FOURTH REPUBLIC
7TH NATIONAL ASSEMBLY
THIRD SESSION
NO. 22

HOUSE OF REPRESENTATIVES
FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Thursday, 3 October, 2013

1. The House met at 11.36 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 Wednesday, 2 October, 2013.

By unanimous consent, the Votes and Proceedings was adopted.

3. **Announcement:**

(*i*) ***Visitors in the Gallery*:**
Mr Speaker recognized the presence of members of the National Youth Service Corps (NYSC) from Wushishi Local Government Area, Niger State.

(*ii*) ***Bereavement*:**
Mr Speaker read a communication from Hon. Chukwudi Jones Onyereri (*Nkwerre/Isu/Nwangele/Njaba Federal Constituency*) informing the House of the death of a former Member, Hon. Simeon Michael Chikwem Ihekweazu (*Nkwerre/Isu/Nwangele/Njaba Federal Constituency,* 1979 - 1983), on Thursday, 19 September, 2013.

A minute silence was observed in honour of the deceased.

(*iii*) ***Letter of Appreciation from Senator Joy Emordi*:**
Mr Speaker also read a communication from Senator Joy Emordi, former Special Assistant to the President of the Federal Republic of Nigeria on National Assembly matters, thanking the House and the entire National Assembly for a good working relationship during her tenure.

Mr Speaker remarked that Senator Joy Emordi had discharged her responsibility creditably and wished her well in her future endeavours.

4. **Petitions:**
The following petitions were presented and laid by:

(*i*) Hon. Kamil Akinlabi (*Afijio/Atiba East/Oyo West Federal Constituency*) from:

(*a*) former staff of the Federal School of Surveying, protesting the manner of their removal from the service of the institution and praying the House to ensure that justice is done;

(*b*) Sergeant-Major Olawuyi Akinkunmi Oladipo (*rtd*), praying the House to investigate the non-payment of his pension arrears by the Military Pensions Scheme, with a view to ensuring payment and the regularization of his pension entitlement;

(*ii*) Hon. Udo Ibeji (*Umuahia North/South Ikwuano Federal Constituency*) on behalf of:

(*a*) Members of the Palm Produce Association of Nigeria, Abia State branch, praying the House to investigate the ongoing importation of palm oil into the country, with a view to stopping the trend in the interest of the local economy;

(*b*) Anthony N. Nwaubani, praying the House to investigate the refusal to pay his entitlements by management of Enterprise Bank Limited, with a view to ensuring justice;

(*c*) Corporal Onyekachi Godwin, seeking the intervention of the House in his dismissal from the Nigeria Police and appealing for reinstatement to his rank of corporal on compassionate grounds;

(*iii*) Hon. Nathaniel Agunbiade (*Obokun/Oriade Federal Constituency*) from Nathaniel Agunbiade & Co, on behalf of Lance Corporal Taiwo Giwa, praying the House to redress the abuse of his fundamental human rights and dismissal from the service of the Nigerian Army;

(*iv*) Hon. Frank Enekorogha (*Burutu Federal Constituency*) from Austin O. Okolo & Co., on behalf Omoshue and Associates Limited, protesting the activities of the Asset Management Corporation of Nigeria (AMCON) and the Key Stone Bank, with respect to their organization's account, and praying for justice.

Petitions referred to the Committee on Public Petitions.

5. Matters of Urgent Public Importance:

(*i*) Citing Standing Order VIII, Rule 46, Hon. Rasaq Bello-Osagie (*Oredo Federal Constituency*) drew the attention of the House to the torrential rainfall that occurred in Benin city, Edo State on Monday, 23 September, 2013. He noted that the flood that resulted from the rainfall caused extensive damage to properties and paralyzed commercial activities in the city. He urged the House to consider the matter as one of urgent public importance and to suspend Order VIII, Rule 46 (3) to enable it be debated forthwith.

Question that the matter be considered as one of urgent public importance, put and agreed to.

Question that the House do suspend Order VIII, Rule 46 (3) *to enable it debate the matter forthwith, put and agreed to.*

The Ravaging Flood in Benin-City:

The House:

Notes the ravaging flood that displaced some residents in Benin City following Monday, 23rd of September's torrential down pour, a large number of Nigerians have been left homeless as incessant flood over the recent weeks has led to several communities being destroyed, and several people reported dead also in other parts of the country;

Further notes the efforts of the Edo State Government in constructing an ongoing storm Water Master project to address the flood situation which has been there over the years:

Worried that on Monday, September 23, 2013, many residents of Benin-City could not set out at dawn. It was not that, long rainfall was alien to the people of the State, but they did not know that the rainfall would prevent them from getting out to do their normal business on a Monday. The residents waited for the downpour to subside, but all to no avail, as it continued all day long, lasting over 20 hours. The downpour paralysed commercial and economic activities in the city, as business outlets were not opened and shops were closed due to the trood that resulted because of the heavy downpour. Indeed, residents of the state, started to count their losses which included extensive damage to property;

Further worried that resources statutorily due to Edo State partly for the months of July, August and September allocations have not been received, thereby inhibiting the State's capacity to meet its obligation to its citizenry including but not limited to emergencies such as this and the payments to contractors presently working in the State;

Concerned that in some parts of Benin-City, whole neighbourhood has been destroyed with millions of naira worth of property laid to waste. In Oredo Local Government Area, which constitutes the largest part of Benin-City metropolis, residents battled to salvage some of their properties that were submerged in the flood;

Disturbed that the predictions of the Meteorological Agency about the heavy rainfall in some parts of the coastal states necessitate an action plan being put in place in areas that are prone to the effect of heavy downpour during this raining season.

Resolve to:

Urge the National Emergency Management Agency (NEMA), Niger-Delta Development Commission (NDDC) in conjunction with the State Ministry of Environment and other relevant agencies to visit the affected areas with a view to provide immediate reliefs to the affected victims of the flood (*Hon. Rasaq Bello-Osagie — Oredo Federal Constituency*).

Question put and agreed to.

Motion referred to the Committees on Natural Disasters and Emergency Preparedness, and Niger Delta Development Commission, pursuant to Standing Order VIII, Rule 51 (5) *for further legislative action* (**HR. 45/2013**).

(*ii*) Also citing Standing Order VIII, Rule 46, Hon. Gideon Gwani (*Kaura Federal Constituency*) called the attention of the House to the constant attack on the Takad people of Kaura Local Government Area of Kaduna State by unknown gunmen. He noted that the frequency of attack was worrisome as over 65 persons have been killed, and over 200 buildings destroyed between March and September 2013. He called for the intervention of government and security agencies to avoid a break down of law and order, urged the House to consider the matter as one of urgent public importance and to suspend Order VIII, Rule 46 (3) to enable it debate the matter forthwith.

Question that the matter be considered as one of urgent public importance, put and agreed to.

Question that the House do suspend Order VIII, Rule 46 (3) *to enable it debate the matter forthwith, put and agreed to.*

The Systematic Decimation of the Takad People, in Kaura Federal Constituency:

The House:

Notes the Provisions of Section 14 (2) (b) of the Constitution of the Federal Republic of Nigeria 1999 as amended, which states *inter-alia*:

The Security and Welfare of the people shall be the primary purpose of government;

Further notes that the people of Takad town in Kaura Local Government of Kaduna State have been under siege by unknown gunmen;

Worried that over 65 people have been killed by the unknown gunmen between March 2013 and 29th September, 2013 with over 200 buildings destroyed;

Disturbed that it may result to break down of law and order if not quickly checked by the intervention of relevant authorities of Government and Security Agencies.

Resolves to:

Mandate the Committee on National Security and Public Safety to investigate the matter and report back to the House within two (2) weeks (*Hon. Gideon Gwani — Kaura Federal Constituency*).

Question put and agreed to.

Motion referred to the Committee on National Security and Public Safety, pursuant to Standing Order VIII, Rule 51 (5) (**HR. 46/2013**).

6. **Need to Resettle the Nomadic Cattle Rearers from Abuja City by Establishing Alternative Grazing Zones or Paddocks for them in the Federal Capital Territory (FCT) Council Areas:**
Motion made and Question proposed:

The House:

Notes that there is nomadic cattle rearing in the Federal Capital Territory (FCT) both in the main Abuja city as well as in the satellite towns;

Further notes that the nomads have their route from Garki through Zone C and D of the Apo Legislative Quarters to Gudu and other areas of the city where pasture can be found for their cattle;

Worried that Abuja city and the satellite towns have become metropolitan; hence, large animals like cattle are always dangerous to human safety living, especially where crossing highways;

Further worried that accident involving cattle have in the past caused loss of lives as well as economic loss to both the innocent pedestrians, commuters and the nomads themselves

Concerned that when an accident of this nature occurs, it often leads to conflict between the victims and the nomads, thus heightening the already tensed inter-ethnic security situation in the country;

Cognizant that there are nationals and officials of other countries of the world visiting Abuja city and the FCT on a daily basis, for which reason it would be an embarrassment to the Government and people of Nigeria if any of the visiting officials should fall victim of a nomadic cattle rearing accident within the city centre;

Aware of the Federal Government's Transformation Agenda aimed at positioning Abuja as one of the 20 most developed cities of the world, come year 2020;

Further aware that in making the policy of Abuja and the satellite towns to meet the standards set in the next 7 years by 2020, attention should be focused on sanitation and health improvement of the people by reducing all kinds of accidents including those caused by cattle, improving the aesthetic look of the FCT as well as separating the abodes of human beings from those of such large animals like cattle which are not domestic pets;

Sympathises with the cattle rearers who may need to be displaced from Abuja city so as to meet the strategic plan for the FCT;

Concludes that the Federal Capital Territory Development Authority (FCTDA) owes it a duty, as part of the Transformation Agenda on Agriculture, to assist the cattle rearers by establishing alternative grazing zones or paddocks in some of the FCT Council Areas.

