FOURTH REPUBLIC
7TH NATIONAL ASSEMBLY
SECOND SESSION
NO. 88

HOUSE OF REPRESENTATIVES
FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Tuesday, 14 May, 2013

1. The House met at 11.59 a.m. Mr Speaker read the Prayers.

2. **Votes and Proceedings:**
Mr Speaker announced that he had examined and approved the *Votes and Proceedings* of Thursday, 9 May, 2013.

By unanimous consent, the Votes and Proceedings was adopted.

3. **Announcement:**
***Visitors in the Gallery*:**
Mr Speaker recognized the presence of the following visitors:

(*a*) Staff and Pupils of Sam-Mary Victory International School, Kubwa, Abuja;

(*b*) Students of the Department of Political Science and Public Administration, Adamawa State University, Adamawa;

(*c*) Members of Musical Copy Right Society of Nigeria (MCSN).

4. **Presentation of Bills:**
The following Bills were presented and read the *First Time*:

(*i*) Counterfeit and Fake Drugs and Unwholesome Processed Foods (Miscellaneous Provisions) Act (Amendment) Bill, 2013 (HB. 446).

(*ii*) Police Bail (Prohibition of Payment of Fees) Bill, 2013 (HB. 499).

(*iii*) Technical Aid Corps Bill, 2013 (HB. 500).

(*iv*) Environmental Impact Assessment Act (Amendment) Bill, 2013 (HB. 501).

(*v*) Caller Location Information Bill, 2013 (HB. 503).

(*vi*) Explosives Act (First Amendment) Bill, 2013 (HB. 505).

(*vii*) Driving Learners (Prohibition) Bill, 2013 (HB. 444).

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5. **Urgent Need to Investigate the Activities of the Nigerian Copy Right Commission:**
Motion made and Question proposed:

The House:

Notes that the Rule of law implies that every citizen is subject to the provisions of the law operating in the Country without regard for mundane considerations;

Further notes that the Rule of law is a critical component of a Democratic Society like Nigeria and without its operation, anarchy and disorderliness would be entrenched in the Society;

Aware that the Musical Copyright Society of Nigeria (MCSN) was incorporated in 1984 as a Company Limited by Guarantee under the Laws of Nigeria and carries on business of collecting society or collective management organization by acquiring copyright property interests in a vast repertoire of music, audio-visuals and related rights from interested Musicians;

Further aware that as at the time the Musical Copyright Society of Nigeria (MCSN) was incorporated in 1984, Nigeria did not have any Law regulating Copyright matters or Collecting Society Business and in 1988 a Copyright Decree was promulgated by the Military Regime which was amended in 1992 and 1999 respectively before the Copyright Act 2004 was enacted by this National Assembly. The rights of the Musical Copyright Society of Nigeria (MCSN) was preserved by Section 52 and Clause 3 of the Fifth Schedule of the Copyright Act 2004 being an existing Organization under the Transitional Provisions;

Worried that the Nigerian Copyright Commission (NCC), being a Commission established by law to regulate the Copyright industry and Collecting Society Business denies the application of the Musical Copyright Society of Nigeria (MCSN) for licence to operate as a Collecting Society pursuant to the request of the Nigerian Copyright Commission in 2008, 2009 and recently in the Commission's letter of May 20, 2012 respectively;

Further worried that the Nigerian Copyright Commission ought to approve the application of the Musical Copyright Society of Nigeria (MCSN) for licence to operate as a Collecting Society being an existing organization which predates the Commission itself having been in existence since 1984 but flabbergasted that a new organization called the Copyright Society of Nigeria (COSON) which came into existence in 2010 (26 years after) was granted license to operate as a Collecting Society;

Concerned that the Musical Copyright Society of Nigeria (MCSN) took steps to address the perceived injustice and obtained an Order of Court in **Suit No: FHC/L/CS/678/10: MCSN & OTHERS vs NCC & OTHERS** directing Musical Copyright Society of Nigeria (MCSN) to continue its operation without any disturbance from Nigerian Copyright Commission but the Director General and Officials of the Nigerian Copyright Commission (NCC) refused to comply with the said Order;

Further concerned that the Nigerian Copyright Commission (NCC) continued to disturb the business of Musical Copyright Society of Nigeria (MCSN) by carting away their files, computers, arresting and prosecuting its Staff on phantom Charges which were later struck out for want of diligent prosecutions notwithstanding the Judgment of the Federal High Court, Lagos in **Suit No. FHC/L/CS/35/2008 (MCSN & OTHERS vs NCC & OTHERS)** on July 25, 2011 which stated *inter alia*

> *"Nothing in the Copyright Act denies the owner, the assignee or the exclusive licensee of a copyright the right to collect royalties for performances of their works in public, or to transact commercially with anybody in respect of such works, or to appoint agents to claim and enforce directly their rights under Section 6 of the Copyright Act and I so hold. The offence of purporting to perform the duties of a society without the approval of the Copyright Commission created by Section 39 of the Copyright Act, cannot and does not relate to the activities of owners, assignees and exclusive licensees of copyright, and I so hold. Any provision of any statute that in any way seeks to curb the enjoyment of property rights, to subjugate or detract from same without any discernible purpose other than the registration and monitoring of same is unconstitutional, and I so hold. Any statutory provision that seeks to criminalize the purposeful protection of property rights by those in whom such rights are vested in unconstitutional, null and void and I so hold. Whatever else it seeks to do, the provision of Section 39 of the Copyright Act do not seek to hinder} encumber or restrict the private enforcement of property rights by the owners} assignees and exclusive licensees of copyright; nor does it intend to criminalize such private enforcement and to the extent the Act suggests such criminalization; it is unconstitutional} null and void"*;

Disturbed that there is a huge agitation and restiveness by members of the Musical Copyright Society of Nigeria (MCSN) on the perceived reckless attitude of the Director General and Officials of the Nigerian Copyright Commission and a breakdown of law and order capable of affecting the economy and preservation of law and order in the country is looming in the Music industry unless certain pro active steps are taken to arrest the ugly situation;

Further disturbed that the country is losing over ₦100,000,000,000.00 (One Hundred Billion Naira) annually by this unnecessary institutional bottleneck created by the Director General and management of the Nigerian Copyright Commission (NCC) to the detriment of the economic growth of the country and this action is capable of derailing the transformation agenda of the current administration relating to economic development if nothing concrete is done to address the situation.

