HOUSE OF REPRESENTATIVES

FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Tuesday, 7 June, 2016

1. The House met at 11.23 a.m. Mr Speaker read the Prayers.

2. Votes and Proceedings
Mr Speaker announced that he had examined and approved the *Votes and Proceedings* of Thursday, 2 June, 2016.

*The **Votes and Proceedings** was adopted by unanimous consent.*

3. Message
Mr Speaker read a message from the President of the Federal Republic of Nigeria as follows:

PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA

06 *June*, 2016

Right Hon. Yakubu Dogara,
Speaker of the House of Representatives,
National Assembly Complex,
Three Arms Zone,
Abuja.

Dear Right Hon. Y. Dogara,

MEDICAL VACATION

In compliance with Section 145 (1) *of the* 1999 *Constitution as amended, I wish to inform the Honourable House that I will be away on a short medical vacation from* 6*th* - 16*th of June* 2016, *and while I am away, the Vice President will perform the functions of my office.*

2. *Please accept, as always assurances of my highest esteemed consideration.*

PRINTED BY NATIONAL ASSEMBLY PRESS, ABUJA

Yours Sincerely,

(*Signed*)

Muhammadu Buhari

4. Announcement

***Sectoral Debate*:**

Mr Speaker informed the House that the Sectoral debate on the diversification of the Nigerian economy would continue on Thursday, 9 June, 2016. He urged Members who wish to contribute to the debate, to forward their names to the office of the Clerk.

5. Petition

A petition from Osahon F. Edosomwan on his exclusion from the 2016 Olympics Camp by Para-Athletic Officers of the Nigeria Sports Council, was presented and laid by Hon. Agbonayinman Johnson Ehiozuwa (*Egor/Ikpoba/Okha Federal Constituency*).

Petition was referred to the Committee on Public Petitions.

6. Matters of Urgent Public Importance (Standing Order VIII, Rule 46)

(*i*) *Need to Stop the Illegality and Impunity in Kogi State*:

Hon. Chukwuemeka Ujam (*Nkanu East/Nkanu West Federal Constituency*) introduced the matter and prayed the House to:

(*a*) consider and approve the matter as one of urgent public importance; and

(*b*) suspend Order VIII, Rules 46 (3) and 49 to allow debate on the matter forthwith.

Question that the matter be considered as one of urgent public importance — Agreed to.

Question that the House do suspend Order VIII, Rules 46 (3) *and* 49 *to enable it debate the matter forthwith — Agreed to.*

Urgent Need to Stop the Illegality and Impunity in Kogi State:

The House:

Notes the efforts of the National Assembly at resolving the crises rocking the Kogi State House of Assembly;

Also notes that on 19 May, 2016, the Federal High Court, Abuja nullified the purported impeachment of **Hon. Momoh Jimoh**, the Speaker of the Kogi State House of Assembly, reinstated him and recalled his fourteen (14) loyalists and asked them to resume Plenary and Legislative Business immediately;

Cognizant that around 2.30 a.m. on 31 May, 2016, masked armed men were reported to invade the Kogi State House of Assembly Residential Quarters, shooting into the air and causing pandemonium in an attempt to either assassinate the G15 Members of the Kogi State House of Assembly or intimidate them from carrying out their legislative functions.

Aware that the armed military men, were alleged to be officers of the Nigerian Army led by one Captain Usman from Nigerian Army Records, Lokoja, in the company of the Security Details and Escort of the Governor. The armed military men further went to the House of Assembly around 10.00 a.m. and displaced the men of the Nigerian Police Force who were stationed to maintain Law and Order at the Kogi State House of Assembly Complex, took

over the Security of the Assembly Complex and led the five (5) Members allegedly loyal to the Governor to the House for Legislative Business in defiance of the Resolution of the National Assembly and in disregard of the Judgment of the Federal High Court, Abuja;

Worried that the Governor in defiance of the Resolution of the National Assembly has been patronizing the group of five (5) Assembly Members by providing Security and Funding to sit illegally. During one of their recent Sittings, the Appropriation Bill of the State was passed and also the list of Commissioners and Special Advisers were forwarded to them for approval. That in fact, on Thursday, 2 June, 2016 the Group of Five (5) State House of Assembly Members sat and screened Commissioner Nominees in disregard of the Rule of Law;

Also worried that if this impunity is allowed to continue, the crises rocking the Kogi State House of Assembly may result into anarchy and breach of security of lives and property in Kogi State;

Resolves to:

(*i*) Condemn all acts by the Governor and the Officers of the Nigerian Army to frustrate the Judgment of the Federal High Court dated 19 May, 2016;

(*ii*) urge all parties to the dispute (both the Group of 15 and 5) to refrain from any further action or sitting till the National Assembly vacates its earlier Order taking over the functions of the Assembly; and

(*iii*) also urge the Chief of Army Staff and the Brigade Commander, Nigerian Army, Lokoja to appear before the Committee on Judiciary to explain how he allowed his men to be involved in impunity and illegality in Kogi State House of Assembly on 31 May, 201 6 (*Hon. Chukwuemeka Ujam — Nkanu East/Nkanu West Federal Constituency*).

Debate.

Amendment Proposed:
Leave out all the words in Prayer (*iii*) and *insert* as follows instead thereof:
"Invite the Governor of Kogi State and the Chief of Army Staff to appear before House and explain their roles in the current crisis in Kogi State" (*Hon. Hassan Saleh — Ado-Ogbadibo/Okpokwu Federal Constituency*).

Question that the amendment be made — Agreed to.

Question on the Motion as amended — Agreed to.

The House:

Noted the efforts of the National Assembly at resolving the crises rocking the Kogi State House of Assembly;

Also noted that on 19 May, 2016, the Federal High Court, Abuja nullified the purported impeachment of **Hon. Momoh Jimoh**, the Speaker of the Kogi State House of Assembly, reinstated him and recalled his fourteen (14) loyalists and asked them to resume Plenary and Legislative Business immediately;

Cognizant that around 2.30 a.m. on 31 May, 2016, masked armed men were reported to invade the Kogi State House of Assembly Residential Quarters, shooting into the air and causing pandemonium in an attempt to either assassinate the G15 Members of the Kogi State House of Assembly or intimidate them from carrying out their legislative functions.

Aware that the armed military men, were alleged to be officers of the Nigerian Army led by one Captain Usman from Nigerian Army Records, Lokoja, in the company of the Security Details and Escort of the Governor. The armed military men further went to the House of Assembly around 10.00 a.m. and displaced the men of the Nigerian Police Force who were stationed to maintain Law and Order at the Kogi State House of Assembly Complex, took over the Security of the Assembly Complex and led the five (5) Members allegedly loyal to the Governor to the House for Legislative Business in defiance of the Resolution of the National Assembly and in disregard of the Judgment of the Federal High Court, Abuja;

Worried that the Governor in defiance of the Resolution of the National Assembly has been patronizing the group of five (5) Assembly Members by providing Security and Funding to sit illegally. During one of their recent Sittings, the Appropriation Bill of the State was passed and also the list of Commissioners and Special Advisers were forwarded to them for approval. That in fact, on Thursday, 2 June, 2016 the Group of Five (5) State House of Assembly Members sat and screened Commissioner Nominees in disregard of the Rule of Law;

Also worried that if this impunity is allowed to continue, the crises rocking the Kogi State House of Assembly may result into anarchy and breach of security of lives and property in Kogi State;

Resolved to:

(*i*) Condemn all acts by the Governor and the Officers of the Nigerian Army to frustrate the Judgment of the Federal High Court dated 19 May, 2016;

(*ii*) urge all parties to the dispute (both the Group of 15 and 5) to refrain from any further action or sitting till the National Assembly vacates its earlier Order taking over the functions of the Assembly; and

(*iii*) Invite the Governor of Kogi State and the Chief of Army Staff to appear before House and explain their roles in the current crisis in Kogi State (**HR. 194/2014**).

Motion referred to the Ad-hoc Committee on the Declaration by the Attorney-General of the Federation concerning the Resolution of the House of Representatives on the Crisis in the Kogi State House of Assembly.

(*ii*) ***Need to Address the Plight of International Carriers*:**
Hon. Saheed Akinade-Fijabi (*Ibadan Southwest/Ibadan Northwest Federal Constituency*) introduced the matter and prayed the House to:

(*a*) consider and approve the matter as one of urgent public importance; and

(*b*) suspend Order VIII, Rules 46 (3) and 49 to allow debate on the matter forthwith.

Question that the matter be considered as one of urgent public importance — Agreed to.

