SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Thursday, 19th January, 2012

1. The Senate met at 10:59 a.m. The Senate President read prayers.

2. **Closed Session:**

Closed Session	—	11:00 a.m.
Open Session	—	11:58 a.m.

3. **Votes and Proceedings:**
The Senate President announced that he had examined the Votes and Proceedings of Wednesday, 18th January, 2012 and approved same.

By unanimous consent, the Votes and Proceedings were approved.

4. **Message from Mr President:**
The Senate President announced that he had received a letter from the President, Commander-in-Chief of the Armed Forces of the Federation, which he read as follows:
Re: Maritime Security Agency Bill:

PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA

January 17, 2012

Distinguished Senator David Mark, GCON
Senate President,
National Assembly Complex,
Three Arms Zone,
Abuja.

Your Excellency,

RE: MARITIME SECURITY AGENCY (ESTABLISHMENT, ETC.) BILL, 2009

In view of our Administration's commitment to streamlining Government Agencies for optimal results in the discharge of good governance, I write to request the withdrawal of the Maritime Security Agency (Establishment, etc.) Bill, 2009 currently under consideration by the Distinguished Senate.

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It is my hope that this request will receive the usual kind expeditious consideration of the Distinguished Senators of the Federal Republic of Nigeria.

Please accept, Mr. Senate President, the assurances of my highest consideration.

Yours Sincerely,
(Signed)
GOODLUCK EBELE JONATHAN

5. Petition:

Rising on Rule 41, Senator Mohammed S. Saleh *(Kaduna Central)* drew the attention of the Senate to a petition from Messrs S. E. Mosugu & Co, Solicitors to Ex-Staff of Nigeria Superphosphate Fertilizer Company Limited, Kaduna urging the Bureau of Public Enterprises (BPE) to settle all outstanding staff liabilities in the sum of ₦73 Million. He urged the Senate to look into the matter.

Petition Laid and accordingly referred to the Committee on Ethics, Privileges and Public Petitions [Rule 41(3)].

6. Matter of Urgent Public Importance:

Rising on Rules 42 and 52, Senator Paulinus N. Igwe*(Ebonyi Central)* drew the attention of the Senate to the escape of arrested Boko Haram Sect member suspected of masterminding the Christmas Day bombing of St. Theresa's Catholic Church in Madalla, Niger State. He sought and obtained the leave of the Senate for the Committee on Police Affairs to investigate the matter.

Committee on Police Affairs to investigate the matter and report to the Senate within one (1) week.

7. Presentation of Bills:

(*i*) National Peace Council (Establishment, etc.) Bill 2012 (SB. 93) — *Read the First Time*.

(*ii*) Constitution of the Federal Republic of Nigeria 1999 (As Amended) (Alteration) Bill 2012 (SB. 96) — *Read the First Time*.

(*iii*) Indigenization Bill 2012 (SB. 91) — *Read the First Time*.

(*iv*) Project Continuity Bill 2012 (SB. 101) — *Read the First Time*.

(*v*) Non-Governmental Organization (Registration and Coordination) Bill 2012 (SB. 90) — *Read the First Time*.

(*vi*) Non-Governmental Organization (Registration and Coordination) Bill 2012 (SB. 98) — *Read the First Time*.

(*vii*) Discrimination against Persons with Disabilities (Prohibition) Bill 2012 (SB. 102) — *Read the First Time*.

(*viii*) Federal Capital Territory Property and Conveyance Bill 2012 (SB. 106) — *Read the First Time*.

(*ix*) Explosive Act No. 33 LFN 2004 (Repeal and Re-enactment) Bill 2012 (SB. 103) — *Read the First Time*.

(*x*) Federal High Court Act (Amendment) Bill 2012 (SB. 111) — *Read the First Time.*

(*xi*) 1999 Constitution (Alteration) Bill 2012 (SB. 107) — *Read the First Time.*

8. Confirmation of Nomination:
Motion made: That the Senate do consider the request of Mr. President, Commander-in-Chief of the Armed Forces of the Federation, for the confirmation of the nomination of Mr. Ibrahim Lamorde, as the Chairman of the Economic and Financial Crimes Commission (EFCC) (*Senate Leader*).

Question put and agreed to.

Request accordingly referred to the Committee of the Whole.

