7TH NATIONAL ASSEMBLY
FOURTH SESSION
NO. 64

SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Tuesday, 12th May, 2015

1. The Senate met at 10:49 a.m. The Deputy Senate President read prayers.

2. **Votes and Proceedings:**
The Senate examined the Votes and Proceedings of Thursday, 7th May, 2015.

Question was put and the Votes and Proceedings were approved.

3. **Presentation of Bill:**
Constitution of the Federal Republic of Nigeria (Fourth Alteration) Act 2015 (SB. 547):

Presentation deferred to the next Legislative Day.

4. **Joint Committee on Defence and Army; and Judiciary, Human Rights and Legal Matters:**
Report on the Nigerian Army Institute of Technology and Environmental Studies (NAITES) Bill 2015 (SB. 513):
Motion made: That the Senate do receive the Report of the Joint Committee on Defence and Army; and Judiciary, Human Rights and Legal Matters on the Nigerian Army Institute of Technology and Environmental Studies (NAITES) Bill 2015 (*Senator George T. Sekibo — Rivers East*).

Question put and agreed to.

Report Laid.

5. **Committee on Capital Market:**
Report on the screening of nominee:
Motion made: That the Senate do receive the Report of the Committee on Capital Market on the screening of Mr. Mounir Haliru Gwarzo for appointment as Director General of the Securities and Exchange Commission (SEC) (*Senator Anthony A. Adeniyi — Ekiti South*).

Question put and agreed to.

Report Laid.

6. **Committee on Niger Delta:**
Report on the 2015 Budget for the Niger Delta Development Commission (NDDC):

Presentation deferred to another Legislative Day.

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7. Committee on Investment:
Report on the Standards Organisation of Nigeria Act CAP S9 LFN 2004 Bill 2015 (HB.153):
Motion made: That the Senate do receive the Report of the Committee on Investment on the Standards Organisation of Nigeria Act CAP S9 LFN 2004 Bill 2015 (*Senator Nenadi E. Usman — Kaduna South*).

Question put and agreed to.

Report Laid.

8. Joint Committee on Trade; and Works:
Report on the Equipment Leasing Bill 2015 (HB.97):
Motion made: That the Senate do consider the Report of the Joint Committee on Trade; and Works on the Equipment Leasing Bill 2015 (*Senator Odion M. Ugbesia — Edo Central*).

Question put and agreed to.

Report presented.

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

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO REGULATE THE BUSINESS OF EQUIPMENT LEASING IN NIGERIA AND FOR CONNECTED PURPOSES THEREWITH, 2015

Clause 1; Application.
This Act applies to all equipment lease agreements.

Committee's Recommendation:
That the provision in Clause 1 be retained (*Senator Odion M. Ugbesia — Edo Central*) — *Agreed to.*

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

Clause 2: Equipment Lease Agreement.
(1) An equipment lease agreement shall be in writing containing -
(a) a statement to the effect that the lessor and lessee have agreed to enter into -
(i) a finance equipment lease or
(ii) an operation lease, or
(iii) any other specified variant of either (i) or (ii) above
(b) description of the equipment to be acquired under the lease agreement; or
(c) the total or installmental lease rentals payable by the prospective lessee.

(2) If a finance equipment lease is to be entered into, the written agreement shall in addition to (b) and (c) of subsection (1), contain:

(i) the estimated price of the equipment

(ii) a statement that the equipment is being acquired by the prospective lessor in connection with the lease agreement which, to the knowledge of a supplier or manufacturer, is to be made between the prospective lessor and lessee;

(iii) a statement as to whether or not the prospective lessee has selected the equipment, or selected the supplier or manufacturer, with or without relying on the skill and judgment of the prospective lessor .

Committee's Recommendation:
That the provision in Clause 2 be retained (*Senator Odion M. Ugbesia — Edo Central*) — *Agreed to.*

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

Clause 3: **Classification of equipment leasing.**

(1) Equipment leasing is divided into three main classes:

(a) finance lease;

(b) operating lease

(c) other variants of either (a) (b)

(2) Other variants of equipment leasing of either subsection (3(a) or (b) are as follows:

(a) Syndicated lease;

(b) Sale and lease back lease;

(c) Cross border lease;

(d) Leveraged lease; and

(e) Any equipment lease that may from time to time be approved by the Minister

Committee's Recommendation:
That the provision in Clause 3 be retained (*Senator Odion M. Ugbesia — Edo Central*) — *Agreed to.*

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

Clause 4: **Contents of a lease Agreement.**

(1) Before a lease agreement is registered, it shall be in writing and shall contain -

(a) a description of the equipment to which the lease agreement relates sufficient to identify it;

(b) the total lease rentals payable by the lessee to the lessor;

(c) the amount of each instalmental rental payable by the lessee to the lessor;

(d) the date or the mode of determining the date on which each instalment rental is payable

(e) a clause that the lessee acknowledges confirms and declares that he holds the equipment as a mere bailee of the lessor and that the lessee does no, during the specified period of a lease, have any proprietary right, title or interest in the equipment other than as a lessee; and

(f) that in termination of the lease agreement by expiry of time, unless a renewal is granted or the lessor agrees to sell the equipment to the lessee, the lessee shall deliver to the lessor the equipment in good order and condition

(2) If the equipment lease is a finance lease it shall in addition to the provision in subsection (1) contain the following clauses-

(a) that the lessee confirms and acknowledges that the finance lease agreement is a full pay-out non-cancellable agreement; and

(b) that upon the termination of the lease agreement or any renewal thereof, subject to any exercisable option as regards the sale or disposal of the equipment, the lessee shall deliver to the lessor, the equipment, in good order and working conditions, ordinary wear and tear exempted.

Committee's Recommendation:
That the provision in Clause 4 be retained (*Senator Odion M. Ugbesia — Edo Central*) — *Agreed to.*

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

Clause 5: **Delivery of a lease agreement to the lessee.**
A copy of the agreement pursuant to section 2 shall be delivered or sent to the lessee within 14 days after the making of the lease agreement.

Committee's Recommendation:
That the provision in Clause 5 be retained (*Senator Odion M. Ugbesia — Edo Central*) — *Agreed to.*

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

Clause 6: **Business of equipment leasing.**
(1) No person shall carry on the business of equipment leasing unless
(a) it is a limited liability company incorporated in Nigeria and the Memorandum and Articles of Association of the company shall have express provision to carry on the business of equipment leasing; and

(b) it has satisfied all requirements prescribed by guideline made from time to time by the Registration Authority.

Committee's Recommendation:
That the provision in Clause 6 be retained (*Senator Odion M. Ugbesia — Edo Central*) — *Agreed to.*

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

Clause 7: **Establishment of registration authority.**
There is hereby established a body to be known as Equipment Leasing Registration Authority (in this Act referred to as "Registration Authority".

Committee's Recommendation:
That the provision in Clause 7 be retained (*Senator Odion M. Ugbesia — Edo Central*) — *Agreed to.*

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

Clause 8: **Composition of registration authority.**
The Registration Authority shall consist of:-

(a) a chairman who shall be appointed by the Minister being a person by reason of his ability, experience, or specialized knowledge of leasing, commercial, financial or economic matters, would in his opinion be capable of making outstanding contributions to the work of the authority;

(b) a representative of the Federal Ministry of Finance;

(c) a representative of the Central Bank of Nigeria;

(d) three representatives of the Equipment Leasing Association of Nigeria to be appointed by the Association;

(e) a representative of the Ministry of Justice;

(g) a representative of the business community to be appointed by the Nigerian Association of Chambers of Commerce, Industries, Mines and Agriculture; and

(h) a registrar who shall, in addition to his other functions under this act, be the Secretary to the Authority and Committees thereof as the case may be.

(i) a representatives of the Ministry of Trade and Investment;

(j) a representatives of the Small and Medium Enterprises Development Agency of Nigeria;

Committee's Recommendation:
That the provision in Clause 8 be retained (*Senator Odion M. Ugbesia — Edo Central*) — *Agreed to.*

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

Clause 9: **Duties of a registration authority.**
(1) The Registration Authority shall be charged with the responsibility of the registration of:
(a) an Equipment Lease Agreement

(b) a company carrying on business as an Equipment Lessor; and

(c) any other responsibility as may be directed by the Minister

(2) The functions of the Registration Authority shall be to:

(a) determine in accordance with the provisions of this Act persons who are eligible to carry on the business of equipment leasing;

(b) determine the requirements to be met by persons seeking to be registered to carry on the business of equipment leasing, and review such requirement from time to time;

(c) register persons carrying on or intending to carry on business as equipment lessor;

(d) secure the establishment and maintenance of a register of persons entitled to carry on the business of equipment leasing and the production from to time of a list of these people;

(e) register equipment lease agreements;

(f) conduct an investigation into the affairs of persons registered under this Act when necessary or expedient to give full effect to the provisions of this Act

(g) register and investigate incidence of default by lessees;

(h) undertake any other activity that is necessary or expedient for the purpose of giving full effect to the provisions of this Act; and

(i) perform other function conferred on the Authority by this Act.

Committee's Recommendation:
That the provision in Clause 9 be retained (*Senator Odion M. Ugbesia — Edo Central*) — *Agreed to.*

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

Clause 10: Funds and financial accounts of the registration authority.

(1) There shall be established for the Authority, a fund which shall be managed for the purposes of this Act.

(2) There shall be paid into the Fund;-

(a) all fees and other moneys payable to the Authority, in pursuance of this Act; and

(b) all such money as may be payable to the Authority; whether in the course of the discharge of its functions or not;

(3) (a) there shall also be paid out of the fund of the Authority the remuneration and allowances of the registrar and employees of the Authority:

(b) such reasonable travelling and subsistence allowances of members of the Authority in respect of time spent on the business of the Authority as the Authority may, with the approval of the Minister, determine ; and

(c) any other expenses incurred by the Authority in the discharge of its functions under this Act.

(4) (a) the Authority shall prepare and submit to the Minister not later than 31st day of December of each year an estimate of the income and expenditure of the authority during the next succeeding year.

(b) The authority shall keep proper accounts in respect of each year and proper records in relation to those accounts and shall cause the accounts to be audited within six months after the end of the year to which the account relates.

Committee's Recommendation:
That the provision in Clause 10 be retained (*Senator Odion M. Ugbesia — Edo Central*) — *Agreed to.*

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

Clause 11: **Power of the minister to issue guidelines to the registration authority.**
The Minister shall issue guidelines as he considers necessary for the purpose of implementing the provisions of sections 8 and including guidelines relating to the-

(a) stamp duties payable:

(b) registration and notarization fees; and

(c) procedure for filling an application for registration and cancellation of a registration.

Committee's Recommendation:
That the provision in Clause 11 be retained (*Senator Odion M. Ugbesia — Edo Central*) — *Agreed to.*

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

Clause 12: **Register of Registered Equipment Lease Agreement.**
(1) There shall be kept by the Registration Authority a register of an Equipment Lease Agreement containing the particulars of the lessor, the lessee and the equipment being the subject of the Equipment Lease Agreement.

(2) the register shall be opened for inspection to members of the public on the payment of a prescribed fee.

(3) The Registration Authority shall on request by a person and on payment of the prescribed fees, furnish that person with copy of the entry in the register relating to a particular Equipment Lease: Agreement being a copy certified to be true by the Registration Authority.

Committee's Recommendation:
That the provision in Clause 12 be retained (*Senator Odion M. Ugbesia — Edo Central*) — *Agreed to.*

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

Clause 13: **Registration of a lease agreement.**
An equipment lease agreement made pursuant to this Act shall irrespective of the value of the leased equipment, be registered with the Registration Authority not later than 14 days after the commencement of such lease agreement, or within three months for a lease agreement made before the Commencement of this Act.

Committee's Recommendation:
That the provision in Clause 13 be retained (*Senator Odion M. Ugbesia — Edo Central*) — *Agreed to.*

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

Clause 14: **Application for registration of leased agreement.**
An application for the registration of a lease equipment shall be in Form A of the First Schedule to this Act and shall contain or be accompanied by evidence of conforming with section 6 and such other information, document as the registration Authority may from time to time prescribe

Committee's Recommendation:
That the provision in Clause 14 be retained (*Senator Odion M. Ugbesia — Edo Central*) — *Agreed to.*

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

Clause 15: **Issue of registration certificate.**
The Registration Authority shall on being satisfied that an application has complied with the provisions of this Act issues a certificate of registration.