Resolves to:

Mandate the Committees on FCT Area Councils and Ancillary Matters, and Agriculture to look into the resettlement of nomadic cattle rearers in the FCT and make recommendations to the House within 4 weeks (*Hon. Ifeoluwa A. Arowosoge — Ekiti South West/Ikere/Orun/Ise Federal Constituency*).

Question put and agreed to.

Motion referred to the Committees on FCT Area Councils and Ancillary Matters, and Agriculture, pursuant to Standing Order VIII, Rule 51 (5) (**HR. 47/2013**).

7. **Urgent Need to Connect Taraba Central Senatorial District to the National Grid:**
Motion made and Question proposed:

The House:

Notes that Taraba Central Senatorial District is composed of 5 Local Government Areas and delineated as Bali/Gassol and Gashaka/KurmijSadauna Federal Constituencies;

Further notes that this area is recognized as the economic hub of Taraba State for its agricultural and tourism endowments and potentials;

Aware that the Mambilla plateau where the Power Holding Company of Nigeria (PHCN) Power Stations are being constructed and the Gembu Mountains and the Gashaka-Gumti National Park falls within this geopolitical area of Central Taraba Senatorial District;

Further aware that this area with a population of up to 2 million people and over 5 million herds of cows and varied agro allied businesses across the local governments is the heartbeat of economic activities in the State;

Concerned that the whole of Taraba Central Senatorial District is not connected or linked to the National Grid by the Power Holding Company of Nigeria (PHCN);

Worried that Taraba Central Senatorial District is the only such geo-political area in Nigeria that is currently not connected to the National Grid;

Further worried that this has negatively impacted on the socio-economic development of Taraba State.

Resolves to:

Mandate the Committee on Power to liaise with the Federal Ministry of Power to ensure the immediate connection of the area to the National Grid by the Power Holding Company of Nigeria (PHCN) (*Hon. Haruna Manu — Bali/Gassol Federal Constituency*).

Question put and agreed to.

Motion referred to the Committee on Power, pursuant to Standing Order VIII, Rule 51 (5) (**HR. 48/2013**).

8. Need to Investigate the Stowaway Incident at the Benin City Airport:
Motion made and Question proposed:

The House:

Notes that on Saturday, 24 August, 2013, a young 13-year old Daniel Ohikhena breached the Benin City Airport security and stowed away in the tire compartment of an Arik airline (Flight W3 544) bound for Lagos;

Worried that the stowaway incident has exposed various security lapses in our Airports, thus generating fear among passengers on their safety;

Further worried that no conclusive investigation has ever been conducted in the aviation industry as regards the series of aviation mishaps in the past years;

Disturbed that the degree of security challenges in the country ranging from Boko Haram insurgent attacks to incessant kidnappings is overwhelming and if this ugly situation is not arrested, the infiltration of these criminals in our Airports will have adverse consequences on our national security and public safety.

Resolves to:

Mandate the Committees on Aviation, and Public Safety and National Security to investigate the stowaway incident with a view to establishing the cause of breach of security and offer punitive and corrective measures to forestall future occurrence and report back to the House within three weeks (*Hon. Abubakar E. Momoh — Etsako East/West/Central Federal Constituency*).

Debate:

Question put and agreed to.

The House:

Noted that on Saturday, 24 August, 2013, a young 13-year old Daniel Ohikhena breached the Benin City Airport security and stowed away in the tire compartment of an Arik airline (Flight W3 544) bound for Lagos;

Worried that the stowaway incident has exposed various security lapses in our Airports, thus generating fear among passengers on their safety;

Further worried that no conclusive investigation has ever been conducted in the aviation industry as regards the series of aviation mishaps in the past years;

Disturbed that the degree of security challenges in the country ranging from Boko Haram insurgent attacks to incessant kidnappings is overwhelming and if this ugly situation is not arrested, the infiltration of these criminals in our Airports will have adverse consequences on our national security and public safety.

Resolved to:

Mandate the Committees on Aviation, and Public Safety and National Security to investigate the stowaway incident with a view to establishing the cause of breach of security and offer punitive and corrective measures to forestall future occurrence and report back to the House within three weeks (**HR. 49/2013**).

9. **Consolidation of Bills:**
Motion made and Question proposed, "That a Bill for an Act to Amend the Nigerian Communications Commission Act 2003 to empower the Police and Security Agencies to Track, Intercept, Monitor Conversation, Text Messages and Internet Communications involving suspected Terrorists, Criminals and Other Related Matters and a Bill for an Act to Amend the Nigerian Communications Commission Act, Cap. N97, Laws of the Federation of Nigeria, 2004 to Provide Automatic Access to the Database of all subscribers to the Nigerian Police and Other Security Agencies and for Other Related Matters (HB 546 and HB 552) and a Bill for an Act requiring Telecommunications Facilities to facilitate the Lawful interception of information Transmitted by means of those Facilities and respecting the provision of Telecommunications Subscriber information; and for Other Matters Connected Therewith (HB. 8) be now consolidated" (*Hon. Uzoma Nkem-Abonta — Ukwa East/Ukwa West Federal Constituency*).

Question put and agreed to.

10. **A Bill for an Act to Authorize the issue from the Statutory Revenue Fund of the Nigerian Communications Commission (NCC) the total sum of ₦55,852,837,000 (Fifty-Five Billion, Eight Hundred and Fifty-Two Million, and Eight Hundred and Thirty-Seven Thousand Naira) only, of which ₦14,667,445,000 (Fourteen Billion, Six Hundred and Sixty-Seven Million, Four Hundred and Forty-Five Thousand Naira) only, is for Recurrent Expenditure, ₦7,311,474,000 (Seven Billion, Three Hundred and Eleven Million, Four Hundred and Seventy-Four Thousand Naira) only, is for Transfer to Federal Government of Nigeria, ₦10,521,740,000 (Ten Billion, Five Hundred and Twenty One Million, Seven Hundred and Forty Thousand Naira) only, is for Transfer to Universal Service Fund, while the Balance of ₦19,317,457,000 (Nineteen Billion, Three Hundred and Seventeen Million, Four Hundred and Fifty-Seven Thousand Naira) only, is for Capital and Special Projects for the Year Ending on the 31st Day of December, 2013 (HB. 559) — *Second Reading*:**
Motion made and Question proposed, "That a Bill for an Act to Authorize the issue from the Statutory Revenue Fund of the Nigerian Communications Commission (NCC) the total sum of ₦55,852,837,000 (Fifty-Five Billion, Eight Hundred and Fifty-Two Million, and Eight Hundred and Thirty-Seven Thousand Naira) only, of which ₦14,667,445,000 (Fourteen Billion, Six Hundred and Sixty-Seven Million, Four Hundred and Forty-Five Thousand Naira) only, is for Recurrent Expenditure, ₦7,311,474,000 (Seven Billion, Three Hundred and Eleven Million, Four Hundred and Seventy-Four Thousand Naira) only, is for Transfer to Federal Government of Nigeria, ₦10,521,740,000 (Ten Billion, Five Hundred and Twenty One Million, Seven Hundred and Forty Thousand Naira) only, is for Transfer to Universal Service Fund, while the Balance of ₦19,317,457,000 (Nineteen Billion, Three Hundred and Seventeen Million, Four Hundred and Fifty-Seven Thousand Naira) only, is for Capital and Special Projects for the Year Ending on the 31st Day of December, 2013 (HB. 559) be now read a Second Time" (*Hon. Mulikat Akande-Adeola — House Leader*).

Debate:

Question that the Bill be read a Second Time, put and agreed to.

Bill read the Second Time and referred to the Committee on Communication.

11. **A Bill for an Act to Amend the Legislative Houses (Powers and Privileges) Act, Cap. L12 LFN, 2004 by extending Legislative Powers and Privileges to members of the Local Government Legislative Assemblies and for Related Matters (HB. 367), a Bill for an Act to Repeal the Legislative Houses (Powers and Privileges) Act, Cap. L12 LFN, 2004, and Enact the Legislative Powers and Privileges Act 2012 in order to give the Legislature the desired Powers and Immunity to be able to carry-out its Legislative Responsibility and for Related Matters (HB. 429) and a Bill for an Act to Amend the Legislative Houses (Powers and Privileges) Act, Cap. L12, LFN 2004 (HB. 436) — *Second Reading*:**

Motion made and Question proposed, "That a Bill for an Act to Amend the Legislative Houses (Powers and Privileges) Act, Cap. L12 LFN, 2004 by extending Legislative Powers and Privileges to members of the Local Government Legislative Assemblies and for Related Matters (HB. 367), a Bill for an Act to Repeal the Legislative Houses (Powers and Privileges) Act, Cap. L12 LFN, 2004, and Enact the Legislative Powers and Privileges Act 2012 in order to give the Legislature the desired Powers and Immunity to be able to carry-out its Legislative Responsibility and for Related Matters (HB. 429) and a Bill for an Act to Amend the Legislative Houses (Powers and Privileges) Act, Cap. L12, LFN 2004 (HB. 436) be now read a Second Time" (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

Debate:

Question that the Bill be read a Second Time, put and agreed to.

Bill read the Second Time and referred to the Committee on Justice.