Resolves to:

(*i*) Urge the Federal Government to mandate the Director General and management of the Nigerian Copyright Commission (NCC) to observe the Rule of Law and respect all Orders and Judgments given by the Court in the legal tussle with the Musical Copyright Society of Nigeria (MCSN);

(*ii*) further urge the Nigerian Copyright Commission (NCC) to address the issue of granting license to the Musical Copyright Society of Nigeria (MCSN) to operate as a Collecting Society having been in existence prior to any Collecting Society in Nigeria in order to avoid monopoly in the Collecting Societies business in the Country and liberalize the industry in line with international best practices;

(*iii*) direct the Committees on Justice and Judiciary to conduct a joint investigative hearing on the activities of the Nigerian Copyright Commission (NCC) and also engage the Musical Copyright Society of Nigeria (MCSN), Copyright Society of Nigeria (COSON) and other stakeholders to address the issue of perceived monopoly in the Collecting Society Business in the country (*Hon. Ndudi Godwin Elumelu — Aniocha North/Aniocha South/Oshimili North/Oshimili South Federal Constituency*).

Debate:

Amendments Proposed:

(*i*) *Leave out* all the words in Prayer (*ii*) (*Hon. Chinda Kingsley — Obio/Akpor Federal Constituency*).

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

(*ii*) *Leave out* all the words in Prayer (*i*) (*Hon. Hassan Saleh — Ado/Ogbadibo/Okpokwu Federal Constituency*).

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

(*iii*) In the Prayer (*iii*), line 5, immediately after the word "country", *insert* the following words "and report back to the House within 4 weeks" (*Hon. Friday Itulah — Esan North East/ South East Federal Constituency*).

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

Main Question as amended, put and agreed to.

The House:

Noted that the Rule of law implies that every citizen is subject to the provisions of the law operating in the Country without regard for mundane considerations;

Further noted that the Rule of law is a critical component of a Democratic Society like Nigeria and without its operation, anarchy and disorderliness would be entrenched in the Society;

Aware that the Musical Copyright Society of Nigeria (MCSN) was incorporated in 1984 as a Company Limited by Guarantee under the Laws of Nigeria and carries on business of collecting society or collective management organization by acquiring copyright property interests in a vast repertoire of music, audio-visuals and related rights from interested Musicians;

Further aware that as at the time the Musical Copyright Society of Nigeria (MCSN) was incorporated in 1984, Nigeria did not have any Law regulating Copyright matters or Collecting Society Business and in 1988 a Copyright Decree was promulgated by the Military Regime which was amended in 1992 and 1999 respectively before the Copyright Act 2004 was enacted by this National Assembly. The rights of the Musical Copyright Society of Nigeria (MCSN) was preserved by Section 52 and Clause 3 of the Fifth Schedule of the Copyright Act 2004 being an existing Organization under the Transitional Provisions;

Worried that the Nigerian Copyright Commission (NCC), being a Commission established by law to regulate the Copyright industry and Collecting Society Business denies the application of the Musical Copyright Society of Nigeria (MCSN) for licence to operate as a Collecting Society pursuant to the request of the Nigerian Copyright Commission in 2008, 2009 and recently in the Commission's letter of May 20, 2012 respectively;

Further worried that the Nigerian Copyright Commission ought to approve the application of the Musical Copyright Society of Nigeria (MCSN) for licence to operate as a Collecting Society being an existing organization which predates the Commission itself having been in existence since 1984 but flabbergasted that a new organization called the Copyright Society of Nigeria (COSON) which came into existence in 2010 (26 years after) was granted license to operate as a Collecting Society;

Concerned that the Musical Copyright Society of Nigeria (MCSN) took steps to address the perceived injustice and obtained an Order of Court in **Suit No: FHC/L/CS/678/10: MCSN & OTHERS vs NCC & OTHERS** directing Musical Copyright Society of Nigeria (MCSN) to continue its operation without any disturbance from Nigerian Copyright Commission but the Director General and Officials of the Nigerian Copyright Commission (NCC) refused to comply with the said Order;

Further concerned that the Nigerian Copyright Commission (NCC) continued to disturb the business of Musical Copyright Society of Nigeria (MCSN) by carting away their files, computers, arresting and prosecuting its Staff on phantom Charges which were later struck out for want of diligent prosecutions notwithstanding the Judgment of the Federal High Court, Lagos in **Suit No. FHC/L/CS/35/2008 (MCSN & OTHERS vs NCC & OTHERS)** on July 25, 2011 which stated *inter alia*

> *"Nothing in the Copyright Act denies the owner, the assignee or the exclusive licensee of a copyright the right to collect royalties for performances of their works in public, or to transact commercially with anybody in respect of such works, or to appoint agents to claim and enforce directly their rights under Section 6 of the Copyright Act and I so hold. The offence of purporting to perform the duties of a society without the approval of the Copyright Commission created by Section 39 of the Copyright Act, cannot and does not relate to the activities of owners, assignees and exclusive licensees of copyright, and I so hold. Any provision of any statute that in any way seeks to curb the enjoyment of property rights, to subjugate or detract from same without any discernible purpose other than the registration and monitoring of same is unconstitutional, and I so hold. Any statutory provision that seeks to criminalize the purposeful protection of property rights by those in whom such rights are vested in unconstitutional, null and void and I so hold. Whatever else it seeks to do, the provision of Section 39 of the Copyright Act do not seek to hinder} encumber or restrict the private enforcement of property rights by the owners} assignees and exclusive licensees of copyright; nor does it intend to criminalize such private enforcement and to the extent the Act suggests such criminalization; it is unconstitutional} null and void"*;

Disturbed that there is a huge agitation and restiveness by members of the Musical Copyright Society of Nigeria (MCSN) on the perceived reckless attitude of the Director General and Officials of the Nigerian Copyright Commission and a breakdown of law and order capable of affecting the economy and preservation of law and order in the country is looming in the Music industry unless certain pro active steps are taken to arrest the ugly situation;

Further disturbed that the country is losing over ₦100,000,000,000.00 (One Hundred Billion Naira) annually by this unnecessary institutional bottleneck created by the Director General and management of the Nigerian Copyright Commission (NCC) to the detriment of the economic growth of the country and this action is capable of derailing the transformation agenda of the current administration relating to economic development if nothing concrete is done to address the situation.

Resolved to:

Direct the Committees on Justice and Judiciary to conduct a joint investigative hearing on the activities of the Nigerian Copyright Commission (NCC) and also engage the Musical Copyright Society of Nigeria (MCSN), Copyright Society of Nigeria (COSON) and other stakeholders to address the issue of perceived monopoly in the Collecting Society Business in the country and report back to the House within 4 weeks (**HR. 109/2013**).

6. Consideration of Reports:

(*i*) *Committee on Health*:

Motion made and Question proposed, "That this House do resume the consideration of the Report of the Committee on Health on a Bill for an Act to Establish the Federal College of Dental Technology and Therapy, Enugu and to Provide for Courses leading to the award of Degrees, Diplomas and Certificates in Dental Technology, Dental Therapy, Other Related Courses and for Other Related Matters and approve the Recommendations therein (HB. 251) and approve the Recommendations therein" (*Hon. Ndudi Godwin Elumelu — Aniocha North/Aniocha South/Oshimili North/Oshimili South Federal Constituency*).