Committee's Recommendation:
That the provision in Clause 15 be retained (*Senator Odion M. Ugbesia — Edo Central*) — *Agreed to.*

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

Clause 16: **Effect of registration of a registrable lease agreement.**
Registration of a registrable lease agreement and any regulation made under this Act shall constitute sufficient notice to any third-party of the fact and terms of the lease agreement.

Committee's Recommendation:
That the provision in Clause 16 be retained (*Senator Odion M. Ugbesia — Edo Central*) — *Agreed to.*

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

Clause 17: **Effect of non-registration of a registration of a registrable lease agreement.**
Non-registration of a registrable lease agreement shall render the lease agreement invalid as between the parties to the agreement but shall not render same unenforceable against any third party acting in good faith, for value without notice of the lease agreement.

Committee's Recommendation:
That the provision in Clause 17 be retained (*Senator Odion M. Ugbesia — Edo Central*) — *Agreed to.*

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

Clause 18: **Fixation of the lessor's name on leased equipment.**
A lessor shall conspicuously inscribe or affix his name on a leased equipment.

Committee's Recommendation:
That the provision in Clause 18 be retained (*Senator Odion M. Ugbesia — Edo Central*) — *Agreed to.*

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

Clause 19: **Implied terms as to legal ownership of the leased equipment.**

(1) On the registration of a lease agreement the lessor is the legal owner of a leased equipment.

(2) the implied legal ownership of a lessor or his assign under a lease agreement shall prevail at all times over any claim by a lessee, a lessee's creditor or third party.

(3) Notwithstanding anything to the contrary in any law, mere fixture of a leased equipment to Land or building shall not confer ownership in a lease equipment on any person other than the lessor.

(4) Any provision in a lease agreement that is inconsistent with subsections (1), (2) and (3) of this section shall be null and void to the extent of the inconsistency.

Committee's Recommendation:
That the provision in Clause 19 be retained (*Senator Odion M. Ugbesia — Edo Central*) — *Agreed to.*

Question that Clause 19 *do stand part of the Bill, put and agreed to.*

Clause 20: **Sale, transfer of leased equipment.**

(1) A lessee shall not during the period in which a leased equipment remain in his possession and use, sub-lease, assign pledge mortgage, charge, create any encumbrance or act in any way that is inconsistent with the legal ownership of a lessor with a third party.

(2) Subject to the provisions of this Ac, or a lease agreement, any sale sub-lease, pledge, charge, mortgage, loan or assignment or any act inconsistent with the legal ownership of a lessor shall not be effective,

(3) The lessee shall have no other claim against the Lessor for non-delivery, delay in delivery or delivery of non-conforming equipment except to extent to which this results from the Act or omission of the Lessor.

Committee's Recommendation:
That the provision in Clause 20 be retained (*Senator Odion M. Ugbesia — Edo Central*) — *Agreed to.*

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

Clause 21: **Priority of the lessor's claim against third party and insolvency of a lessee.**
The title or interest of the lessor or his assigns in a leased equipment under a leased agreement shall prevail at all times against claims by a third party including a creditor of the lessee, except as against a purchaser in good faith for value of the equipment under a non-registered lease.

Committee's Recommendation:
That the provision in Clause 21 be retained (*Senator Odion M. Ugbesia — Edo Central*) — *Agreed to.*

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

Clause 22: **Rights and obligation of a lessee.**
(1) A lessee shall during the specified period of a lease have the following right and obligations -
(a) have and enjoy quiet possession of the leased equipment;

(b) as long as the lessee performs his obligations in accordance with terms of the lease agreement, the lease agreement, shall not be terminated unilaterally by the lessor even if the lessor is declared insolvent;

(c) use the equipment according to the terms and conditions of the lease agreement;

(d) take proper care of the equipment and use it in a reasonable manner consistent with that of a normal user and keep it in the condition with which it was delivered subject to fair wear and tear and to any lessor approved modification of the equipment;

(e) be responsible for the maintenance of the leased equipment in a finance lease; and

(f) pay the lease rentals as stipulated in the leased agreement.

(2) Without prejudice to the lessors rights against the lessee or the supplier or manufacture, the lessee shall have the right to direct action against the manufacturer in order to hold the supplier or the manufacturer to the satisfactory performance of the supplier's or manufacturer's contractual obligations, and to obtain from the supplier's or manufacturer's compensation for damages resulting from the supplier or manufacturer' default.

(3) the lessee shall have no other claim against the lessor, delay in delivery or delivery of a non-conforming equipment except to the extent to which this results from the act or omission of the lessor

Committee's Recommendation:
That the provision in Clause 22 be retained (*Senator Odion M. Ugbesia — Edo Central*) — *Agreed to.*

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

Clause 23: Default of lease resulting in termination of agreement between lessor and supplier.
Where owing to default or negligence on the part of lessee, the sales agreement between the manufacturer or the supplier and the lessor is terminated, if the lessor acted in good faith, the lessor shall have the right to demand payments due from the lessee under the lease agreement.

Committee's Recommendation:
That the provision in Clause 23 be retained (*Senator Odion M. Ugbesia — Edo Central*) — *Agreed to.*

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

Clause 24: Liability for damage of leased equipment caused by lessee or his agent.

(1) A lessee shall during the period in which a leased equipment remains in his possession be liable for repairs of damage to equipment resulting from the acts of a lessee, his agent, servant or any third party to a leased equipment.

(2) Where a lessee is in breach of his liability to repair as provided in subsection (1) of this section the lessor shall serve notice on the lessee specifying the breach and requiring the lessee to effect specified repairs within a period of time.

(3) If the lessee fails to effect repairs on expiration of the specified period, the lessor may at his own expense effect the necessary repairs

(4) Where the lessor effects repairs, the lessee shall indemnify the lessor for expenses reasonably incurred by the lessor in effecting such repairs.

(5) the lessee shall, however have a right to bring by action against a third party to recover any expenses incurred as a result of his obligations to repair the leased equipment and the lessee's indemnity to the lessor.

Committee's Recommendation:
That the provision in Clause 24 be retained (*Senator Odion M. Ugbesia — Edo Central*) — *Agreed to.*

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

Clause 25: Claims to leased equipment by a third party.

(1) Any claim to the ownership or any disturbance to the quiet enjoyment of a leased equipment by a third party shall be notified in writing by the lessee to the lessor within fourteen days of such claim

(2) the lessor shall have a right to apply to join as a co-defendant in any legal action instituted by a third party claiming any right to a leased equipment.

Committee's Recommendation:
That the provision in Clause 25 be retained (*Senator Odion M. Ugbesia — Edo Central*) — *Agreed to.*

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

Clause 26: Right of a lessor to inspect leased equipment.

(1) Where under a lased agreement a lessee is under a duty to keep a leased equipment in his possession and for his use, the lessee shall on receipt of a request in writing from the lessor inform the lessor of:

(a) the location of a leased equipment;

(b) the state of the leased equipment; and

(c) any other such information that may be required by the lessor in respect of the leased equipment.

(2) If a lessee, without reasonable cause fails to give the information requested under subsection (1) of this section within fourteen days of receipt of a written request, is guilty of an offence and liable on conviction to a fine not less than N50,000

Committee's Recommendation:
That the provision in Clause 26 be retained (*Senator Odion M. Ugbesia — Edo Central*) — *Agreed to.*

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

Clause 27: Liability of the lessor for delay in delivery of leased equipment.

(1) Where the leased equipment is not delivered to the lessee-

(a) as a result of delay by the lessor to enter into sales agreement with the supplier or manufacturer; or

(b) as a result of delay by the lessor to make payment to the supplier or manufacturer; or

(c) for any other delay attributable to the lessor; the lessee's obligation to the lessor under the lease agreement shall be suspended and, the lessee shall give the lessor an appropriate extension of time during which the lessor shall comply with his contractual obligation.

Committee's Recommendation:
That the provision in Clause 27 be retained (*Senator Odion M. Ugbesia — Edo Central*) — *Agreed to.*

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

Clause 28: **Non-delivery of equipment to the lessee as a result of the lessor's willful infringement.**
Where a lessor's willful infringement or unlawful act results in the termination of a sales agreement with a supplier or manufacturer, the lessor shall be liable in damages for actual loss and damages incurred by the lessee.

Committee's Recommendation:
That the provision in Clause 28 be retained (*Senator Odion M. Ugbesia — Edo Central*) — *Agreed to.*

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

Clause 29: **Claim against lessor for non-delivery of a lessed equipment.**
A lessee shall have no other claim against a lessor for non--delivery or delivery of a non-conforming equipment except to the extent to which - this result from an act or omission of the lessor

Committee's Recommendation:
That the provision in Clause 29 be retained (*Senator Odion M. Ugbesia — Edo Central*) — *Agreed to.*

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

Clause 30: **Liability of the lessor for defect of leased equipment.**
Subject to the provisions of this Act or a lease agreement, a lessor shall not be liable for any defect in the fitness of a leased equipment except a lessee suffers loss as a result of the lessee's reliance on the lessor's skill or judgment in the selection of the supplier or manufacturer of a leased equipment.

Committee's Recommendation:
That the provision in Clause 30 be retained (*Senator Odion M. Ugbesia — Edo Central*) — *Agreed to.*

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

Clause 31: **Liability of a lessor for supply and installations of a leased equipment inspected by a lessee before supply.**
Where the lessee does not nominate the supplier or manufacturer but provides a description of technical specifications of any equipment before the supply or installation of the equipment to be leased, the lessor shall not be liable to the lessee for any defect or for non-fitness of the equipment.

Committee's Recommendation:
That the provision in Clause 31 be retained (*Senator Odion M. Ugbesia — Edo Central*) — *Agreed to.*

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

Clause 32: **Liability of a lessor for supply of equipment where lessee relies on the expertise of the lessor.**
Where the lessee neither nominates the supplier nor manufacturer nor describes or provides technical specifications of the equipment to be leased but relies on the skill, knowledge and expertise of the lessor in providing equipment for a stated purpose, the lessor is liable to the lessee for any material defect or non-fitness of the equipment.

Committee's Recommendation:
That the provision in Clause 32 be retained (*Senator Odion M. Ugbesia — Edo Central*) — *Agreed to.*

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

Clause 33: Liability of a supplier nominated by a lessor.
Subject to the general law of contract and the provision of any written law in that respect, a supplier or manufacturer of leased equipment nominated by a lessor is liable to the lessee for any material defect or for a non-fitness of a supplied equipment; but shall not be liable to both lessor lessee in respect of the same equipment.

Committee's Recommendation:
That the provision in Clause 33 be retained (*Senator Odion M. Ugbesia — Edo Central*) — *Agreed to.*

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

Clause 34: Insurance of a registered leased equipment.
A registered equipment shall be insured with a registered insurance company, as may be mutually agreed by the parties.

Committee's Recommendation:
That the provision in Clause 34 be retained (*Senator Odion M. Ugbesia — Edo Central*) — *Agreed to.*

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

Clause 35: Taxation.
(1) The lessor shall be entitled to all capital allowance tax and other allowance and concessions payable from time under an applicable law.

(2) An equipment, being a subject of an operating lease shall for purpose of a lessor's annual financial statement remain the equipment of a lessor's notwithstanding that the equipment is in the possession of the lessee.

(3) for purpose of an annual financial statement only an equipment under an operating lease shall be deemed to be an equipment of a lessor.

Committee's Recommendation:
That the provision in Clause 35 be retained (*Senator Odion M. Ugbesia — Edo Central*) — *Agreed to.*

Question that Clause 35 *do stand part of the Bill, put and agreed to.*

Clause 36: Notice for non-payment of rentals and redemption.
Where the lessee defaults in the payments of rentals due under a lease agreements, the lessor may serve the lessee a default notice as in form B the First Schedule to this Act giving the lessee not less than 15 days within which to remedy the default so far as the default may be remedied.

Committee's Recommendation:
That the provision in Clause 36 be retained (*Senator Odion M. Ugbesia — Edo Central*) — *Agreed to.*

Question that Clause 36 *do stand part of the Bill, put and agreed to.*

Clause 37: **Termination of lease agreement for non-payment of rentals.**
Where the lessee fails o remedy a default after the service of default notice, the lessor may terminate the lease agreement. (2) The termination of the lease agreement shall be in writing and communicated to the lessee

Committee's Recommendation:
That the provision in Clause 37 be retained (*Senator Odion M. Ugbesia — Edo Central*) — *Agreed to.*

Question that Clause 37 *do stand part of the Bill, put and agreed to.*

Clause 38: **Repossession of leased equipment by a lessor.**

(1) Where the lessor becomes entitled to repossess the leased equipment due to non-payment of rentals, and the lessee fails to surrender the leased equipment after service of due notice, the lessor may apply by an ex-parte Motion to the Federal High Court for the repossession of the leased equipment.