Question that the House do suspend Order VIII, Rules 46 (3) *and* 49 *to enable it debate the matter forthwith — Agreed to.*

Urgent Need to Address the Plight of International Carriers:

The House:

Notes that the strategic importance of transportation to the growth and development of any economy cannot be over emphasized;

Also notes that international carrier play a vital role in the growth of commerce as it enhances cross boundary movement of people, goods and services as well as employment generation and increase government revenue;

Worried that sometimes in March, Spain's national carrier, Ibera Airlines stopped its flights operations in and out of the country and this was followed recently by the United State carrier named United Airlines which announced that the same measure would commence on 30 June, 2016;

Also worried that the British airways is evaluating its routes to Nigeria and may soon join those that had left the country;

Aware that their decision was hitched on the government policies on Forex which made it practically impossible to repatriate proceeds made from ticket sales, as well as, high cost of energy. This in turn is seriously affecting their operation negatively;

Disturbed that this comes with a lot of disadvantages to our country in terms of Foreign Direct Investment, Increase unemployment and reduction in government revenue;

Cognizant of the fact that no country can grow in isolation, at such we must make doing business in Nigeria easy and friendly in order that we may attract foreign investor, as well as, create employment and increase government income;

Mindful of the fact that if this trend is allowed to continue and nothing is done urgently to address the issues, Nigeria could lose it role as the hub of West Africa;

Resolves to:

Set up an *Ad-hoc* Committee to investigate this matter and report back to the House within two weeks (*Hon. Saheed Akinade-Fijabi — Ibadan Southwest/Northwest Federal Constituency*).

Debate.

Motion withdrawn by leave of the House.

Question that the House do suspend Order VIII, Rule 46 (4) *to enable the House take more than* 2 *Motions on Matters of Urgent Public Importance*.

Agreed to.

(*iii*) ***Call on the Nigerian Police Force to Curb the Incessant Armed Robbery Attacks on the People of Ejigbo and Neighbouring Communities in Osun State*:**
Hon. Mojeed Alabi (*Ede North/Ede South/Egbedore/Ejigbo Federal Constituency*) introduced the matter and prayed the House to:

(*a*) consider and approve the matter as one of urgent public importance; and

(*b*) suspend Order VIII, Rules 46 (3) and 49 to allow debate on the matter forthwith.

Question that the matter be considered as one of urgent public importance — Agreed to.

Question that the House do suspend Order VIII, Rules 46 (3) *and* 49 *to enable it debate the matter forthwith — Agreed to.*

Call on the Nigerian Police Force to Curb the Incessant Armed Robbery Attacks on the People of Ejigbo and Neighbouring Communities in Osun State:

The House:

Notes the increasing wave of armed robbery incidents in Ejigbo and neighbouring communities in Osun State in the recent times;

Also notes that four gruesome armed robbery attacks were recorded in the town between November 2015 and May 2016 with the victims nursing various degrees of severe injuries and counting losses in terms of money and valuable properties;

Aware that similar previous incidents targeted at the only commercial bank in the town eventually resulted in the relocation of the branch of the bank from the town, with attendant inconveniences imposed on customers;

Cognizant of the huge resources committed by the Government of the State of Osun to ensuring security of lives and properties across the State, by providing modern security devices and vehicles to facilitate operations and surveillance;

Also aware that in two of such gruesome armed robbery attacks, some of the armed robbers were apprehended at the scenes of incident by the local vigilante groups and handed over to the police, but the police later transferred them to the State Headquarters and nothing was heard to date while the threats on the communities continued;

Concerned that the laxity of the police in curbing the increasing trends of armed robbery attacks, notwithstanding the cooperation of the local vigilante groups and community leaders, is capable of leading the people of the communities to jungle justice by dealing with armed robbery suspects in their own way without any further recourse to the police, which may compound the already threatened security situation in the country as a whole;

Worried that the people of Ejigbo and other neighbouring communities in Osun State has, on account of the frequent armed robbery attacks and the inability of the police to do something positive to curb them, been subjected to untold hardships and apprehension that threaten communal peace and harmony as well as hinder economic activities across the nooks and crannies of the communities;

Disturbed that if the spate of attacks by the deadly armed robbers is not quickly nipped in the bud, it could extend to other neighbouring local government areas in the State, thereby endangering socioeconomic activities and placing additional costs on the already lean resources of the State and affected Local Governments;

Resolves to:

(*i*) Call on the Inspector General of Police to charge the Assistant Inspector General of Police (AIG), Zone XI and the Commissioner of Police in charge of the Osun State Command to conduct investigations into the alleged release of the armed robbers caught in the act during series of armed robbery attacks on the communities of Ejigbo in Osun State during the period between November 2015 and May 2016; and

(*ii*) Urge the Osun State Command of the Nigeria Police Force to strengthen security surveillance across the State, particularly in Ejigbo and neighbouring communities, to stem the incessant armed robbery incidents and reassure members of the public on its preparedness to manage information provided on such incidents with high sense of duty and credibility (*Hon. Mojeed Alabi — Ede North/Ede South/Egbedore/Ejigbo Federal Constituency*).

Debate.

Question agreed to.

The House:

Noted the increasing wave of armed robbery incidents in Ejigbo and neighbouring communities in Osun State in the recent times;

Also noted that four gruesome armed robbery attacks were recorded in the town between November 2015 and May 2016 with the victims nursing various degrees of severe injuries and counting losses in terms of money and valuable properties;

Aware that similar previous incidents targeted at the only commercial bank in the town eventually resulted in the relocation of the branch of the bank from the town, with attendant inconveniences imposed on customers;

Cognizant of the huge resources committed by the Government of the State of Osun to ensuring security of lives and properties across the State, by providing modern security devices and vehicles to facilitate operations and surveillance;

Also aware that in two of such gruesome armed robbery attacks, some of the armed robbers were apprehended at the scenes of incident by the local vigilante groups and handed over to the police, but the police later transferred them to the State Headquarters and nothing was heard to date while the threats on the communities continued;

Concerned that the laxity of the police in curbing the increasing trends of armed robbery attacks, notwithstanding the cooperation of the local vigilante groups and community leaders, is capable of leading the people of the communities to jungle justice by dealing with armed robbery suspects in their own way without any further recourse to the police, which may compound the already threatened security situation in the country as a whole;

Worried that the people of Ejigbo and other neighbouring communities in Osun State has, on account of the frequent armed robbery attacks and the inability of the police to do something positive to curb them, been subjected to untold hardships and apprehension that threaten communal peace and harmony as well as hinder economic activities across the nooks and crannies of the communities;

Disturbed that if the spate of attacks by the deadly armed robbers is not quickly nipped in the bud, it could extend to other neighbouring local government areas in the State, thereby endangering socioeconomic activities and placing additional costs on the already lean resources of the State and affected Local Governments;

Resolved to:

(*i*) Call on the Inspector General of Police to charge the Assistant Inspector General of Police (AIG), Zone XI and the Commissioner of Police in charge of the Osun State

Command to conduct investigations into the alleged release of the armed robbers caught in the act during series of armed robbery attacks on the communities of Ejigbo in Osun State during the period between November 2015 and May 2016; and

(*ii*) Urge the Osun State Command of the Nigeria Police Force to strengthen security surveillance across the State, particularly in Ejigbo and neighbouring communities, to stem the incessant armed robbery incidents and reassure members of the public on its preparedness to manage information provided on such incidents with high sense of duty and credibility (**HR. 195/2016**).

Motion referred to the Committee on Police Affairs.

7. Presentation and First Reading of Bill

Niger Delta Development Commission Statutory Appropriation Bill, 2016 (HB. 635) was read the *First Time*.

8. Presentation of Report

***Committee on Interior*:**

Motion made and Question proposed, "That the House do receive the Report of the Committee on Interior on a Bill for an act to Establish the Nigerian Peace Corps (NPC) to Empower, Develop and Provide Alternative Empowerment for the Youths, to Facilitate Peace Community Service, Nation Building; and for Other Related Matters (HB. 89)" (*Hon. Katung Marshall Sunday — Jaba/Zango-Kataf Federal Constituency*).

Agreed to.

Report laid.

9. Consolidation of Bills

(*i*) *Motion made and Question proposed*, "That a Bill for an Act to Establish the National Council on Aging so as to Provide Social Welfare Services for the Elderly and for Purposes of designing Developmental Programmes and activities for the Advancement of elderly Persons in Nigeria; and for Other Related Purposes (HB. 84); and a Bill for an Act to Establish Unemployed Youths, Elderly and Indigent Sustainability Allowances Trust Fund Bill which will be Funded with 30% of the Money accruing from the Communications Services Tax and such Fund will be Utilized and Managed for the Emergency need services of Nigerians among which are payment of stipends to the Unemployed, Subsidizing Infant Drugs and Hypertension Drugs, Diabetics Drugs; and for Other Related Matters (HB. 526) be now consolidated" (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

Agreed to.