Question put and agreed to.

Question that the House do resolve into the Committee of the Whole to resume consideration of the Report, put and agreed to.

(HOUSE IN COMMITTEE)

(*Mr Deputy Speaker in the Chair*)

A BILL FOR AN ACT TO ESTABLISH THE FEDERAL COLLEGE OF DENTAL TECHNOLOGY AND THERAPY TO PROVIDE FOR COURSES LEADING TO THE AWARD OF DEGREES, DIPLOMAS AND CERTIFICATES IN THE DENTAL TECHNOLOGY, DENTAL THERAPY AND FOR RELATED MATTERS

***Committee Recommendation*:**

Clause 23: Removal of staff of the College from office:

(1) Where it appears to the Council that there are reasons for believing that any person employed as a member of the academic, administrative or technical staff of the College, other than the Rector, should be removed from office on the ground of misconduct or inability to perform the functions of his office, the Council shall:

(*a*) give notice of those reasons to the person in question,

(*b*) afford him an opportunity of making representations in person on the matter to the Council; and,

(*c*) if he or any three members of the Council so request within the period of one month beginning with the date of the notice, make arrangements;

(*i*) if he is an academic staff, for a joint committee of the Council and the Academic Board to investigate the matter and report to the Council; or,

(*ii*) for a committee of the Council to investigate the matter, where it relates to any other member of the staff of the College and report to the Council; and

(*iii*) for the person in question to be afforded an opportunity of appearing and making presentations before the investigating committee with respect to the matter and if the Council, after considering the report of the investigating committee, is satisfied that the person in question should be removed as aforesaid, the Council may so remove him by an instrument in writing signed on the directions of the Council.

(2) The Rector may, in the case of misconduct by a member of the staff which in the opinion of the Rector is prejudicial to the interests of the College, suspend such member and any such suspension shall forthwith be reported to the Council.

(3) A member of staff may be suspended from office for good cause, or his appointment may be terminated by the Council. For the purpose of this subsection, 'good cause' means:

(*a*) any physical or mental incapacity which the Council, after obtaining advice from a panel of two (2) medical experts constituted by the Council, considers to be such as to render the person concerned unfit for the discharge of the functions of his office; or

(*b*) any physical or mental incapacity which the Council, after obtaining medical advice from a panel of two (2) medical experts constituted by the Council, considers to be such as to render the person concerned unfit to continue to hold his office; or

(*c*) conduct of a scandalous or disgraceful nature which the Council considers to be such as to render the person concerned unfit to continue to hold his office; or

(*d*) conduct which the Council considers to be such as to constitute failure or inability of the person concerned to discharge the functions of his office or to comply with the terms and conditions of service.

(4) Any person suspended pursuant to subsection (2) or (3) of this section, shall be placed on half pay and the Council shall before the expiration of the three months after the date of such suspension consider the case against that person and come to a decision as to:

(*a*) whether to continue such person's suspension and if so on what terms (including the proportion of the emoluments to be paid to him);

(*b*) whether to reinstate such person, in which case the Council shall restore his full emoluments to him with effect from the date of suspension;

(*c*) whether to terminate the appointment of the person in question, in which case such a person, will not be entitled to the proportion of his emoluments withheld during the period of suspension; or

(*d*) whether to take such lesser disciplinary action against such person (including the restoration of such proportion of his emoluments that might have been withheld) as the Council may determine,

and in any case where the Council, pursuant to this section, decides to continue a person's suspension or decides to take further disciplinary action against a person, the Council shall before the expiration of a period of three months from such decision come to a final determination in respect of the case concerning any such person.

(5) It shall be the duty of the person by whom an instrument of removal is signed in pursuance of subsection (1) above to use his best endeavours to cause a copy of the instrument to be served as soon as reasonably practicable on the person to whom it relates.

(6) Nothing in the foregoing provisions of this section shall prevent the Council from making such regulations for the discipline of other categories of staff and workers of the College as it may think fit (*Hon. Ndudi Godwin Elumelu — Aniocha North/Aniocha South/Oshimili North/Oshimili South Federal Constituency*).

Amendment Proposed:

Leave out the provisions of Clause 23, and *insert* a new Clause 23 as follows:

Clause 23: Removal of staff of the College from office:

(1) Where it appears to the Council that there are reasons for believing that any person employed as a member of the academic, administrative or technical staff of the College. other than the Rector, should be removed from office on the ground of misconduct or inability to perform the functions of his office, the Council shall:

(*a*) give notice of those reasons to the person in question,

(*b*) afford him an opportunity of making representations in person on the matter to the Co uncil; within a specific period of time and,

(*c*) if the person in question is an administrative staff, he may request in writing that a Committee of the Council be constituted to conduct a joint investigation of the reasons for the removal with the Administrative Board of the College, and the joint investigation Committee shall submit its report to the Council within one month of constituting the joint investigation committee and the decision of the Council on the matter shall be final;

(*d*) if the person in question is an academic staff, he may request in writing that a Committee of the Council be constituted to conduct a joint investigation of the reasons for the removal with the Academic Board of the College, and the joint investigation Committee shall submit its report to the Council within one month of constituting the joint investigation committee and the decision of the Council on the matter shall be final;

(*e*) if the person in question is a technical staff, he may request in writing that a Committee of the Council be constituted to conduct a joint investigation of the reasons for the removal with the Technical Board of the College, and the joint investigation Committee shall submit its report to the Council within one month of constituting the joint investigation committee and the decision of the Council on the matter shall be final;

(*f*) on the other hand, any three (3) members of the Council may request that a Committee of the Council be constituted to conduct a joint investigation of the reasons for the removal with the Administrative Board, Academic Board or Technical Board of the College dpending on the category of the person sought to be removed notwithstanding that the person sought to be removed did not make such request, and the joint investigation Committee shall submit its report to the Council within one month of constituting the joint investigation committee and the decision of the Council on the matter shall be final.

(2) The Rector may, in the case of misconduct by a member of the staff which in the opinion of the Rector is prejudicial to the interests of the College, suspend such member and any such suspension shall forthwith be reported to the Council.

(3) A member of staff may be suspended from office for good cause, or his appointment may be terminated by the Council. For the purpose of this subsection, 'good cause' means:

(*a*) any physical or mental incapacity which the Council, after obtaining advice from a panel of two (2) medical experts constituted by the Council, considers to be such as to render the person concerned unfit for the discharge of the functions of his office; or

(*b*) any physical or mental incapacity which the Council, after obtaining medical advice from a panel of two(2) medical experts constituted by the Council, considers to be such as to render the person concerned unfit to continue to hold his office; or

(*c*) conduct of a scandalous or disgraceful nature which the Council considers to be such as to render the person concerned unfit to continue to hold his office; or

(*d*) conduct which the Council considers to be such as to constitute failure or inability of the person concerned to discharge the functions of his office or to comply with the terms and conditions of service.