12. Consideration of Reports:

(i) ***Committee on Justice*:**

Motion made and Question proposed, "That this House do consider the Report of the Committee on Justice on a Bill for an Act to Amend the Criminal Code Act, Cap. C38, 2004, in order to provide for offences and penalties relating to computer misuse and Cybercrimes and Other Matters Connected Therewith (HB. 391) and approve the Recommendations therein" (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

Question put and agreed to.

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

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

A BILL FOR AN ACT TO AMEND THE CRIMINAL CODE ACT, CAP. C38 LAWS OF THE FEDERATION OF NIGERIA, 2004 IN ORDER TO PROVIDE FOR OFFENCES AND PENALTIES RELATING TO COMPUTER MISUSE AND CYBERCRIMES

***Committee Recommendation*:**

Clause 1: **Amendment of Cap C38 LFB, 200.**

The Criminal Code Act, Cap. C38 LFN, 2004 (herein after called "the Principal Act") us amended as set out below (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

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

***Committee Recommendation*:**

Clause 2: **Amendment of Chapter 56.**

The Principal Act is amended by inserting new chapter 56 as follows:

"Chapter 56:

COMPUTER MISUSE AND CYBERCRIMES OFFENCES

Definition of Computer, etc.

Definitions.

In this Chapter —

"Computer" means any device for storing and processing information, and any reference to information being derived from other information is a reference to its being derived from it by calculation, comparison or any other process (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

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

"Access" means to approach, instruct, communicate with, store data in, retrieve or intercept data from, alter data or computer software in, or otherwise make use of any resource of a computer, computer network, computer program, or computer system (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

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

"Computer network" means the interconnection of two or more computers or computer systems by satellite, microwave, line, or other communication medium with the capability to transmit information among the computers (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

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

"Computer software" means a set of computer programs, procedures, and associated documentation related to the operation of a computer, computer system, or computer network (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

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

"Computer Virus" means an unwanted computer program or other set of instructions inserted into a computer's memory, operating system, or program that is specifically constructed with the ability to replicate itself or to affect the other programs or files in the computer by attaching a copy of the unwanted program or other set of instruction to one or more computer programs or files (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

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

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

***Committee Recommendation*:**

Clause 3: Unlawful access to a computer.

(1) Any person, who without authorization or in excess of authorization, accesses in whole or in part, a computer system or network, commits an offence and is liable on conviction to a Fine of not more than ₦10,000,000.00 or imprisonment for a term of 5 years or to both.

(2) Where the offence provided in subsection (1) is committed with the intent of obtaining computer data, securing access to any program, commercial or industrial secrets or confidential information, the punishment shall be a fine of not more than ₦20,000,000.00 or imprisonment for a term of 10 years or to both.

(3) Any person who, commits an offence under this section, uses any device to avoid detection or otherwise prevent identification with the act or omission, commits an "offence or facilitates the commission of such offence is liable on conviction to a fine of not more than ₦20,000,000.00 or imprisonment for a term of 10 years or to both (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

Amendment Proposed:

In subclause (1), line 2, immediately after the word "network", *insert* the following words "which is not a public access" (*Hon. Frank Enekorogha — Burutu Federal Constituency*).

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

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

Committee Recommendation:

Clause 4: **Unlawful interception of communications.**

Any person, who intentionally and without authorization, intercepts the transmission of non-public computer data, content data or traffic data, including electromagnetic emissions or signals from a computer system or network carrying or emitting such, to or from a computer, computer system or connected system or network; commits an offence and is liable on conviction to a fine of not more than ₦10,000,000.00 or imprisonment for a term of 5 years or to both (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

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

Committee Recommendation:

Clause 5: **Unauthorized modification of computer program or data.**

(1) Any person who directly or indirectly does an act without authority and with intent to causes an unauthorized modification of any program or data held in any computer system or network, commits an offence and is liable on conviction to a fine of not more than ₦15,000,000.00 or imprisonment for a term of 8 years or to both.

(2) Any person who damages, deletes, impairs, restricts or suppresses data within computer systems or networks, including data transfer from a computer system without authority or in excess of authority, commits an offence and is liable on conviction to a fine of not more than ₦15, 000,000.00 or imprisonment for a term of 8 years or to both.

(3) For the purpose of this section, a modification of any program or data held in any computer system or network concerned —

(*i*) any program or data held in it is altered or erased;

(*ii*) any program or data is added to or removed from any program or data held in it; or

(*iii*) any act which impairs the normal operation of any computer, computer system or network concerned or its reliability; and

(*iv*) access to any program or data held in a computer is hindered or prevented

(4) In this section —

(*a*) a reference to doing an act includes a reference to causing an act to be done;

(*b*) "act" includes a series of acts, and

(*c*) a reference to impairing, preventing or hindering something includes a reference to doing so temporarily (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

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

Committee Recommendation:

Clause 6: **System Interference.**

Any person, who intentionally and without authorization, intercepts the transmissions of non-public computer data, content data or traffic data, including electromagnetic emissions or signals from a computer system or network carrying or emitting such, to or from a computer, computer system or connected system or network; commits an offence and is liable on conviction to a fine of not more than ₦10,000,000.00 or imprisonment for a term of 5 years or to both (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

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

Committee Recommendation:

Clause 7: **Unauthorized modification of computer program or data.**

(1) Any person who directly or indirectly does an act without authority and with intent to cause an unauthorized modification of any program or data held in any computer system or network, commits an offence and is liable on conviction to a fine of not more than ₦15,000,000.00 or imprisonment for a term of 8 years or to both.

(2) Any person who damages, deletes, impairs, restrict or suppresses data within computer systems or networks, including data transfer from a computer system by any person without authority or in excess of authority, commits and offence and is liable on conviction to a fine of not more than ₦15,000,000.00 or imprisonment for a term of 8 years or to both.

(3) For the purpose of this section, a modification of any program or data held in any computer system or network takes place if, by the operation of any function of the computer, computer system or network concerned —

(*i*) any program or data held in it is altered or erased;

(*ii*) any program or data is added to or removed from any program or removed from any program or data held in it; or

(*iii*) any act which impairs the normal operation of any computer, computer system or network concerned or its reliability.

(*iv*) access to any program or data held in a computer is hindered or prevented.

(4) In this section —

(*a*) a reference to doing an act includes a reference to causing an act to be done;

(*b*) "act" includes a series of acts; and

(*c*) a reference to impairing, preventing or hindering something includes a reference to doing so temporarily (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

Amendment Proposed:

Leave out all the provisions of Clause 7 and renumber accordingly (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*) — *Agreed to*.

Committee Recommendation:

Clause 8: **System Interference.**

Any person who without authority or in excess of authority, intentionally does an act which causes directly or indirectly the serious hindering of the functioning of a computer system by imputing, transmitting, damaging, deleting, deteriorating, altering or suppressing computer data or any other form of interference in the computer system, which prevents the computer system or any part thereof, from functioning in accordance with its intended purpose, commits an offence and liable on conviction to a fine of not more than ₦15,000,000.00 or imprisonment for a term of 10 years or to both (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

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

Committee Recommendation:

Clause 9: **Misuse of devices.**

(1) Any person who unlawfully supplies, produces, adapts, manipulates, procures for use, imports, exports, distributes, offers for sale or otherwise makes available —

(*a*) any article, devices, including a computer program or a computer designed or adopted for the purpose of committing an offence under section 523, 524,525 or 526 of this Bill or assisting in the commission of an offence;

(*b*) a computer password, access code or similar data by which the whole or any part of a computer, computer system or network is capable of being accessed for the purpose of committing an offence under this Bill, or

(*c*) any software, device designed primarily to overcome security measures in any computer, computer system or network with the intent that the device be utilized for the purpose of violating any provision of this Bill, commits an offence and is liable on conviction to a fine or not more than ₦20,000,000.00

(*d*) in this section "article" includes any program or data held in electronic form.

(2) Any person who with intent to commit an offence under this Bill, has in his possession any device or program referred to in subsection 1 of this section, commits an offence and shall be liable on conviction to a fine of not more than ₦10,000,000.00 or imprisonment for a term of 5 years or to both.

(3) Any person who, knowingly and without authority, discloses any password, access code or any other means of gaining access to any program or data held in any computer or network for any unlawful purpose or gain, commits an offence and is liable on conviction to a fine or not more than ₦5,000,000.00 or imprisonment for a term of 2 years or to both.

(4) Where the offence under subsection (1) of this section results in substantial loss or damage, the offender is liable on conviction to a fine of not more than ₦25,000,000.00 or imprisonment for a term of 15 years or to both.

(5) Any person who with intent to commit any offence under this Bill uses any automated means or device or any computer program or software to retrieve, collect and store password, access code or any means of gaining access to any program, data or database held in any computer, commits an offence and is liable on conviction to a fine or not more than ₦10,000,000.00 or imprisonment for a term of 5 years or to both (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

Amendment Proposed:
In subclause (3), line 1, *leave out* the word "knowingly" (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

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

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

***Committee Recommendation*:**
Clause 10: Computer related forgery.
Any person who knowingly accesses any computer or network and inputs, alters, delete or suppresses any data resulting in inauthentic data with the intention that such authentic data be considered or acted upon as if it were authentic or genuine, whether or not such data is readable or intelligible, commit an offence and is liable on conviction to a fine of not more than ₦15,000,000.00 imprisonment for a term of 10 years or to both (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

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

***Committee Recommendation*:**
Clause 11: Computer related fraud.
(1) Any person who knowingly and without authority or in excess of authority causes any loss of property to another by altering erasing, imputing or suppressing an data held in any computer, whether or not for the purpose of conferring any economic benefits whether for himself or another person, commits an offence and is liable on conviction to a fine of not more than ₦25,000,000.00 or imprisonment for a term of 15 years or to both.