(*ii*) *Motion made and Question proposed*, "That a Bill for an Act to Establish the Electoral Offences Tribunal for the Purpose of trying Electoral Offences; and for Other Related Matters (HB. 504); and a Bill for an Act to Establish the Nigerian Electoral Offences Commission charged with the Responsibility of Prohibition and Prosecution of Electoral Offences; and for Other Related Matters (HB. 546) be now consolidated" (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

Agreed to.

10. **A Bill for an Act to Amend the Price Control Act, Cap. P28, Laws of the Federation of Nigeria,2004 to Provide for Concessions, Waivers and Stiffer Penalties; and for Other Matters Connected Therewith (HB. 264) — *Third Reading***
Motion made and Question proposed, "That a Bill for an Act to Amend the Price Control Act, Cap. P28, Laws of the Federation of Nigeria,2004 to Provide for Concessions, Waivers and Stiffer Penalties; and for Other Matters Connected Therewith (HB. 264) be now read the Third Time" (*Hon. Femi Gbajabiamila — House Leader*).

Question agreed to.

Bill read the Third Time and passed.

11. **A Bill for an Act to Provide for the Establishment and Operation of a Programme to enable Certain Persons receive Protection in Relation to certain Inquiries, Investigations or Prosecutions; and for Other Related Matters (HB. 132) — *Third Reading***
Motion made and Question proposed, "That a Bill for an Act to Provide for the Establishment and Operation of a Programme to enable Certain Persons receive Protection in Relation to certain Inquiries, Investigations or Prosecutions; and for Other Related Matters (HB. 132) be now read the Third Time" (*Hon. Femi Gbajabiamila — House Leader*).

Question agreed to.

Bill read the Third Time and passed.

12. **A Bill for an Act to Facilitate Electronic Transactions in Nigeria; and for Other Related Matters (HB. 374) — *Third Reading***
Motion made and Question proposed, "That a Bill for an Act to Facilitate Electronic Transactions in Nigeria; and for Other Related Matters (HB. 374) be now read the Third Time" (*Hon. Femi Gbajabiamila — House Leader*).

Question agreed to.

Bill read the Third Time and passed.

13. **A Bill for an Act to Establish the Chartered Institute of Public Management of Nigeria to Provide for the Control of its Membership and to promote the Practice of Public Management in Nigeria; and for Other Matters Connected Therewith (HB. 78) — *Third Reading***
Motion made and Question proposed, "That a Bill for an Act to Establish the Chartered Institute of Public Management of Nigeria to Provide for the Control of its Membership and to promote the Practice of Public Management in Nigeria; and for Other Matters Connected Therewith (HB. 78) be now read the Third Time" (*Hon. Femi Gbajabiamila — House Leader*).

Question agreed to.

Bill read the Third Time and passed.

14. **A Bill for an Act to Establish the Nigerians in Diaspora Commission, Provide for the Engagement of Nigerians in Diaspora in the Policies, Projects and Participation in the Development of Nigeria and for the Purposes of utilizing the Human, Capital and Material Resources of Nigerians in Diaspora towards the overall Socio-Economic, Cultural and Political Development of Nigeria; and for Other Matters Related Thereto (HB. 160) — *Third Reading***
Motion made and Question proposed, "That a Bill for an Act to Establish the Nigerians in Diaspora Commission, Provide for the Engagement of Nigerians in Diaspora in the Policies, Projects and Participation in the Development of Nigeria and for the Purposes of utilizing the Human, Capital and

Material Resources of Nigerians in Diaspora towards the overall Socio-Economic, Cultural and Political Development of Nigeria; and for Other Matters Related Thereto (HB. 160) be now read the Third Time" (*Hon. Femi Gbajabiamila — House Leader*).

Question agreed to.

Bill read the Third Time and passed.

15. **A Bill for an Act to Establish the Police Procurement Fund for the Procurement of Law Enforcement Equipment to assist the Nigerian Police Force in the Protection of lives and property; and for Other Related Matters (HB. 314) — *Third Reading***
Motion made and Question proposed, "That a Bill for an Act to Establish the Police Procurement Fund for the Procurement of Law Enforcement Equipment to assist the Nigerian Police Force in the Protection of lives and property; and for Other Related Matters (HB. 314) be now read the Third Time" (*Hon. Femi Gbajabiamila — House Leader*).

Question agreed to.

Bill read the Third Time and passed.

16. **A Bill for an Act to Amend the Oaths Act, Cap. O1, Laws of the Federation of Nigeria, 2004, to expressly mention in the Act all Superior Courts of Records Established after the Act came into Force in 1963 among the list of Courts Authorized by the Act to Administer Oaths or Affirmation; and for Other Matters Incidental Thereto (HB. 169) — *Third Reading***
Motion made and Question proposed, "That a Bill for an Act to Amend the Oaths Act, Cap. O1, Laws of the Federation of Nigeria, 2004, to expressly mention in the Act all Superior Courts of Records Established after the Act came into Force in 1963 among the list of Courts Authorized by the Act to Administer Oaths or Affirmation; and for Other Matters Incidental Thereto (HB. 169) be now read the Third Time" (*Hon. Femi Gbajabiamila — House Leader*).

Question agreed to.

Bill read the Third Time and passed.

17. **A Bill for an Act to Provide for the Regulation of Franchising in Nigeria; and for Other Related Matters (HB.76) — *Third Reading***
Motion made and Question proposed, "That a Bill for an Act to Provide for the Regulation of Franchising in Nigeria; and for Other Related Matters (HB.76) be now read the Third Time" (*Hon. Femi Gbajabiamila — House Leader*).

Question agreed to.

Bill read the Third Time and passed.

18. **A Bill for an Act to Establish Senior Citizens Centers in the Country to cater for the Needs of Senior Citizens; and for Other Matters Connected Therewith (HB. 121) — *Third Reading***
Motion made and Question proposed, "That a Bill for an Act to Establish Senior Citizens Centers in the Country to cater for the Needs of Senior Citizens; and for Other Matters Connected Therewith (HB. 121) be now read the Third Time" (*Hon. Femi Gbajabiamila — House Leader*).

Question agreed to.

Bill read the Third Time and passed.

19. **A Bill for an Act to Establish the Chartered Institute of Local Government and Public Administration of Nigeria in order to ensure Professionalism in the System; and for Other Matters Related Therewith (HB. 108) — *Third Reading***
Motion made and Question proposed, "That a Bill for an Act to Establish the Chartered Institute of Local Government and Public Administration of Nigeria in order to ensure Professionalism in the System; and for Other Matters Related Therewith (HB. 108) be now read the Third Time" (*Hon. Femi Gbajabiamila — House Leader*).

Question agreed to.

Bill read the Third Time and passed.

20. **A Bill for an Act to Establish the Federal Capital Territory Water Board; and for Other Matters Connected Therewith (HB. 318) — *Third Reading***
Motion made and Question proposed, "That a Bill for an Act to Establish the Federal Capital Territory Water Board; and for Other Matters Connected Therewith (HB. 318) be now read the Third Time" (*Hon. Femi Gbajabiamila — House Leader*).

Question agreed to.

Bill read the Third Time and passed.

21. **A Bill for an Act to Establish the Chartered Institute of Project Managers of Nigeria to be charged with the Responsibility for Registration and Disciplining of its Members; and for Other Related Matters (HB. 18) — *Third Reading***
Motion made and Question proposed, "That a Bill for an Act to Establish the Chartered Institute of Project Managers of Nigeria to be charged with the Responsibility for Registration and Disciplining of its Members; and for Other Related Matters (HB. 18) be now read the Third Time" (*Hon. Femi Gbajabiamila — House Leader*).

Question agreed to.

Bill read the Third Time and passed.

22. **A Bill for an Act to Establish the Nigerian Council for Social Work to Regulate the Practice of Professional Social Work in Nigeria; and for Other Related Matters (HB. 161) — *Third Reading***
Motion made and Question proposed, "That a Bill for an Act to Establish the Nigerian Council for Social Work to Regulate the Practice of Professional Social Work in Nigeria; and for Other Related Matters (HB. 161) be now read the Third Time" (*Hon. Femi Gbajabiamila — House Leader*).

Question agreed to.

Bill read the Third Time and passed.