(2) If a judge is satisfied by information on oath by a lessor that there is reasonable evidence for holding -

(a) that a lessee is in default of the payment of rent also due to the lessor; and

(b) that the lessor has complied with the provisions of sections 36 and 37 of this Act, he may issue a warrant to enter and repossess the leased equipment.

(3) the right of the lessor to repossess a leased equipment shall in no way prejudice any other remedy available to the lessor under any law, including but not limited to the right to recover damages for losses cause by non-compliance with the terms of the lease agreement by the lessee.

(4) Where there is repossession under this section the lessee shall unless Otherwise agreed by the parties by responsible for the immediate payment of all rentals due at the time of repossession.

Committee's Recommendation:
That the provision in Clause 38 be retained (*Senator Odion M. Ugbesia — Edo Central*) — *Agreed to.*

Question that Clause 38 *do stand part of the Bill, put and agreed to.*

Clause 39: **Breach of agreement by a lessee.**
Where the lessee is in breach of a lease agreement not being a breach for non-payment of rentals, the lessor may serve the lessee a notice as in Form C of the First Schedule to this Act.

Committee's Recommendation:
That the provision in Clause 39 be retained (*Senator Odion M. Ugbesia — Edo Central*) — *Agreed to.*

Question that Clause 39 *do stand part of the Bill, put and agreed to.*

Clause 40: **Commencement of legal proceedings for recovery of leased equipment.**
A lessor may commence legal proceeding in a court of competent jurisdiction against a lessee for recovery of a leased equipment -

(a) If a lessee is -
  (i) in breach of any of the terms of a lease agreement apart from a breach for non- payment of rentals; or

  (ii) in breach of any provision of this Act for which no specific penalty is provided; or

  (iii) declared bankrupt;

(b) If a court orders the -
  (i) dissolution of winding-up of a lessee; or

  (ii) the appointment of a receiver or manager for a lessee.

Committee's Recommendation:
That the provision in Clause 40 be retained (*Senator Odion M. Ugbesia — Edo Central*) — *Agreed to.*

Question that Clause 40 *do stand part of the Bill, put and agreed to.*

Clause 41: **Removal of a leased equipment from Nigeria without lessor's permission.**
(1) a lessee or his agent or representative shall not remove from Nigeria a leased equipment without the written consent of a lessor.

(2) If a lessee contravenes subsection (1) of this section he shall be guilty of an offence and liable on conviction to fine of not less than N50,000 or imprisonment for a term not exceeding one year or to both such fine and imprisonment unless -
  (a) he satisfies a court that he did not intend to deprive the lessor of his ownership of the leased equipment; or

  (b) to defeat the rights of the lessor to obtain payment due to him.

(3) if a lessor has reasonable cause to believe that a leased equipment has been removed or is being removed from Nigeria with intent to deprive the lessor of his ownership or defeat his right to obtain any payment due to lessor under a lease agreement the lessor may institute a legal action for the return to Nigeria of the leased equipment.

(4) Before institution of legal action under subsection (3) of this section or during the pendency of such legal action, the lessor may apply to a Court for an attachment of the leased equipment.

(5) A court in making an order for the attachment of a leased equipment may required the applicant to give security for damages to the lessee resulting from such order.

(6) An order of attachment of a leased equipment -

(a) may be discharged or varied by the court if a good cause is shown by person affected by the order on such terms as to costs as the court may deem fit; and

(b) Shall be discharged upon the lessee giving security as the court may deem fit taking into account the value of the leased equipment, amount and cost due to the lessor

Committee's Recommendation:
That the provision in Clause 41 be retained (*Senator Odion M. Ugbesia — Edo Central*) — *Agreed to.*

Question that Clause 41 *do stand part of the Bill, put and agreed to.*

Clause 42: **Variation or limitation.**
Nothing in this Ac shall negate or invalidate any express provision in any leased agreement except to the extent that any such express provision is inconsistent with or limits the application of this Act.

Committee's Recommendation:
That the provision in Clause 42 be retained (*Senator Odion M. Ugbesia — Edo Central*) — *Agreed to.*

Question that Clause 42 *do stand part of the Bill, put and agreed to.*

Clause 43: **Interpretation.**
In this Act unless the context otherwise requires -

"Capital allowance" means any allowance: or other concession granted by the Federal Board of Inland revenue of or other taxing authority to meet any diminish in value of an equipment subject of an equipment lease;

Question: That the words "Capital allowance" defined in the Interpretation to this Act, put and agreed to.

"Cross-border lease" is a lease in which the lessee and the equipment are non-resident of Nigeria; or in which the lessor is a non-resident of Nigeria;

Question: That the words "Cross-border lease" defined in the Interpretation to this Act, put and agreed to.

"equipment" means any moveable and immoveable equipment howsoever described;

Question: That the word "equipment" defined in the Interpretation to this Act, put and agreed to.

"Finance lease" is a lease involving rental - payment over an obligatory period sufficient in total to amortise the capital outlay of the lessor and also give the lessor some benefits.

Question: That the words "Finance lease" defined in the Interpretation to this Act, put and agreed to.

"Lease agreement" means a written agreement between the lessor and the lessee for the lessee's use in consideration of the payment of an agreed rentals over a specified period for -

(a) either the lessor's own already acquired equipment; or

(b) any equipment agreed to be acquired by the lessor from a third-party (supplier) whether chosen by the lessee or not such that the lessor shall retain full title and legal ownership during the specified period of the lease;

Question: That the words "Lease agreement" defined in the Interpretation to this Act, put and agreed to.

"lessor" means any person who under an equipment lease agreement transfers to another person or body (the lessee) the right to use an equipment in return for an agreed consideration for an agreed period;

Question: That the word "Lessor" defined in the Interpretation to this Act, put and agreed to.

"Leveraged lease" is a lease involving a lessor, lessee and a lender that supplies the greater part of the purchase price of equipment leased;

Question: That the words "Leveraged leased" defined in the Interpretation to this Act, put and agreed to.

"Minister" means the Minister who for the time being is in charge of Finance;

Question: That the word "Minister" defined in the Interpretation to this Act, put and agreed to.

"non-cancellable period" means such period within which an equipment lease agreement is cancellable only -

(a) on the occurrence of some remote contingency; or

(b) by mutual agreement; or

(c) by operation of law;

Question: That the words "Non-cancellable period" defined in the Interpretation to this Act, put and agreed to.

"Operating lease" is a lease involving rental payment over an obligatory period but the equipment is not wholly amortised during the non-cancellable period if any, of the lease, and the lessor does not rely for his profit on the rentals in the cancellable period.

Question: That the words "Operating lease" defined in the Interpretation to this Act, put and agreed to.

"Option" means any provision in an equipment lease agreement dealing with the disposal of the equipment at the expiration of the lease;

Question: That the word "Option" defined in the Interpretation to this Act, put and agreed to.

"Rental" means the total consideration payable by the lessee to a lessor under an equipment lease inclusive of any sum payable as management fees, services or other charges or any part thereof payable at specified intervals;

Question: That the word "Rental" defined in the Interpretation to this Act, put and agreed to.

"Supplier" means a person (other than lessor or lessee) who in the ordinary course of business supplies any equipment to a lessor or a lessee which equipments are the subject of a lease between the lessor and the lessee;

Question: That the word "Supplier" defined in the Interpretation to this Act, put and agreed to.

"Syndicated lease" is a lease involving more than one lessor who jointly lease, an equipment to a single lessee;

Question: That the words "Syndicated lease" defined in the Interpretation to this Act, put and agreed to.

"Sale and lease back" is a lease where the lessee (owner of an equipment) sells the equipment to the lessor and simultaneously leases it back from the lessor (the new owner);

Question: That the words "Sale and lease back" defined in the Interpretation to this Act, put and agreed to.

"Third party" means any person or body other than the lessor or lessee under an equipment lease and not being a lawful assignee, or sub-lease there under.

Question: That the words "Third Party" defined in the Interpretation to this Act, put and agreed to.

Committee's Recommendation:
That the provision in Clause 43 be retained (*Senator Odion M. Ugbesia — Edo Central*) — *Agreed to.*

Question that Clause 43 *do stand part of the Bill, put and agreed to.*

Clause 44: Citation.
This Act may be cited as the Equipment Leasing Bill, 2015

Committee's Recommendation:
That the provision in Clause 44 be retained (*Senator Odion M. Ugbesia — Edo Central*) — *Agreed to.*

Question that Clause 44 *do stand part of the Bill, put and agreed to.*

SCHEDULES

Section 13

FIRST SCHEDULE

FORM A

FORM OF APPLICATION TO REGISTER A LEASE AGREEMENT

THE EQUIPMENT LEASING ACT, 2015
Between:

A. B. .....

And

C. D. .....

APPLICATION TO REGISTER A LEASE AGREEMENT

(a) ..... (lessor or lessee hereby

Applies pursuant to Section 13 of the Equipment Leasing Act 2015 and ..... (regulations made thereunder) for the registration of the agreement dated ..... day of .....

And executed by the parties thereto. A copy whereof is attached hereto.

(b) (i) the equipment(s) being the subject of the lease is/are
.....
.....
.....

[attach schedule where space is insufficient]

(ii) the total value of the equipment
.....

(iii) the approximate economic life of the equipment
.....

(iv) the total period for which the equipment is/are leased to the lessee is .....
..... (months/years)

(v) the installmental lease rentals payable by the lessee to the lessor is/are as follows:
.....
.....
(specify here the value of each rental and the dates on which each such rental falls due)

Presented by:

Name: .....

Address: .....
.....
Occupation: .....

Lease Agreement made ..... day of ..... 200.....

FORM B
FORM FOR NOTIFICATION OF DEFAULT IN PAYMENT OF LEASE RENTAL

Registration No: .....

THE EQUIPMENT LEASING ACT, 2015
NOTIFICATION OF DEFAULT IN PAYMENT OF LEASE RENTAL

Take Notice that pursuant to Section 39 of the Equipment Leasing Act that .....(lessee) has, in accordance with clause ..... of the lease agreement dated .....day of ..... 20..... and registered as No. .....made default of the .....installmental rentals due to the lessor on .....day of ..... 20.....

You are hereby given notice to pay the rentals/interest due not later than 14 days from the date of this notice.

Presented by:
Name: .....
Address: .....
.....
.....
Occupation: .....

FORM C
FORM FOR NOTIFICATION BREACH OF OBLIGATION

Registration No: .....

THE EQUIPMENT LEASING ACT, 2015
NOTIFICATION OF BREACH OF OBLIGATION BY LESSEE

Take Notice that pursuant to Section 40 of the Equipment Leasing Promotion Act 2008 .....(lessee) is in breach of Selection(s) ..... of this Ac/Clause ..... of the lease agreement dated .....day of..... 200..... and registered as No. .....

Particulars
.....
.....
.....
(State briefly, the particulars of said breach)

Presented by:
Name: .....
Address: .....
.....
.....
Occupation: .....

Question that Forms A, B and C under the Head "Form of Application to Register a Lease Agreement" stand part of the First Schedule to the Bill, put and agreed to.

SECOND SCHEDULE

FORM A
FORM FOR NOTIFICATION OF OCCURRENCE OF EVENT OF DEFAULT

Registration No: .....

THE EQUIPMENT LEASING ACT, 2015

NOTIFICATION OF OCCURRENCE OF EVENT OF DEFAULT BY LESSEE

Take Notice that pursuant to Section 40 of the Equipment Leasing Promotion Act 2015 .....(lessee) is in default of Selection(s) ..... of this Ac/Clause ..... of the lease agreement dated .....day of..... 200..... and registered as No. .....

Particulars
.....
.....
.....
(State briefly, the particulars of said default)

Presented by:

Name: .....
Address: .....
.....
.....
Occupation: .....

Question that Form A under the Head "Form for Notification of Occurrence of Event of Default " stand part of the First Schedule to the Bill, put and agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The Deputy Senate President reported that the Senate in the Committee of the Whole considered the Report of the Joint Committee on Trade; and Works on the Equipment Leasing Bill 2015 and approved as follows:

Clauses 1- 44	—	As Recommended
Schedules 1- 2	—	As Recommended

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

Motion made: That the Bill be now Read the Third Time *(Senate Leader).*

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

9. Committee on Health, Primary Health Care:
Report on the National Tobacco Control Bill 2015 (SB. 477 and SB. 213):
Motion made: That the Senate do consider the Report of the Committee on Health, Primary Health Care on the National Tobacco Control Bill 2015 (*Senator Chris N. Ngige — Anambra Central*).