(2) Any person who with intent to defraud sends electronic message to a recipient, where such electronic message material misrepresents any fact or set of facts upon which reliance the recipient or another person is caused to suffer any damage or loss, commits an offence and is liable on conviction to a fine of not more than ₦25,000,000.00 or imprisonment for a term of 15 years or to both (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

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

***Committee Recommendation*:**

Clause 12: Identity theft and impersonation.

Any person who in the course of using a computer, computer system or network —

(*a*) knowingly obtains or possesses another person or entity's identity information with the intent to deceive or defraud, or

(*b*) fraudulently impersonates another entity person, living or dead, with intent to:

(*i*) gain advantage for himself or another person;

(*ii*) obtain any property or an interest in any property;

(*iii*) cause disadvantage to the entity or person being impersonated or another person;

(*iv*) avoid arrest or prosecution or to obstruct, pervert or defeat the course of justice, commits an offence and is liable on conviction to imprisonment for a term of 10 years or a fine of not more than ₦15,000,000.00 or to both (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

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

***Committee Recommendation*:**

Clause 13: Child pornography and related offences.

(1) Any person who intentionally uses any computer or network system in or for —

(*a*) producing child pornography for the purpose of its distribution;

(*b*) offering or making available child pornography;

(*c*) distributing or transmitting child pornography;

(*d*) procuring child pornography for oneself or for another person.

(*e*) possessing child pornography in a computer system or on a computer-data storage medium. Commits an offence under this Bill and is liable on conviction —

(*i*) in the case of paragraphs (*a*), (*b*) and (*c*) to a fine of not more than ₦20,000,000.00 or imprisonment for a term of `10 years or to both, and

(*ii*) in the case of paragraphs (*d*) and (*e*) of this subsection, to a fine of not more than ₦10,000,000.00 or imprisonment for a term of not more than 5 years or to both.

(2) For the purpose of subsection (1) above, the term "child pornography" shall include pornographic material that visually depicts —

(*a*) a child engaged in sexually explicit conduct;

(*b*) a person appearing to be a child engaged in sexually explicit conduct;

(*c*) realistic images representing a child engaged in sexually explicit conduct; and

(*d*) any form of recording or writing from which a visual image, including a computer generated image or cached on a computer as a result or an Internet browsing depicting explicit sexual activities involving a child.

(3) For the purpose of this section, the term "child" shall mean a person below 18 years of age (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

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

***Committee Recommendation*:**

Clause 14: Cyber squatting.

(1) Any person who, intentionally takes or makes use of a name, business name, trademark, domain name or other word or phrase registered, owned or in use by any individual, company or a Government, on the internet or any other computer network, without authority or right, or for the purpose of interfering with their use by the owner, registrant or legitimate prior user, commits and offence under this Bill and shall be liable on conviction to a fine of not more than ₦10,000,000.00 or imprisonment for a term of 5 years or to both.

(2) In awarding any penalty against an offender under this section, a court shall have regard to the following —

(*a*) a refusal by the offender to relinquish, upon formal request by the rightful owner of the name, business name, trademark, domain name, or other word or phrase registered, owned or in use by any individual, company or a Government; or

(*b*) an attempt by the offender to obtain compensation in any form for the release to the right full owner for use in the internet of the mane, business name, trademark, domain name or other word or phrase registered, owned or in use by the any individual, company or a Government.

(3) In addition to the penalty specified under this section, the court may make an order directing the offender to relinquish such registered name, mark, trademark, domain name, or other work or phrase to the rightful owner (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

Question that Clause 14 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 15: Computer related forgery.

Any person who knowingly accesses any computer or network and inputs, alters, delete or suppresses any data resulting in inauthentic data with the intention that such authentic data be considered or acted upon as if it were authentic or genuine, whether r not such data is readable or intelligible, commit an offence and is liable on conviction to a fine of not more than ₦15,000,000.00 imprisonment for a term of 10 years or to both (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

Question that Clause 15 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 16: Computer related fraud.

(1) Any person who knowingly and without authority or in excess of authority causes any loss of property to another by altering erasing, imputing or suppressing an data held in any computer, whether or not for the purpose of conferring any economic benefits whether for himself or another person, commits an offence and shall be liable on conviction to a fine of not more than ₦25,000,000.00 or imprisonment for a term of 15 years or to both.

(2) Any person who with intent to defraud sends electronic message to a recipient, where such electronic message material misrepresent any fact or set of facts upon which reliance the recipient or another person is caused to suffer any damage or loss, commits an offence and is liable on conviction to a fine of not more than ₦25,000,000.00 imprisonment for a term of 15 years or to both (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

Question that Clause 16 *stand part of the Bill, put and agreed to.*

Clause 17: **Identity theft and impersonation.**
Any person who in the course of using a computer, computer system or network —

(*a*) knowingly obtains or possesses another person or entity's identity information with the intent to deceive or defraud, or

(*b*) fraudulently impersonates another entity or person, living or dead, with intent to:

(*i*) gain advantage for himself or another person;

(*ii*) obtain any property or an interest in any property;

(*iii*) cause disadvantage to the entity or person being impersonated or another person;

(*iv*) avoid arrest or prosecution or to obstruct, pervert or defeat the course of justice, commits an offence and is liable on conviction to imprisonment for a term of 10 years or a fine of not more than ₦15,000,000.00 or to both.

***Committee Recommendation*:**
Leave out the provisions of Clause 17 (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*) — *Agreed to.*

Clause 18: **Child pornography and related offences.**
(1) Any person who intentionally uses any computer or network system in or for —

(*a*) producing child pornography for the purpose of its distribution;

(*b*) offering or making available child pornography;

(*c*) distributing or transmitting child pornography;

(*d*) procuring child pornography for oneself or for another person.

(*e*) possessing child pornography in a computer system or on a computer-data storage medium. Commits an offence under this Bill and shall be liable on conviction —

(*i*) in the case of paragraphs (*a*), (*b*) and (*c*) to a fine of not more than ₦20,000,000.00 imprisonment for a term of 10 years or to both, and

(*ii*) in the case of paragraphs (*d*) and (*e*) of this subsection, to a fine of not more than ₦10,000,000.00 or imprisonment for a term of not more than 5 years or to both.

(2) For the purpose of subsection (1) above, the term "child pornography" shall include pornographic material that visually depicts —

(*a*) a minor engaged in sexually explicit conduct;

(*b*) a person appearing to be a minor engaged in sexually explicit conduct;

(*c*) realistic images representing a minor engaged in sexually explicit conduct; and

(*d*) any form of recording or writing from which a visual image, including a computer generated image or cached on a computer as a result or an Internet browsing depicting explicit sexual activities involving a child.

(3) For the purpose of this section, the term "child" or "minor" shall include a person below 18 years of age.

***Committee Recommendation*:**
Leave out the provisions of Clause 18 (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*) — *Agreed to.*

Clause 19: Cyber squatting.

(1) Any person who, intentionally takes or makes use of a name, business name, trademark, domain name or other word or phrase registered, owned or in use by any individual, body corporate or belonging to either the Federal, State or Local Government in Northern Nigeria, on the internet or any other computer network, without authority or right, or for the purpose of interfering with their use by the owner, registrant or legitimate prior user, commits and offence under this Bill and shall be liable on conviction to a fin of not more than ₦10,000,000.00 imprisonment for a term of 5 years or to both.

(2) In awarding any penalty against an offender under this section, a court shall have regard to the following —

(*a*) a refusal by the offender to relinquish, upon formal request by the rightful owner of the name, business name, trademark, domain name, or other word or phrase registered, owned or in use by any individual, body corporate or belonging to either the Federal, State or Local Government in Nigeria; or

(*b*) an attempt by the offender to obtain compensation in any form for the release to the right full owner for use in the internet of the mane, business name, trademark, domain name or other word or phrase registered, owned or in use by the any individual, body corporate or belonging to either the Federal State or Local Government of Nigeria.

(3) In addition to the penalty specified under this section, the court may make an order directing the offender to relinquish such registered name, mark, trademark, domain name, or other work or phrase to the rightful owner..

***Committee Recommendation*:**
Leave out the provisions of Clause 19 (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*) — *Agreed to.*

Clause 20: Cyber terrorism.

(1) Any person that accesses or causes to be accessed any computer or computer system or network for purposes of terrorism, commits an offence and is liable on conviction to a fine of not more than ₦20,000,000.00 or imprisonment for a term of 10 years or to both.

(2) For the purposes of this section, terrorism means an act which is deliberately done with malice, aforethought and which:

(*a*) may seriously harm or damage a country or an international organization;

(*b*) is intended or can reasonably be regarded as having been intended to —

(*i*) unduly compel a government or international organization to perform or abstain from performing any act;

(*ii*) seriously intimidate a population;

(*iii*) seriously destabilize or destroy the fundamental political, constitutional, economic or social structures of a country or an international organization; or

(*iv*) otherwise influence such government or international organization by intimidation or coercion; and

(*c*) involves or causes, as the case may be —

(*i*) an attack upon a person's life which may cause serious bodily harm or death;

(*ii*) kidnapping of a person;

(*iii*) destruction to a Government or public facility, a transport system, an infrastructure facility, including an information system, a fixed platform located on the continental shelf, a public place or private property, likely to endanger human life or result in major economic loss;

(*iv*) the seizure of an aircraft, ship or other means of public or goods transport and diversion or the use of such means of transportation for any of the purposes in paragraph (*b*) (*iv*) of this subsection;

(*v*) the manufacture, possession, acquisition, transport, supply or use of weapons, explosives or of nuclear, biological or chemical weapons, as well as research into, and development of biological and chemical weapons without lawful authority;

(*vi*) the release of dangerous substance or causing of fire, explosions or floods , the effect of which is to endanger human life.