23. **A Bill for an Act to Amend the Code of Conduct Bureau and Tribunal Act, Cap. C15, Laws of the Federation of Nigeria, 2004; and for Other Matters Connected Therewith (HB. 230) — *Third Reading***
Motion made and Question proposed, "That a Bill for an Act to Amend the Code of Conduct Bureau and Tribunal Act, Cap. C15, Laws of the Federation of Nigeria, 2004; and for Other Matters Connected Therewith (HB. 230) be now read the Third Time" (*Hon. Femi Gbajabiamila — House Leader*).

Question agreed to.

Bill read the Third Time and passed.

24. **A Bill for an Act to Regulate the Practice and to make provisions for Animal Health Husbandry Technologists Registration Board of Nigeria; and for Other Matters Connected Therewith (HB. 320) — *Third Reading***

Motion made and Question proposed, "That a Bill for an Act to Regulate the Practice and to make provisions for Animal Health Husbandry Technologists Registration Board of Nigeria; and for Other Matters Connected Therewith (HB. 320) be now read the Third Time" (*Hon. Femi Gbajabiamila — House Leader*).

Question agreed to.

Bill read the Third Time and passed.

25. **A Bill for an Act to Amend the Mortgage Institutions Act, Cap. M19, Laws of the Federation of Nigeria, 2004; and for Other Matters Connected Therewith (HB. 253) — *Third Reading***

Motion made and Question proposed, "That a Bill for an Act to Amend the Mortgage Institutions Act, Cap. M19, Laws of the Federation of Nigeria, 2004; and for Other Matters Connected Therewith (HB. 253) be now read the Third Time" (*Hon. Femi Gbajabiamila — House Leader*).

Question agreed to.

Bill read the Third Time and passed.

26. **A Bill for an Act to Repeal the National Insurance Corporation of Nigeria Act, Cap. N54, Laws of the Federation of Nigeria, 2004; and for Other Related Matters (HB. 270) — *Third Reading***

Motion made and Question proposed, "That a Bill for an Act to Repeal the National Insurance Corporation of Nigeria Act, Cap. N54, Laws of the Federation of Nigeria, 2004; and for Other Related Matters (HB. 270) be now read the Third Time" (*Hon. Femi Gbajabiamila — House Leader*).

Question agreed to.

Bill read the Third Time and passed.

27. **A Bill for an Act to Amend the Nigerian Investment Promotion Commission Act, Cap. N117, Laws of the Federation of Nigeria, 2004; and for Other Related Matters (HB. 248) — *Third Reading***

Motion made and Question proposed, "That a Bill for an Act to Amend the Nigerian Investment Promotion Commission Act, Cap. N117, Laws of the Federation of Nigeria, 2004; and for Other Related Matters (HB. 248) be now read the Third Time" (*Hon. Femi Gbajabiamila — House Leader*).

Question agreed to.

Bill read the Third Time and passed.

28. **A Bill for an Act to Amend the National Film and Video Censors Board Act, Cap. N40, LFN, 2004 to reduce the Membership of the Governing Board and Empower the Board to Regulate the Import and Export of Movies; and for Other Related Matters (HB. 224) — *Third Reading***

Motion made and Question proposed, "That a Bill for an Act to Amend the National Film and Video Censors Board Act, Cap. N40, LFN, 2004 to reduce the Membership of the Governing Board and Empower the Board to Regulate the Import and Export of Movies; and for Other Related Matters (HB. 224) be now read the Third Time" (*Hon. Femi Gbajabiamila — House Leader*).

Question agreed to.

Bill read the Third Time and passed.

29. **A Bill for an Act to Establish the Independent National Electoral Institute; and for Other Related Matters (HB. 129) — *Second Reading*.**
Motion made and Question proposed, "That a Bill for an Act to Establish the Independent National Electoral Institute; and for Other Related Matters (HB. 129) be now read a Second Time" (*Hon. Chukwuka Onyema — Ogbaru Federal Constituency*).

Debate.

Debate adjourned to enable the Committees on Electoral Matters, and Justice to examine at the provisions of the Bill vis-a-vis the Constitution and advise the House as soon as possible.

30. **A Bill for an Act to Amend the Constitution of the Federal Republic of Nigeria, 2004 to confer Powers on the National Assembly to take over Functions of State Assembly where the Assembly is unable to performs its Functions by reason of the situation prevailing in the State Assembly; and for Other Related Matters (HB. 557) — *Second Reading***
Motion made and Question proposed, "That a Bill for an Act to Amend the Constitution of the Federal Republic of Nigeria, 2004 to confer Powers on the National Assembly to take over Functions of State Assembly where the Assembly is unable to performs its Functions by reason of the situation prevailing in the State Assembly; and for Other Related Matters (HB. 557) be now read a Second Time" (*Hon. Raphael Nnanna Igbokwe — Ahiazu Mbaise/Ezinihitte Federal Constituency*).

Debate.

Question that the Bill be read a Second Time — Agreed to.

Bill read the Second Time.

Bill referred to the Special Ad-hoc Committee on the 1999 *Constitution Review*.

31. **A Bill for an Act to make Provisions for the Retirement Age of Officers and Men of the Nigerian Armed Forces; and for Other Related Matters (HB. 527) — *Second Reading***

Order read; deferred by leave of the House.

32. **A Bill for an Act to Amend the Casino Taxation Act, Cap. C3, Laws of the Federation of Nigeria; 2004 by extending the operation of the Act beyond Lagos; and for Other Related Matters (HB. 365) — *Second Reading***

Order read; deferred by leave of the House.

33. **A Bill for an Act to Repeal the Maintenance Orders Act, Cap. M1, Laws of the Federation of Nigeria, 2004; and for Other Related Matters (HB. 305) — *Second Reading***

Order read; deferred by leave of the House.

34. **A Bill for an Act to Establish the Institute of Mortgage Brokers and Lenders of Nigeria to Regulate the activities and ensure Professionalism in the System; and for Other Related Matters (HB. 465) — *Second Reading***

Order read; deferred by leave of the House.

35. **Call for Resuscitation of the Osara Dam Project:**
Motion made and Question proposed:

The House:

Notes that the construction of Osara Dam on the Osara River was first conceived in the 1990s as part of Nigeria's public irrigation sector scheme and was billed as a system to promote irrigation of crops and create access to safe drinking water;

Also notes that the development of the Dam under the Lokoja project of 1995 to produce 10 million gallons per day was contracted to the Geof Construction Company at the cost of ₦10b; and that along with Ekuku Dam, Osara Dam, could effectively supply more than 50 million gallons to the Kogi State and beyond;

Aware that construction of Osara Dam was also conçeived as a strategic component in developing Nigeria's iron and steel projects in Ajaokuta;

Concerned that construction works and the necessary infrastructure to enable Osara Dam function as an irrigation project and water supply system suddenly came to an abrupt halt, however, in 2012, the National Assembly allocated ₦12,800,000 for plant treatment, and reticulation of reservoir tank under approved Capital Expenditure;

Also concerned that the non-completion of the Dam Project impacts negatively on water supply as well as the State's irrigational needs, as the citizenry experience suffering over perennial water shortages and the irrigation potentials of Kogi State and beyond, are not met, and employment opportunities remain untapped;

Resolves to:

Mandate the Committee on Water Resources to interface with the Federal Ministry of Water Resources with the aim of ensuring the completion of the Dam Project to meet the socio-economic and developmental needs of the people of Kogi State (*Hon. Mohammed Kabir Ajanah — Adavi/Okehi Federal Constituency*).

Question agreed to.

(HR. 196/2016).

Motion referred to the Committee on Water Resources, pursuant to Order VIII, Rule 51 (5).

36. Need for Construction of a Pedestrian Bridge at the Ambrose Alli University (AAU), Ekpoma along the Auchi-Ekpoma-Benin Express Road to Avert Further Unwarranted Loss of Lives of Students and Pedestrians:
Motion made and Question proposed:

The House:

Notes that the Ambrose Alli University (AAU), Ekpoma, is located along the major Benin-Ekpoma-Auchi Highway which is also the link route between the South-South and South-Eastern States to the Federal Capital Territory, Abuja.

Also notes that because of the heavy human and vehicular traffic on the road, a lot of accidents leading to students/pedestrian deaths have been recorded at the gate of AAU;

Observes that Universities the world over attract great number of youths who are the most active segment of any population, and the current state of that road and its ever busy nature put students, workers and visitors at great risk while trying to cross the road;

Concerned that earlier attempts to address these frequent tragic occurrences by erection of speed ramps have proved abortive as evidenced by several avoidable accidents resulting in loss of lives at the University entrance since there is no pedestrian bridge;

Resolves to:

Mandate the Committee on Works to liaise with the Federal Ministry of Works, Power and Housing to urgently construct a pedestrian bridge at the school gate, to prevent further loss of lives of students and pedestrians (*Hon. Joseph Edionwele — Esan Central/Esan West/Igueben Federal Constituency*).