(4) Any person suspended pursuant to subsection (2) or (3) of this section, shall be placed on half pay and the Council shall before the expiration of the three months after the date of such suspension consider the case against that person and come to a decision as to:

(*a*) whether to continue such person's suspension and if so on what terms (including the proportion of the emoluments to be paid to him);

(*b*) whether to reinstate such person, in which case the Council shall restore his full emoluments to him with effect from the date of suspension;

(*c*) whether to terminate the appointment of the person in question, in which case such a person, will not be entitled to the proportion of his emoluments withheld during the period of suspension; or

(*d*) whether to take such lesser disciplinary action against such person (including the restoration of such proportion of his emoluments that might have been withheld) as the Council may determine, and in any case where the Council, pursuant to this section, decides to continue a person's suspension or decides to take further disciplinary action against a person, the Council shall before the expiration of a period of three months from such decision come to a final determination in resp ect of the case concerning any such person.

(5) It shall be the duty of the person by whom an instrument of removal is signed in pursuance of subsection (1) above to use his best endeavours to cause a copy of the instrument to be served as soon as reasonably practicable on the person to whom it relates.

(6) Nothing in the foregoing provisions of this section shall prevent the Council from making such regulations for the discipline of other categories of staff and workers of the College as it may think fit (*Hon. Sam Albert T. Tsokwa — Dunga/Ussa/Takum Federal Constituency*)

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

Question that Clause 23 *as amended, stand part of the Bill, put and agreed to.*

Committee Recommendation:

Clause 24: Discipline of Students:

(1) The Council may make rules providing for the Rector to enquire into alleged acts of misconduct and indiscipline among students.

(2) The rules shall provide for the procedure and rules of evidence to be followed at enquiries under this section.

(3) Subject to the provisions of this section, where it appears to the Rector that any student of the College has been guilty of misconduct, the Rector may, without prejudice to any other disciplinary powers conferred on him by this Bill or regulations, made hereunder direct:

(*a*) that the student shall not, during such period as may be specified in the direction, participate in such activities of the College, or make use of such facilities of the College, as he may specify; or,

(*b*) that the activities of the student shall, during such period as may be specified in the directions, be restricted in such manner as may be so specified; or

(*c*) that the student be suspended for such period as may be specified in the directions; or

(*d*) that the student be expelled from the College.

(4) Where the post of the Rector is vacant or where the Rector refuses to apply any disciplinary measures, the Council may, either directly or through some other staff, apply such disciplinary actions as are specified in subsection (1) of this section to any student of the College who is considered guilty of misconduct.

(5) Where a direction is given under subsection (3) (*c*) or (*d*) above in respect of any student, the student may, within a period of twenty one (21) days from the date of the letter communicating the decision to him, appeal from the direction to the Council; and where such an appeal is brought, the Council shall, after causing such inquiry to be made in the matter as the Council considers just either confirm or set aside the direction or modify it in such manner as the Council may think fit.

(6) The fact that an appeal from a direction is pending pursuant to subsection (5) of this section shall not affect the operation of the direction while the appeal is pending.

(7) The Rector may delegate his powers under this section to a disciplinary committee consisting of such members of the College as he may nominate.

(8) Nothing in this section shall be construed as terminating a student's activity(ies) at the College except on the ground of misconduct.

(9) It is hereby declared that the direction under subsection (3) (*a*) of this section may be combined with a direction under subsection (3) (*b*) of this section.

(10) In all cases under this section, the decision of the Governing Council shall be final (*Hon. Ndudi Godwin Elumelu — Aniocha North/Aniocha South/Oshimili North/Oshimili South Federal Constituency*).

Question that Clause 24 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 25: Audit of Accounts:

(1) The Council shall keep proper records and accounts of its activities and shall cause to be prepared not later than 1st October in each financial year an estimate of its revenue and expenditure for the ensuing financial year and when prepared the estimates shall be submitted to the Minister for approval.

(2) At the end of each financial year but not later than 30th June, the Council shall cause to be prepared a statement of its income and expenditure during the previous financial year. The statement referred to in subsection (2) above shall, when certified by the Rector, be audited by a firm of auditors appointed by the Council from a list of four (4) firms in accordance with the guidelines supplied by the Auditor General of the Federation and shall be published in the annual report of the College (*Hon. Ndudi Godwin Elumelu — Aniocha North/Aniocha South/Oshimili North/Oshimili South Federal Constituency*).

Question that Clause 25 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 26: Establishment of fund for the College:

(1) The College shall establish and maintain a fund from which shall be defrayed all expenditure incurred by the College in the performance of its functions under this Bill.

(2) The funds of the College shall include:

(*a*) such sums as may, from time to time, be granted to the College by the Federal Government of Nigeria;

(*b*) fees charged and payable to the College by the students;

(*c*) any other amount, charged or dues recoverable by the College;

(*d*) revenue from time to time accruing to the College by way of subvention, grants-in-aid, endowment or otherwise;

(*e*) interest on investments; and

(*f*) donations and legacies accruing to the College from any source, for the general or special purpose of the College (*Hon. Ndudi Godwin Elumelu — Aniocha North/Aniocha South/Oshimili North/Oshimili South Federal Constituency*).

Question that Clause 26 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 27: Donations for particular purposes:

(1) Donations of money to be applied to any particular purpose shall be placed to the credit of a special reserve account approved by the Council until such time as they may be expended in fulfillment of such purpose.

(2) The Council shall not be obliged to accept a donation for a particular purpose unless it approves of the terms and conditions attached to such donation (*Hon. Ndudi Godwin Elumelu — Aniocha North/Aniocha South/Oshimili North/Oshimili South Federal Constituency*).

Question that Clause 27 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 28: Payment into bank:

All sums of money received on account of the College shall be paid into such bank as may be approved for the credit of the College's general, current or deposit account (*Hon. Ndudi Godwin Elumelu — Aniocha North/Aniocha South/Oshimili North/Oshimili South Federal Constituency*).

Question that Clause 28 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 29: Annual report:

The Council shall on or before 31st December in each year prepare and submit to the President through the Minister a report of its activities during the preceding financial year and shall include in the report, the audited accounts of the College in respect of that financial year and the auditor's comments on the account (*Hon. Ndudi Godwin Elumelu — Aniocha North/Aniocha South/Oshimili North/Oshimili South Federal Constituency*).

Question that Clause 29 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 30: Power to make bye-laws:

(1) The Council may make bye-laws relating to any matter within its competence under this Bill other than matters for which provision is to be made by standing orders pursuant to paragraph (6) of the Schedule to this Bill.

(2) All such bye-laws shall be in writing and shall come into force when sealed with the seal of the Council unless some other date for their commencement is prescribed therein.