(*vii*) interference with or disruption of the supply of water, power or any other fundamental natural resource, the effect of which is to endanger human life;

(*d*) an act or omission in or outside Nigeria which constitutes an offence within the scope of a counter terrorism protocols and conventions duly ratified by Nigeria.

(3) An act which disrupts a service but is committed in pursuance of a protest. However, demonstration or stoppage of work is not a terrorist act within the meaning of this definition provided that the act is not intended to result in any harm referred to in subsection (2) (*b*) (*i*), (*ii*) or (*iv*) of this section (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

Question that Clause 20 *stand part of the Bill, put and agreed to.*

Clause 21: Racist and xenophobic offences.

(1) Any person who —

(*a*) distributes or otherwise makes available, racist and xenophobic materials to the public through a computer system or network; and

(*b*) threatens, through a computer system or network, with the commission of a criminal offence —

(*i*) persons for the reason that they belong to a group, distinguished by race, colour descent, national or ethnic origin, as well as religion, or if used as a pretext for any of these factors

(*ii*) a group of persons which is distinguished by any of these characteristics,

(*c*) insults publicly, through a computer system or network —

(*i*) persons for the reason that they belong to a group distinguished by race, colour descent, national or ethnic origin, as well as religion, if used as a pretext for any of these factors, or

(*ii*) a gro up of persons which is distinguished by any of these characteristics or;

(*d*) distributes or otherwise makes available, through a computer system to the public, material which denies, approves or justifies acts constituting genocide or crimes against humanity, as defined under the Rome Statutes of the International Criminal Court, 1998 commits an offence and shall be liable on conviction to a fine of not more than ₦10,000,000.00 or imprisonment for a term of 5 years or to both.

(2) For the purpose of subsection (1) above, the term —

"Crime against humanity include any of the following acts committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack -murder, extermination, enslavement, deportation or forcible transfer of population, imprisonment, torture, rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization or any other form of sexual violence of comparable gravity, persecution against an identifiable group on political racial, national, ethnic, cultural, religious or gender, enforced disappearance of persons, the crime of apartheid, other in humane acts of a similar character intentionally causing great suffering or serious bodily or mental injury".

"Genocide" means any of the following acts committed with intent to destroy in whole or in part, a national, ethnical, racial or religious group, as such killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births within the group; forcibly transferring children of the group to another group.

"racist and xenophobic material" means any written or printed material, any image or any other representation of ideas or theories, which advocates, promotes or incites hatred, discrimination or violence, against any individual or group of individuals, based on race, colour, descent or national or ethnic origin, as well as religion if used as a pretext of any of these factors (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

Question that Clause 21 *stand part of the Bill, put and agreed to.*

Clause 22: Records retention and protection of data by service providers.

(1) A service provider shall keep all traffic data and subscriber information as may be prescribed by the agency for the time being responsible for the regulation of communication services in Nigeria.

(2) A service provider shall, at the request of the agency referred to in subsection (1) of this section or any law enforcement agency:

(*a*) preserve, hold or retain any traffic data, subscriber information or related content, or

(*b*) release any information required to be kept under subsection (1) of this section.

(3) A Law enforcement agency may, through its authorized officer, request for release of any information in respect of subsection (2) (*b*) of this section and it shall be the duty of the service provider to comply;

(4) Any data retained, processed or retrieved by the service provider at the request of any law enforcement agency under this Bill shall not be utilized except for legitimate purposes as may be provided for under this Bill or any other legislation, regulation or by an order of a court of competent jurisdiction.

(5) Anyone exercising any function under this section shall have due regard to the individual right to privacy under the Constitution of the Federal Republic of Nigeria, 1999 and shall take appropriate measures to safeguard the confidentiality of the data retained, processed or retrieved for the purpose of law enforcement.

(6) Any person who contravenes the provisions of subsections (1)-(4) of this section commits an offence and is liable on conviction to a fine of not more than ₦5,000,000.00 or imprisonment for term of 2 years or to both (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

Amendment Proposed:
In subclause (3), line 1, *leave out* the words "through it's authorized officer" and *insert* the words "where authorized by a competent court of law" instead thereof (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

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

Question that Clause 22 as amended, stand part of the Bill, put and agreed to.

Clause 23: **Interception of electronic communication.**
Where there are reasonable grounds to suspect that the content of any electronic communication is reasonable required for the purposes of a criminal investigation or proceedings, a judge may on the basis of information on oath —

(*a*) order a service provider, through the application of technical means to collect, record, permit or assist competent authorities with the collection or recording of content data associated with specified communications transmitted by means of a computer system; or

(*b*) authorize a law enforcement officer to collect or record such data through application of technical means (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

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

Clause 24: **Failure of service provider to perform certain duties.**
(1) It shall be the duty of every service provider in Nigeria to comply with all the provisions of the Act and disclose any information requested by any law enforcement agency or otherwise render assistance however in any inquiry or proceeding under this Bill.

(2) Without prejudice to the generality of the foregoing, a service provider shall, on the request of any law enforcement agency in Nigeria or at its own initiatives, provide assistance towards —

(*a*) the identification, apprehension and prosecution of offender;

(*b*) the identification, tracking and tracing of proceeds of any property, equipment or device used in the commission of any offence;

(*c*) the freezing, removal, erasure or cancellation of the services of the offender which enables the offender to either commit the offence or hide or preserve the proceeds of any offence or any property, equipment or device used in the commission of the offence.

(3) Any service provider who contravenes the provisions of subsection (1) and (2) of this section, commits an offence and shall be liable on conviction to a fine of not more than ₦10,000,000.00

(4) In addition to the punishment prescribed under section (3) and subject to the provisions of section of this Bill, each director manager or officer of the service provider shall be liable on conviction to a fine of not more than ₦5,000,000.00 or imprisonment for a team of 2 years or to both (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

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

Clause 25: **Attempt, conspiracy, aiding and abetting.**
Any person who —

(*a*) attempts to commit any offence under this Bill,

(*b*) does any act preparatory to or in furtherance of the commission of an offence under this Bill; or

(*c*) abets, aids or conspires to commit any offence under this Bill, commits and offence and shall be liable on conviction to the punishment provided for such an offence under this Bill.

***Committee Recommendation*:**
Leave out the provisions of Clause 25 (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*) — *Agreed to.*

Clause 26: **Corporate Liability.**
Any body corporate that commits an offence under this Bill is liable on conviction to a fine of not more than ₦10,000,000.00 and any person who at the time of the commission of the offence was a chief executive officer, director, secretary, manager or other similar officer of the body corporate or was purporting to act in any such capacity is liable on conviction to imprisonment for term of 2 years or a fine or not more than ₦5,000,000.00 or to both:

Provided that nothing contained in this section shall render any person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

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

Clause 27: **Cyber stalking.**
A person commits an offence under this section —

(1) If he uses electronic mail or communication by means of words or language threatening to inflict bodily harm to any person or to that person's child, sibling, spouse, or dependant, or physical injury to the property of any person or for the purpose of extorting money or other things of value from any person;

(2) If uses electronic mail or communication to communicate to another repeatedly whether or not conversation ensures, for the purpose of abusing, annoying, threatening, terrifying , harassing or embarrassing any person;

(3) If knowingly permits an electronic communication device under the person's control to be used for any purpose prohibited by this section, Commits an offence and shall be liable on conviction to a fine of not more than ₦5,000,000.00 or imprisonment for a term of 3 years or to both (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

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

Clause 28: **Cyber harassment.**
A person commits an offence under this section —

(1) If he pursues a conduct which causes another to fear whether or not the accused know or ought to know that the course of conduct amount to harassment through a computer or computer network.

(2) If he communicates obscene, vulgar, profane, lewd, lascivious or indecent language, or make any suggestion or proposal of an obscene nature or threaten illegal or immoral act, commits an offence and shall be liable on conviction to a fine of not more than ₦2,000,000.00 or imprisonment for a term of 3 years or to both" (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

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

Clause 29: **Short Title.**
This Bill may be cited as the Criminal Code Act (Amendment) Bill, 2013 (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

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

Long Title:
A Bill for an Act to Amend the Criminal Code Act, Cap. C38 Laws of the Federation of Nigeria, 2004 in Order to Provide for Offences and Penalties Relating to Computer Misuse and Cybercrimes (*Hon. Ali Ahmad — Ilorin East/Ilorin 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 Committee on Justice on a Bill for an Act to Amend the Criminal Code Act, Cap. C38, 2004, in order to provide for offences and penalties relating to computer misuse and Cybercrimes and Other Matters Connected Therewith (HB. 391) and approved Clauses 1 - 2, approved Clause 3 as amended, approved Clauses 4 - 6, deleted Clause 7, approved Clause 8, approved Clause 9 as amended, approved Clauses 10 - 21, approved Clause 22 as amended, approved Clauses 23 - 29 and the Long Title.

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

(*ii*) ***Committee on Justice*:**
Motion made and Question proposed, "That this House do consider the Report of the Committee on Justice on a Bill for an Act to Amend the Penal Code (Northern States) Federal Provisions Act, Cap. P3 Laws of the Federation of Nigeria, 2004 in order to provide for offences and penalties relating to computer misuse and Cybercrime and Other Matters Connected Therewith (HB. 392) and approve the Recommendations therein" (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

Question put and agreed to.

