris N. D. Anyanwu — Imo East)*.

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to Committee on Works to report within two weeks.

8. **Adjournment:**
Motion made: That the Senate do now adjourn till Wednesday, 30th November, 2011 at 10.00 a.m. (*Senate Deputy Leader*).

Adjourned accordingly at 1:04 *p.m.*

Dr. David A. B. Mark, GCON, fnim
President,
Senate of the Federal Republic of Nigeria.