Question put and agreed to.

Report presented.

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

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO PROVIDE FOR THE REGULATION AND CONTROL OF PRODUCTION, MANUFACTURE, SALE, ADVERTISING, PROMOTION AND SPONSORSHIP OF TOBACCO OR TOBACCO PRODUCTS IN NIGERIA AND FOR OTHER RELATED MATTERS.

PART I — OBJECTIVES

Clause 1: Objectives.

(1) The objectives of the Bill are to:

(a) protect present and future generations of Nigerians and residents of Nigeria from the devastating health, social, economic, and environmental consequences of, use of or exposure to tobacco or tobacco products and exposure to tobacco or tobacco product smoke;

(b) give effect to the obligations to protect citizens against tobacco or tobacco product-related harms in the promotion of health and other human rights that Nigeria as a party to the WHO Framework Convention for Tobacco Control and other related treaties to which Nigeria is a Party has agreed to undertake, including the:

(i) Convention on the Rights of the Child;

(ii) International Covenant on Economic, Social and Cultural Rights;

(iii) International Covenant on Civil and Political Rights;

(iv) Convention on the Elimination of all forms of Discrimination against Women;

(v) African Charter on Human and Peoples' Rights;

(vi) other relevant regional and international treaties;

(vii) Constitution of the Federal Republic of Nigeria; and

(viii) all other applicable legislations.

(c) promote and protect Nigerians and residents' rights to health, life, physical integrity, safe and healthy workplaces, and other rights adversely impacted by tobacco or tobacco product smoke exposure;

(d) provide equal protection for all workers in the tobacco or tobacco product industry, regardless of where they work, and all population groups;

(e) discourage smoking initiation, encourage stoppage of tobacco or tobacco product smoking and reduce tobacco or tobacco product consumption through the measures provided in the Bill, including through behavior and norm changes brought about by smoke-free environments;

(f) inform consumers of the health consequences, addictive nature, and mortal threat posed by tobacco or tobacco product consumption and exposure to tobacco or tobacco product smoke;

(g) build up and make knowledge available to consumers and the populace at large on the harmful effects, risks and specific harm of tobacco or tobacco product use and exposure to tobacco or tobacco product smoke;

(h) discourage tobacco or tobacco product use and encourage cessation among users, including through product packaging and labeling;

(i) prevent or substantially reduce the accessibility of tobacco or tobacco products to young people;

(j) ensure tobacco or tobacco products are not designed in a way that makes them more addictive or attractive, especially to persons who are below 18 years of age, or in ways that may undercut any of the stated objectives of this Bill;

(k) ensure that any designated regulatory authority is adequately empowered to regulate tobacco or tobacco products and their testing and to require the disclosure of information about tobacco or tobacco products to the government in order to effectively exercise regulatory powers;

(l) ensure tobacco or tobacco products, their packaging and labeling do not mislead consumers, promote tobacco or tobacco productuse or use of the product, or undermine health warning requirements; and

(m) fulfill the State's obligation under Article 5.3 of the WHO Framework Convention on Tobacco Control aimed at ensuring that tobacco or tobacco product control policies are implemented over and above any contrary interest of

commercial and other vested interests ofthe tobacco industry on account of the inherent and irreconcilable conflict of interests between the goals of public health policies for tobacco or tobacco product control and the interests of the tobacco or tobacco product industry, arising from the deadly nature of tobacco or tobacco products.

Committee's Recommendation:
That the provision in Clause 1 be retained (*Senator Chris N. Ngige — Anambra Central*) — *Agreed to.*

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

PART II — NATIONAL TOBACCO CONTROL COMMITTEE AND THE TOBACCO CONTROL UNIT

Clause 2: **Establishment of the National Tobacco Committee.**

(1) There is established a Committee to be known as the National Tobacco Control Committee (in this Act referred to as "the Committee") which shall consist of the following members:

(a) the Director Public Health of the Federal Ministry of Healthas the chairperson;

(b) the National Coordinator of National Tobacco Coordinating Desk of the Federal Ministry of Health

(c) a representative of each of the following not below the rank of a director in Federal Public Service:

(i) Justice;

(ii) Environment;

(iii) Agriculture;

(iv) Education;

(v) Nigerian Customs Service;

(vi) National Agency for Food and Drug Administration and Control;

(vii) National Drug Law Enforcement Agency;

(viii) Consumer Protection Council; and

(ix) Standard Organization of Nigeria.

(d) the Director National Centre for Disease Control

(e) a representative of any tobacco control civil society organization or group appointed by the Minister.

(f) a person who shall be appointed on such terms and conditions as may be determined by the Committee to serve as Secretary to the Committee.

(2) A member of the Committee shall not be affiliated in any manner whatsoever with the tobacco industry or subsidiaries companies or entities of corporate bodies in the tobacco industry as may be specified in regulations or policy, including any person or entity working on behalf of or to further the interests of the tobacco industry.

(3) The Chairperson of the Committee shall within ninety days of the constitution of Committee, convene the first meeting of the Committee.

(4) A member of the Committee other than an ex officio member shall hold office for a period of three years, subject to re-appointment for a further term of three years

Committee's Recommendation:
That the provision in Clause 2 be retained (*Senator Chris N. Ngige — Anambra Central*) — *Agreed to.*

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

Clause 3: Resignation by a member of the Committee.

(1) A member of the Committee, may:

(a) at any time resign from office by notice in writing to the Minister;

(b) be removed from office by the Minister if the member is:

(i) absent from three consecutive meetings of the Committee without any reasonable excuse or the permission of the Chairperson or;

(ii) convicted of an offence involving dishonesty

(iii) incapacitated by reason of physical or mental illness from performing his or her duties;

(iv) adjudged bankrupt; or

(v) discovered to be directly or indirectly affiliated with the tobacco industry or any subsidiary company of the industry, including any person or entity working on behalf of or to further the interests of the tobacco industry.

Committee's Recommendation:
That the provision in Clause 3 be retained (*Senator Chris N. Ngige — Anambra Central*) — *Agreed to.*

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

Clause 4: **Quorum and Committee's proceedings.**

(1) The quorum at a meeting of the Committee shall beone-third of all total members including the Chairperson.

(2) The Chairperson shall preside at every meeting of the Committee provided that in the absence of the Chairperson the members present shall elect one of the members present at that meeting to preside over the meeting.

(3) Unless a unanimous decision is reached a decision on all matter before the Committee shall be by a majority of the votes of the members present and in the case of equality of votes, the person presiding shall have the deciding vote.

(4) Subject to subsection (3), proceedings of the Committee shall not be invalidated by reason only of a vacancy among the members.

(5) The Committee shall meet not less than four times in every financial year and not more than three months shall elapse between the date of one meeting and the date of the next meeting.

(6) The Committee may invite any person to attend its meeting for the purpose of assisting or advising it on any particular matter and such person shall have no right to vote.

(7) Subject to the provisions of this Bill and to any general or special directions in writing by the Minister, the Committee shall regulate its own proceedings.

Committee's Recommendation:
That the provision in Clause 4 be retained (*Senator Chris N. Ngige — Anambra Central*) — *Agreed to.*

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

Clause 5: **Functions of the Committee.**

The functions of the Committee includes:

(a) advise and make recommendations to the Minister, where necessary, on the development and implementation of tobacco control policies, strategies, plans, programmes and projects, in accordance with Framework Convention for Tobacco Control, its implementing guidelines; and protocols;

(b) administer and manage the Funds of the Committee;

(c) screen or process application for licence to manufacture or import or distribute tobacco or tobacco product;

(d) make regulations for the approval of the Minister; and

(e) perform such other functions as may from time to time be assigned to it by the Minister;

(f) Coordinate, support or fund public sensitization campaigns on key provisions of the Bill;

(g) Coordinate multi-stakeholder national youth smoking prevention programmes involving MDAs, faith based organizations, civil society organizations and other stakeholders;

(h) Develop strategies for the counseling and rehabilitation of smokers, particularly those eager to quit smoking; and

(i) Work with the Federal Ministry of Agriculture and other relevant agencies on alternative cropping for tobacco farmers.

Committee's Recommendation:
That the provision in Clause 5 be retained (*Senator Chris N. Ngige — Anambra Central*) — *Agreed to.*

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

Clause 6: **The Tobacco Control Unit.**

(1) There is established in the Ministry, a Tobacco Control Unit (in this Bill referred to as "the Unit") charged with carrying out of the plans, policies, projects and programmes of the Committee and the Ministry.

(2) The Unit shall comprise of a Chairperson and other staff appointed by the Minister on such terms and conditions as may be determined by him.

Committee's Recommendation:
That the provision in Clause 6 be retained (*Senator Chris N. Ngige — Anambra Central*) — *Agreed to.*

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

Clause 7: **Functions of the Unit.**

The functions of the Unit are to:

(a) implement the decisions of the Committee;

(b) coordinate the activities of the Ministries, Departments and Agencies responsible for the implementation of the provisions of this Bill;

(c) collate and furnish all required annual or other periodical reports required to be furnished under this Bill;

(d) coordinate all enforcement activities under this Act and ensure effective liaison with the Police and relevant law enforcement agencies on any violation of the provisions of this Bill; and

(e) carry out such other duties and responsibilities as may be assigned by the Minister or the Committee.

Committee's Recommendation:
That the provision in Clause 7 be retained (*Senator Chris N. Ngige — Anambra Central*) — *Agreed to.*

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

PART III — TOBACCO CONTROL FUND

Clause 8: **Establishment, administration and management of a Tobacco Control Fund.**

(1) There is established a fund to be known as the Tobacco Control Fund.

(2) The Tobacco Control Fund shall consist of:

(a) monies as may be made available by the Federal Government from annual budgetary allocation approved by the National Assembly;

(b) monies in form of subventions from any of the governments of the Federation to meet the stated objectives of this Bill;

(c) gifts, donations and testamentary dispositions where the objectives of the entities making the gifts, donations or testamentary dispositions are not inconsistent with the aims objectives and purposes of this Bill.

Committee's Recommendation:
That the provision in Clause 8 be retained (*Senator Chris N. Ngige — Anambra Central*) — *Agreed to.*

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

PART IV — REGULATION OF SMOKING

Clause 9: **Prohibition of smoking in public places.**

(1) Except as otherwise provided in this Bill or any other law, no person shall smoke tobacco or tobacco products:

(a) in a residential house co-occupied by a person who is below 18 years of age. except in a room exclusively occupied by the smoker;

(b) in an tricycle, vehicle, aircraft, sea vessel, railway coach, lift or any means of public transportation;

(c) indoor or any enclosed public place listed in the Second Schedule to this Bill or any other public place prescribed by the Minister by Regulation made under this Bill provided such regulation is published in the official gazette; and

(d) outdoor in a public place and in an area that smoking is prohibited by owner, controller or occupant of such public place, who displays the prescribed warning sign, with the permit or approval of the National Tobacco Control Committee.

(2) Notwithstanding the provisions of Subsection (1) of this Section, where a person who owns, controls, or occupies any place specified in subsection (1) above provides sufficient number of rooms in which smoking is not permitted to accommodate all persons, he or she may designate any area or part of the public place as a designated smoking area.

(3) In addition to any outdoor space that is designated as a non-smoking area by the person who owns, controls or occupies, a public place, a person is not permitted to smoke in any outdoor space that is:

(a) within ten meters of any doorway, operable window, or air intake mechanism of any public place or workplace;

(b) within ten meters of any waiting area or queue, including but not limited to public transport stops;

(c) anywhere on the premises of any child care facility or educational facility at any level of instruction;

(d) anywhere on the premises of any health care facility;

(e) a playground, amusement park, plaza, public park, or other public gathering space;

(f) a stadium, arena, or any kind of performance space;

(g) a space for the service or consumption of food or drink; and

(h) any other outdoor public place or work space as may be prescribed by the Minister in regulations which shall be published in the official gazette.

(4) Any manager, owner occupier or a person in charge of premises may designate a section as smoking area.

Committee's Recommendation:
That the provision in Clause 9 be retained (*Senator Chris N. Ngige — Anambra Central*) — *Agreed to.*

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

Clause 10: Duties of persons who own or control public places.
It shall be the duty of a person who owns, controls or occupies a place or thing specified in section 9 of this Bill to:

(a) display in permanent form in a prominent area in the place or thing the " No Smoking" signage in the way and manner prescribed by this Bill or any regulation made under this Bill.

(b) implement the provision of this Bill or any of its regulations as relates to the prohibition of smoking.