(3) Nothing in subsection (2) above shall make it obligatory for the Council to publish any of the said bye-laws in the Gazette but the Governing Council shall bring such bye-laws to the notice of all affected persons (*Hon. Ndudi Godwin Elumelu — Aniocha North/Aniocha South/Oshimili North/Oshimili South Federal Constituency*).

Question that Clause 30 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 31: Exclusion or discrimination on account of race, religion, etc.:

(1) A person shall not on ground of race, place of birth, sex, family background, religious or political interest be denied:

(*a*) admission into the College;

(*b*) appointment at the College;

(*c*) membership of anybody established in pursuant to this Bill, or

(*d*) be given \preferential advantage or be subjected to any other form of discrimination.

(2) Notwithstanding the provision of subsection (1) above, the College shall not be prevented from imposing any restriction on any person(s) where a person willfully refuses on grounds of the above circumstances to undertake any duty which may be imposed on national interest or any other justifiable reasons (*Hon. Ndudi Godwin Elumelu — Aniocha North/Aniocha South/Oshimili North/Oshimili South Federal Constituency*).

Question that Clause 31 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 32: Vesting of all the assets and liabilities of the dissolved Federal College of Dental Technology and Therapy:

(1) By virtue of this Bill, all property (movable and immoveable) held by or on behalf of the College shall, as from the commencement of this Bill, vest in the College.

(2) Upon the commencement of this Bill:

(*a*) all rights, interests, obligations and liabilities of the College existing immediately before the commencement of this Bill under any contract or instrument; or at law or in equity, apart from any contract or instrument, shall, by virtue of this Bill, be assigned to and vested in the College;

(*b*) any such contract or instrument as is mentioned in subparagraph (*a*) above shall be of the same force and effect against or in favour of the College and shall be enforced fully and effectively as if the College had been named therein or had been a party thereto; and

(*c*) the College shall be subject to all the obligations and liabilities to which the College was subject to immediately before the commencement of this Bill and all other persons shall, as from the commencement of this Bill, have the same rights, power and remedies against the College as they had against the College immediately before the said commencement.

(3) If immediately before the commencement of this Bill a person was a member or an employee of the College, that person shall by virtue of this Bill become a member or an employee of the College.

(4) Any proceeding or cause of action pending or existing before the commencement of this Bill by or against the College may be commenced, continued or enforced by or against the College as it might have been against the College if this Bill had not been made (*Hon. Ndudi Godwin Elumelu — Aniocha North/Aniocha South/Oshimili North/Oshimili South Federal Constituency*).

Question that Clause 32 *stand part of the Bill, put and agreed to.*

Committee Recommendation:

Clause 33: **Interpretation:**

In this Bill, unless the context otherwise requires:

"Academic Board" means the board established under section 21 of this Bill (*Hon. Ndudi Godwin Elumelu — Aniocha North/Aniocha South/Oshimili North/Oshimili South Federal Constituency*).

Question that the meaning of the words "Academic Board" be as defined in the interpretation to this Bill, put and agreed to.

"Senior Staff Appointments and Promotions Committee" means a body by that name established under paragraph 2 (2) (*a*) of the Schedule to this Bill (*Hon. Ndudi Godwin Elumelu — Aniocha North/Aniocha South/Oshimili North/Oshimili South Federal Constituency*).

Question that the meaning of the words "Senior Staff Appointments and Promotions Committee" be as defined in the interpretation to this Bill, put and agreed to.

"Junior Staff Appointments and Promotions Committee" means a body by that name set up under paragraph 2 (2) (*b*) of the Schedule to this Bill (*Hon. Ndudi Godwin Elumelu — Aniocha North/Aniocha South/Oshimili North/Oshimili South Federal Constituency*).

Question that the meaning of the words "Junior Staff Appointments and Promotions Committee" be as defined in the interpretation to this Bill, put and agreed to.

"Minister" means Minister charged with responsibility for matters relating to Health (*Hon. Ndudi Godwin Elumelu — Aniocha North/Aniocha South/Oshimili North/Oshimili South Federal Constituency*).

Question that the meaning of the word "Minister" be as defined in the interpretation to this Bill, put and agreed to.

"Registrar" means the Registrar of the College appointed under section 14 (1) of this Bill (*Hon. Ndudi Godwin Elumelu — Aniocha North/Aniocha South/Oshimili North/Oshimili South Federal Constituency*).

Question that the meaning of the word "Registrar" be as defined in the interpretation to this Bill, put and agreed to.

Question that Clause 33 *stand part of the Bill, put and agreed to.*

Committee Recommendation:

Clause 34: **Citation:**

This Bill may be cited as the Federal College of Dental Technology and Therapy Bill, 2013 (*Hon. Ndudi Godwin Elumelu — Aniocha North/Aniocha South/Oshimili North/Oshimili South Federal Constituency*).

Question that Clause 34 *stand part of the Bill, put and agreed to.*

SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

1. The Council may act notwithstanding any vacancy in its membership or the absence of any member or that a person not entitled to do so took part in its proceedings.

Committees

2. (1) The Council may appoint one or more committees to which it may delegate any of its functions.

(2) Without prejudice to the generality of sub-paragraph (1) of this schedule, the Council shall appoint the following committees, that is:

(*a*) the Senior Staff Appointments and Promotions Committee which shall:

(*i*) consist of a chairman and four (4) members who shall be appointed by the Council, and four (4) other members who shall be appointed by the Rector from members of the senior staff of the College;

(*ii*) be charged with the responsibility of making recommendations to the Council on the appointment and promotion of the academic and senior staff of the College and have a quorum of five (5) members; and if the chairman of the committee is absent from any meeting of the committee, the members present shall elect one of their members to act as chairman for that particular meeting;

(*b*) the Junior Staff Appointments and Promotions Committee which shall consist of a chairman and four (4) other members to be appointed by the Rector and shall have the powers set out in sections 19 (2) (*b*) of this Bill;

(*c*) the Committee on Students' Affairs which shall consist of the following members:

(*i*) a chairman who shall be appointed by the Rector from among the senior employees of the College;

(*ii*) one member of the Council;

(*iii*) two members of the academic staff of the College;

(*iv*) and four (4) students of the College,

(*d*) the Committee on Students' Affairs shall be charged with the duty of:

(*i*) considering any matter which relates to the welfare of students;

(*ii*) any other matter referred to it by either the Council or students of the College;

(*e*) any matter which the students refer to the Council shall be referred to the Committee on Students' Affairs in the first instance.

(3) No decision of a committee shall have effect unless same is confirmed by the Council.

Proceedings of the Council

3. (1) The Council shall meet for the conduct of business at such times as the chairman of the Council may appoint but the meeting of the Council shall hold not less than twice in a year.

(2) The Chairman of the Council may at any time and shall at the request in writing of not less than five members of the Council summon a meeting of the Council.

(3) Particulars of the business to be transacted by the Council shall be circulated to members with the notice of the meeting at least two weeks before the date of the meeting.

