FOURTH REPUBLIC
7TH NATIONAL ASSEMBLY
SECOND SESSION
NO. 156

HOUSE OF REPRESENTATIVES
FEDERAL REPUBLIC OF NIGERIA

ORDER PAPER

Tuesday, 28 May, 2013

1. **Prayers**
2. **Approval of the Votes and Proceedings**
3. **Oaths**
4. **Message from the President of the Federal Republic of Nigeria (*if any*)**
5. **Message from the Senate of the Federal Republic of Nigeria (*if any*)**
6. **Other Announcements (*if any*)**
7. **Petitions (*if any*)**
8. **Matter(s) of Urgent Public Importance**
9. **Personal Explanation**

PRESENTATION OF BILLS

1. National Emergency Management Agency (Establishment, etc.) Act (Amendment) Bill, 2013 (HB. 493) (*Hon. Chris Emeka Azubogu*) — *First Reading*.

2. Fire Service Bill, 2013 (HB. 507) (*Hon. Umar M. Bature*) — *First Reading*.

3. Subsidiary Legislation (Regulation) Bill, 2013 (HB. 508) (*Hon. Yakubu Dogara*) — *First Reading*.

4. Public Interest Disclosure Bill, 2013 (HB. 510) (*Hon. Yakubu Dogara*) — *First Reading*.

5. Town Planning and Urban Development Bill, 2013 (HB. 511) (*Hon. Ezekiel Adaji*) — *First Reading*.

6. Infrastructure Bank (Establishment) Bill, 2013 (HB. 512) (*Hon. Ini Udoka*) — *First Reading*.

7. Improved Aid Effectiveness, Accountability and Cooperation for Donor Recipient Bill, 2013 (HB. 519) (*Hon. Ini Udoka*) — *First Reading*.

PRESENTATION OF REPORTS

1. **Committee on Education:**
   Hon. Aminu Suleiman:
   "That this House do receive the Report of the Committee on Education on the Incessant Students' Protests in the University of Abuja, Federal Capital Territory" (**HR. 40/2013**) (*Referred*: 20/2/2013).

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2. **Committee on Education:**
Hon. Aminu Suleiman:
"That this House do receive the Report of the Committee on Education on the Need for the Urgent Intervention of the House in the Proposed Strike by the Senior Staff Association of Nigerian Universities" (**HR. 53/2013**) (*Referred*: 5/3/2013).

ORDERS OF THE DAY

MOTION

1. **Need to Amend the Emergency (General) Regulations, 2013 Pursuant to the Emergency Powers Act 1961 and Section 305 of the 1999 Constitution of the Federal Republic of Nigeria as Amended:**
Hon. Ibrahim Tukur El-Sudi:

The House:

Notes that by virtue of Section 305 of the Constitution of the Federal Republic of Nigeria as amended, the President of the Federation has the powers to issue proclamation of a State of Emergency in the Federation or any part thereof subject to the provisions of the Constitution Supra;

Further notes that pursuant to the said Section 305 of the Constitution Supra President Goodluck Ebele Jonathan forwarded a published Official Gazette on the State of Emergency (certain States of the Federation) proclamation, 2013 accompanied with the Emergency Powers (General) Regulations, 2013 both dated 20th day of May, 2013;

Observes that the said regulations were made pursuant to Section 3 of the Emergency Powers Act, No. 1 of 1961 (as modified);

Aware that in a closed session, the Honourable Speaker of the House briefed the House on the circumstances of the proclamation of a State of Emergency in Borno, Yobe and Adamawa States of Nigeria by President Goodluck Ebele Jonathan and thereafter made available to 253 Members present the documents as provided by the President of the Federal Republic of Nigeria;

Further aware that the House forthwith resolved into a Committee of the whole whereof the proclamation was considered and progress reported thereof and approved with various amendments;

Also notes that the Honourable Speaker announced the appointment of a 6 member Conference Committee under the Chairmanship of Hon. Albert Tanimu Sam-Tsokwa and the Senate equally set up a 5 Member Conference Committee under the Chairmanship of Senator Ita S. J. Enang to harmonize differences if any;

Further notes that the Conference Committee of both Chambers met on Tuesday, 22nd May, 2013 and considered areas of differences. On the proclamation order, the Committee adopted the Senate version. The Committee also adopted clauses 3 (*c*) and (4) of Senate version of the Emergency Powers (General) Regulation 2013. The Committee further adopted the addition of the words... ***'on Public Order, Peace and Security'*** and included the House Version of clauses 1, 2 (3), 3(1) and 5 (*c*) of the Emergency Powers along with the Explanatory Note;

Aware of the fact that Section 3(e) of the transmitted Emergency Powers (General) Regulations 2013 which provides:

"Provide for the utilization of the funds of any State of Local Government in the Emergency area",

was unanimously rejected and deleted by the House but retained by the Conference Committee of both Chambers;

Further aware of the public outcry and outright opposition by majority of Nigerians especially indigenes of Borno, Yobe and Adamawa States on the content of the above quoted regulation;

