HOUSE OF REPRESENTATIVES

FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Thursday, 30 January, 2014

1. The House met at 11.22 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, 29 January, 2014.

By unanimous consent, the Votes and Proceedings was adopted.

3. **Announcement:**
(*i*) ***Visitors in the Gallery*:**
Mr Speaker recognized the presence of the following:

(*a*) Ms Mary Johnson, a Deputy Political Counselor, United States of America Embassy, Abuja;

(*b*) Staff and Students of La-Vogue International Schools, Kurudu, Abuja.

(*ii*) ***Change of Political Party*:**
Mr Speaker read a communication from Hon. Davematics David Ombugadu Emmanuel (*Akwanga/Wamba/Nasarawa Eggon Federal Constituency*), announcing his defection from the former Congress for Progressive Change (CPC) to the Peoples Democratic Party (PDP), as a result of the dissolution and merger of CPC with All Progressives Congress (APC).

(*iii*) ***Bereavement*:**
Mr Speaker read a communication from Hon. Hassan Saleh (*Ado/Ogbadibo/Okpokwu Federal Constituency*), announcing the demise of his father, late Chief Saleh Ankwa Oyihoma on Wednesday, 29 January, 2014.

A minute silence was observed in honour of the deceased.

4. **Privilege:**
Citing Order VI, Rule 22, Hon. Kamil Akinlabi (*Afijio/Atiba East/Oyo West Federal Constituency*) drew the attention of the House to a publication in the Vanguard newspaper of Thursday, 30 January, 2014 in which the Deputy House Leader, Hon. Leo Ogor was quoted as describing Members of the All Progressives Congress (APC) in the House as jesters. He noted that the reported remark was uncomplimentary and viewed it as a breach of his privilege and indeed that of the entire Members of the APC in the House.

The Deputy House Leader, Hon. Leo Ogor admitted that he granted a press interview on the widely reported directive from the APC to its Members in the House to impede the passage of the capital components of the 2014 Appropriations Bill. He further admitted that in the course of the press interview, he stated that it would amount to a joke on the part of the APC Members to isolate the recurrent components from the capital components of

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the budget in view of the national importance of the budget as an indivisible instrument for the management of the nation's economy. He categorically denied referring to APC Members as jesters.

The House noted the explanation of the Deputy House Leader.

5. **Consideration of Report:**
***Special Ad-hoc Committee on the Review of the Constitution*:**
Motion made and Question proposed, "That this House do consider the Report of the Special *Ad-hoc* Committee on the Review of the Constitution on a Consolidated Bill for an Act to Further Alter the Provisions of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) and for Other Matters Connected Therewith and approve the Recommendations therein" (*Hon. Chukwuemeka Nkem Ihedioha — Aboh Mbaise/Ngor Okpala 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.

Question that the House do suspend Order VII, Rule 25 (2) *to enable the Speaker Chair the Committee of the Whole, put and agreed to.*

(HOUSE IN COMMITTEE)

(*Mr Speaker in the Chair*)

A BILL FOR AN ACT TO FURTHER ALTER THE PROVISIONS OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999 (AS AMENDED) AND FOR OTHER MATTERS CONNECTED THEREWITH

Alteration of Section 4.
***Committee Recommendation*:**
Section 4 of the Principal Act is altered by inserting immediately after subsection "(7)" a new subsection "(7A)":

(7A) In the course of exercising the foregoing legislative powers, no civil or criminal proceedings shall be instituted against a member of a legislative House in respect of words spoken or written before the House or a Committee thereof (*Hon. Chukwuemeka Nkem Ihedioha — Aboh Mbaise/Ngor Okpala Federal Constituency*).

Question put:

Attendance Registered: 302

Voting:

Ayes	**—**	**301**
Nays	**—**	**0**
Abstain	**—**	**0**
Total	**—**	**301**

Agreed to.

Alteration of Section 67.
***Committee Recommendation*:**
(1) The President shall attend a joint meeting of the National Assembly once every year to deliver an address on any issue(s) in respect of the state of the Nation in a manner prescribed by the National Assembly (*Hon. Chukwuemeka Nkem Ihedioha — Aboh Mbaise/Ngor Okpala Federal Constituency*).

Question put:

Attendance Registered: 302

Voting:

Ayes	—	**293**
Nays	—	**7**
Abstain	—	**0**
Total	—	**300**

Agreed to.