Question Agreed to.

(HR. 197/2016).

Motion referred to the Committee on Works, pursuant to Order VIII, Rule 51 (5).

37. **Need to Stop the Indiscriminate Exploitation of Citizens by Generation and Distribution Companies (GENCOs and DISCOs):**
Motion made and Question proposed:

The House:

Notes that the Power Holding Company of Nigeria (PHCN) was privatized and successor companies, the GENCOs and DISCOs emerged therefrom;

Also notes that the DISCOs particularly charge arbitrary bills, not minding whether there is outage or not;

Concerned that there have been practically no new investments by these companies, and transformers, fallen electricity poles, prepaid meters and other basic infrastructure are still being replaced or provided by the States, Local Governments, communities and individuals;

Aware that customers are being charged flat rates, which is unjustifiable in this austere period, a situation that is bringing untold hardships on the people;

Worried that unqualified personnel are being allowed to handle electrical infrastructure which increases the risks of electrocution and also leads to damages to the existing infrastructure;

Disturbed that these unwholesome practices are retarding the overall progress and development of the country given that money expended on such infrastructure by communities and individuals could have been used to service other needs;

Resolves to:

(*i*) Mandate the Committee on Privatization and Commercialization to investigate the investments and pledges of the DISCOs and GENCOs, what they have generated financially and their level of compliance with the privatization agreements; and

(*ii*) call on the Minister of Power, Works and Housing to collaborate with relevant agencies to ensure immediate amelioration of the hardships being experienced by the people (*Hon. Muktar Dandutse — Dandume/Funtua Federal Constituency*).

Question agreed to.

(HR. 198/2016).

Motion referred to the Committee on Power, pursuant to Order VIII, Rule 51 (5).

38. Consideration of Reports

(*i*) ***A Bill for an Act to Make Provision for the Compulsory Treatment and Care for Victims of Gunshots; and for Other Matters Connected Therewith*** **(HB.119):**

Motion made and Question proposed, "That the House do consider the report on a Bill for an Act to Make Provision for the Compulsory Treatment and Care for Victims of Gunshots; and for Other Matters Connected Therewith (HB.119) and approve the recommendations therein" (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*)

Question agreed to.

Question that the House do resolve into the Committee of the Whole to consider the Report — Agreed to.

(HOUSE IN COMMITTEE)

(*Mr Deputy Speaker in the Chair*)

A BILL FOR AN ACT TO MAKE PROVISION FOR THE COMPULSORY TREATMENT AND CARE FOR VICTIMS OF GUNSHOTS; AND FOR OTHER MATTERS CONNECTED THEREWITH (HB.119)

Clause 1: Right to treatment.

As from the commencement of this Bill every hospital in Nigeria whether public or private shall accept or receive for immediate and adequate treatment with or without police clearance any person with a gunshot wounds (*Hon. Emmanuel Y. Orker-Jev — Buruku Federal Constituency*).

Question that Clause 1 *stand part of the Bill — Agreed to.*

Clause 2: Duty to assist.

Every person including security agents shall render every possible assistance to any person with gunshot wounds and ensure that the person is taken to the nearest hospital for immediate treatment (*Hon. Emmanuel Y. Orker-Jev — Buruku Federal Constituency*).

Question that Clause 2 *stand part of the Bill — Agreed to.*

Clause 3: Preservation of fundamental right of a victim.

Accordingly:

(*i*) no person with gunshot wound shall be refused immediate and adequate treatment by any hospital in Nigeria whether or Preservation of not initial monetary deposit is paid.

(*ii*) no person with a bullet wound shall be subjected to inhuman and degrading treatment or torture by any person or authority including the police or other security agencies (*Hon. Emmanuel Y. Orker-Jev — Buruku Federal Constituency*).

Question that Clause 3 *stand part of the Bill — Agreed to.*

Clause 4: **Notification of Police.**
It shall be the duty of any hospital that receives or accepts any person with a gunshot wound to report the fact to the nearest police station within two (2) hours of commencement of treatment (*Hon. Emmanuel Y. Orker-Jev — Buruku Federal Constituency*).

Question that Clause 4 *stand part of the Bill — Agreed to.*

Clause 5: **Police to investigate.**
Upon receipt of the aforesaid report, the police shall immediately commence investigation with a view to determining the circumstances under which the person was shot (*Hon. Emmanuel Y. Orker-Jev — Buruku Federal Constituency*).

Question that Clause 5 *stand part of the Bill — Agreed to.*

Clause 6: **Certificate of fitness.**
The police may not receive any person with gunshot wounds from the hospital for the purposes of investigation unless and until the Chief Medical Director of the hospital certifies him fit and no longer in dire need of Medicare (*Hon. Emmanuel Y. Orker-Jev — Buruku Federal Constituency*).

Question that Clause 6 *stand part of the Bill — Agreed to.*

Clause 7: **Failure to notify Police.**
Any hospital that fails to give the information required under section 4 of this Bill commits an offence and on conviction, shall be liable to a fine of ₦100,000.00 and every doctor directly concerned with the treatment shall be liable on conviction to 6 months imprisonment or a fine of ₦100,000.00 or both (*Hon. Emmanuel Y. Orker-Jev — Buruku Federal Constituency*).

Question that Clause 7 *stand part of the Bill — Agreed to.*

Clause 8: **Relations to make statement.**
Any person who receives the information under section 7 of this Bill shall furnish the police or the hospital on demand, such background information on the victim as may be compelled to incriminate the victim (*Hon. Emmanuel Y. Orker-Jev — Buruku Federal Constituency*).

Question that Clause 8 *stand part of the Bill — Agreed to.*

Offences and Punishment

Clause 9: **Withholding information.**
Any person who willfully fails, neglects or refuses to give the information required under section 8 of this Bill commits an offence and shall on conviction, be liable to 1 (one) month imprisonment or a fine of ₦50,000.00 or both (*Hon. Emmanuel Y. Orker-Jev — Buruku Federal Constituency*).

Question that Clause 9 *stand part of the Bill — Agreed to.*

Clause 10: **Protection of volunteer.**
Every volunteer or helper of a victim shall be treated with respect and shall not be subjected to unnecessary and embarrassing interrogation in their genuine attempt to save life (*Hon. Emmanuel Y. Orker-Jev — Buruku Federal Constituency*).

Question that Clause 10 *stand part of the Bill — Agreed to.*

Clause 11: **Persons guilty of the offence.**
Any person who is guilty of an offence under this Bill especially, when the offence does not lead to death of victim but led to substantial physical, mental, emotional and psychological damage, shall be liable on conviction to imprisonment for a term of not more than 15 years and not less than 5 years without the option of fine (*Hon. Emmanuel Y. Orker-Jev — Buruku Federal Constituency*).

Question that Clause 11 *stand part of the Bill — Agreed to.*

Clause 12: **Duty to notify victim relations.**
It shall be the duty of the hospital that receives any person with gunshot wounds to notify the family members or relations of the victim as far as they may ascertain within twenty-four hours of becoming aware of the victim's identity (*Hon. Emmanuel Y. Orker-Jev — Buruku Federal Constituency*).

Question that Clause 12 *stand part of the Bill — Agreed to.*

Clause 13: **Offence of standing by.**
Any person or authority including any police officer or other security agents or hospital who stands by or omits to do his bit which results in the unnecessary death of any person with bullet wounds commits an offence and shall on conviction be liable to 5 years imprisonment a fine of ₦50,000.00 or both (*Hon. Emmanuel Y. Orker-Jev — Buruku Federal Constituency*).

Amendment Proposed:
In line 4, *leave out* the figure "50,000" and *insert* the figure "500,000" instead thereof (*Hon. Nkeiruka Onyejeocha — Isuikwuato/Umunneochi Federal Constituency*).

Question that the amendment be made — Agreed to.

Question that Clause 13 *as amended, stand part of the Bill — Agreed to.*

Clause 14: **Records.**
Every hospital or facility that takes or receive for treatment any person with bullet wounds shall keep adequate record of the treatment (*Hon. Emmanuel Y. Orker-Jev — Buruku Federal Constituency*).

Question that Clause 14 *stand part of the Bill — Agreed to.*

Clause 15: **Trial of a corporate body.**
Any corporate body being guilty of an offence under this Bill, the Head of the Body shall be prosecuted in accordance with the provision of sections 11 and 13 of this Bill (*Hon. Emmanuel Y. Orker-Jev — Buruku Federal Constituency*).