9. National Assembly Procurement Process:
Motion made: That the Senate do concur with the House of Representatives Resolution passed on Tuesday, 20th December, 2011 to wit:

mandate the current Management Tenders Board of the National Assembly to approve in respect of the National Assembly all procurement of goods, services and consultancy above ₦100 Million, and for works above ₦1 Billion, pending the setting up of the Procurement Office of the National Assembly, as an incident of the financial autonomy envisaged under Section 81(3) of the 1999 Constitution (As Amended) (*Senate Leader*).

Proposed Resolution:
Question: That the Senate do mandate the current Management Tenders Board of the National Assembly to approve in respect of the National Assembly all procurement of goods, services and consultancy above ₦100 Million, and for works above ₦1 Billion, pending the setting up of the Procurement Office of the National Assembly, as an incident of the financial autonomy envisaged under Section 81(3) of the 1999 Constitution (As Amended) — *Agreed to.*

Resolved:
That the Senate do mandate the current Management Tenders Board of the National Assembly to approve in respect of the National Assembly all procurement of goods, services and consultancy above ₦100 Million, and for works above ₦1 Billion, pending the setting up of the Procurement Office of the National Assembly, as an incident of the financial autonomy envisaged under Section 81(3) of the 1999 Constitution (As Amended) (***S/Res/030/01/12***).

10. Joint Committee on Finance; Appropriation; and National Planning, Economic Affairs and Poverty Alleviation:
Report on the 2012 - 2015 Medium-Term Fiscal Framework (MTFF) and 2012 Fiscal Strategy Paper (FSP):
Motion made: That the Senate do consider the Report of the Joint Committee on Finance; Appropriation; and National Planning, Economic Affairs and Poverty Alleviation, on the 2012 - 2015 Medium-Term Fiscal Framework (MTFF) and 2012 Fiscal Strategy Paper (FSP)(*Senator Bassey E. Otu — Cross River South*).

Question put and agreed to.

Report presented.

Recommendations:

(*i*) Government should ensure a holistic alignment of the 2012-2015 Medium-Term Fiscal Framework and Fiscal Strategy Paper (and subsequent MTFFs presentations) with the requirements of the Fiscal Responsibility Act, 2007;

(*ii*) The daily crude oil production figures of 2.48mbpd, 2.55mbpd, 2.58mbpd and 2.60mbpd for 2012, 2013, 2014 and 2015 respectively be maintained;

(*iii*) The benchmark price of crude oil for the 2012 Appropriation Bill should be $75 per barrel;

(*iv*) The 2012 - 2015 non-oil revenue growth rate estimates of 5%, 16% and 17% should be adopted while Federal Government should at the same time articulate its plan for plugging revenue leakages, improve the efficiency of revenue collections, encourage the flow of goods and services through the country's ports and stop granting duty waivers;

(*v*) In subsequent submissions of MTFF and FSP, the Federal Ministry of Finance should provide adequate clarifications on the justification of its assumptions on the growth rate of the country's GDP;

(*vi*) The exchange rate should be ₦155/US$;

(*vii*) The MDAs should submit their expenditure pattern with clearly defined performance action plan, concrete milestone and measurable performance indicators to the National Assembly;

(*viii*) With the partial deregulation of the downstream sector of the petroleum industry, all savings/accruals must be captured in safety net for targeted expenditures and appropriated by the National Assembly;

(*ix*) The Public Private Partnerships should be restricted to specialized areas and government should not abandon its social responsibility in the process;

(*x*) The Federal Ministry of Finance provides comprehensive information to the National Assembly, on the 2012 Appropriations proposal with regards to the volume of capital projects to be funded through PPP;

(*xi*) There should be a freezing on increase in allocation to Government overhead expenditure throughout the period;

(*xii*) The Civil Service should be restructured to enhance productivity; and

(*xiii*) The Fiscal deficit ratios of 2.7%, 2%, 1.5% and 1.5% for 2012, 2013, 2014 and 2015, respectively, be adopted (*Senator Bassey E. Otu — Cross River South*).

Proposed Recommendation (i):

Question: That the Government should ensure a holistic alignment of the 2012-2015 Medium-Term Fiscal Framework and Fiscal Strategy Paper (and subsequent MTFFs presentations) with the requirements of the Fiscal Responsibility Act, 2007 — *Agreed to.*

Proposed Recommendation (ii):

Question: That the daily crude oil production figures of 2.48mbpd, 2.55mbpd, 2.58mbpd and 2.60mbpd for 2012, 2013, 2014 and 2015 respectively be maintained — *Agreed to.*

Proposed Recommendation (iii):
Question: That the benchmark price of crude oil for the 2012 Appropriation Bill should be $75 per barrel — *Agreed to.*