(c) take reasonable steps to discourage and stop any person from smoking where it is prohibited, including asking the person not to smoke, discontinuing service, asking the person to leave the premise or public transport vehicle when it is safe to do so, and contacting law enforcement or other appropriate authority where necessary; and

(d) investigate complaints and take any necessary action to ensure compliance.

Committee's Recommendation:
That the provision in Clause 10 be retained (*Senator Chris N. Ngige — Anambra Central*) — *Agreed to.*

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

Clause 11: Penalties for non-compliance.

(1) A person who violates the provisions of section 9 of this Bill commits an offence and on conviction is liable to a fine of not less than ₦50,000.00 or term of imprisonment not less than six months or to both fine and imprisonment.

(2) A person who violates the provision of section 10 of this Bill commits an offence and on conviction is liable to -

(a) In the case of an individual, a fine not less than ₦100,000.00 or imprisonment for a term not less than two years or to both fine and imprisonment.

(b) in the case of a corporate entity, to a fine not exceeding ₦200,000.00

(3) A person who smokes where smoking is prohibited, is liable on conviction to a fine of not less than ₦50,000.00 or imprisonment of six months or to both fine and imprisonment.

Committee's Recommendation:
That the provision in Clause 11be retained (*Senator Chris N. Ngige — Anambra Central*) — *Agreed to.*

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

PART V — PROHIBITION OF TOBACCO ADVERTISING, PROMOTION, AND SPONSORSHIP

Clause 12: Prohibition on tobacco and advertising, promotion, and sponsorship.

(1) Except otherwise provided in this Bill, No person shall -

(a) promote, or advertise tobacco or tobacco product in any form, or

(b) sponsor or participate in any programme or event which is aimed at wholly or partially promoting or advertising tobacco or tobacco products or

(c) engage or participate in any tobacco advertising, promotion, or sponsorship as a media or event organizer, celebrity or other participant, as a recipient of any sponsorship contribution, or as an intermediary that facilitates any such contribution.

(2) All forms of commercial communication, act or practice that is intended to promote, promotes, or is likely to promote a tobacco manufacturer, wholesale distributor, or importer directly or indirectly are also prohibited.

(3) Where a person involved in the dissemination of communications, content becomes or reasonably should become aware of any tobacco content and where such person is in a position to control the publication or dissemination of the content, that person shall remove the content or take reasonable efforts to disable access to such content when technically possible; provided that the provision of this subsection shall not apply to the items referred to in subsection (7) of this section.

(4) The provision of this section applies to all domestic and cross-border tobacco advertising, promotion, and sponsorship, including those initiated, produced, published, disseminated, or engaged in by a Nigerian in another territory.

(5) Without limiting in any way the broad application of the provision of this section, Schedule 1 to this Act provides, for illustrative purposes only, non-exhaustive examples oftobacco advertising, promotion, and sponsorship prohibited under the Act.

(6) The Minister may by regulations expand the items listed in the Schedule to this Act as deem appropriate and necessary.

(7) The Minister may, by regulations which shall be published in the official gazette, prescribe the type, forms means and other standards, for promotion, advertisement or sponsor of tobacco or tobacco product and expand the items listed in the Schedule to this Bill as he may deem appropriate and necessary.

(8) Where the under listed may be deemed tohave an incidental promotional effect, they shall not be considered tobacco advertisement, promotion, or sponsorship subject to the provisions of subsections (1) and (2) of this section:

(a) a plain black-and-white only price list made available where tobacco products are legally sold, provided the list contains nothing more than the tobacco product brand name, package quantity, price, and any government-required or authorized information;

(b) depictions of tobacco products or tobacco use in media where the depiction is purely incidental or is justified by reasons of historical accuracy or legitimate journalistic or artistic expression, or where the depiction is required for educational purposes; provided no payment or other consideration was offered or made by a tobacco manufacturer, or seller, or any person acting on their behalf;

(c) genuine political, social, or scientific commentary about tobacco products or tobacco use; provided no payment or other consideration was offered or made by a tobacco manufacturer or seller, or any person acting on their behalf;

(d) dissemination or reporting of information on tobacco companies' practices characterized as or likely to be perceived as socially responsible practices, such as sustainable environmental practices" or good employment practices, that do not involve contributions to other parties, provided the information is necessary for business administration or for required corporate reporting;

(e) product information made accessible to persons within the tobacco trade who need the information for trading decisions, but only to the extent access is limited to those persons; and

(f) tobacco manufacturers' newsletters destined for and distributed only to the manufacturers' employees, contractors, suppliers, and other tobacco-related business partners, and only to the extent their distribution is limited to such persons.

(8) Regulations may require prescribed warnings and other requirements, conditions, or restrictions with respect to any of the items listed in subsection (7) of this section.

(9) In addition, a person shall not employ any means in connection with the items listed in subsection (7) of this section that are false, misleading, deceptive, or likely to create an erroneous impression about a tobacco product's characteristics, health effects, hazards, or emissions.

(10) Without prejudice to this part, communication and promotion within the tobacco trade shall be allowed.

Committee's Recommendation:
That the provision in Clause 12 be retained (*Senator Chris N. Ngige — Anambra Central*) — *Agreed to.*

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

Clause 13: Required disclosures.

(1) For the purpose of monitoring and ensuring compliance with the provisions of this Part, tobacco or tobacco product manufacturers, wholesale distributors, and importers, and any other sellers as may be prescribed in regulations, shall provide reports required under this subsection to the Minister on a periodic basis, which shall be at least annually, and upon request.

(2) The Minister may by regulation which shall be published in the official gazette prescribe the formats, contents, time and other requirement of the report referred to in subsection (1)

(4) Except otherwise provided by this Bill or any other law, the Minister may make information from the reports readily accessible to the public.

Committee's Recommendation:
That the provision in Clause 13 be retained (*Senator Chris N. Ngige — Anambra Central*) — *Agreed to.*

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

Clause 14: Penalties for non-compliance.

(1) A person who violates any of the provisions of this section shall be subject to the penalties specified in subsection (2) of this section provided that the provision of the subsection shall not apply to the items listed in subsection (7) of section 12 of this Act if the requirements of paragraphs (a) to (f) of subsection (4) of section 13 are met.

(2) Any fine for a violation of this Part shall be applied as follows:

(a) against any tobacco manufacturer or seller responsible for initiating tobacco advertising, promotion, or sponsorship, a fine of not less than ₦5,000,000.00 and not more than two years imprisonment for the Owner or Chief Executive Officer of the. tobacco manufacturing company;

(b) against any person that produces or publishes advertising, promotion, or sponsorship content, a fine of not less than ₦3,000,000.00 and not more than one year imprisonment;

(c) against any person that disseminates tobacco advertising, promotion, or sponsorship content when it should reasonably have been aware of the content and when it was in a position to remove the content or disable access to it but failed to do so, a fine of not less than ₦1,000,000.00 and one year imprisonment; and

(d) against any person that engages or participates in tobacco advertising, promotion, or sponsorship as specified in section 12 (1) (c), a fine of not less than ₦3,000,000.00 and not more than one year imprisonment.

Committee's Recommendation:
That the provision in Clause 14 be retained (*Senator Chris N. Ngige — Anambra Central*) — *Agreed to.*

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

PART VI — TOBACCO PRODUCT SALES

Clause 15: Prohibition of sale or access to tobacco products to persons below 18 years of age.

(1) A person shall not sell tobacco or tobacco product to a person who isbelow18years of age or employ or use a person who isbelow18years of age to sell or trade in tobacco or tobacco product.

(2) Prior to any tobacco or tobacco product sale or trade, the seller or trader shall verify the age of the purchaser by checking any form of official identification prescribed by law.

(3) A retailer of tobacco or tobacco products shall display, in the prescribe form at every place of sales signage stating that tobacco sales topersons who is below18 years of age is prohibited.

(4) A person shall not sell or offer to sell or distribute tobacco or tobacco products through vending machines, mail, internet or other automated devices.

(5) Tobacco products shall not be displayed or be visible at any place of sale, other than being visible momentarily at the time of a sales transaction, and they shall not be commercially displayed or visible at any other place; and

(6) No person shall sell tobacco or tobacco products except in a package which must be intact, meets the prescribed quantity and weight.

(7) Smoked tobacco product unit packages shall contain a minimum number of twenty sticks.

(8) Smokeless tobacco product unit packages shall contain a minimum of thirty grams of smokeless tobacco.

(9) Any tobacco product unit packages that do not meet the prescribed requirements shall be subject to confiscation and forfeiture.

(10) The Minister may prescribe additional requirements related to tobacco product sales as necessary or appropriate to prevent access to tobacco products to persons below the age of 18 years or to prevent sales methods that contravene or undermine any objectives of the Bill.

Committee's Recommendation:
That the provision in Clause 15 be retained (*Senator Chris N. Ngige — Anambra Central*) — *Agreed to.*

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

Clause 16: Penalties for non-compliance.

(1) A person who violates any of the provisions of this Part shall on conviction be liable to applicablepenalties provided in subsection (2) of this section.

(2) The applicable penalties for the violation of the provisions of this Part are:

(a) Where a person fails to post the prescribed sign age:

(b) In the case of an individual a fine of not less than ₦200,000.00 or a term of imprisonment not less than one year or to both fine and imprisonment.

(ii) in the case of corporate entity a fine of not less than ₦400,000.00.

(a) Where a person violates the provision of section 15 subsection (1), (3), (5) and (9):

(i) in the case of an individual, a fine less than ₦200,000.00 or a term of imprisonment not less than one year or to both fine and imprisonment.

(ii) In the case of a corporate entity, a fine of not less than ₦400,000.00.

Committee's Recommendation:
That the provision in Clause 16 be retained (*Senator Chris N. Ngige — Anambra Central*) — *Agreed to.*

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

PART VII — REGULATION OF TOBACCO PRODUCTS; TOBACCO PRODUCT CONTENTS AND EMISSIONS DISCLOSURES

Clause 17: Regulation of Standard of tobacco products.

(1) A person shall not manufacture, distributeor selltobacco or tobacco product that does not conform to approved standard or quantity prescribed.

(2) Any tobacco products that does not conform to approved standard or prescribed quantityshall be confiscated and destroyed by the relevant law enforcement agencies.

Committee's Recommendation:
That the provision in Clause 17 be retained (*Senator Chris N. Ngige — Anambra Central*) — *Agreed to.*

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

Clause 18: Product content and emissions reporting.

(1) A person who manufactures or imports tobaccoor tobacco products shall submit reports on tobacco or tobacco product contents and emissions to the Minister as may be presribed by regulations.

(2) The Ministry shal1 make information from these reports readily accessible to the public while taking reasonable action necessary to prevent disclosure of any information that may be protected by law and any information that may be misleading or promotional.

Committee's Recommendation:
That the provision in Clause 18 be retained (*Senator Chris N. Ngige — Anambra Central*) — *Agreed to.*

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

Clause 19: Penalties for non-compliance.

(1) A person who violates any provision of this Part shall be liable on conviction to the applicable penalty provided in subsection (2) of this section.

(2) Applicable fines and penalties for a violation of the provisions of this Part are:

(a) where the person is a manufacturer or importer:

(i) in case of an individual, a fine of not less than ₦200,000.00 or term of imprisonment not more than one year or to both.

(ii) in case of corporate entity, a fine of not less than ₦4,000,000.00.

(b) Any other seller of tobacco or tobacco products to a fine of not less than ₦200,000.00 or a term of imprisonment not more than one year imprisonment or to both.

Committee's Recommendation:
That the provision in Clause 19 be retained (*Senator Chris N. Ngige — Anambra Central*) — *Agreed to.*

Question that Clause 19 *do stand part of the Bill, put and agreed to.*

PART VIII — TOBACCO PRODUCT PACKAGING AND LABELING

Clause 20: Health warnings and other information required on tobacco product packaging and labeling.

(1) The Ministry shall prescribe health warnings and messages to be permanently displayed on each principal display area of the unit and outside packaging and labeling of all tobacco products, as specified in the following and in implementing regulations:

(a) The text and pictures comprising the health warnings and messages shall appear together and shall occupy no less than 50% of each principal display area of the package, not counting the space taken up by any border surrounding the health warnings and messages that may be required in regulations;

(b) The text of the health warnings and messages shall be in English language, and anythree other major Nigerian Languages.