Alteration of Section 68.
***Committee Recommendation*:**
Tenure of Seat of Members:

(1) A member of the Senate or of the House of Representatives shall vacate his seat in the House of which he is a member if —

(*e*) save as otherwise prescribed by this Constitution, he becomes a member of a Commission or other body established by this Constitution or by any other law, except by virtue of office (*Hon. Chukwuemeka Nkem Ihedioha — Aboh Mbaise/Ngor Okpala Federal Constituency*).

Question put:

Attendance Registered: 302

Voting:

Ayes	—	**286**
Nays	—	**5**
Abstain	—	**3**
Total	—	**294**

Agreed to.

Alteration of Section 81:
***Committee Recommendation*:**

6. (3) The amount standing to the credit of the —

(*f*) National Security Agencies (*Hon. Chukwuemeka Nkem Ihedioha — Aboh Mbaise/Ngor Okpala Federal Constituency*).

Question put:

Attendance Registered: 303

Voting:

Ayes	—	**296**
Nays	—	**5**
Abstain	—	**1**
Total	—	**302**

Agreed to.

(*g*) **Nigeria Police:**
***Committee Recommendation*:**
In the Consolidated Revenue Fund of the Federation shall be paid directly to the said bodies respectively; in the case of the Judiciary, such amount shall be paid to the National Judicial Council for disbursement to the heads of the courts established for the Federation and the States under section 6 of the Constitution (*Hon. Chukwuemeka Nkem Ihedioha — Aboh Mbaise/Ngor Okpala Federal Constituency*).

Question put:

Attendance Registered: 303

Voting:

Ayes	**—**	**282**
Nays	**—**	**16**
Abstain	**—**	**0**
Total	**—**	**298**

Agreed to.

Alteration of Section 89:
***Committee Recommendation*:**
Powers as to matters of evidence.
(1) (*e*) The National Assembly may by law further prescribe civil and/or criminal sanctions for any failure, refusal or neglect to obey the summons issued by a legislative House or a Committee thereof (*Hon. Chukwuemeka Nkem Ihedioha — Aboh Mbaise/Ngor Okpala Federal Constituency*).

Question put:

Attendance Registered: 304

Voting:

Ayes	**—**	**299**
Nays	**—**	**1**
Abstain	**—**	**0**
Total	**—**	**300**

Agreed to.

(2) A summons or warrant issued under this section may be served or executed by any member of the Nigeria Police or Sergeant-at-Arms of a Legislative House or by any person authorized in that behalf by the President of the Senate or the Speaker of the House of Representatives, as the case may require (*Hon. Chukwuemeka Nkem Ihedioha — Aboh Mbaise/Ngor Okpala Federal Constituency*).

Question put:

Attendance Registered: 306

Voting:

Ayes	**—**	**297**
Nays	**—**	**1**

Abstain — 1

Total — 299

Agreed to.

Alteration of Section 109.
***Committee Recommendation*:**
Tenure of Seat of Members:
(1) A member of House of Assembly shall vacate his seat in the House if —

(*e*) save as otherwise prescribed by this Constitution, he becomes a member of a Commission or other body established by this Constitution or by any other law, except by virtue of office (*Hon. Chukwuemeka Nkem Ihedioha — Aboh Mbaise/Ngor Okpala Federal Constituency*).

Question put:

Attendance Registered: 305

Voting:

Ayes — 296

Nays — 3

Abstain — 2

Total — 301

Agreed to.

Alteration of Section 129.
***Committee Recommendation*:**
(1) (*e*) The House of Assembly of a State may by law further prescribe civil and/or criminal sanctions for any failure, refusal or neglect to obey the summons issued by the legislative House or a Committee thereof (*Hon. Chukwuemeka Nkem Ihedioha — Aboh Mbaise/Ngor Okpala Federal Constituency*).

Question put:

Attendance Registered: 305

Voting:

Ayes — 304

Nays — 0

Abstain — 0

Total — 304

Agreed to.

(2) A summons or warrant issued under this section may be served or executed by any member of the Nigeria Police or Sergeant-at-Arms of a Legislative House or by any person authorized in that behalf by the Speaker of the House of Assembly of a State (*Hon. Chukwuemeka Nkem Ihedioha — Aboh Mbaise/Ngor Okpala Federal Constituency*).

Question put:

Attendance Registered: 305

Voting:

Ayes	—	**300**
Nays	—	**1**
Abstain	—	**1**
Total	—	**302**

Agreed to.

Alteration of section 143.
***Committee Recommendation*:**

(1) The President or Vice-President shall be removed from Office on allegations of gross misconduct in accordance with the provisions of this section.