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

(HOUSE IN COMMITTEE)

(*Mr Deputy Speaker in the Chair*)

A BILL FOR AN ACT TO AMEND THE PENAL CODE (NORTHERN STATES) FEDERAL PROVISIONS ACT, CAP. P3 LAWS OF THE FEDERATION OF NIGERIA, 2004 IN ORDER TO PROVIDE FOR OFFENCES AND PENALTIES RELATING TO COMPUTER MISUSE AND CYBERCRIMES

***Committee Recommendation*:**

Clause 1: **Amendment of Cap P3 LFN, 2004.**

The Penal Code (Northern State) Federal Provisions Act, Cap. P3 LFN, 2004 (herein after called "the Principal Act") is amended as set out below (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

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

***Committee Recommendation*:**

Clause 2: **Inset New Chapter XXXVIII.**

The Principal Act is amended by inserting a new Chapter XXXVIII as follows —

"CHAPTER XXXVIII: COMPUTER MISUSE AND CYBERCRIMES OFFENCES

Definition of Computer, etc.

Definitions.

In this Chapter —

"Computer" means any device for storing and processing information, and any reference to information being derived from other information is a reference to its being derived from it by calculation, comparison or any other process (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

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

"Access" means to approach, instruct, communicate with, store data in, retrieve or intercept data from, alter data or computer software in, or otherwise make use of any resource of a computer, computer network, computer program, or computer system (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

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

"Computer network" means the interconnection of two or more computers or computer systems by satellite, microwave, line, or other communication medium with the capability to transmit information among the computers (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

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

"Computer software" means a set of computer programs, procedures, and associated documentation related to the operation of a computer, computer system, or computer network (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

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

"Computer Virus" means an unwanted computer program or other set of instructions inserted into a computer's memory, operating system, or program that is specifically constructed with the ability to replicate itself or to affect the other programs or files in the computer by attaching a copy of the unwanted program or other set of instruction to one or more computer programs or files (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

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

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

***Committee Recommendation*:**

Clause 3: Unlawful access to a computer.

(1) Any person, who without authorization or in excess of authorization, accesses in whole or in part, a computer system or network, commits an offence and is liable on conviction to a fine of not more than ₦10,000,000.00 or imprisonment for a term of 5 years or to both.

(2) Where the offence provided in subsection (1) is committed with the intent of obtaining computer data, securing access to any program, commercial or industrial secrets or confidential information, the punishment shall be a fine of not more than ₦20,000,000.00 or imprisonment for a term of 10 years or to both.

(3) Any person who, commits an offence under this section, us in any device to avoid detection or otherwise prevent identification with the act or omission, to commit an "offence or facilitates the commission of such offence and is liable on conviction to a fine of not more than ₦20,000,000.00 or imprisonment for a term of 10 years or to both (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

Amendment Proposed:

In subclause (1), line 2, immediately after the word "network", *insert* the following words "which is not a public access" (*Hon. Frank Enekorogha — Burutu Federal Constituency*).

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

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

***Committee Recommendation*:**

Clause 4: Unlawful interception of communications.

Any person, who intentionally and without authorization, intercepts the transmission of non-public computer data, content data or traffic data, including electromagnetic emissions or signals from a computer system or network carrying or emitting such, to or from a computer, computer system or connected system or network; commits an offence and is liable on conviction to a fine of not more than ₦10,000,000.00 or imprisonment for a term of 5 years or to both (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

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

***Committee Recommendation*:**

Clause 5: Unauthorized modification of computer program or data.

(1) Any person who directly or indirectly does an act without authority and with intent to cause an unauthorized modification of any program or data held in any computer system or network, commits an offence and is liable on conviction to a fine of not more than ₦15,000,000.00 or imprisonment for a term of 8 years or to both.

(2) Any person who damages, deletes, impairs, restricts or suppresses data within computer systems or networks, including data transfer from a computer system by any person without authority or in excess of authority, commits and offence and is liable on conviction to a fine of not more than ₦15,000,000.00 or imprisonment for a term of 8 years or to both.

(3) For the purpose of this section, a modification of any program or data held in any computer system or network takes place if, by the operation of any function of the computer, computer system or network concerned —

(*i*) any program or data held in it is altered or erased;

(*ii*) any program or data is added to or removed from any program or removed from any program or data held in it; or

(*iii*) any act which impairs the normal operation of any computer, computer system or network concerned or its reliability.

(*iv*) access to any program or data held in a computer is hindered or prevented.

(4) In this section —

(*a*) a reference to doing an act includes a reference to causing an act to be done;

(*b*) "act" includes a series of acts; and

(*c*) a reference to impairing, preventing or hindering something includes a reference to doing so temporarily (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

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

***Committee Recommendation*:**

Clause 6: **System Interference.**

Any person who without authority or in excess of authority, intentionally does an act which causes directly or indirectly the serious hindering of the functioning of a computer system by imputing, transmitting, damaging, deleting, deteriorating, altering or suppressing computer data or any other form of interference in the computer system, which prevents the computer system or any part thereof, from functioning in accordance with its intended purpose, commits an offence and is liable on conviction to a fine of not more than ₦15,000,000.00 or imprisonment for a term of 10 years or to both (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

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

***Committee Recommendation*:**

Clause 7: **Abuse of devices.**

(1) Any person who unlawfully supplies, produces, adapts, manipulates, procures for use, imports, exports, distributes, offers for sale or otherwise makes available —

(*a*) any article, devices, including a computer program or a computer designed or adopted for the purpose of committing an offence under sections 479, 480, 481or 482 of this Bill or assisting in the commission of an offence;

(*b*) a computer password, access code or similar data by which the whole or any part of a computer, computer system or network is capable of being accessed for the purpose of committing an offence under this Bill, or

(*c*) any software, device designed primarily to overcome security measures in any computer, computer system or network with the intent that the device be utilized for the purpose of violating any provision of this Bill, commits an offence and is liable on conviction to a fine or n ot more than ₦20,000,000.00

(*d*) in this section "article" includes any program or data held in electronic form.

(2) Any person who with intent to commit an offence under this Bill, has in his possession any device or program referred to in subsection (1) of this section, commits an offence and is liable on conviction to a fine of note more than ₦10,000,000.00 or imprisonment for a term of 5 years or to both.

(3) Any person who, knowingly and without authority, discloses any password, access code or any other means of gaining access to any program or data held in any computer or network for any unlawful purpose or gain, commits an offence and is liable on conviction to a fine of not more than ₦7,000,000.00 or imprisonment for a term of 2 years or to both.

(4) Where the offence under subsection (1) of this section results in substantial loss or damage, the offender shall be liable to a fine of not more than ₦25,000,000.00 or imprisonment for a term of 15 years or to both.

(5) Any person who with intent to commit any offence under this Bill uses any automated means or device or any computer program or software to retrieve, collect and store password, access code or any means of gaining access to any program, data or database held in any computer, commits an offence and is liable on conviction to a fine or not more than ₦10,000,000.00 or imprisonment for a term of 5 years or to both (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

Amendment Proposed:
In subclause (3), line 1, *leave out* the word "knowingly" (*Hon. Ali Ahmad — Ilorin East/Ilorin South 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.

***Committee Recommendation*:**
Clause 8: Computer related forgery.
Any person who knowingly accesses any computer or network and inputs, alters, deletes or suppresses any data resulting in inauthentic data with the intention that such authentic data be considered or acted upon as if it were authentic or genuine, whether or not such data is readable or intelligible, commits an offence and is liable on conviction to a fine of not more than ₦15,000,000.00 or imprisonment for a term of 10 years or to both (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

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

***Committee Recommendation*:**
Clause 9: Computer related fraud.
(1) Any person who knowingly and without authority or in excess of authority causes any loss of property to another by altering erasing, imputing or suppressing any data held in any computer, whether or not for the purpose of conferring any economic benefits whether for himself or another person, commits an offence and is liable on conviction to a fine of not more than ₦25,000,000.00 or imprisonment for a term of 15 years or to both.

(2) Any person who with intent to defraud sends electronic message to a recipient, where such electronic message material misrepresent any fact or set of facts, upon which reliance, the recipient or another person is caused to suffer any damage or loss, commits an offence and is liable on conviction to a fine of not more than ₦25,000,000.00 imprisonment for a term of 15 years or to both (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

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

***Committee Recommendation*:**
Clause 10: Identity theft and impersonation.
Any person who in the course of using a computer, computer system or network —

(*a*) knowingly obtains or possesses another person or corporate body's identity information with the intent to deceive or defraud, or

(*b*) fraudulently impersonates another corporate body or person, living or dead, with intent to:

(*i*) gain advantage for himself or another person;

(*ii*) obtain any property or an interest in any property;

(*iii*) cause disadvantage to the corporate body or person being impersonated or another person;

(*iv*) avoid arrest or prosecution or to obstruct, pervert or defeat the course of justice, commits an offence and is liable on conviction to imprisonment for a term of 10 years or a fine of not more than ₦15,000,000.00 or to both (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

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

***Committee Recommendation*:**

Clause 11: Child pornography and related offences.

(1) Any person who intentionally uses any computer or network system in or for —

(*a*) producing child pornography for the purpose of its distribution;

(*b*) offering or making available child pornography;

(*c*) distributing or transmitting child pornography;

(*d*) procuring child pornography for oneself or for another person.