(c) Each of the different health warnings and it messages prescribed in regulations shall appear on tobacco product packaging and labeling concurrently so that:

(i) Each of the warnings or messages appears on an equal number of retail packages for each brand within each brand family for each package size and type for the period specified in regulations, which shall be no more than 24 months;

(ii) At the end of the period provided in (i), the health warnings and messages shall be replaced with a different set of health warnings and messages prescribed in regulations, which shall appear concurrently in the same manner as described in paragraph (i) above, which shall be no more than 24 months;

(iii) For subsequent periods, which shall be no more than 24 months each, the Ministry shall prescribe a set of new warnings and messages that shall be used and/or authorize the use of warnings and messages from previous rotation periods;

(iv) For a period of no longer than 60 days from the date new warnings and messages take effect to replace the warnings and messages from a previous period, unit and outside packaging and labeling already in circulation with the old health warnings and messages may continue to be sold along with unit and outside packaging and labeling with the new warnings and messages. At the end of the 60 days, in addition to any penalty to which the responsible manufacturer and/or seller may be subject, any non-compliant packaging and labeling and any products contained therein found in the possession or under the control of a tobacco manufacturer or seller or any person acting on their behalf shall be subject to confiscation and destruction.

(2) Normal opening of the package must not damage, conceal, obstruct, obscure, disrupt, or otherwise hamper the visibility of the warnings and messages and the warnings and messages must not be, and must not be susceptible at any time to being damaged, concealed, obstructed, obscured, disrupted, or changed by other required packaging and labeling information, markings, or stamps, by any package design feature, or by anything provided by the manufacturer or seller that could be used to cover, damage, conceal, obstruct, obscure, or disrupt the warnings and messages.

(3) In addition to the required health warnings and messages, the -nit and outside packaging and labeling of all tobacco products shall provide the descriptive only information on constituents and emissions prescribed in regulations.

(4) The legal place of sale shall be visibly displayed on the unit and outside packaging and labeling of all tobacco products for sale in the territory, conveyed as follows: "Sales allowed only in Nigeria". The information on legal place of sale shall be displayed on the package as specified in regulations.

(5) The Ministry shall prescribe the content, colors, size, font, print quality, layout, design, placement, display, and all other details related to the health warnings and messages, constituent and emissions information, and all other information required to be displayed in connection with tobacco product packaging and labeling.

(6) The Ministry is authorized to provide electronic samples of the health warnings and messages and any other information required for tobacco product packaging and labeling and the samples must be reproduced and displayed by manufacturers and importers on packaging and labeling as closely as technologically possible.

Committee's Recommendation:
That the provision in Clause 20 be retained (*Senator Chris N. Ngige — Anambra Central*) — *Agreed to.*

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

Clause 21: Prohibition on misleading packaging, labeling and product design, regulation of promotional features.

(1) The unit and outside packaging and labeling, and tobacco product itself, must not promote the product by any means that are false, misleading, deceptive or likely to create an erroneous impression about the product's characteristics, health effects, hazards or emissions, including using any term, descriptor, trademark, figurative, color, or other sign of any kind that directly or indirectly creates or is likely to create the false impression that a particular tobacco product is less harmful than others. 'Prohibited terms include, but are not limited to, "low tar", "light", "ultra-light" or "mild", "extra", "ultra", and other terms in any language that are likely to mislead consumers, including when used as part of a brand name or trademark.

(2) Quantitative information on emissions shall not be displayed anywhere on or inside the product's unit or outside packaging or labeling, or on the product itself, including when used as part of a brand name or trademark.

(3) The Minister shall have the authority to specify additional prohibitions on misleading packaging and labeling and product design, and shall have the authority to specify restrictions or prohibitions on promotional features, including but not limited to:

(a) the use of logos, colors, brand images, and other promotional items or features on, in, or as part of tobacco product packaging and labeling, and on or as part of the product itself, other than brand names and product names displayed in a standard color and font, as may be specified in regulations;

(b) any features of the retail packaging designed to change after retail sale, including, but not limited to:

(i) heat activated inks;

(ii) inks or embellishments designed to appear gradually over time, including on the product itself;

(iii) inks that appear fluorescent in certain light, including on the product itself;

(iv) panels designed to be scratched or rubbed to reveal an image or text;

(v) removable or hidden tabs or panels; or

(vi) fold-out tables or panels; and

(c) any other misleading or promotional features of the packaging and labeling or product.

Committee's Recommendation:
That the provision in Clause 21 be retained (*Senator Chris N. Ngige — Anambra Central*) — *Agreed to.*

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

Clause 22: **Date for Compliance With New Regulations.**
Except otherwise stated in this Bill or any other law, change in any regulation made under this Bill relating to the standard, packaging and labelling of tobacco or tobacco related products shall take effect after6 months from the date of publication of the regulations in the Official Gazette.

Committee's Recommendation:
That the provision in Clause 22 be deleted (*Senator Chris N. Ngige — Anambra Central*) — *Agreed to.*

Clause 23: **Duties not diminished by compliance with this Part.**
Fulfilling the requirements of this Part does not remove or diminish any duty of a tobacco manufacturer or seller, including, but not limited to the duty to warn consumers about the health hazards arising from tobacco use and exposure to tobacco smoke.

Committee's Recommendation:
That the provision in Clause 23 be retained (*Senator Chris N. Ngige — Anambra Central*) — *Agreed to.*

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

Clause 30: Prevention and management of conflicts of interest.

(1) A person shall, prior to engaging any person to undertake any paid or voluntary work or service of any kind for the government, make appropriate disclosures about any existing or prior affiliation, as specified in paragraphs (a) to (c) of subsection (2) of this section with the tobacco industry.

(2) A person shall not be hired, awarded a contract, or otherwise retained or engaged to work or serve in any capacity with responsibility for tobacco control policy where that person:

(a) is also engaged in occupational activity, with the tobacco industry, including serving as a member of a board of directors for a business in the tobacco industry;

(b) has engaged in an occupational activity with the tobacco within the twenty-four months period prior to the month the disclosure was submitted;

(c) has or had during the relevant period any other tobacco-related conflict of interest.

(3) Any public office holder who intends to engage in occupational activity, including serving as a member of a board of directors for a business in the tobacco industry, upon leaving government service or within 24 months after leaving government service, shall disclose such intent to the Ministry within fifteen days of agreeing to undertake such activity.

(4) Any person required to make disclosures pursuant to this section shall truthfully and fully disclose all information required and do so within the time specified.

(5) Any public office holder who engaged in significant activity in relation to tobacco control policy during the period of twenty-four months immediately prior to the termination of the public office holder's government service shall be prohibited from accepting occupational activity, including appointment to a board of directors, with any business in the tobacco industry for a period of at least twenty-four months after leaving government service, and shall be bound by confidentiality with respect to any matter involving tobacco control policy development or implementation.

(6) The relevant authority or authorities in each government, institution, or body shall establish effective directives, policies and procedures, guidelines, or other measures necessary or appropriate for preventing and addressing any tobacco-related conflicts of interest pursuant to this section and any regulations made under this Act.

Committee's Recommendation:
That the provision in Clause 30 be retained (*Senator Chris N. Ngige — Anambra Central*) — *Agreed to.*

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

Clause 31: Tobacco industry reporting.

(1) Tobacco manufacturers, wholesale distributors, and importers shall submit reports to the Ministry periodically, as prescribed by regulations, and upon request

(2) The report required to be submitted under subsection (1) of this section shall contain the following information, to the extent applicable, for the period covered by the report:

(a) tobacco product revenues and profits, broken down by region and sector and, in the case of tobacco manufacturers, by wholesaler and retailer;

(b) location, address and corporate name of all tobacco and non-tobacco subsidiaries, affiliates, joint ventures, partners, suppliers, and licensees;

(c) litigation in which the corporation or a subsidiary of the corporation, or the officers or directors of either, is or was at any time during the litigation a party to the litigation;

(d) any and all legal violations committed or prosecuted against the corporation or any of its officers or directors and the outcome or status of any prosecutions;

(e) corporate taxes owed and paid;

(f) market share for all brands and brand families in all markets in the territory, including market share by age and sex, and globally;

(g) information on tobacco product imports and exports, as specified in regulations, and import and export partners and locations;

(h) all activities attempted or undertaken to influence the formulation or implementation of any tobacco control or public health policy;

(i) the identification of lobbyists and lobbying firms and all other persons, including the manufacturer's, wholesaler's, or importer's employees, used for the purpose oftaking or attempting action to influence the formulation or implementation of any tobacco control or public health policy, including issue advocacy advertising, along with an itemization of all costs incurred and payments made in regard to these activities;

(j) membership in any trade or business associations or membership organizations;

(k) payments made to any trade or business associations or membership organizations, including not-for-profit associations, and the purposes of any such payments;

(l) payments made to any persons that engaged in any advocacyconcerning tobacco control or public health policy;

(m) any conferences, seminars, workshops, training events, and other forums concerning tobacco control policy, tobacco products, or tobacco control organized, funded or supported in some other way, in whole or in part;

(n) any conferences, seminars, workshops, training events, and other forums concerning tobacco control policy, tobacco products, or tobacco control attended by any person employed by or acting on behalf of the reporting company or entity;

(o) any offers of or payments made to scientists, researchers, journalists, and any other persons as may be specified in regulations, and the purposes and amounts of the payments;

(p) any payments, gifts, contributions of any kind, or perquisites offered or given, directly or indirectly, to any public office holder having any responsibility for tobacco control, the amounts offered" or given, and the purposes;

(q) any contribution or payment of any kind offered or given to any government institution, body, board, commission, committee, work group, and other government organ or entity, the amount, and the purpose of the contribution or payment;

(r) any charitable, philanthropic, civic, or similar contribution or payment of any kind offered or given to any person and the amount of the contribution or payment;

(s) any contacts or communications of any kind initiated and all interactions of any kind with any public office holder having any responsibility for tobacco control, along with a description of the identity of the office holder, the date, the purpose, matters raised or discussed, and any outcome;

(t) any offers or payments made to any political party, candidate, campaign, or any person acting on their behalf, along with a description of the identity of the political party, candidate, or campaign, the date, and the amount; and

(u) any other information as may be prescribed by the Ministry in regulations.

(3) The person providing the report shall, under penalty of perjury, verify and attest to the accuracy and completeness of the information reported.

(4) The report shall be submitted as prescribed in regulations as to details at the frequency and in the manner, content, details, format, and all other.

(5) The Ministry shall maintain the reports for a period of at least five years and shall make information from the reports readily accessible to the public in a timely manner, which shall be not later than thirty days after receipt of the report; provided that the Ministry shall take reasonable action necessary to prevent disclosure of any information that may be protected by law and any information that may be misleading or that may promote tobacco use, tobacco products, or the tobacco business making the report.

Committee's Recommendation:
That the provision in Clause 31be retained (*Senator Chris N. Ngige — Anambra Central*) — *Agreed to.*

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

Clause 32: **Awareness raising and public education.**
The Minister shall ensure that a responsible Authority of government is made aware of, at a minimum, the addictive and harmful nature of tobacco or tobacco products, the need to protect tobacco control policies from the commercial and other vested interests of the tobacco or tobacco products industry, and of the strategies, tactics, and front groups and other surrogates used, openly or covertly, by the tobacco or tobacco products industry to undermine and subvert the development and implementation of effective tobacco or tobacco products control policies, including by making philanthropic contributions to public and private organizations.

Committee's Recommendation:
That the provision in Clause 32be retained (*Senator Chris N. Ngige — Anambra Central*) — *Agreed to.*

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

Clause 33: **Prohibition on incentives or privileges to tobacco businesses.**
Government shall not provide any incentive or privileges to any person to establish or run a tobacco manufacturing, wholesale, import, or retain business, or any incentive or privilege related to any phase of the production or marketing of tobacco products or growing of tobacco. This includes but is not necessarily limited to, subsidies, investment incentives, direct investments or loans, tax exemptions or reductions, or any other form of favourable tax treatment, and research and development grants or loans.

Committee's Recommendation:
That the provision in Clause 33 be retained (*Senator Chris N. Ngige — Anambra Central*) — *Agreed to.*

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

Clause 34: **Protection of tobacco control policies, etc.**
(1) The Ministry shall have the authority to specify additional requirements and prohibitions to protect tobacco control policies from the commercial and other vested interests of the tobacco industry, and shall have authority to promulgate any regulations necessary or appropriate for achieving the objectives of this Part

(2) The heads of government institutions, bodies, or other organs shall adopt and periodically monitor and evaluate policies, procedures, codes of conduct, directives, guidelines and standards to ensure proper administration of the provisions of this Part and regulations made under this Act.