(2) Whenever a notice of any allegation in writing signed by not less than one-third of the members of the House of Representatives —

(*a*) is presented to the Speaker of the House of Representatives; and

(*b*) stating that the holder of the Office of President or Vice-President is guilty of gross misconduct in the performance of the functions of his Office, detailed particulars of which shall be specified, the Speaker of the House of Representatives shall, within seven days of the receipt of the notice, cause a copy thereof to be served on the holder of the Office and on each member of the House of Representatives, and shall also cause any statement made in reply to the allegation by the holder of the Office to be served on each member of the House of Representatives.

(3) Within fourteen days of the presentation of the notice to the Speaker of the House of Representatives (whether or not any statement was made by the holder of the Office in reply to the allegation contained in the notice) the House of Representatives shall resolve by motion without any debate whether or not the allegation shall be investigated.

(4) The House of Representatives shall consider and vote on each allegation of gross misconduct in accordance with the rules and procedure of the House of Representatives.

(5) If any allegation of gross misconduct so considered by the House of Representatives is approved or passed by a simple majority of all members, being present and voting, the President or Vice-President shall stand impeached.

(6) Upon the impeachment of the holder of the Office by the House of Representatives, the Speaker shall, within seven days, transmit the Resolution of the House to the Senate for a trial of the impeached Office holder.

(7) The President of the Senate shall cause to be served on the impeached Office holder a notice of the Resolution of the House of Representatives and he shall have the right to defend himself in person or be represented before the Senate by a legal practitioner of his choice.

(8) The Senate shall, within seven days after the trial, consider, in a closed session, the proceedings of the trial and vote in plenary to reach the verdict.

(9) Where the verdict of the trial by the Senate results in a conviction on any of the charges in the Resolution of the House of Representatives served on him by the Senate by two-thirds of all the Senators, the holder of the Office shall stand removed

(10) Notwithstanding the removal of the Office holder from Office under subsection (9) of this section, the Senate may, by simple majority, vote to prohibit the person so removed from holding any position of trust or public office in the future.

(11) No proceedings or determination of the National Assembly or any matter relating thereto shall be entertained or questioned in any court.

(12) In this section –

(*a*) "gross misconduct" means a grave violation or breach of the provisions of this Constitution or a misconduct of such nature as amounts, in the opinion of the National Assembly, to gross misconduct; and

(*b*) "Service" means personal or substituted service by publication in print or electronic media (*Hon. Chukwuemeka Nkem Ihedioha — Aboh Mbaise/Ngor Okpala Federal Constituency*).

Question put:

Attendance Registered: 308

Voting:

Ayes	—	**172**
Nays	—	**122**
Abstain	—	**3**
Total	—	**297**

Negatived.

Alteration of Section 285.
***Committee Recommendation*:**
9. (6) An election tribunal shall deliver its judgment in writing within 180 days from the date of the filing of the petition:

Provided that where a force majeure occurs that makes it impracticable for the tribunal to sit, the period of the said force majeure shall not be counted in the computation of the 180 days period prescribed in subsection (6) (*Hon. Chukwuemeka Nkem Ihedioha — Aboh Mbaise/Ngor Okpala Federal Constituency*).

Question put:

Attendance Registered:307

Voting:

Ayes	—	**250**
Nays	—	**10**
Abstain	—	**7**
Total	—	**267**

Agreed to.

(7) An appeal from a decision of an election tribunal or Court of Appeal in an election matter shall be heard and disposed of within 60 days from the date of the delivery of judgment of the tribunal or Court of Appeal:

Provided that where a force majeure occurs that makes it impracticable for the court to sit, the period of the said force majeure shall not be counted in the computation of the 60 days period prescribed in subsection (7) (*Hon. Chukwuemeka Nkem Ihedioha — Aboh Mbaise/Ngor Okpala Federal Constituency*).

Question put:

Attendance Registered: 307

Voting:

Ayes	—	**255**
Nays	—	**10**
Abstain	—	**4**
Total	—	**269**

Agreed to.

(8) Where a preliminary objection or any other interlocutory issue touching on the jurisdiction of the tribunal or court or on the competence of the petition itself is raised by a party, the tribunal or court shall suspend ruling thereon and deliver same at the stage of final judgment (*Hon. Chukwuemeka Nkem Ihedioha — Aboh Mbaise/Ngor Okpala Federal Constituency*).

Question put:

Attendance Registered: 307

Voting:

Ayes	—	**285**
Nays	—	**18**
Abstain	—	**0**
Total	—	**303**

Agreed to.