Question that Clause 15 *stand part of the Bill — Agreed to.*

Clause 16: **Restitution.**
(1) addition to any other penalty under this Bill, the High Court shall order a person or corporate body convicted of an offence, to make restitution to the victim by directing that person or corporate body to pay to the victim(s), an amount equivalent to the loss sustained by the victim(s).

(2) An order of restitution may be enforced by the victim or by the prosecutor on behalf of the victim in the same manner as a judgment in a civil action (*Hon. Emmanuel Y. Orker-Jev — Buruku Federal Constituency*).

Question that Clause 16 *stand part of the Bill — Agreed to.*

Clause 17: **Interpretation.**
In this Bill, except the context otherwise requires:

"Court" shall be High Court of a State (*Hon. Emmanuel Y. Orker-Jev — Buruku Federal Constituency*).

Question that the meaning of the word "Court" be as defined in the interpretation to this Bill — Agreed to.

"Health Institution" any Institution offering medical services (*Hon. Emmanuel Y. Orker-Jev — Buruku Federal Constituency*).

Question that the meaning of the words "Health Institution" be as defined in the interpretation to this Bill — Agreed to.

"Health Officer" any officer working in a Health Institution (*Hon. Emmanuel Y. Orker-Jev — Buruku Federal Constituency*).

Question that the meaning of the words "Health Officer" be as defined in the interpretation to this Bill — Agreed to.

"Trust Fund" money contributed in a poll by a person or organization for a specific purpose "Victim" means a person who sustains injuries as a result of gunshot, powder burn and other injuries arising out of or caused by the discharge of a firearm (*Hon. Emmanuel Y. Orker-Jev — Buruku Federal Constituency*).

Question that the meaning of the words "Trust Fund" be as defined in the interpretation to this Bill — Agreed to.

Question that Clause 17 *stand part of the Bill — Agreed to.*

Clause 18: **Citation.**
This Bill may be cited as the Compulsory Treatment and Care of Victims of Gunshots Bill, 2016 (*Hon. Emmanuel Y. Orker-Jev — Buruku Federal Constituency*).

Question that Clause 18 *stand part of the Bill — Agreed to.*

Long Title:
A Bill for an Act to Make Provision for the Compulsory Treatment and Care for Victims of Gunshots; and for Other Matters Connected Therewith (*Hon. Emmanuel Y. Orker-Jev — Buruku Federal Constituency*).

Question that the Long Title stand part of the Bill — Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair reported that the House in Committee of the Whole considered the Report on a Bill for an Act to Make Provision for the Compulsory Treatment and Care for Victims of Gunshots; and for Other Matters Connected Therewith (HB.119) and approved Clauses 1 - 12, approved Clause 13 as amended, approved Clauses 14 - 18, and the Long Title of the Bill.

Question that the House do adopt the Report of the Committee of the Whole — Agreed to.

(*ii*) ***A Bill for an Act to Provide for Corporate Manslaughter to make Corporate Organizations Criminally liable for death of Employees arising from their acts of Omission; and for Other Related Matters* (HB. 273):**
Motion made and Question proposed, "That the House do consider the report on a Bill for an Act to Provide for Corporate Manslaughter to make Corporate Organizations Criminally liable for death of Employees arising from their acts of Omission; and for Other Related Matters (HB. 273) and approve the recommendations therein" (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

Question agreed to.

Question that the House do resolve into the Committee of the Whole to consider the Report — Agreed to.

(HOUSE IN COMMITTEE)

(*Mr Deputy Speaker in the Chair*)

A BILL FOR AN ACT TO PROVIDE FOR CORPORATE MANSLAUGHTER TO MAKE CORPORATE ORGANIZATIONS CRIMINALLY LIABLE FOR DEATH OF EMPLOYEES ARISING FROM THEIR ACTS OF OMISSION; AND FOR OTHER RELATED MATTERS (HB. 273)

PART I — OFFENCES

Clause 1: The offence.

(1) Any organisation whose activities are managed or organized in such a way that it results in the death of a person and such death is occasioned by a gross breach of a relevant duty of care owed by the organization to the deceased is guilty of Corporate manslaughter.

(2) The organisations to which this section applies are —

(*a*) a corporate organization whether private or public;

(*b*) a government department, whether at the Federal, State or Local Government Council level;

(*c*) a police force, paramilitary and the armed forces;

(*d*) a partnership, or a trade union or employers' association that is an employer.

(3) An organisation is guilty of an offence under this section only if the way in which its activities are managed or organised by its senior management is a substantial element in the breach referred to in subsection (1).

(4) For the purposes of this —

(*a*) "relevant duty of care" has the meaning given by section 2, read with sections 3 to 7;

(*b*) a breach of a duty of care by an organisation is "a gross" breach if the conduct alleged, falls far below what can reasonably be expected of the organization in the circumstances;

(*c*) "senior management", in relation to an organisation, means the persons who play significant roles in —

(*i*) the making of decisions about how the whole or a substantial part of its activities are to be managed or organised, or

(*ii*) the actual managing or organising of the whole or a substantial part of those activities.

(5) An organisation that is guilty of corporate manslaughter is liable on conviction or indictment to a fine.

(6) The High Court at the Federal and State levels shall have jurisdiction to try cases of corporate manslaughter (*Hon. Emmanuel Y. Orker-Jev — Buruku Federal Constituency*).

Question that Clause 1 *stand part of the Bill — Agreed to.*

Clause 2: Meaning of relevant duty of care.

(1) A "relevant duty of care", in relation to an organisation, means any of the following duties owed by it under the law of negligence —

(*a*) a duty owed to its employees or to other persons working for the organisation or performing services for it;

(*b*) a duty owed as occupier of premises;

(*c*) a duty owed in connection with —

(*i*) the supply by the organisation of goods or services (whether for consideration or not),

(*ii*) the carrying on by the organisation of any construction or maintenance operations,

(*iii*) the carrying on by the organisation of any other activity on a commercial basis, or

(*iv*) the use or keeping by the organisation of any plant, vehicle or other thing;

(*d*) a duty owed to a person who, by reason of being a person within subsection (2), is someone for whose safety the organisation is responsible.

(2) A person is within this subsection if —

(*a*) he is detained at a custodial institution or in a custody area at a court or police station or short term holding facility;

(*b*) he is being transported in a vehicle, or being held in any premises, in pursuance of prison escort arrangements or immigration escort arrangements;

(*c*) he is living in secure accommodation in which he has been placed;

(*d*) he is a detained patient.

(3) Subsection (1) is subject to sections 3 to 7.

(4) A reference in subsection (1) to a duty owed under the law of Negligence includes a reference to a duty that would be owed under the law of negligence but for any statutory provision under which liability is imposed in place of liability under that law.

(5) For the purposes of this Bill, whether a particular organization owes a duty of care to a particular individual is a question of law and the judge must make any findings of fact necessary to decide that question.

(6) For the purposes of this Bill there is to be disregarded —

(*a*) any rule of the common law that has the effect of preventing a duty of care from being owed by one person to another by reason of the fact that they are jointly engaged in unlawful conduct;

(*b*) any such rule that has the effect of preventing a duty of care from being owed to a person by reason of his acceptance of a risk of harm.

(7) In this section —

"construction or maintenance operations" means operations of any of the following descriptions —

(*a*) construction, installation, alteration, extension, improvement, repair, maintenance, decoration, cleaning, demolition or dismantling of —

(*i*) any building or structure,

(*ii*) anything else that forms, or is to form, part of the land, or

(*iii*) any plant, vehicle or other thing;

(*b*) operations that form an integral part of, or are preparatory to, or are for rendering complete any operations within paragraph (*a*);

"custodial institution" means a prison, a secure training centre, a young offenders or juvenile justice centre or a remand centre;

"detained patient" means —

a person who is detained in any premises, or is otherwise in custody, under any health or mental health care treatment programme.

"immigration escort arrangements" means arrangements made under the provisions of the Immigration Act;

"secure accommodation" means accommodation, not consisting of or forming part of a custodial institution, provided for the purpose of restricting the liberty of persons under the age of 18 (*Hon. Emmanuel Y. Orker-Jev — Buruku Federal Constituency*).

Question that Clause 2 *stand part of the Bill — Agreed to.*

Clause 3: Public policy decision.

(1) Any duty of care owed by a public authority in respect of a decision as to matters of public policy (in particular the allocation of public resources or the weighing of competing public interests) is not a "relevant duty of care".

(2) Any duty of care owed in respect of things done in the exercise of an exclusively public function is not a "relevant duty of care" unless it falls within section 2 (1) (*a*), (*b*) or (*d*).