(*e*) possessing child pornography in a computer system or on a computer-data storage medium, commits an offence under this Bill and is liable on conviction —

(*i*) in the case of paragraphs (*a*), (*b*) and (*c*) to a fine of not more than ₦20,000,000.00 or imprisonment for a term of 10 years or to both, and

(*ii*) in the case of paragraphs (*d*) and (*e*) of this subsection, to a fine of not more than ₦10,000,000.00 or imprisonment for a term of not more than 5 years or to both.

(2) For the purpose of subsection (1) above, the term "child pornography" shall include pornographic material that visually depicts —

(*a*) a child engaged in sexually explicit conduct;

(*b*) a person appearing to be a child engaged in sexually explicit conduct;

(*c*) realistic images representing a child engaged in sexually explicit conduct; and

(*d*) any form of recording or writing from which a visual image, including a computer generated image or cached on a computer as a result or an Internet browsing depicting explicit sexual activities involving a child (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

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

***Committee Recommendation*:**

Clause 12: Cyber squatting.

(1) Any person who, intentionally takes or makes use of a name, business name, trademark, domain name, logo or other word or phrase registered, owned or in use by any individual, body corporate or belonging to a government, on the internet "or any other computer network, without authority or right, or for the purpose of interfering with their use by the owner, registrant or legitimate user, commits an d offence under this Bill and is liable on conviction to a fine of not more than ₦10,000,000.00 or imprisonment for a term of 5 years or to both.

(2) In awarding any penalty against an offender under this section, a court shall have regard to the following-

(*a*) a refusal by the offender to relinquish, upon formal request by the rightful owner of the name, business name, trademark, domain name, or other word or phrase registered, owned or in use by any individual, body corporate or belonging to a government; or

(*b*) an attempt by the offender to obtain compensation in any form for the release to the right full owner for use in the internet of the name, business name, trademark, domain name or other word or phrase registered, owned or in use by the any individual, body corporate or belonging to a government.

(3) In addition to the penalty specified under this section, the court may make an order directing the offender to relinquish such registered name, business name, trademark, domain name, logo or other word or phrase to the rightful owner (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

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

***Committee Recommendation*:**

Clause 13: Cyber terrorism.

(1) Any person that accesses or causes to be accessed any computer or computer system or network for purposes of terrorism, commits an offence and is liable on conviction to a fine of not more than ₦20,000,000.00 or imprisonment for a term of 10 years or to both.

(2) For the purposes of this section," terrorism" means an act which is deliberately done with malice, aforethought and which:

(*a*) may seriously harm or damage a country or an international organization;

(*b*) is intended or can reasonably be regarded as having been intended to -

(*i*) unduly compel a government or international organization to perform or abstain from performing any act;

(*ii*) seriously intimidate a population;

(*iii*) seriously destabilize or destroy the fundamental political, constitutional, economic or social structures of a country or an international organization; or

(*iv*) otherwise influence such government or international organization by intimidation or coercion; and

(*c*) involves or causes, as the case may be —

(*i*) an attack upon a person's life which may cause serious bodily harm or death;

(*ii*) kidnapping of a person;

(*iii*) destruction to a Government or public facility, a transport system, an infrastructure facility, including an information system, a fixed platform located on the continental shelf, a public place or private property, likely to endanger human life or result in major economic loss;

(*iv*) the seizure of an aircraft, ship or other means of public or goods transport and diversion or the use of such means of transportation for any of the purposes in paragraph (*b*) (*iv*) of this subsection;

(*v*) the manufacture, possession, acquisition, transport, supply or use of weapons, explosives or of nuclear, biological or chemical weapons, as well as research into, and development of biological and chemical weapons without lawful authority;

(*vi*) the release of dangerous substance or causing of fire, explosions or floods, the effect of which is to endanger human life.

(*vii*) interference with or disruption of the supply of water, power or any other fundamental natural resource, the effect of which is to endanger human life;

(*d*) an act or omission in or outside Nigeria which constitutes an offence within the scope of a counter terrorism protocols and conventions duly ratified by Nigeria.

(3) An act which disrupts a service but is committed in pursuance of a protest. However, demonstration or stoppage of work is not a terrorist act within the meaning of this definition provided that the act is not intended to result in any harm referred to in subsection (2) (*b*) (*i*), (*ii*) or (*iv*) of this section (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

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

***Committee Recommendation*:**

Clause 14: Racist and xenophobic offences.

(1) Any person who —

(*a*) distributes or otherwise makes available, racist and xenophobic materials to the public through a computer system or network; and

(*b*) threatens person or group of persons through a computer system or network, with commission of a criminal offence for the reason that they belong to a group, distinguished by race, colour, descent, national , ethnic origin as well as religion.

(*c*) insults publicly person or group of person for the reason that they belong to a group, distinguished by race, colour, descent, national as well as religion through a computer system or network; and

(*d*) distributes or otherwise makes available, through a computer system to the public, material which denies, approves or justifies acts constituting genocide or crimes against humanity, as defined under the Rome Statutes of the International Criminal Court, 1998. commits an offence and is liable on conviction to a fine of not more than ₦10,000,000.00 or imprisonment for a term of 5 years or to both.

(2) For the purpose of subsection (1) above, the term —

"Crime against humanity" include any of the following acts committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack — murder, extermination, enslavement, deportation or forcible transfer of population, imprisonment, torture, rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization or any other form of sexual violence of comparable gravity, persecution against an identifiable group on political racial, national, ethnic, cultural, religious or gender, enforced disappearance of persons, the crime of apartheid, other in humane acts of a similar character intentionally causing great suffering or serious bodily or mental injury".

"Genocide" means any of the following acts committed with intent to destroy in whole or in part, a national, ethnical, racial or religious group, as such killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births within the group; forcibly transferring children of the group to another group.

"racist and xenophobic material" means any written or printed material, any image or any other representation of ideas or theories, which advocates promotes or incites hatred, discrimination or violence, against any individual or group of individuals, based on race, colour, descent or national or ethnic origin, as well as religion if used as a pretext of any of these factors (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

Question that Clause 14 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 15: Records retention and protection of data by service providers.

(1) A service provider shall keep all traffic data and subscriber information as may be prescribed by the agency for the time being responsible for the regulation of communication services in Nigeria.

(2) A service provider shall, at the request of the agency referred to in subsection (1) of this section or any law enforcement agency:

(*a*) preserve, hold or retain any traffic data, subscriber information or related content, or

(*b*) release any information required to be kept under subsection (1) of this section.

(3) A Law enforcement agency may, through its authorized officer, request for release of any information in respect of subsection (2) (*b*) of this section and it shall be the duty of the service provider to comply;

(4) Any data retained, processed or retrieved by the service provider at the request of any law enforcement agency under this Bill shall not be utilized except for legitimate purposes as may be provided for under this Bill, any other legislation, regulation or by an order of a court of competent jurisdiction.

(5) Anyone exercising any function under this section shall have due regard to the individual right to privacy under the Constitution of the Federal Republic of Nigeria, 1999 and shall take appropriate measures to safeguard the confidentiality of the data retained, processed or retrieved for the purpose of law enforcement.

(6) Any person who contravenes the provisions of subsections (1) - (4) of this section commits an offence and is liable on conviction to a fine of not more than ₦5,000,000.00 or imprisonment for term of 2 years or to both (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

Amendment Proposed:

In subclause (3), line 1, *leave out* the words "through its authorized officer" (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

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

Question that Clause 15 *stand part of the Bill, put and agreed to.*

Committee Recommendation:

Clause 16: Interception of electronic communication.

Where there are reasonable grounds to suspect that the content of any electronic communication is reasonable required for the purposes of a criminal investigation or proceedings, a judge may on the basis of information on oath —

(*a*) order a service provider, through the application of technical means to collect, record, permit or assist competent authorities with the collection or recording of content data associated with specified communications transmitted by means of a computer system; or

(*b*) authorize a law enforcement officer to collect or record such data through application of technical means (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

Question that Clause 16 *stand part of the Bill, put and agreed to.*

Committee Recommendation:

Clause 17: Failure of service provider to perform certain duties.

(1) It shall be the duty of every service provider in Nigeria to comply with all the provisions of the Act and disclose any information requested by any law enforcement agency or otherwise render assistance however in any inquiry or proceeding under this Bill.

(2) Without prejudice to the generality of the foregoing, a service provider shall, at the request of any law enforcement agency in Nigeria, provide assistance towards —

(*a*) the identification, apprehension and prosecution of offender;

(*b*) the identification, tracking and tracing of proceeds of any property, equipment or device used in the commission of any offence;

(*c*) the freezing, removal, erasure or cancellation of the services of the offender which enables the offender to either commit the offence or hide or preserve the proceeds of any offence or any property, equipment or device used in the commission of the offence.

(3) Any service provide who contravenes the provisions of subsection (1) and (2) of this section, commits an offence and is liable on conviction to a fine of not more than ₦10,000,000.00

(4) In addition to the punishment prescribed under section (3) and subject to the provisions of section 495 of this Bill, the director manager or officer of the service provider shall be liable on conviction to a fine of not more than ₦5,000,000.00 or imprisonment for a team of 2 years or to both (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

Question that Clause 17 *stand part of the Bill, put and agreed to.*

Committee Recommendation:

Clause 18: Corporate Liability.