Alteration of Section 292.
Section 9, Third Alteration Act — Section 292 of the Principal Act.
(3) It shall be the sole responsibility of the National Judicial Council to suspend, reinstate or exercise any form of disciplinary power over Judicial Officers in Nigeria:

Provided that in all cases of suspension or disciplinary control, the suspension shall be once and not exceed a cumulative period of more than 90 days (*Hon. Chukwuemeka Nkem Ihedioha — Aboh Mbaise/Ngor Okpala Federal Constituency*).

Question put:

Attendance Registered: 307

Voting:

Ayes	—	**299**
Nays	—	**3**
Abstain	—	**1**
Total	—	**303**

Agreed to.

(4) That whenever the decision of the National Judicial Council on disciplinary action of a judicial officer borders on removal of a Judicial Officer from office, such removal shall be subject to the provisions of section 292 (1) (*a*) (*i*) - (*ii*) and (*b*) of the Constitution (*Hon. Chukwuemeka Nkem Ihedioha — Aboh Mbaise/Ngor Okpala Federal Constituency*).

Question put:

Attendance Registered: 307

Voting:

Ayes	**—**	**297**
Nays	**—**	**3**
Abstain	**—**	**1**
Total	**—**	**301**

Agreed to.

Alteration of section 318.
***Committee Recommendation*:**
Section 318 of the Principal Act is altered by inserting the following in alphabetical order:

"National Security Agencies" mean the Agencies provided in Section 1 of the National Security Agencies Act, Cap 278, Laws of the Federation of Nigeria, 2004 (*Hon. Chukwuemeka Nkem Ihedioha — Aboh Mbaise/Ngor Okpala Federal Constituency*).

Question put:

Attendance Registered: 307

Voting:

Ayes	**—**	**294**
Nays	**—**	**1**
Abstain	**—**	**3**
Total	**—**	**298**

Agreed to.

Alteration of the Third Schedule.
***Committee Recommendation*:**
21. (*g*) appoint, dismiss and exercise disciplinary control over members and staff of the Council:

Provided that in the case of Judicial Officers who are members of the Council, such appointment, dismissal or disciplinary control shall be subject to section 292 of the Constitution (*Hon. Chukwuemeka Nkem Ihedioha — Aboh Mbaise/Ngor Okpala Federal Constituency*).

Question put:

Attendance Registered: 307

Voting:

Ayes	**—**	**304**
Nays	**—**	**1**

Abstain	—	**0**
Total	—	**305**

Agreed to.

Amendment of Section 19 of the National Youth Service Corps Act Cap. N84 LFN 2004.
***Committee Recommendation*:**

19. (1) The Service Corps shall insure every corp member against loss of life or serious injury incurred or occasioned while performing official duty or while traveling, seven days preceding the date of commencement of the service period or seven days after the end of the service period, from the place of residence or mobilization to the place of deployment and vice visa.

(2) The Public Officers Protection Act shall apply to every member of the Service Corps and to any other person employed under any undertaking or project for the duration of his service in the Service Corps (*Hon. Chukwuemeka Nkem Ihedioha — Aboh Mbaise/Ngor Okpala Federal Constituency*).

Question put:

Attendance Registered: 307

Voting:

Ayes	—	**300**
Nays	—	**2**
Abstain	—	**0**
Total	—	**302**

Agreed to.

Long Title:
A Bill for an Act to Further Alter the Provisions of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) and for Other Matters Connected Therewith (*Hon. Chukwuemeka Nkem Ihedioha — Aboh Mbaise/Ngor Okpala Federal Constituency*).

Question put and agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Speaker in the Chair reported that the House in Committee of the Whole considered the Report of the Special *Ad-hoc* Committee on the Review of the Constitution on a Consolidated Bill for an Act to Further Alter the Provisions of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) and for Other Matters Connected Therewith and approved the proposed amendments to Sections 4, 67, 68, 81, 89, 109, 129, rejected the proposed amendment to section 143, approved the proposed amendments to sections 285, 292, 318, the Third schedule and section 19 of the National Youth Service Corps Act, Cap. N84 LFN 2004 and the Long Title of the Bill.

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

6. **Adjournment:**
That the House do adjourn till Tuesday, 4 *February*, 2014 *at* 11.00 *a.m.* (*Hon. Mulikat Akande-Adeola — House Leader*).

The House adjourned accordingly at 1.25 *p.m.*

Aminu Waziri Tambuwal
Speaker