Committee's Recommendation:
That the provision in Clause 34 be retained (*Senator Chris N. Ngige — Anambra Central*) — *Agreed to.*

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

Clause 35: Penalties.

(1) A person who violates any of the provisions of this Part shall on conviction be liable to anyone or combination of penalties provided in subsection (2) of this section.

(2) The applicable fines for any violation of the provision of this Part are in the case of:

(a) a political candidate, party, or campaign, a fine of not less than ₦10,000,000.00 and not more than ten years imprisonment or to, both fine and imprisonment;

(b) a business in the tobacco industry, a fine of not less than ₦10,000,000,00 and not more than twelve years imprisonment;

(c) a public office holder, a fine of no less than ₦500,000,00 and not more than seven years imprisonment; and

(d) any other person, a fine of not less than ₦500,000.00 and not more than seven years imprisonment or to both fine and imprisonment.

Committee's Recommendation:
That the provision in Clause 35 be retained (*Senator Chris N. Ngige — Anambra Central*) — *Agreed to.*

Question that Clause 35 *do stand part of the Bill, put and agreed to.*

PART X — LICENSING OF TOBACCO DEALER

Clause 36: Measures to prevent illicit trade in tobacco products.

(1) The responsible Authority shall by regulations prescribe appropriate measures to prevent illicit trade in tobacco products.

(2) A person who violates any of the provisions of regulations made pursuant to this Part shall be subject to anyone or combination penalties provided in subsection (3) of this section.

(3) Applicable fine for violation of regulations made pursuant to this Part are, in the case of:

(a) a tobacco manufacturer or import, upon conviction to a fine of not less than ₦10,000,000.00 and not more than ten years imprisonment or to both fine and imprisonment; and

(b) any other person, upon conviction to a fine of not less than ₦5,000,000.00 and not more than five years imprisonment or to both fine and imprisonment.

Committee's Recommendation:
That the provision in Clause 36 be retained (*Senator Chris N. Ngige — Anambra Central*) — *Agreed to.*

Question that Clause 36 *do stand part of the Bill, put and agreed to.*

PART XI — ENFORCEMENT

Clause 37: Investigation and enforcement

(1) The police or any other law enforcement agency of government shall have the duty to inspect and investigate complaints and take appropriate enforcement action under the Bill and in regulations made under this Bill.

(2) The Minister may also designate authorised officers for the purpose of implementation and enforcement of the provisions of this Bill.

Committee's Recommendation:
That the provision in Clause 37 be retained (*Senator Chris N. Ngige — Anambra Central*) — *Agreed to.*

Question that Clause 37 do stand part of the Bill, put and agreed to.

Clause 38: Powers of Authorised Officers.

(1) The Police or any authorised Officer shall have powers to:

(a) enter the premises of any public place, workplace, means of public transportation, and any business where tobacco is manufactured, tested, sold, transported, received, distributed, supplied, or otherwise found or is likely to be found;

(b) enter such premises as provided in paragraph (a) above, to conduct inspections or investigations at any time during business or operating hours or at any other reasonable or necessary time;

(c) examine, open, and test any equipment, tools, materials, packages or anything the police or any authorised Officer reasonably believes is used or capable of being used for the manufacture, packaging and labeling, storage, distribution, or advertising and promotion of tobacco products;

(d) examine any manufacturing operation or process carried out on the premises;

(e) examine and make copies of or from any books, documents, notes, files, including electronic files, or other records the police or the authorized officer reasonably believes might contain information relevant to determining compliance with the provisions of this Bill and regulations and any other applicable law, including laws and regulations imposing duties or taxes;

(f) interview any person the police or officer believes may have information relevant to making a compliance determination;

(g) open, and take samples of tobacco products or components of products, and their packaging and labeling and have them tested;

(h) stop, search, and detain any aircraft, ship, vehicle or other means of transport or storage. in which the police or the authorized officer reasonably believes tobacco products are or were contained or conveyed;

(i) seize and detain, or order the storage without removal or alteration of any tobacco product or other thing the authorized officer reasonably believes does not comply with the provisions of this Bill or regulations made under this Bill, and any other applicable law, including laws and regulations imposing duties or taxes; provided, however, that the police or officer shall first provide the licensee or owner of the tobacco products or other things, or if the licensee or owner is unavailable, any other person on the premises where the tobacco products or other things are located, with written notice of the seizure and detention and the grounds for it and:

(i) where tobacco product or other thing so seized and detained is determined to meet legal requirements, the product shall be returned to the premises from which it was seized within seven business days from the date it is determined to meet legal requirements; and

(ii) where any tobacco product or other thing is determined not to meet legal requirements, the product may be confiscated and destroyed or subject to other disposal, as ordered by the adjudicator of the case, subject to any appeal rights that may be applicable; and

(j) take any other action reasonable or necessary for the- effective and efficient administration of this Bill.

(2) Inspection and investigation reports, and documents collected pursuant to inspections and investigations shall be made readily publicly accessible once the inspection or investigation has concluded, subject to exclusion of any information protected by law; provided that any exclusion of information and the grounds for exclusion shall be explained in writing.

(3) The police or an authorized officer may not enter a dwelling place except with the consent of the occupant or under the authority of a warrant issued under section 39 of this Bill.

(4) A person shall not deny, obstruct or hinder, or knowingly make a false or misleading statement to an the police or authorized officer who is carrying out duties under this Bill.

(5) A person who contravenes the provision of subsection (4) of this section shall, on conviction, be liable to a fine not exceeding ₦50,000.00 or to imprisonment for a term not exceeding six months, or to both and imprisonment and for corporate offenders, to a fine of ₦2,000,000 .00.

Committee's Recommendation:
That the provision in Clause 38 be retained (*Senator Chris N. Ngige — Anambra Central*) — *Agreed to.*

Question that Clause 38 *do stand part of the Bill, put and agreed to.*

Clause 39: Search Warrants Procurement.

(1) Upon an ex-parte application, a magistrate or judge of the High Court, may issue a warrant authorizing the officer named in the warrant to enter and inspect a dwelling place, subject to any conditions specified in the warrant, if the magistrate or judge is satisfied by information on oath that—

(a) such a dwelling place is harbouring illegal or substandard tobacco or tobacco products; or

(b) upon reasonable suspicion that such a dwelling place has become a depot for harbouring illegal or substandard tobaccoo or tobacco products.

(2) The police or an officer executing the warrant shall not use force use of force is specifically authorized in the warrantor is necesaary.

Committee's Recommendation:
That the provision in Clause 39 be retained (*Senator Chris N. Ngige — Anambra Central*) — *Agreed to.*

Question that Clause 39 *do stand part of the Bill, put and agreed to.*

Clause 40: Restoration of seized products.

Any person from whom tobacco, a tobacco product or thing was seized may, within sixty days after the date of seizure, apply to the High Court in the State where the seizure has taken place, for an order of restoration, and shall send notice containing the prescribed information to the Committee Chairman within the prescribed time and in the prescribed manner.

Committee's Recommendation:
That the provision in Clause 40 be retained (*Senator Chris N. Ngige — Anambra Central*) — *Agreed to.*

Question that Clause 40 *do stand part of the Bill, put and agreed to.*

Clause 41: Restoration Order.

The High Court may order that the tobacco, tobacco product or thing be restored immediately to the applicant if, the court is satisfied that:—

(a) the applicant is entitled to possession of the tobacco, tobacco product or thing seized; and

(b) the tobacco, tobacco product or thing seized is not and will not be required as evidence in any proceedings in respect of an offence under this Act.

Committee's Recommendation:
That the provision in Clause 41 be retained (*Senator Chris N. Ngige — Anambra Central*) — *Agreed to.*

Question that Clause 41 *do stand part of the Bill, put and agreed to.*

Clause 42: Forfeiture.

Where:—

(a) no application has been made under this Bill, or an application has been made but on the hearing of such application no order for restoration is made;

(b) a person has been convicted of an offence under this Bill in respect of which tobacco, a tobacco product or thing has been seized;

(c) an officer has seized tobacco, a tobacco-product or thing and the owner or the person in whose possession it was at the time of seizure consents in writing to its forfeiture, the tobacco, tobacco product or-thing is forfeited to the Federal Government and may be destroyed or disposed of by the responsible authority.

Committee's Recommendation:
That the provision in Clause 42 be retained (*Senator Chris N. Ngige — Anambra Central*) — *Agreed to.*

Question that Clause 42 *do stand part of the Bill, put and agreed to.*

PART XII — EDUCATION, COMMUNICATION, TRAINING AND PUBLIC AWARENESS

Clause 43: Training and public awareness campaign.

(1) There shall be active promotion and strengthening of public awareness on the health consequences, addictive-nature and mortal threat posed by tobacco or tobacco products use and exposure to tobacco ortobacco productssmoke and the harmful effects of tobacco or tobacco products growing and handling through a comprehensive Nationwide Education and Information Campaign organized through Ministries, Departments, and Agencies of government in collaboration with civil society organisation.

(2) Any person or entity working on behalf of or furthering the interests of the tobacco industry, shall not be involved in any manner whatsoever in youth, public education, or other initiatives related to tobacco control or public health, including any funding of such activities.

(3) Application of revenues and fees from the tobacco industry mandated by law shall not be considered funding by the tobacco industry for the purposes of this section.

Committee's Recommendation:
That the provision in Clause 43 be retained (*Senator Chris N. Ngige — Anambra Central*) — *Agreed to.*

Question that Clause 43 *do stand part of the Bill, put and agreed to.*

PART XIII — MISCELLANEOUS

Clause 44: Power to make regulations.

(a) In addition to any matter in this Bill in which the Minister is authorised to make regulations, the Minister may make regulation prescribing any matter or thing that is necessary or appropriate to fulfill the objectives of this Bill.

(b) Any regulation made by the Minister pursuant to this clause or any other clause of this Bill shall be subject to the approval of both Houses of the National Assembly.

Committee's Recommendation:
That the provision in Clause 44 be retained (*Senator Chris N. Ngige — Anambra Central*) — *Agreed to.*

Question that Clause 44 *do stand part of the Bill, put and agreed to.*

Clause 45: Evaluation.

(1) The Minister shall establish appropriate mechanisms for the monitoring and evaluation of the provisions of this Bill and ensure the overall effectiveness of the inspection and enforcement provisions provided for this under this Bill.

(2) Evaluation shall include an assessment of the impact with respect to different population groups and vulnerable groups such as women, youth and low-income populations.

Committee's Recommendation:
That the provision in Clause 45 be retained (*Senator Chris N. Ngige — Anambra Central*) — *Agreed to.*

Question that Clause 45 *do stand part of the Bill, put and agreed to.*

Clause 46: Protection from retaliation.

It shall be unlawful for any person, business or entity, or any other person to take any retaliatory action or discriminate against any employee, applicant, contractor, or other person on the ground that such person made a complaint, reported, disclosed, or opposed any conduct, activity, or practice that reasonably could be construed to be a violation of any provision of a policy or any provision of this Bill or regulations made under this Bill or against any agency or any person who brought a legal action, testified in any proceeding or hearing, or assisted or participated in any way in any investigation brought by virtue of the provisions of this Bill.

Committee's Recommendation:
That the provision in Clause 46 be retained (*Senator Chris N. Ngige — Anambra Central*) — *Agreed to.*

Question that Clause 46 *do stand part of the Bill, put and agreed to.*

Clause 47: Application of penalties for non-compliance.

(1) A person who violates any provisions of this Bill for which no specific penalty is provided in this Bill shall be liable to the applicable penalties specified in subsection (2) of this section.

(2) The applicable penalties referred to in subsection (1)of this section are:

(a) a warning, where the person is a first time offender and the violation is unintentional;

(b) suspension of licence oroperations for a specified period of time, and

(c) in case of an individual a maximum fine of N500,000.00 or a maximum imprisonment of ten years, and in case of a corporate entity a maximum fine of N5,000,000.00.

(3) In addition to any penalty authorized, corrective action may be ordered by a court of competent jurisdiction, with the cost of the action borne or reimbursed by the violator, including, as applicable, but not limited to:

(a) an order to cease and desist from any conduct that violates any of the provisions of this Act, policies or regulations made under this Act;

(b) recall, removal or blockage of tobacco advertising, promotion, or sponsorship content and confiscation and destruction of any advertising, promotion, or sponsorship materials and any items containing such content or materials; provided that this subsection shall not apply to the items listed in subsection (6) of section 12 of the is Act;

(c) invalidation of any contract, agreement, or arrangement concerning tobacco advertising, promotion, or sponsorship;

(d) in the case of Part 9 and Part 10, forfeiture of any contribution accepted from the tobacco industry;

(e) recall, removal, and confiscation and destruction of any product that fails to meet the requirements of sections 17 and 18 of this Act or for which no report was filed or for which false or incomplete information was filed pursuant to section 26 of this Act;

(f) forfeiture of illicitly traded products;

(g) forfeiture of ill-gotten gains; and

(h) any other corrective action ordered by a court.