4. (1) Where the Council desires to obtain the advice of any person on any particular matter, it may co-opt such person as a member for a meeting whether or not expressly convened for the purpose of considering the particular matter but no co-opted member shall be entitled to vote or considered as part of the quorum.

5. (1) Every question put before the Council at a meeting shall be decided by a simple majority of the members present and voting.

(2) Seven members shall form a quorum at any meeting of the Council.

(3) The chairman shall, at any meeting of the Council, have a vote and in the case of an equality of votes, may cast a deciding vote.

6. The Council may make standing orders with respect to holding meetings, the nature of notices to be given, the proceedings thereat, the keeping of minutes of such proceedings and the custody and production for inspection of such minutes.

7. Where the Chairman of the Council is absent from a meeting of the Council, the members present shall elect one of their members to act as chairman for the purposes of that meeting.

Miscellaneous

8. Any contract or instrument which if entered into by a person not being a body corporate would not be required to be under seal may in like manner be entered into or executed on behalf of the Council by any person generally or specifically authorised by it for that purpose.

9. (1) The common seal of the Council shall not be used or affixed to any document except in pursuance of a resolution duly passed at a properly constituted meeting of the Council and recorded in the minutes of such meeting.

(2) The fixing of the seal of the Council shall be authenticated by the signature of the Chairman of the Council and some other member authorized generally or specifically by the Council to act for that purpose.

(3) Any document purporting to be a document duly executed under the seal of the Council shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

10. Any member of the Council or a committee thereof who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Council or a committee thereof shall forthwith disclose his interest to the Council and shall not vote on any question relating to such contract or arrangement (*Hon. Ndudi Godwin Elumelu — Aniocha North/Aniocha South/Oshimili North/Oshimili South Federal Constituency*).

Question that the provisions of the Schedule stand part of the Bill, put and agreed to.

Long Title:
A Bill for an Act to Establish the Federal College of Dental Technology and Therapy to provide for Courses Leading to the Award of Degrees, Diplomas and Certificates in the Dental Technology, Dental Therapy and for Related Matters (*Hon. Ndudi Godwin Elumelu — Aniocha North/Aniocha South/Oshimili North/Oshimili South Federal Constituency*).

Question put and agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in Committee of the Whole resumed consideration of the Report of the Committee on Health on a Bill for an Act to Establish the Federal College of Dental Technology and Therapy, Enugu and to Provide for Courses leading to the award of Degrees, Diplomas and Certificates in Dental Technology, Dental Therapy, Other Related Courses and for Other Related Matters (HB. 251) and approved Clause 23 as amended, approved Clauses 24 - 34, the Schedule and the Long Title of the Bill.

Question that the House do adopt the Report of the Committee of the Whole, put and agreed to.

(ii) **A Bill for an Act to Establish the Federal Capital Territory Water Board and for Matters Connected Therewith (HB. 293) (*Committee of the Whole*):**

Order read; by leave of the House, deferred.

(iii) ***Committees on Justice, Police Affairs and Human Rights*:**
Motion made and Question proposed, "That this House do consider the Report of the Committees on Justice, Police Affairs and Human Rights on a Bill for an Act to Prohibit Kidnapping and Hostage taking; proscribed Punishment for their contravention and to Provide for Other Matters Relating Thereto and approve the Recommendation therein (HB. 76)" (*Hon. Chukwuemeka E. Nwogbo — Awka North/Awka South Federal Constituency*).

Question put and agreed to.

Question that the House do resolve into the Committee of the Whole to resume consideration of the Report, put and agreed to.

(HOUSE IN COMMITTEE)

(*Mr Deputy Speaker in the Chair*)

A BILL FOR AN ACT TO PROHIBIT KIDNAPPING, HOSTAGE TAKING, AND UNLAWFUL CONFINEMENT OR DETENTION OF A PERSON IN FCT, ABUJA AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO

Consideration deferred to enable the Committees on Justice, Police Affairs and Human Rights produce copies of the Joint Report for distribution to Members.

Chairman to report progress.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in the Committee of the Whole, deferred consideration of the Report of the Committees on Justice, Police Affairs and Human Rights on a Bill for an Act to Prohibit Kidnapping, Hostage Taking, and Unlawful Confinement or Detention of a Person in FCT, Abuja and to Provide for Other Matters Relating Thereto (HB. 76) to enable the Committee produce copies of the Report for distribution to Members.

Mr Deputy Speaker directed that Committees should ensure the production of sufficient copies of Reports emanating from them for distribution to Members before they are scheduled for consideration by the Committee on Rules and Business.

(iv) ***Committees on Interior and Justice*:**
Motion made and Question proposed, "That this House do consider the Report of the Committees on Interior and Justice on a Bill for an Act to Provide for and Regulate Community Service for Offenders in certain cases and to Provide for Related Matters (HB. 29) and approve the Recommendations therein" (*Hon Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question put and agreed to.

Question that the House do resolve into the Committee of the Whole to resume consideration of the Report, put and agreed to.

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

A BILL FOR AN ACT TO PROVIDE FOR AND REGULATE COMMUNITY SERVICE FOR OFFENDERS IN CERTAIN CASES AND TO PROVIDE FOR RELATED MATTERS

***Committee Recommendation*:**

Clause 1: **Short Title.**

This Bill may be cited as the Community Service Bill, 2011 (*Hon. Umar Mohammed Bature — Sokoto North/South Federal Constituency*).

Amendment Proposed:

In Clause 1, *leave out* the number "2011" and insert "2013" instead thereof (*Hon. Friday Itulah — Esan North East/South East Federal Constituency*).

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

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

***Committee Recommendation*:**

Clause 2: This Bill shall come into force on such date as the Minister may by statutory instrument appoint (*Hon. Umar Mohammed Bature — Sokoto North/South Federal Constituency*).

Amendment Proposed:

Leave out all the words in Clause 2 (*Hon. Leo Ogor — Isoko North/Isoko South Federal Constituency*).

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

***Committee Recommendation*:**

Clause 3: **Interpretation.**

"community service" means non-custodial punishment by which after conviction, the court with consent of the offender makes an order for the offender to serve the community rather than undergo imprisonment (*Hon. Umar Mohammed Bature — Sokoto North/South Federal Constituency*).

Question that the meaning of the words "community service" be as defined in the interpretation to this Bill, put and agreed to.

"community service order" means an order made under this Bill requiring an offender to perform work within the community for a specified period of time (*Hon. Umar Mohammed Bature — Sokoto North/South Federal Constituency*).

Question that the meaning of the words "community service order" be as defined in the interpretation to this Bill, put and agreed to.

"community service period" means the period for which an offender is to perform work under the community service order (*Hon. Umar Mohammed Bature — Sokoto North/South Federal Constituency*).

Question that the meaning of the words "community service period" be as defined in the interpretation to this Bill, put and agreed to.