(3) Any duty of care owed by a public authority in respect of inspections carried out in the exercise of a statutory function is not a "relevant duty of care" unless it falls within section 2 (1) (*a*) or (*b*).

(4) In this section —

"exclusively public function" means a function that falls within the prerogative of the President or is, by its nature, exercisable only with authority conferred —

(*a*) by the exercise of that prerogative, or

(*b*) by or under a statutory provision;

"statutory function" means a function conferred by or under a statute (*Hon. Emmanuel Y. Orker-Jev — Buruku Federal Constituency*).

Question that Clause 3 *stand part of the Bill — Agreed to.*

Clause 4: Military activities.

(1) Any duty of care owed by the Ministry of Defence in respect of —

(*a*) operations within subsection (2),

(*b*) activities carried on in preparation for, or directly in support of, such operations, or

(*c*) training of a hazardous nature, or training carried out in a hazardous way, which it is considered needs to be carried out, or carried out in that way, in order to improve or maintain the effectiveness of the armed forces with respect to such operations, is not a "relevant duty of care".

(2) The operations within this subsection are operations, including peacekeeping operations and operations for dealing with terrorism, civil unrest or serious public disorder, in the course of which members of the armed forces come under attack or face the threat of attack or violent resistance.

(3) Any duty of care owed by the Ministry of Defence in respect of activities carried on by members of the special forces is not a "relevant duty of care" (*Hon. Emmanuel Y. Orker-Jev — Buruku Federal Constituency*).

Question that Clause 4 stand part of the Bill — Agreed to.

Clause 5: Policing and law enforcement.

(1) Any duty of care owed by a public authority in respect of —

(*a*) operations within subsection (2),

(*b*) activities carried on in preparation for, or directly in support of such operations, or

(*c*) training of a hazardous nature, or training carried out in a hazardous way, which needs to be carried out in that way in order to improve or maintain the effectiveness of officers or employees of the public authority with respect to such operations, is not a "relevant duty of care".

(2) Operations are within this subsection if —

(*a*) they are operations for dealing with terrorism, civil unrest or serious disorder,

(*b*) they involve the carrying on of policing or law-enforcement activities, and

(*c*) officers or employees of the public authority in question come under attack, or face the threat of attack or violent resistance, in the course of the operations.

(3) Any duty of care owed by a public authority in respect of other policing or law enforcement activities is not a "relevant duty of care" unless it falls within section 2 (1) (*a*), (*b*) or (*d*).

(4) In this section "policing or law-enforcement activities" includes activities carried on in the exercise of functions that are —

(*a*) functions of police force, or other law enforcement agencies;

(*b*) functions of the same or a similar nature exercisable by any public authority other than the security agencies (*Hon. Emmanuel Y. Orker-Jev — Buruku Federal Constituency*).

Question that Clause 5 stand part of the Bill — Agreed to.

Clause 6: Emergencies.

(1) Any duty of care owed by an organisation within subsection (2) in respect of the way in which it responds to emergency circumstances is not a "relevant duty of care" unless it falls within section 2 (1) (*a*) or (*b*).

(2) The organisations within this subsection are —

(*a*) a fire and rescue authority in Nigeria;

(*b*) any other organisation providing a service of responding to emergency circumstances;

(*c*) an organisation providing ambulance services;

(*d*) an organisation providing services for the transport of organs, blood, equipment or personnel in pursuance of emergency;

(*e*) an organisation providing a rescue service;

(*f*) the armed forces.

(3) For the purposes of subsection (1), the way in which an organisation responds to emergency circumstances does not include the way in which —

(*a*) medical treatment is carried out, or

(*b*) decisions within subsection (4) are made.

(4) The decisions within this subsection are decisions as to the carrying out of medical treatment, other than decisions as to the order in which persons are to be given such treatment.

(5) Any duty of care owed in respect of the carrying out, or attempted carrying out of a rescue operation at sea in emergency circumstances is not a "relevant duty of care" unless it falls within section 2 (1) (*a*) or (*b*).

(6) In this section —

"emergency circumstances" means circumstances that are present or imminent and —

(*a*) are causing, or are likely to cause, serious harm or a worsening of such harm, or

(*b*) are likely to cause the death of a person;

"medical treatment" includes any treatment or procedure of a medical or similar nature;

"serious harm" means —

(*a*) serious injury to or serious illness (including mental illness) of a person;

(*b*) serious harm to the environment (including the life and health of plants and animals);

(*c*) serious harm to any building or other property (*Hon. Emmanuel Y. Orker-Jev — Buruku Federal Constituency*).

Question that Clause 6 stand part of the Bill — Agreed to.

Clause 7: Child-protection functions.

(1) A duty of care to which this section applies is not a "relevant duty of care" unless it falls within section 2 (1) (*a*), (*b*) or (*d*).

(2) This section applies to any duty of care that an organization or local authority or other public authority owes in respect of the exercise of its functions conferred by or under any law (*Hon. Emmanuel Y. Orker-Jev — Buruku Federal Constituency*).

Question that Clause 7 stand part of the Bill — Agreed to.

Clause 8: Power of court.

(1) A court which convicts an organisation of corporate manslaughter may make a "remedial order" requiring the organisation to take specified steps to remedy —

(*a*) the breach mentioned in section 1 (1) ("the relevant breach");

(*b*) any matter that appears to the court to have resulted from the relevant breach and to have been a cause of the death;

(*c*) any deficiency, as regards health and safety matters, in the organisation's policies, systems or practices of which the relevant breach appears to the court to be an indication.

(2) A remedial order may be made only on an application by the Prosecution specifying the terms of the proposed order and any such order must be on such terms (whether those proposed or others) as the court considers appropriate having regard to the representations made and evidence adduced in relation to the matter by the prosecution or on behalf of the defence.

(3) Before making an application for a remedial order the prosecution must consult such enforcement authority or authorities as it considers appropriate having regard to the nature of the relevant breach.

(4) A remedial order —

(*a*) must specify a period within which the steps referred to in subsection (1) are to be taken;

(*b*) may require the organisation to supply to an enforcement authority consulted under subsection (3), within a specified period, evidence that those steps have been taken.

(5) A period specified under this subsection may be extended or further extended by order of the court on an application made before the end of that period or extended period.

(6) An organisation that fails to comply with a remedial order is guilty of an offence, and liable on conviction or indictment to a fine (*Hon. Emmanuel Y. Orker-Jev — Buruku Federal Constituency*).

Question that Clause 8 stand part of the Bill — Agreed to.

Clause 9: Power to order publication of the conviction.

(1) A court before which an organisation is convicted of manslaughter may make an order requiring to publicise in a specified manner —

(*a*) that it has been convicted of the offence;

(*b*) the particulars of the offence;

(*c*) the amount of any fine imposed;

(*d*) the terms of any remedial order made.

(2) In deciding on the terms of a publicity order that it is proposing to make, the court shall —

(*a*) ascertain the views of such enforcement authority or authorities (if any) as it considers appropriate, and

(*b*) have regard to any representations made by the prosecution or on behalf of the organisation.

(3) A publicity order —

(*a*) shall specify a period within which the requirements referred to in subsection (1) are to be complied with;

(*b*) may require the organisation to supply to any enforcement authority whose views have been ascertained under subsection (2), within a specified period, evidence that those requirements have been complied with.

(4) An organisation that fails to comply with a publicity order is guilty of an offence and liable on conviction or indictment to a fine (*Hon. Emmanuel Y. Orker-Jev — Buruku Federal Constituency*).

Question that Clause 9 *stand part of the Bill — Agreed to.*

Clause 10: Application of the bill to armed forces.

(1) In this Bill "the armed forces" means the army, navy or airforce of the Federal Republic of Nigeria.

(2) For the purposes of section 2 a person who is a member of the armed forces is to be treated as employed by the Ministry of Defence (*Hon. Emmanuel Y. Orker-Jev — Buruku Federal Constituency*).

Question that Clause 10 *stand part of the Bill — Agreed to.*

Clause 11: Application to police forces.

(1) In this Bill "police force" means a police force within the meaning of the Police Act.

(2) For the purposes of this Bill, a police force is to be treated as owing whatever duties of care it would owe if it were a body corporate (*Hon. Emmanuel Y. Orker-Jev — Buruku Federal Constituency*).

Question that Clause 11 *stand part of the Bill — Agreed to.*

Clause 12: Application to partnerships.

(1) For the purposes of this Bill, a partnership is to be treated as owing whatever duties of care it would owe if it were a body corporate.

(2) Proceedings for an offence under this Bill alleged to have been committed by a partnership are to be brought in the name of the partnership (and not in the name of any of its members).

