7TH NATIONAL ASSEMBLY
SECOND SESSION
NO. 80

SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Thursday, 9th May, 2013

1. The Senate met at 10:32 a.m. The Senate President read prayers.

2. **Votes and Proceedings:**
The Senate examined the Votes and Proceedings of Wednesday, 8th May, 2013.

Question was put and the Votes and Proceedings were approved by unanimous consent.

3. **Announcement:**
Acknowledgment:
The Senate President acknowledged the presence of the following who were in the gallery to observe Senate Proceedings:

(*a*) Members of Blessed Iwene Tansi Formation and Advisory House of Bigard Memorial Seminary, Enugu, Enugu State; and

(*b*) Staff and Students of the Kent Academy Miango, Plateau State.

4. **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 Mr. Simon Etim (*Akwa Ibom/Cross River States*) as a Member of the Federal Civil Service Commission (*Senate Leader*).

Question put and agreed to.

Request accordingly referred to the Committee on Establishment and Public Services to report within two (2) weeks.

5. **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 Hon. Justice K. M. O. Kekere-Ekun as a Justice of the Supreme Court of Nigeria (*Senate Leader*).

Question put and agreed to.

Request accordingly referred to the Committee on Judiciary, Human Rights and Legal Matters to report within two (2) weeks.

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6. **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 Mr. Emmanuel Adegboyega Aremu (*South West*) as a Member/Secretary of the Economic and Financial Crimes Commission (EFCC).(*Senate Leader*).

Question put and agreed to.

Request accordingly referred to the Committee on Drugs, Narcotics and Other Financial Crimes to report within two (2) weeks.

7. **Confirmation of nominations:**
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 following as Chairman and Members of the Police Service Commission:

S/N	*Name*	*Designation*	*State*	*Zone*
1.	*Mr. Mike Okiro, JP*	*Chairman*		
2.	*Mr. Yakubu Mohammed, DIG (rtd)*	*Member*	*Katsina*	*NW*
3.	*Hon. Justice Olufunke Adekeye, JSC (rtd)*	*Member*	*Osun*	*SW*
4.	*Aisha Larai Tukur*	*Member*	*Taraba*	*NE*
5.	*Mrs. Comfort Obi*	*Member*	*Imo*	*SE*
6.	*Chief Torngee Gem Toranyiin*	*Member*	*Benue*	*NC*
7.	*Dr. Otive Igbuzor*	*Member*	*Delta*	*SS*

(*Senate Leader*).

Question put and agreed to.

Request accordingly referred to the Committee on Police Affairs to report within two (2) weeks.

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 Mr. Adulphus Joe Ekpe as Director-General of the National Lottery Commission (*Senate Leader*).

Question put and agreed to.

Request accordingly referred to the Committee on Sports and Social Development to report within two (2) weeks.

9. **Confirmation of nominations:**
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 following as Chairman and Members of the Governing Board of the Infrastructure Concession Regulatory Commission:

S/No.	*Name*	*Designation*	*State*	*Zone*
1.	*Senator Ken Nnamani, GCON*	*Chairman*		
2.	*Barr. Aminu Dikko*	*Director-General*	*Kaduna*	*North West*
3.	*Mrs. Comfort Saro Wiwa*	*Member*	*Rivers*	*South South*
4.	*Engr. Janet Febisola Adeyemi*	*Member*	*Ondo*	*South West*
5.	*Mrs. Yabawa Wabi*	*Member*	*Borno*	*North East*
6.	*Hon. Musa Elayo*	*Member*	*Nasarawa*	*North Central*
7.	*Barr. A. U. Kanu*	*Member*	*Abia*	*South East*

(*Senate Leader*).

Question put and agreed to.

Request accordingly referred to the Committee on Works to report within two (2) weeks.

10. 2013 Appropriation Act (Amendment) Bill 2013 (SB.277):

Consideration of Bill deferred to another Legislative Day.

11. Conference Committee:
Report on the State of the Nation Address Bill 2013 (HB. 91):
Motion made: That the Senate do approve the report of the Conference Committee on the State of the Nation Address Bill 2013 (*Senator Dahiru A. Kuta — Niger East*).

Report presented.

Question put and agreed to.

Report accordingly adopted.