"court" means the High Court, or a subordinate court (*Hon. Umar Mohammed Bature — Sokoto North/South Federal Constituency*).

Question that the meaning of the word "court" be as defined in the interpretation to this Bill, put and agreed to.

"Minister" means the Honourable Attorney General and Minister for Justice (*Hon. Umar Mohammed Bature — Sokoto North/South Federal Constituency*).

Question that the meaning of the word "Minister" be as defined in the interpretation to this Bill, put and agreed to.

"Minor Offence" means an offence for which the court may pass a sentence of not more than two years imprisonment (*Hon. Umar Mohammed Bature — Sokoto North/South Federal Constituency*).

Question that the meaning of the words "Minor Offence" be as defined in the interpretation to this Bill, put and agreed to.

"National Committee" means the National Committee on Community Service established by section 11 of this Bill (*Hon. Umar Mohammed Bature — Sokoto North/South Federal Constituency*).

Question that the meaning of the words "National Committee" be as defined in the interpretation to this Bill, put and agreed to.

"offender" means a person who has been ordered to undergo community service (*Hon. Umar Mohammed Bature — Sokoto North/South Federal Constituency*).

Question that the meaning of the word "offender" be as defined in the interpretation to this Bill, put and agreed to.

"original court" means the court which tried the offence in relation to which the community service order was made (*Hon. Umar Mohammed Bature — Sokoto North/South Federal Constituency*).

Question that the meaning of the words "original court" be as defined in the interpretation to this Bill, put and agreed to.

"supervising court" means the court which made the community service order includes a court of similar jurisdiction where the offender might subsequently reside (*Hon. Umar Mohammed Bature — Sokoto North/South Federal Constituency*).

Question that the meaning of the words "supervising court" be as defined in the interpretation to this Bill, put and agreed to.

"Supervising officer" means an officer appointed by the court to supervise the offender during the community service (*Hon. Umar Mohammed Bature — Sokoto North/South Federal Constituency*).

Question that the meaning of the words "Supervising officer" be as defined in the interpretation to this Bill, put and agreed to.

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

PART II — COMMUNITY SERVICE ORDERS

***Committee Recommendation*:**

Clause 4: Community Service.

(1) Where a person is convicted of a minor offence, the Court may, instead of sentencing that person to prison, make a community service order.

(2) Before passing a community service order, the court shall consider the circumstances, character and antecedents of the offender and ask him or her whether he or she consents to the order.

(3) Before passing a community service order, the court shall explain to the offender in the language he or she understands, the effect of the order and that if he or she fails in any respect to comply with it, he or she may be liable to be sentenced to such term of imprisonment as the Magistrate could have imposed in respect of the offence (*Hon. Umar Mohammed Bature — Sokoto North/South Federal Constituency*).

Amendments Proposed:

(*i*) In Clause 4, line 1, *leave out* the words "minor offence" and *insert* the words "misdemeanor" instead thereof (*Hon. Friday Itulah — Esan North East/South East Federal Constituency*).

Question that the amendment be made, put and negatived.

(*ii*) In subclause (3), *leave out* the word "magistrate" and *insert* the word "court" instead thereof (*Hon. Kingsley Chinda — Obio/Akpor Federal Constituency*).

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

Question that Clause 4 as amended, stand part of the Bill, put and agreed to.

***Committee Recommendation*:**

Clause 5: Duration and requirement of Community Service Order.

(1) The community service order shall be performed for a period of not more than six months and the offender shall not work for more than five hours a day.

(2) The offender shall be under the supervision of the supervising officer named in the community service order.

(3) The community service order shall contain such requirements as the Court may consider necessary for the supervision of the offender.

(4) The court making the community service order shall give to the supervising officer a copy of the order together with any other documents and information relating to the case (*Hon. Umar Mohammed Bature — Sokoto North/South Federal Constituency*).

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

***Committee Recommendation*:**

Clause 6: Breach of requirement of Community Service Order.

(1) If at any time during the community service period, the offender fails to comply with the requirements of the community service order, the Court may issue a summons requiring the offender to appear before it.

(2) The court shall not issue any commons requiring the offender to appear before it except on report by the supervising officer.

(3) If the offender does not appear in obedience to the summons, the supervising court shall issue a warrant of arrest.

(4) If it is provide to the satisfaction of the supervising court that the offender has failed to comply with any of the requirements of the community service order, the court shall either:

(*a*) vary the order to suit the circumstances of the case; or

(*b*) impose on him or her a fine not exceeding three currency points; or

(*c*) cancel the order and sentence the offender to any punishment which could have been imposed in respect of the offence and if the court thinks fit, reducing the sentence taking into account community service already performed.

(5) If a supervising officer employs the offender for his or her personal benefit, the officer shall be liable to a fine not exceeding ten currency points (*Hon. Umar Mohammed Bature — Sokoto North/South Federal Constituency*).

Amendments Proposed:

(*i*) In subclause (2), line 1, immediately after the word "any", *leave out* the word "commons" and *insert* the word "summons" (*Hon. Leo Ogor — Isoko North/Isoko South Federal Constituency*).

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

(*ii*) In subclause (4), line 1, *leave out* the word "provided" and *insert* the word "proved" instead thereof (*Hon. Sam Albert T. Tsokwa — Dunga/Ussa/Takum Federal Constituency*).

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

(*iii*) In subclause (4) (*b*), *leave out* the words "three currency points" and *insert* the figure "₦30,000" instead thereof (*Hon. Christopher Sunday Eta — Ikom/Boki Federal Constituency*).

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

(*iv*) In subclause (5), line 2, *leave out* the words "ten currency points" and *insert* the words "₦500,000" or a term of imprisonment not exceeding one year" instead thereof (*Hon. Friday Itulah — Esan North East/South East Federal Constituency*).

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

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

***Committee Recommendation*:**

Clause 7: **Commission of further Offence.**

Where an offender has been ordered to undergo community service in Conviction of further conviction by an original court but has been sentenced to imprisonment by an offence subsequent court for another offence committed during the period of community service, the following rules shall apply:

(*a*) the subsequent court may add to the sentence imposed a further term of imprisonment which might have been passed by the original court and cancel the order of community service;

(*b*) the subsequent court may take into account the period of community service, served in reduction of the additional imprisonment;

(*c*) where the original court was the High Court and the subsequent court is the subordinate court, the subordinate court shall send the copy of the proceedings to the High Court and on receipt of the proceedings from the subordinate court, the High Court shall proceed under paragraphs (a) and (b) of this section;

(*d*) where the original court was a subordinate court, and the subsequent court is the High Court dealing with the matter at first instance or on appeal or otherwise, the High Court shall proceed under paragraphs (a) and (b) of this section;

(*e*) where a subsequent court has convicted the offender of an offence, that court may pass the sentence other than the imprisonment and order the offender to continue undergoing community service (*Hon. Umar Mohammed Bature — Sokoto North/South Federal Constituency*).