Proposed Recommendation (iv):
Question: That the 2012 - 2015 non-oil revenue growth rate estimates of 5%, 16% and 17% should be adopted while Federal Government should at the same time articulate its plan for plugging revenue leakages, improve the efficiency of revenue collections, encourage the flow of goods and services through the country's ports and stop granting duty waivers — *Agreed to.*

Proposed Recommendation (v):
Question: That in subsequent submissions of MTFF and FSP, the Federal Ministry of Finance should provide adequate clarifications on the justification of its assumptions on the growth rate of the country's GDP — *Agreed to.*

Proposed Recommendation (vi):
Question: That the exchange rate should be ₦155/US$ — *Agreed to.*

Proposed Recommendation (vii):
Question: That the MDAs should submit their expenditure pattern with clearly defined performance action plan, concrete milestone and measurable performance indicators to the National Assembly — *Agreed to.*

Proposed Recommendation (viii):
Question: That with the partial deregulation of the downstream sector of the petroleum industry, all savings/accruals must be captured in safety net for targeted expenditures and appropriated by the National Assembly — *Agreed to.*

Proposed Recommendation (ix):
Question: That the Public Private Partnerships should be restricted to specialized areas and government should not abandon its social responsibility in the process — *Agreed to.*

Proposed Recommendation (x):
Question: That the Federal Ministry of Finance provides comprehensive information to the National Assembly, on the 2012 Appropriations proposal with regards to the volume of capital projects to be funded through PPP — *Agreed to.*

Proposed Recommendation (xi):
Question: That there should be a freezing on increase in allocation to Government overhead expenditure throughout the period — *Agreed to.*

Proposed Recommendation (xii):
Question: That the Civil Service should be restructured to enhance productivity — *Agreed to.*

Proposed Recommendation (xiii):
Question: That the Fiscal deficit ratios of 2.7%, 2%, 1.5% and 1.5% for 2012, 2013, 2014 and 2015, respectively, be adopted — *Agreed to.*

Resolved that:

(*i*) the Government should ensure a holistic alignment of the 2012-2015 Medium-Term Fiscal Framework and Fiscal Strategy Paper (and subsequent MTFFs presentations) with the requirements of the Fiscal Responsibility Act, 2007;

(*ii*) the daily crude oil production figures of 2.48mbpd, 2.55mbpd, 2.58mbpd and 2.60mbpd for 2012, 2013, 2014 and 2015 respectively be maintained;

(*iii*) the benchmark price of crude oil for the 2012 Appropriation Bill should be $75 per barrel;

(*iv*) the 2012 - 2015 non-oil revenue growth rate estimates of 5%, 16% and 17% should be adopted while Federal Government should at the same time articulate its plan for plugging revenue leakages, improve the efficiency of revenue collections, encourage the flow of goods and services through the country's ports and stop granting duty waivers;

(*v*) in subsequent submissions of MTFF and FSP, the Federal Ministry of Finance should provide adequate clarifications on the justification of its assumptions on the growth rate of the country's GDP;

(*vi*) the exchange rate should be ₦155/US$;

(*vii*) the MDAs should submit their expenditure pattern with clearly defined performance action plan, concrete milestone and measurable performance indicators to the National Assembly;

(*viii*) with the partial deregulation of the downstream sector of the petroleum industry, all savings/accruals must be captured in safety net for targeted expenditures and appropriated by the National Assembly;

(*ix*) the Public Private Partnerships should be restricted to specialized areas and government should not abandon its social responsibility in the process;

(*x*) the Federal Ministry of Finance provides comprehensive information to the National Assembly, on the 2012 Appropriations proposal with regards to the volume of capital projects to be funded through PPP;

(*xi*) there should be a freezing on increase in allocation to Government overhead expenditure throughout the period;

(*xii*) the Civil Service should be restructured to enhance productivity; and

(*xiii*) the Fiscal deficit ratios of 2.7%, 2%, 1.5% and 1.5% for 2012, 2013, 2014 and 2015, respectively, be adopted (***S/Res/031/01/12***).

11. Committee on Judiciary, Human Rights and Legal Matters:
Report on the Acts Authentication Act 1962 (Amendment) Bill 2012 (SB. 51):
Motion made: That the Senate do consider the Report of the Committee on Judiciary, Human Rights and Legal Matters, on the Acts Authentication Act 1962 (Amendment) Bill 2012 (*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 of the Committee *(Senate Leader)*.