12. Committee on Finance:
Report on the Customs and Excise Management Act CAP C45, LFN 2004, (Repeal and Re-enactment) Bill 2013 (HB.238 and SB.148):
Motion made: That the Senate do consider the report of the Committee on Finance on the Customs and Excise Management Act CAP C45, LFN 2004, (Repeal and Re-enactment) Bill 2013 (*Senator Ahmed Makarfi — Kaduna North*).

Question put and agreed to.

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

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO REPEAL THE CUSTOMS AND EXCISE MANAGEMENT ACT, CAP. C45, LAWS OF THE FEDERATION OF NIGERIA, 2004 AND OTHER CUSTOMS AND EXCISE LAWS; TO ESTABLISH THE NIGERIA CUSTOMS SERVICE; REFORM THE ADMINISTRATION AND MANAGEMENT OF CUSTOMS AND EXCISE IN NIGERIA AND FOR OTHER RELATED MATTERS, 2013

PART I — ESTABLISHMENT OF THE NIGERIA CUSTOMS SERVICE, SCOPE AND APPLICATION

Clause 1: Establishment of the Nigeria Customs Service.

(1) There is established a body to be known as the Nigeria Customs Service (in this Act referred to as "the Customs Service").

(2) The Customs Service—

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

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

(c) may acquire, hold, and dispose of any property, whether moveable or immoveable; and

(d) shall direct, manage and enforce the provisions of this Act and the customs and excise laws listed in the Third Schedule to this Act.

Committee's Recommendation:
That the provision in Clause 1 be retained (*Senator Ahmed M. Makarfi — Kaduna North*) — *Agreed to.*

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

Clause 2: **Scope and application.**
The provisions of this Act shall apply to all matters connected with the management and administration of customs and excise and inspection of goods and services.

Committee's Recommendation:
That the provision in Clause 2 be retained (*Senator Ahmed M. Makarfi — Kaduna North*) — *Agreed to.*

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

PART II — FUNCTIONS AND POWERS OF THE NIGERIA CUSTOMS SERVICE,

Clause 3: **Objective.**
The main purpose of this Act is to —

(a) review, harmonize and consolidate existing legislations on the administration and management of customs and excise in Nigeria;

(b) provide for a sustainable legal and institutional framework for the management of customs and excise in Nigeria;

(c) build professionalism for enhanced service delivery in the Nigeria Customs Service; and

(d) encourage in the Nigeria Customs Service, a culture of good corporate governance built on the principles of transparency and accountability (*Senator Ahmed M. Makarfi — Kaduna North*).

Amendment Proposed:
Leave out the provision in Clause 3 (*Senator Ita S. J. Enang — Akwa-Ibom North-East*).

Question that amendment be made, put and agreed to.

Clause 4: **Functions of the Customs Service.**
The functions of the Customs Service are to —

(a) administer, direct, manage and enforce the provisions of this Act and the customs and excise laws listed in the Third Schedule;

(b) collect and account for revenue from customs duties, excise duties, other taxes, charges, fees and special assessments as may be assigned to it by the Government from time to time.

(c) administer any aspect of trade and fiscal policies that the Government of the Federation may mandate it to administer;

(d) promote trade facilitation;

(e) protect Nigeria against smuggling, customs fraud, and all other violations of customs and excise laws and the laws of Nigeria subject to customs jurisdiction;

(f) in collaboration with the relevant agencies, carry out all border enforcement and regulatory activities required by law;

(g) collate and publish in collaboration with relevant agencies accurate trade statistics;

(h) engage in regular consultations with individual traders, trade associations and other relevant stakeholders;

(i) do all such things as are necessary for or incidental to the carrying out of its functions and duties under this Act and the laws of Nigeria subject to customs jurisdiction.

Committee's Recommendation:
That the provision in Clause 4 be retained (*Senator Ahmed M. Makarfi — Kaduna North*) — *Agreed to.*

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

Clause 5: **Powers of the Customs Service.**
In the exercise of its functions under this Act, the Customs Service shall have the powers to —

Amendment Proposed:
Immediately after the word "Service" in line 1, *insert* the words "subject to the approval by the Board" *(Senator Abubakar O. Saraki — Kwara Central).*

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

(a) acquire, hold, purchase, mortgage and deal with property, whether movable or immovable, real or personal;

(b) enter into contracts or incur obligations;

(c) advice or develop regulations on the management and administration of customs and excise management;

Amendment Proposed:
Leave out the words "advice or" in line 1*(Senator Uche Chukwumerije — Abia North).*

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

(d) issue operational guidelines for the efficient administration and operation of the provisions of this Act (*Senator Ahmed M. Makarfi — Kaduna North*).