(4) In the case of a violation by a corporation, partnership, firm or other entity, the managers, directors, officers, as appropriate, shall bear responsibility for any penalty imposed, for any costs associated with any enforcement or corrective action, and for any term of imprisonment ordered, unless otherwise specified.

Committee's Recommendation:
That the provision in Clause 47 be retained (*Senator Chris N. Ngige — Anambra Central*) — *Agreed to.*

Question that Clause 47 *do stand part of the Bill, put and agreed to.*

Clause 48: Price and tax measures to reduce the demand for tobacco.
The Governments of the Federation and their ministries, Department and Agencies shall implement tax policies, strategies, programs, or other fiscal measures which promotes the objectives of this Bill and in accordance with Framework Convention for Tobacco Control (FCTC), its implementing guidelines, and protocols.

Committee's Recommendation:
That the provision in Clause 48 be retained (*Senator Chris N. Ngige — Anambra Central*) — *Agreed to.*

Question that Clause 48 *do stand part of the Bill, put and agreed to.*

Clause 49: Civil Society participation.

(1) In the implementation of the provision of this Act, the Ministry and the Committee shall promote and strengthen public awareness of tobacco control issues and promote the full participation of civil society.

(2) A person may file a complaint about any violation of any of the provisions of this Act or regulations or policies in the court of competent jurisdiction.

(3) A civil action may be commenced before the court of competent jurisdiction against any person alleged to have violated any of the provisions of this Act.

(4) It shall not be necessary for the person instituting the action to prove harm as a result of the alleged violation or that the person has any special interest in the action, save for the enforcement of the provisions of this Act.

Committee's Recommendation:
That the provision in Clause 49 be retained (*Senator Chris N. Ngige — Anambra Central*) — *Agreed to.*

Question that Clause 49 *do stand part of the Bill, put and agreed to.*

Clause 50: Severability.
In the event any provision of this Bill is found by a court of competent jurisdiction to be unconstitutional, illegal, or otherwise .invalid, all other provisions shall remain in full force and effect.

Committee's Recommendation:
That the provision in Clause 50 be retained (*Senator Chris N. Ngige — Anambra Central*) — *Agreed to.*

Question that Clause 50 *do stand part of the Bill, put and agreed to.*

Clause 51: Repeals.
The Tobacco Smoking (Control) Act (No. 20) CAP. T6, Laws of the Federation of Nigeria, 2004 is repealed.

Committee's Recommendation:
That the provision in Clause 51 be retained (*Senator Chris N. Ngige — Anambra Central*) — *Agreed to.*

Question that Clause 51 *do stand part of the Bill, put and agreed to.*

Clause 52: Interpretation.
In this Act, unless the context otherwise requires:—
"Committee" means the National Tobacco Control Committee established under section 2 of this Act;

Question: That the word "Committee" be as defined in the Interpretation to this Act, put and agreed to.

"conflict of interest" means a conflict between the public duties and private interests of any person working in any capacity in or on behalf of government where that person has tobacco-related interests which could improperly influence or could reasonably be perceived as being capable of improperly influencing the performance of the person's official duties or responsibilities;

Question: That the words "conflict of interest" be as defined in the Interpretation to this Act, put and agreed to.

"cross-border" with respect to tobacco advertising, promotion, and sponsorship means an activity relating to the subject matter of this Act which originates within the territory of Nigeria and enters another territory or could be received in another territory, including by means such as, but not limited to, placement on the Internet or through broadcasts or other communications technologies, as well as that which originates outside Nigeria and enters or is designed to enter Nigeria;

Question: That the word "cross-border" be as defined in the Interpretation to this Act, put and agreed to.

"enclosed" means any space covered by a roof or one or more walls or sides, regardless of the type of material used and regardless of whether the structure is permanent or temporary;

Question: That the word "enclosed" be as defined in the Interpretation to this Act, put and agreed to.

"government" includes governmental and semi- or quasi-governmental institutions, bodies, boards, commissions, committees, work groups, or entities;

Question: That the word "government" be as defined in the Interpretation to this Act, put and agreed to.

"health warnings and messages" means prescribed text and accompanying full color pictures required by the Ministry to be displayed on tobacco packaging and labeling conveying the health consequences of tobacco use and exposure to tobacco smoke and any other messages as may be prescribed by the Ministry;

Question: That the words "health warnings and message" be as defined in the Interpretation to this Act, put and agreed to.

"Ministry" means Federal Ministry of Health;

Question: That the word "Ministry" be as defined in the Interpretation to this Act, put and agreed to.

"occupational activity" includes any kind of employment, contract, consulting, or other work, or service activity, whether it is gainful or not, and whether it is full-time, part-time, occasional, temporary, or permanent;

Question: That the words "occupational activity" be as defined in the Interpretation to this Act, put and agreed to.

"open space" or "outdoor space" means any space that is not "enclosed" or

Question: That the word "open space" be as defined in the Interpretation to this Act, put and agreed to.

"indoor", as those terms are defined in this Act;

Question: That the word "indoor" be as defined in the Interpretation to this Act, put and agreed to.

"outside packaging and labeling", with respect to tobacco products, means packaging and labeling used in the retail sale of the products;

Question: That the words "outside packaging and labeling" be as defined in the Interpretation to this Act, put and agreed to.

"person" includes any natural and any legal person;

Question: That the word "person" be as defined in the Interpretation to this Act, put and agreed to.

"person responsible for the premises" means the owner, manager, or other person in charge of a public place, workplace, or means of public transport;

Question: That the word "person responsible for the premises" be as defined in the Interpretation to this Act, put and agreed to.

"public office holder" means an appointed or elected government official, representative, employee, or advisor within any branch of government at the national level or at any sub-national level of government;

Question: That the words "public office holder" be as defined in the Interpretation to this Act, put and agreed to.

"public place" means all public places listed in the Second Schedule and excludes the roads, streets, highways and all outdoors places within the 5 meter rule;

Question: That the word "public place" be as defined in the Interpretation to this Act, put and agreed to.

"public transport" means any vehicle used for carriage of members of the public, usually for reward or commercial gain;

Question: That the word "public transport" be as defined in the Interpretation to this Act, put and agreed to.

"publish" means to make public to one or more persons by any means;

Question: That the word "publish" be as defined in the Interpretation to this Act, put and agreed to.

"relevant or related to tobacco control" means any policies, laws, regulations, programs, or initiatives that affect or are likely to affect the development or implementation of tobacco control policy, such as but not limited to, tax, price, trade, and agricultural policies;

Question: That the words "relevant or related to tobacco control" be as defined in the Interpretation to this Act, put and agreed to.

"responsible Authority" means the Ministry or Minister as the case may be any other Ministry, Department or Agency of the Government charged with responsibility for the implementation and enforcement of the provision of this Act;

Question: That the word "responsible Authority" be as defined in the Interpretation to this Act, put and agreed to.

"responsible for tobacco control", "responsibility for tobacco control", or "role in tobacco control" includes being involved in or contributing to, or being in a position to be involved in or contribute to tobacco control policies, or those relevant or related to tobacco control, within any branch of government at the national or sub-national levels;

Question: That the word "responsible for tobacco control" be as defined in the Interpretation to this Act, put and agreed to.

"subsidiary" means a business in the tobacco industry in which another tobacco corporation has a controlling share and includes any corporation organized and chartered under the laws of another State;

Question: That the word "subsidiary" be as defined in the Interpretation to this Act, put and agreed to.

"seller" with regard to tobacco products means any person that sells tobacco products at import, wholesale, export, or retail;

Question: That the word "seller" be as defined in the Interpretation to this Act, put and agreed to.

"smoking" includes being in possession or control of a lit tobacco product regardless of whether the smoke is being actively inhaled or exhaled;

Question: That the word "smoking" be as defined in the Interpretation to this Act, put and agreed to.

"tobacco advertising and promotion" means any form of commercial communication, recommendation, or action with the aim, effect, or likely effect of promoting a tobacco product or tobacco use directly or indirectly;

Question: That the words "tobacco advertising and promotion" be as defined in the Interpretation to this Act, put and agreed to.

"tobacco control" means a range of supply, demand, and harm reduction strategies that aim to improve the health of a population by eliminating or reducing their consumption of tobacco products and exposure to tobacco smoke;

Question: That the word "tobacco control" be as defined in the Interpretation to this Act, put and agreed to.

"tobacco control policy" includes the formulation, development, implementation, administration, or enforcement of tobacco control policy, law, regulation, program, or initiative, and any policy, law, program, or initiative relevant or related to tobacco control;

SECOND SCHEDULE

PROHIBITED SMOKING AREAS

(1) Every person has a right to a clean and healthy environment and the right to be protected from exposure to second hand smoke.

(2) Every person has a duty to observe measures to protect the health of non-smokers.

(3) Every head of family including and not limited to parent and or guardian is responsible for ensuring that the children are free from second hand smoke.

(4) No person shall smoke in any part of any enclosed or partially enclosed public place or workplace.

(5) Without prejudice to the generality of subsection (4) of the second schedule, no person shall smoke in;

(a) education facilities, libraries and schools

(b) Offices and workplace including corridors, lounges, eating areas, reception areas, lifts, escalators, foyers, stairwells, toilets, laundries, amenity areas of such places;

(c) Court building;

(d) Factories;

(e) Cinema halls, theaters, video houses, such other halls or places of performance, disco halls or any other entertainment facilities at any time during which it is open to the public;

(f) hospitals, clinics and other facilities where health care services are provided;

(g) restaurants and other eating places;

(h) children's homes and such other premises where children are cared for on a commercial or public service basis.

(i) Residential houses and such other premises where children are cared for,

(j) Places of worship;

(k) Police stations and cells;

(l) Public service vehicles;

(m) airports and aircrafts, commuter boats, trains, passenger vehicles, ferries or any other public conveyance.

(n) Education facilities, Libraries and Schools;

(o) Railway stations, airports, air fields, ports, motor parks and other public transport terminals;

(p) indoor markets, shopping mall, retail and wholesale establishment.

(q) stadia, sports, athletic and recreational facilities;

(r) Public buildings and offices;

(s) Public transportation (buses, cars, trains, canoes, ships, aircraft);

(t) Motor parks;

(u) Amusement parks;

(v) Public gardens; and

(w) Market places.

(6) (a) The Minister may by notice in the gazette and subject to such conditions as the committee may recommend, specify any other building or vessel or part thereof, or class being a place or places in which members of the public have access, as being a place or places in which smoking is prohibited either permanently or during such period or periods as he may specify.

(b) provided that such recommendation by notice in the gazette shall be effective only upon six months from such publication

(7) The person in control of the premises shall ensure that no person smokes in contravention of this section.

Question that paragraphs 1, 2,3,4,5,6,and 7 under the Head "Prohibited smoking Areas under this Act." stand part of the Second Schedule to the Bill, put and agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The Deputy Senate President reported that the Senate in the Committee of the Whole considered the Report of the Committee on Health, Primary Health Care on the National Tobacco Control Bill 2015 and approved as follows:

Clauses 1- 53	—	As Recommended
Schedules 1-2	—	As Recommended

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

Motion made: That the Bill be now Read the Third Time *(Senate Leader).*

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

10. Committee on Capital Market:
Report on the Chartered Institute of Securities and Investment Bill 2015 (SB. 06):

Consideration of Report deferred to another Legislative Day.

11. Committee on Investment:
Report on the Nigerian Automotive Industry Development Plan, (Fiscal Incentives, Assurances and Guarantees) Bill 2015 (SB.492):

Consideration of Report deferred to another Legislative Day.

12. Committee on Interior:
Report on the Immigration Act 1963 (Repeal and Re-enactment) Bill 2015 (HB. 61):

Consideration of Report deferred to another Legislative Day.

13. Nigerians in Diaspora Commission (Establishment, etc.) Bill 2015 (HB. 69):

Consideration of Bill deferred to another Legislative Day.

14. Adjournment:
Motion made: That the Senate do now adjourn till Wednesday, 13th May, 2015 at 10.00 a.m. (*Senate Leader*).

Adjourned accordingly at 12:14 *p.m.*

Ike Ekweremadu, CFR
Deputy Senate President,
Senate of the Federal Republic of Nigeria.