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF THE BILL FOR AN ACT TO AMEND THE ACTS AUTHENTICATION ACT CAP A2 LAWS OF THE FEDERATION OF NIGERIA 2004 AND FOR OTHER CONNECTED PURPOSES

Clause 1: **Amendment of the Acts Authentication Act.**

The Acts Authentication Act No. 50 1961, Cap. A2 Laws of the Federation of Nigeria 2004 (hereinafter referred to as the Principal Act) is hereby amended as set out in this Bill.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senator Umaru Dahiru — Sokoto South*) — *Agreed to.*

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

Clause 2: **Amendment of Section 5.**

Printing of Acts:

Section 5 of the Principal Act is amended by inserting a new Sub-Section (4) and Sub-Section (5) to read as follows:

(4) No person other than the Government printer shall print or produce, distribute and sell any Act of the National Assembly unless with prior consent of the Clerk to the National Assembly.

(5) Any person who wishes to print, produce, distribute or sell any Act of the National Assembly shall write to the Clerk to the National Assembly for authorization.

(6) A request for the vetting, preparation, production and gazetting of subsidiary legislations derived from any Act passed by the National Assembly shall be made to the Federal Ministry of Justice.

(7) The Federal Ministry of Justice, after finalising work on the vetting, preparation and production of a subsidiary legislation, shall request the Government printer to print and gazette the subsidiary legislation for use or distribution.

(8) The Government printer shall only accept instructions from the Federal Ministry of Justice for the printing and gazetting of subsidiary legislations.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senator Umaru Dahiru — Sokoto South*) — *Agreed to.*

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

Clause 3: **Insertion of a New Section 7:**

Penalties:

The Principal Act is amended by inserting the following heading and a new section immediately after Section 6 to read as follows:

7. Any person who contravenes the provisions of Sections 5 (4) and (5) shall be guilty of an offence and shall be liable upon conviction to a term of eighteen months imprisonment or to a fine of ₦500,000 or both.

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: **Insertion of a New Section 8.**
The Principal Act is amended by inserting a new Clause 8 immediately after Clause 7 in the Bill to read as follows:
Interpretation:
8. In this Act:
"subsidiary legislation" means Statutory Instruments, including rules, regulations or orders.

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: This Bill may be cited as the Acts Authentication Act 1962 (Amendment) Bill 2012.

Committee's Recommendation:
That the provision in Clause 5 be retained (*Senator Umaru Dahiru — Sokoto South*) — *Agreed to.*

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

Chairman to report progress.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered the Report of the Committee on Judiciary, Human Rights and Legal Matters, on the Acts Authentication Act 1962 (Amendment) Bill 2012 and approved as follows:

Clauses 1 - 5 — 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 Leader).*

Question put and agreed to.

Bill accordingly read the Third Time and Passed.

12. Committee on Judiciary, Human Rights and Legal Matters:
Report on the Court of Appeal Act 2005 (Amendment) Bill 2012 (SB. 32):
Motion made: That the Senate do consider the Report of the Committee on Judiciary, Human Rights and Legal Matters, on the Court of Appeal Act 2005 (Amendment) Bill 2012 (*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 of the Committee *(Senate Leader)*.

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF THE BILL FOR AN ACT TO AMEND THE COURT OF APPEAL ACT 2005 TO INCREASE THE NUMBER OF JUSTICES OF THE COURT OF APPEAL FROM 70 TO 90 AND FOR RELATED MATTERS

Clause 1: **Amendment of Court of Appeal Act No. 23 of 2005.**
The Court of Appeal is amended by substituting Section 1 with the following new Section:
1. The number of Justices of the Court of Appeal, excluding the President, shall not be less than ninety.

Committee's Recommendation:
That the provision in Clause 1 be retained (*Senator Umaru Dahiru — Sokoto South*) — *Agreed to.*

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

Clause 2: **Short Title.**
This Act may be cited as the Court of Appeal Act 2005 (Amendment) Bill 2012.

Committee's Recommendation:
That the provision in Clause 2 be retained (*Senator Umaru Dahiru — Sokoto South*) — *Agreed to.*

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

Chairman to report progress.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered the Report of the Committee on Judiciary, Human Rights and Legal Matters, on the Court of Appeal Act 2005 (Amendment) Bill 2012 and approved as follows:

Clauses 1 - 2 — 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 Leader)*.

Question put and agreed to.

Bill accordingly read the Third Time and Passed.

13. Adjournment:

Motion made: That the Senate do now adjourn till Tuesday, 31st January, 2012 at 10.00 a.m. (*Senate Leader*).

Adjourned accordingly at 1:07 *p.m.*

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