Mindful of a near consensus of opinion of Senior Advocates of Nigeria and Constitutional Lawyers across the country regarding the Constitutionality of the said section;

Further mindful of the provisions of Section 5(2) of the Emergency Powers Act No. 1 of 1961 (as modified) which provides:

> **"(2) *Any such regulation, order or rule may, without prejudice to the validity of anything lawfully done thereunder, at anytime be amended or revoked by resolutions passed by both Houses ...*";**

Concerned that the Supreme Court of Nigeria has in a plethora of decided cases interpreted the intent and purport of Section 162 of the 1999 Constitution of the Federation as amended on the finances of the States and Local Governments of the Federation and on whether Federal Government via National Assembly can validly make laws conferring powers or imposing duties on state functionaries;

Further concerned that by Chapter 1, Part 1 of the 1999 Constitution of the Federation as amended, Nigeria is a Federation and operates Federalism as a System of Government with States retaining a large measure of independence and autonomy;

Encouraged by the Supreme Court of Nigeria per Niki Tobi in the case of ***A.G., Abia vs A.G., Federation* (2004 - 2007) 3 *LLRN pg* 1260 *at pg* 1332** for the National Assembly to acquaint itself with the decisions of the Court on all matters relating to law referred to it to avoid taking contrary actions;

Further encouraged by the need to ensure that our laws, orders, resolutions or regulations are not in conflict with the Constitution of the Federal Republic of Nigeria as amended or any Court decision which we all swore to preserve and protect.

Resolves to:

(*i*) Delete and revoke completely section 3 (2) (*e*) of the harmonized, adopted and approved Emergency Powers (General) Regulations, 2013 by both Houses of the National Assembly;

(*ii*) urge the Senate of the Federal Republic of Nigeria to concur and adopt the above Resolution.

CONSIDERATION OF REPORTS

2. **Committee on Interior:**
Hon. Umar Bature:
"That this House do Resume the consideration the Report of the Committee on Interior on a Bill for an Act to Repeal the Prisons Act, Cap. P29 Laws of the Federation of Nigeria, 2004 and to make Comprehensive Provisions for the Administration of Prisons in Nigeria; and for Related Purposes (HB. 107)" (*Adjourned Consideration*: 22/5/2013).

3. **Committees on Justice and Petroleum Resources (Downstream):**
Hon. Ali Ahmad:
"That this House do consider the Report of the Committees on Justice and Petroleum Resources (Downstream) on a Bill for an Act to Amend the Petroleum Production and Distribution (Anti-Sabotage) Act, Cap. P12 LFN 2004 to remove the Impediment to the Performance of Duties of the Department for Petroleum Resources (DPR) and Other Related Matters (HB. 399) and approve the Recommendations therein" (*Laid*: 25/4/2013).

4. **Committee on States and Local Government:**
Hon. Adewusi Rasaq Tunde:
"That this House do consider the Report of the Committee on States and Local Government on a Bill for an Act to Establish the Chartered Institute of Local Government and Public Administration of Nigeria in order to ensure Professionalism in the System and to provide for Matters Related Therewith (HB. 17) and approve the Recommendations therein" (*Laid*: 17/5/2012).

5. **Committee on Health:**
Hon. Ndudi Godwin Elumelu:
"That this House do consider the Report of the Committee on Health on a Bill for an Act to Provide for the Establishment of the Federal Capital Territory College of Nursing and Midwifery and for Other Matters Connected Therewith (HB. 201) and approve the Recommendations therein (*Laid*: 19/2/2013).

COMMITTEE MEETINGS

	Committee	*Date*	*Time*	*Venue*
1.	Rules and Business	Tuesday, 28 May, 2013	2.00 p.m.	Committee Room 06 Assembly Complex
2.	Agriculture (*with National Association of Nigerian Traders (NANTS)*)	Tuesday, 28 May, 2013	2.00 p.m.	Committee Room 231 New Building (House) Assembly Complex
3.	Steel (*with Officials from Asset Management Corp of Nigeria (AMCON) and National Metallurgical Dev. Centre (NMDC), Jos*)	Tuesday, 28 May, 2013	2.00 p.m.	Committee Room 144 New Building (House) Assembly Complex
4.	Public Procurement	Tuesday, 28 May, 2013	2.00 p.m.	Committee Room 327 New Building (House) Assembly Complex
5.	Foreign Affairs and Justice (*Public Hearing on Technical Aid Corps Bill*)	Tuesday, 28 May, 2013	2.00 p.m.	Committee Room 028 New Building (House) Assembly Complex
6.	Constituency Outreach	Tuesday, 28 May, 2013	3.00 p.m.	Committee Room 2.44 New Building (House) Assembly Complex
7.	Finance	Tuesday, 28 May, 2013	2.00 p.m.	Committee Room 019 New Building (House) Assembly Complex
8.	*Ad-hoc* Committee on Constitution Review	Tuesday, 28 May, 2013	3.00 p.m.	Committee Room 447 New Building(House) Assembly Complex