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

Clause 6: **Customs officers to have power of police officers, etc.**
For the purpose of carrying out or enforcing the provisions of the customs and excise laws, all officers shall have the same powers, authorities and privileges as are given by law to police officers.

Committee's Recommendation:
That the provision in Clause 6 be retained (*Senator Ahmed M. Makarfi — Kaduna North*) — *Agreed to.*

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

Clause 7: **Limitation of actions against the Customs Service.**

(1) Notwithstanding anything to the contrary contained in other law, no action shall be instituted against the Customs Service in respect of any act, neglect, or default done or omitted to be done by any officer in his capacity as an officer of the Customs Service with regard to the regulations made pursuant to section (4) of this Act unless it is commenced within three months next after the act or negligence complained of, or in the case of a continuing damage or injury, within three months next after the ceasing thereof.

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

(a) the cause of action;

(b) the particulars of the claim;

(c) the name and place of abode of the intending plaintiff; and

(d) the relief which he claims.

Committee's Recommendation:
That the provision in Clause 7 be retained (*Senator Ahmed M. Makarfi — Kaduna North*) — *Agreed to.*

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

PART III — GOVERNING BOARD, MEMBERSHIP, FUNCTIONS AND POWERS

Clause 8: **Establishment of the governing Board and membership.**

(1) There is established for the Customs Service a Governing Board (in this Act referred to as "the Board")

(2) The Board shall superintend over the administration of the Customs Service.

(3) The Board shall consist of —

(a) the Minister who shall be the Chairman;

Amendment Proposed:
Leave out the provision in Clause 8(3)(a) and *insert* the following instead thereof:
"A Chairman, who shall be appointed by the President subject to confirmation by the Senate for a tenure of four years and renewable once and no more" *(Senator Abubakar O. Saraki — Kwara Central)*.

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

(b) the Comptroller-General, who shall be the deputy Chairman;

(c) three (3)Deputy Comptrollers-General of the Customs Service in order of seniority;

(d) the Legal Adviser to the Customs Service;

(e) a representative, not below the rank of a director, from the following Federal Ministries—
(i) Finance;

(ii) Trade and Investment

(iii) Transport,

(iv) Interior; and

(v) Aviation;

(f) the Chairman of the Federal Inland Revenue Service; and

(g) Two other members representing the organized private sector to serve for four years, renewable only once.

Amendment Proposed:
Insert a new Sub-clause 8(3)(*h*) as follows:
"The Chairman Revenue Mobilisation, Allocation and Fiscal Commission" *(Senator Barnabas A. I. Gemade — Benue North-East)*.

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

(4) The Minister shall appoint the persons referred to in subsection (8)(g) of this section after consultation with the governing body of the organized private sector concerned.

Amendment Proposed:
Leave out the provision in Clause 8(4)*(Senator Abubakar A. Bagudu — Kebbi Central)*.

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

Question that Clause 8 *as amended 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 Finance on the Customs and Excise Management Act CAP C45, LFN 2004, (Repeal and Re-enactment) Bill, 2013 and approved as follows:

Clauses 1-2	—	As Recommended
Clause 3	—	Deleted
Clause 4	—	As Recommended
Clause 5	—	As Amended
Clauses 6-7	—	As Recommended
Clause 8	—	As Amended

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

Further consideration of the Report deferred to another Legislative Day.

13. Committee on Environment and Ecology:
Report on the National Oil Spill Detection Agency (NOSDRA) Act 2006 (Amendment) Bill 2013 (SB. 155):

Consideration of the Report deferred to another Legislative Day.

14. Adjournment:
Motion made: That the Senate do now adjourn till Tuesday, 14th May, 2013 at 10.00 a.m. (*Senate Leader*).

Adjourned accordingly at 1:12 *p.m.*

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