(1) A body corporate that commits an offence under this Bill is liable on conviction to fine of not more than ₦10,000,00.00 and

(2) Any person who at the time of the commission of the offence was a chief executive officer, director, secretary, manager or other similar officer of the body corporate or was purporting to act in any such capacity is liable on conviction to imprisonment for term of 2 years or a fine or not more than ₦5,000,000.00 or to both:

Provided that nothing contained in this section shall render any person liable to any punishment unless it is proven that the offence was committed with his knowledge or that he did not exercise all due diligence to prevent the commission of such offence (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

Question that Clause 18 *stand part of the Bill, put and agreed to.*

Clause 19: **Attempt, conspiracy, aiding and abetting.**
Any person who —

(*a*) attempts to commit any offence under this Bill,

(*b*) does any act preparatory to or in furtherance of the commission of an offence under this Bill; or

(*c*) abets, aids or conspires to commit any offence under this Bill, commits and offence and shall be liable on conviction to the punishment provided for such an offence under this Bill.

***Committee Recommendation*:**
Leave out the provisions of Clause 19 (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*) — *Agreed to.*

***Committee Recommendation*:**
Clause 20: **Cyber stalking.**
A person commits an offence under this section —

(1) If he uses electronic mail or communication by means of spoken or written words or language threatening to inflict bodily harm to any person or to that person's spouse, dependant, or any immediate family member who is under 18 years of age or physical injury to the property of any person or for the purpose of extorting money or other things of value from any person;

(2) If uses electronic mail or communication to communicate to another repeatedly whether or not conversation ensures, for the purpose of abusing, annoying, threatening, terrifying , harassing or embarrassing any person;

(3) If knowingly permits an electronic communication device under the person's control to be used for any purpose prohibited by this section, Commits an offence and is liable on conviction to a fine of not more than ₦5,000,000.00 or imprisonment for a term of 3 years or to both (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

Question that Clause 20 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**
Clause 21: **Cyber harassment.**
A person commits an offence under this section —

(1) If he pursues a conduct which causes another to fear, whether or not the accused know or ought to know that the course of conduct amount to harassment through a computer or computer network.

(2) If he communicates obscene, vulgar, profane, lewd, lascivious or indecent language, or make any suggestion or proposal of an obscene nature or threaten illegal or immoral act, commits an offence and is liable on conviction to a fine of not more than ₦2,000,000.00 or imprisonment for a term of 3 years or to both (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

Question that Clause 21 *stand part of the Bill, put and agreed to.*

Committee Recommendation:
Clause 22: **Short Title.**
This Bill may be cited as the Penal Code Act (Amendment) Bill, 2013 (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

Question that Clause 22 *stand part of the Bill, put and agreed to.*

Long Title:
A Bill for an Act to amend the Penal Code (Northern States) Federal Provisions Act, Cap. P3 Laws of the Federation of Nigeria, 2004 in Order to Provide for Offences and Penalties Relating to Computer Misuse and Cybercrimes (*Hon. Ali Ahmad — Ilorin East/Ilorin 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 Committee on Justice on a Bill for an Act to Amend the Penal Code (Northern States) Federal Provisions Act, Cap. P3 Laws of the Federation of Nigeria, 2004 in order to provide for offences and penalties relating to computer misuse and Cybercrime and Other Matters Connected Therewith (HB. 392) and approved Clauses 1 - 2, approved Clause 3 as amended, approved Clauses 4 - 6, approved Clause 7 as amended, approved Clauses 8 - 14, approved Clause 15 as amended, approved Clauses 16 - 22 and the Long Title.

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

(iii) ***Committees on Privatization and Commercialization, Finance, Communications, Public Procurement and Information Technology*:**
Motion made and Question proposed, "That this House do consider the Report of the Committees on Privatization and Commercialization, Finance, Communications, Public Procurement and Information Technology on the Need to stop planned Liquidation of Nigeria Telecommunications Limited (NITEL) and Mobile Telecommunications Limited (M-TEL) and approve the Recommendations therein" (*Hon. Uzoma Nkem-Abonta — Ukwa East/Ukwa West Federal Constituency*).

Question put and agreed to.

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

(HOUSE IN COMMITTEE)

(*Mr Deputy Speaker in the Chair*)

***Recommendation (i)*:**
"That the National Council on Privatization (NCP) should immediately direct the Bureau for Public Enterprise (BPE) to stop the on-going process of liquidation of Nigeria Telecommunications Limited (NITEL) and Mobile Telecommunications Limited (M-TEL)under the circumstances" (*Hon. Uzoma Nkem-Abonta — Ukwa East/Ukwa West Federal Constituency*).

Question put and agreed to.

***Recommendation (ii)*:**
"That the National Council on Privatization (NCP) direct Nigeria Telecommunications Limited (NITEL) and Mobile Telecommunications Limited (M-TEL) to commence the process of conducting technical and financial audit of the two companies as approved by the Board" (*Hon. Uzoma Nkem-Abonta — Ukwa East/Ukwa West Federal Constituency*).

Question put and agreed to.

Recommendation (iii):
"That the National Council on Privatization (NCP) should direct their records office to eliminate the existing over ₦170 billion variance under the supervision of the office of the Auditor General of the Federation" (*Hon. Uzoma Nkem-Abonta — Ukwa East/Ukwa West Federal Constituency*).

Question put and agreed to.

Recommendation (iv):
"That the National Council on Privatization (NCP) should direct the Bureau for Public Enterprise (BPE) to comply with Federal High Court judgments in favour of the 3000 ex-staff of Nigeria Telecommunications Limited (NITEL) and Mobile Telecommunications Limited (M-TEL) treated as casuals and the other one in favour of Nigeria Telecommunications Limited (NITEL) and Mobile Telecommunications Limited (M-TEL) pensioners" (*Hon. Uzoma Nkem-Abonta — Ukwa East/Ukwa West Federal Constituency*).

Question put and agreed to.

Recommendation (v):
"That the National Council on Privatization (NCP) should consider the proposal for revamping the companies while Privatization process is as submitted by the ex-staff, consultants and others as an alternative to outright liquidation of Nigeria Telecommunications Limited (NITEL) and Mobile Telecommunications Limited (M-TEL)" (*Hon. Uzoma Nkem-Abonta — Ukwa East/Ukwa West Federal Constituency*).

Question put and agreed to.

Recommendation (vi):
"That the National Council on Privatization (NCP) should consider Public Private Partnership (PPP) as a privatization strategy of the companies and maintain the National Carrier status for security reasons" (*Hon. Uzoma Nkem-Abonta — Ukwa East/Ukwa West Federal Constituency*).

Question put and agreed to.

Recommendation (vii):
"That the Federal Government should direct Ministry of Finance to comply with the agreement between Nigeria Telecommunications Limited (NITEL) and the Ministries Departments and Agencies (MDAs) to deduct from source the reconciled ₦6.2 billion and remit to Nigeria Telecommunications Limited (NITEL) for immediate settlement of outstanding staff salary arrears/other fringe benefits and resuscitation of the company" (*Hon. Uzoma Nkem-Abonta — Ukwa East/Ukwa West Federal Constituency*).

Question put and agreed to.

Recommendation (viii):
"That the Federal Government should plead with the State Governors to reconcile the ₦4billion NITEL debt and pay accordingly" (*Hon. Uzoma Nkem-Abonta — Ukwa East/Ukwa West Federal Constituency*).

Question put and agreed to.

Recommendation (ix):
"That the Federal Government should direct Nigerian Communications Commission (NCC) and Nigeria Telecommunications Limited (NITEL) Management to determine the fees due to the new regime from sing le to double tandem that was unfair to Nigeria Telecommunications Limited (NITEL)" (*Hon. Uzoma Nkem-Abonta — Ukwa East/Ukwa West Federal Constituency*).

Question put and agreed to.

Recommendation (x):
"That the Federal Government should direct Nigerian Communications Commission (NCC) to include the present management of Nigeria Telecommunications Limited (NITEL) and Mobile Telecommunications Limited (M-TEL) in the National Broadband Implementation Roadmap" (*Hon. Uzoma Nkem-Abonta — Ukwa East/Ukwa West Federal Constituency*).

Question put and agreed to.

***Recommendation (xi)*:**
"That the National Council on Privatization (NCP) should direct Bureau for Public Enterprise (BPE) and present management of NITEL/M-TEL to include the M-TEL Creditors Forum among those to be paid" (*Hon. Uzoma Nkem-Abonta — Ukwa East/Ukwa West Federal Constituency*).

Question put and agreed to.

***Recommendation (xii)*:**
"Reverse the sales of NECOM House a core asset sold as a non-core asset as it is critical to Nigeria Telecommunications Limited (NITEL) and Mobile Telecommunications Limited (M-TEL) operations" (*Hon. Uzoma Nkem-Abonta — Ukwa East/Ukwa West Federal Constituency*).

Question put and agreed to.

***Recommendation (xiii)*:**
"National Council on Privatization (NCP) to recommend to Federal Government to include Nigeria Telecommunications Limited (NITEL) and Mobile Telecommunications Limited (M-TEL) in Central Bank of Nigeria (CBN) bailout intervention fund with a total sum equivalent to $1 billion USD to be refunded with interest over a period of five (5) years" (*Hon. Uzoma Nkem-Abonta — Ukwa East/Ukwa West Federal Constituency*).

Question put and agreed to.

Chairman to report Proceedings.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in Committee of the Whole House do consider the Report of the Committees on Privatization and Commercialization, Finance, Communications, Public Procurement and Information Technology on the Need to stop planned Liquidation of Nigeria Telecommunications Limited (NITEL) and Mobile Telecommunications Limited (MTEL) and approved Recommendations (*i*) - (*xiii*).

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

13. Adjournment:
That the House do adjourn till Tuesday, 22 *October*, 2013 *at* 11.00 *a.m.* (*Hon. Mulikat Akande-Adeola — House Leader*).

The House adjourned accordingly at 2.38 *p.m.*

Aminu Waziri Tambuwal
Speaker