(3) A fine imposed on a partnership on its conviction for an offence under this Act is to be paid out of the funds of the partnership.

(4) This section does not apply to a partnership that is a legal person under the law by which it is governed (*Hon. Emmanuel Y. Orker-Jev — Buruku Federal Constituency*).

Question that Clause 12 *stand part of the Bill — Agreed to.*

Clause 13: **Criminal proceedings.**

Any statutory provision (whenever made) in relation to criminal proceedings against a corporation shall subject to necessary modifications apply to proceedings under this Bill against —

(*a*) a department or other government body,

(*b*) a police force,

(*c*) a partnership,

(*d*) a trade union, or

(*e*) an employers' association that is not a corporation (*Hon. Emmanuel Y. Orker-Jev — Buruku Federal Constituency*).

Question that Clause 13 *stand part of the Bill — Agreed to.*

Clause 14: **Transfer of liability.**

(1) Where a person's death has occurred, or is alleged to have occurred, in connection with the carrying out of the functions of a public organisation and subsequently there is a transfer of those functions to another organisation, any proceedings against the former organization under this Bill shall be instituted against the organization that inherits its functions.

(2) Where the transfer of functions occurs while proceedings for an offence under this Bill is pending, the proceedings are to be continued against the organisation by which such functions are subsequently carried out as a result of the transfer;

(3) Where as a result of the transfer no such organisation carries out the functions, the proceedings shall be instituted against the same or any other organisation by which the functions were last carried out (*Hon. Emmanuel Y. Orker-Jev — Buruku Federal Constituency*).

Question that Clause 14 *stand part of the Bill — Agreed to.*

Clause 15: **Consent of the Attorney-General.**

Proceedings for an offence of corporate manslaughter may not be instituted except with the consent of the Attorney-General of the Federation (*Hon. Emmanuel Y. Orker-Jev — Buruku Federal Constituency*).

Question that Clause 15 *stand part of the Bill — Agreed to.*

Clause 16: **Exemption of individual Liability.**
An individual cannot be convicted of aiding, abetting, counseling or procuring or being party to the commission of an offence of corporate manslaughter (*Hon. Emmanuel Y. Orker-Jev — Buruku Federal Constituency*).

Question that Clause 16 *stand part of the Bill — Agreed to.*

Clause 17: **Charges under this Bill not a bar to and charges under any health and safety legislation.**
(1) Where in the same proceedings there is —

(*a*) a charge of corporate manslaughter arising out of a particular set of circumstances,

(*b*) a charge against the same defendant of a health and safety offence arising out of some or all of those circumstances, the court may, if the interests of justice so require, return a verdict on each charge.

(2) An organisation that has been convicted of corporate manslaughter arising out of a particular set of circumstances may, if the interests of justice so require, be charged with a health and safety offence arising out of some or all of those circumstances.

(3) In this section "health and safety offence" means an offence under any health and safety legislation (*Hon. Emmanuel Y. Orker-Jev — Buruku Federal Constituency*).

Question that Clause 17 *stand part of the Bill — Agreed to.*

Clause 18: **Extent of territorial application.**
(1) Section 1 applies if the harm resulting in death is sustained in the Federal Republic of Nigeria or —

(*a*) within the seaward limits of the territorial sea adjacent to the Federal Republic of Nigeria; or

(*b*) on a Nigerian controlled ship, aircraft, hovercraft; or

(*c*) in any place to which the Petroleum Act applies.

(2) For the purposes of subsection (1) (*b*) and (*c*) harm sustained on a ship, aircraft or hovercraft includes harm sustained by a person who —

(*a*) is then no longer on board the ship, aircraft or hovercraft in consequence of the wrecking of it or of some other mishap affecting it or occurring on it, and

(*b*) sustains the harm in consequence of that event (*Hon. Emmanuel Y. Orker-Jev — Buruku Federal Constituency*).

Question that Clause 18 *stand part of the Bill — Agreed to.*

Clause 19: **Interpretation.**
In this Bill —

"corporation" means any body corporate that is incorporated but does not include a corporation sole (*Hon. Emmanuel Y. Orker-Jev — Buruku Federal Constituency*).

Question that the meaning of the word "corporation" be as defined in the interpretation to this Bill — Agreed to.

"employee" means an individual who works under a contract of employment or apprenticeship (whether express or implied and, if express, whether oral or in writing), and related expressions are to be construed accordingly (*Hon. Emmanuel Y. Orker-Jev — Buruku Federal Constituency*).

Question that the meaning of the word "employee" be as defined in the interpretation to this Bill — Agreed to.

"enforcement authority" means an authority responsible for the enforcement of any health and safety legislation (*Hon. Emmanuel Y. Orker-Jev — Buruku Federal Constituency*).

Question that the meaning of the words "enforcement authority" be as defined in the interpretation to this Bill — Agreed to.

Question that Clause 19 stand part of the Bill — Agreed to.

Clause 20: **Short Title.**
This Bill may be cited as the Corporate Manslaughter Bill, 2016 (*Hon. Emmanuel Y. Orker-Jev — Buruku Federal Constituency*).

Question that Clause 20 stand part of the Bill — Agreed to.

Long Title:
A Bill for an Act to Provide for Corporate Manslaughter to make Corporate Organizations Criminally liable for death of Employees arising from their acts of Omission; and for Other Related Matters (*Hon. Emmanuel Y. Orker-Jev — Buruku Federal Constituency*).

Question that the Long Title stand part of the Bill — Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair reported that the House in Committee of the Whole considered the Report on a Bill for an Act to Provide for Corporate Manslaughter to make Corporate Organizations Criminally liable for death of Employees arising from their acts of Omission; and for Other Related Matters (HB. 273) and approved Clauses 1 - 20, and the Long Title of the Bill.

Question that the House do adopt the Report of the Committee of the Whole — Agreed to.

(*iii*) ***A Bill for an Act to Repeal the Railway Loan (International Bank) Act, Cap. R2, Laws of the Federation of Nigeria*, 2004; *and for Other Connected Purposes* (HB. 300):**
Motion made and Question proposed, "That the House do consider the report on A Bill for an Act to Repeal the Railway Loan (International Bank) Act, Cap. R2, Laws of the Federation of Nigeria, 2004; and for Other Connected Purposes (HB. 300) and approve the recommendations therein" (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

Question agreed to.

Question that the House do resolve into the Committee of the Whole to consider the Report — Agreed to.

(HOUSE IN COMMITTEE)

(*Mr Deputy Speaker in the Chair*)

A BILL FOR AN ACT TO REPEAL THE RAILWAY LOAN (INTERNATIONAL BANK) ACT, CAP. R2, LAWS OF THE FEDERATION OF NIGERIA, 2004; AND FOR OTHER CONNECTED PURPOSES (HB. 300)

Clause 1: **Repeal of Cap. R2, LFN, 2004.**
The Railway Loan (International Bank) Act, Cap. R2, Laws of the Federal Republic of Nigeria, 2004 is hereby repealed (*Hon. Emmanuel Y. Orker-Jev — Buruku Federal Constituency*).

Question that Clause 1 stand part of the Bill — Agreed to.

Clause 2: **Citation.**
This Bill may be cited as the Railway Loan (International Bank) (Repeal) Bill, 2016 (*Hon. Emmanuel Y. Orker-Jev — Buruku Federal Constituency*).

Question that Clause 2 stand part of the Bill — Agreed to.

Long Title:
A Bill for an Act to Repeal the Railway Loan (International Bank) Act, Cap. R2, Laws of the Federation of Nigeria, 2004; and for Other Connected Purposes (*Hon. Emmanuel Y. Orker-Jev — Buruku Federal Constituency*).

Question that the Long Title stand part of the Bill — Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair reported that the House in Committee of the Whole considered the Report on a Bill for an Act to Repeal the Railway Loan (International Bank) Act, Cap. R2, Laws of the Federation of Nigeria, 2004; and for Other Connected Purposes (HB. 300) and approved Clauses 1 - 2, and the Long Title of the Bill.

Question that the House do adopt the Report of the Committee of the Whole ₦ Agreed to.

(*iv*) ***Committee on Power*:**
Report on the Need to halt the Planned Payment of ₦2.7 Billion by the Board of the Nigerian Electricity Regulatory Commission to its Members.

Order read; deferred by leave of the House.

39. Adjournment:
That the House do adjourn till Wednesday, 8 *June*, 2016 *at* 11.00 *a.m.* (*Hon. Femi Gbajabiamila — House Leader*).

The House adjourned accordingly at 2.53 *p.m.*

Yakubu Dogara
Speaker