Amendments Proposed:

(*i*) In clause 7, *leave out* all the words and *insert* the following "where an offender has been ordered to undergo community service conviction by an original court and is convicted by a subsequent court for another offence, the following rules shall apply" (*Hon. Christopher Sunday Eta — Ikom/Boki Federal Constituency*).

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

(*ii*) In subparagraph (*a*), *leave out* all the words and *insert* the following instead thereof: "the subsequent court may add to the sentence by imposing a term of imprisonment and cancel the order of Community service" (*Hon. Kingsley Chinda — Obio/Akpor Federal Constituency*).

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

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

PART III — AMENDMENT REVIEW AND DISCHARGE OF COMMUNITY SERVICE ORDERS

***Committee Recommendation*:**

Clause 8: Amendment of Community Service Order.

(1) An offender who intends to change his or her place of residence shall inform the supervising officer of his or her intention to do so.

(2) On receipt of the information, the supervising officer of body shall inform the supervising court of the information giving the details connected with the case.

(3) The supervising court shall make appropriate amendment in the Community Service order, and inform the court having jurisdiction for the area where the offender intends to go.

(4) The court shall give the offender a copy of the amended community service order which the offender is required to present to the new supervising court.

(5) Where an offender commits an offence outside his or her usual area of residence, the community service order shall be enforced in his or her usual area of residence (*Hon. Umar Mohammed Bature — Sokoto North/South Federal Constituency*).

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

***Committee Recommendation*:**

Clause 9: Discharge of Community Service Order.

(1) Where an offender has been ordered to undergo community service for a period of more than four months, the supervising officer shall give a report to a supervising court concerning the offender's performance and general conduct.

(2) The supervising court based on the report made by the supervising officer, may reduce the period of the community service specified in the community service order by not more than one third where the offender is of good conduct.

(3) The supervising officer shall make a report to court on the termination of a community service order (*Hon. Umar Mohammed Bature — Sokoto North/South Federal Constituency*).

Question that Clause 9 stand part of the Bill, put and agreed to.

PART IV — ARRANGEMENT FOR COMMUNITY SERVICE

***Committee Recommendation*:**

Clause 10: Arrangement for Community Service.

(1) The Minister shall, from time to time, notify the Chief-Justice of the Federation in writing in which places and in which areas arrangements exists for the courts to make community service order.

(2) The supervising officer who is to be responsible for the supervision of an offender shall be the officer for the district area for the time being named in the order in which the offender resides, or will reside, and if that supervising officer dies or is unable for any reason to carry out his or her duties, another supervising officer shall be appointed by the supervising court.

(3) Where the offender is a female, the supervising officer shall be female (*Hon. Umar Mohammed Bature — Sokoto North/South Federal Constituency*).

Question that Clause 10 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 11: Community Service Committee.

(1) There shall be a committee to be known as the National Committee on Community Service.

(2) The National Committee shall be a body corporate with perpetual succession and a common seal, and with power to sue and be sued in its corporate name.

(3) The National Committee shall consist of the following:

(*a*) a judge ,nominated by the Chief Justice of the Federation;

(*b*) the Secretary of the Nigerian Law Reform Commission (or his or her representative);

(*c*) the Executive Secretary of the National Human Rights Commission;

(*d*) the Director General of the Legal Aid Council;

(*e*) the Director of Public Prosecutions (or his or her representative);

(*f*) the Controller General of Prisons (or his or her representative);

(*g*) the Inspector General of Police (or his or her representative);

(*h*) three representatives of non-governmental organizations;

(*i*) two representatives of the public appointed by the Minister;

(*j*) a representative of State Security Service.

(4) The Chairperson of the National Committee shall be elected by the members of the Committee from among their number.

(5) The Minister may for good cause, revoke the appointment of a person appointed under paragraph 3of Sub-Section of this Section.

(6) A chairperson elected under the subsection (4) of this section shall hold office for one year but shall be eligible for reelection.

(7) The functions of the National Committee shall be:

(*a*) to monitor the operation of community service in all its aspects and to liaise and communicate with any officer or persons responsible for the matter in issue;

(*b*) to propose measures for effective operation of community service;

(*c*) to receive and consider any complaints or views and make recommendations where possible, on the nature of community service by the offender;

(*d*) to supervise the work of the supervising officer and in that regards to co-ordinate its activities with the supervising courts;

(*e*) to undertake any other function required of it under any law for the proper implementation of the Act.

(8) The Committee shall have State Committees whose composition and functions shall be as specified by the Minister in consultation with the National Committee and the State Attorney General and Commissioner for Justice (*Hon. Umar Mohammed Bature — Sokoto North/South Federal Constituency*).

Question that Clause 11 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 12: Regulations and Guidelines.

(1) The Minister may make regulations prescribing:

(*a*) the duties of the supervising officers;

(*b*) in consultation with the National Committee and the State AttorneyCGeneral and Commissioner for Justice on the composition and functions of the State Community service committees;

(*c*) any other matters that are necessary for the proper implementation of this Bill;

(*d*) any forms necessary for the purposes of this Bill.

(2) The Minister may also issue guidelines as to the categories of persons suitable to be appointed as supervising officers and the nature of work considered suitable for community service and in respect of any matter which appears to the Minister necessary for the proper implementation of this Bill (*Hon. Umar Mohammed Bature — Sokoto North/South Federal Constituency*).

Question that Clause 12 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 13: Transitional Provision.

Notwithstanding any provision of this Bill, all offenders serving punishment of imprisonment imposed on them within the last six months before the coming into force of this Bill may be allowed to apply for community service if otherwise eligible (*Hon. Umar Mohammed Bature — Sokoto North/South Federal Constituency*).

Question that Clause 13 *stand part of the Bill, put and agreed to.*

Long Title:

A Bill for an Act to Provide for and Regulate Community Service for Offenders in Certain Cases and to Provide for Related Matters (*Hon. Umar Mohammed Bature — Sokoto North/South Federal Constituency*).

Question put and agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in Committee of the Whole considered the Report of the Committees on Interior and Justice on a Bill for an Act to Provide for and Regulate Community Service for Offenders in certain cases and to Provide for Related Matters (HB. 29) and approved Clause 1 as amended, rejected Clause 2, approved Clause 3, approved Clause 4 as amended, approved Clause 5, Clauses 6 and 7 as amended, approved Clauses 8 - 12 and the Long Title of the Bill.

Question that the House do adopt the Report of the Committee of the Whole, put and agreed to.

7. **Adjournment:**
That the House do now adjourn till Wednesday, 15 *May*, 2013 *at* 11.00 *a.m.* (*Hon. Leo Ogor — Deputy House Leader*).

The House adjourned accordingly at 2.42 *p.m.*

Aminu Waziri Tambuwal
Speaker