

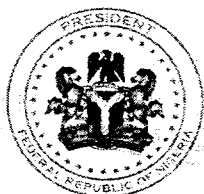


HOUSE OF REPRESENTATIVES FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Thursday, 18 January, 2018

1. The House met at 11.07 a.m. Mr Speaker read the Prayers.
2. **Votes and Proceedings**
Mr Speaker announced that he had examined and approved the *Votes and Proceedings* of Wednesday, 17 January, 2018.
The Votes and Proceedings was adopted by unanimous consent.
3. **Message**
Mr Speaker read the following message from the President of the Federal Republic of Nigeria:



PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA

16th January, 2018

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

Dear Rt Hon. Y. Dogara,

FEDERAL CAPITAL TERRITORY APPROPRIATION ACT, 2017 (AMENDMENT) BILL, 2018

By Executive Correspondence dated July 20, 2017, I forwarded the Federal Capital Territory Appropriation Bill, 2017, to the National Assembly for consideration.

The Bill as passed was communicated to me on December 22, 2017. I assented to same on

Also aware that the concept of the North-East Development Commission (NEDC) as a mechanism for mitigating humanitarian crisis is consistent with global best practices.

Resolved to:

Urge Mr President to intervene by accelerating the process of constitution and inauguration of the board and management of the North-East Development Commission (NEDC) in strict compliance with the provisions of the Act (HR. 06/2018).

- (ii) ***Need for an Investigation into the Loss of Twenty-one Billion Dollars (\$21,000,000,000) (₦7.6 Trillion equivalent) Crude Oil Revenue to International Oil Companies (IOCs):***
Hon. Sunday Marshall Katung (Zangon-Kataf/Jaba 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 Eight, Rule 4 (3) 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 Eight, Rule 4 (3) to enable it debate the matter forthwith — Agreed to.

Need for an Investigation into the Loss of Twenty-One Billion Dollars (\$21,000,000,000) (₦7.6 Trillion Equivalent) Crude Oil Revenue to International Oil Companies (IOCs):

The House:

Recalls that the Deep Offshore and Inland Basin Production Sharing Contracts Act of 1993 (PSC) was enacted in response to the problems posed by the Joint Venture arrangement as well as the desire of the Federal Government to open up the sector to more foreign participation and further benefit the Nigerian economy;

Notes that the said PSC governs the understanding between the Nigerian National Petroleum Corporation (NNPC) and all new participants in the new inland deep and ultra deep-water acreages by which the contractor bears all costs of exploration and production without such cost being reimbursable if no find is made;

Also notes that the PSC also provided for the recovery of the cost of exploration of crude oil in the event of commercial find, with provisions made for tax oil, cost oil and profit oil following which the balance, after these three (3) deductions are made, is shared between the NNPC and the contractor in an agreed proportion;

Aware that the PSC was amended by Deep Offshore and Inland Basin Production Sharing Contracts (Amendment) Act of 1999;

Disheartened that the Minister of Petroleum Resources, Dr Ibe Kachikwu, on the 13th of December, 2017, while briefing State House correspondents after the Federal Executive Council meeting, stated that Nigeria lost about \$21 billion (₦7.6 trillion) to International Oil Companies (IOCs) operating in the country due to non-implementation of the PSC;

Distressed that during the same briefing, the aforesaid Dr Kachikwu also stated that from 1993 till date cumulatively, Nigeria had lost the said colossal sum of \$21 billion because of the Federal Government's failure to act in that, amongst other things, in 2013, although there was a notice, to oil companies that Government would take steps to correct this anomaly, Government did not carry it through in terms of going to the Federal Executive Council to get approval;

Also distressed that these acts of negligence, omission, incompetence, if not outright collusion and conspiracy with a view, possibly, to corruption have been perpetrated over such a long period of time when Nigeria has had well-paid legal and technical experts in place;

Anguished that this is a sad reminder of how the wealth of Nigeria, Africa's largest oil producer, derived from her God given natural resources ends up in foreign lands while her economy and the lot of her citizens continue to dwindle as is evidenced by, amongst others, her economic recession and the pervasive and acute poverty in the country;

Determined that these reckless incidents that have resulted in the massive depletion of both our nation's resources and the revenue accruing from them have gone on for far too long and that there is a need for this National Assembly to come to Nigeria's rescue in interest of the common man and take adequate measures to bring them to a halt.

Resolves to set up an Ad-hoc Committee to:

- (i) investigate the operation of the PSC as between the NNPC and the IOCs towards determining the reasons for the loss of the aforesaid \$21 billion; why the appropriate steps were not taken in the first place or promptly taken over such an inordinately long period to remedy losses; and the possibility of recovering the revenue lost; and, towards these, to require the Minister of Petroleum Resources to provide details of financial transactions between the NNPC and the IOCs during the period when the losses were incurred;
- (ii) review the PSC and the Joint Operating Agreement and other relevant agreements with a view to regularising all the anomalies that have led to the aforesaid loss of revenue and report back within six (6) weeks for further legislative actions (*Hon. Sunday Marshall Katung — Zangon-Kataf/Jaba Federal Constituency*).

Debate.

Agreed to.

The House:

Recalled that the Deep Offshore and Inland Basin Production Sharing Contracts Act of 1993 (PSC) was enacted in response to the problems posed by the Joint Venture arrangement as well as the desire of the Federal Government to open up the sector to more foreign participation and further benefit the Nigerian economy;

Noted that the said PSC governs the understanding between the Nigerian National Petroleum Corporation (NNPC) and all new participants in the new inland deep and ultra deep-water acreages by which the contractor bears all costs of exploration and production without such cost being reimbursable if no find is made;

Also noted that the PSC also provided for the recovery of the cost of exploration of crude oil in the event of commercial find, with provisions made for tax oil, cost oil and profit oil following which the balance, after these three (3) deductions are made, is shared between the NNPC and the contractor in an agreed proportion;

Aware that the PSC was amended by Deep Offshore and Inland Basin Production Sharing Contracts (Amendment) Act of 1999;

Disheartened that the Minister of Petroleum Resources, Dr Ibe Kachikwu, on the 13th of December, 2017, while briefing State House correspondents after the Federal Executive Council meeting, stated that Nigeria lost about \$21 billion (₦7.6 trillion) to International Oil Companies (IOCs) operating in the country due to non-implementation of the PSC;

Distressed that during the same briefing, the aforesaid Dr Kachikwu also stated that from 1993 till date cumulatively, Nigeria had lost the said colossal sum of \$21 billion because of the Federal Government's failure to act in that, amongst other things, in 2013, although there was a notice, to oil companies that Government would take steps to correct this anomaly, Government did not carry it through in terms of going to the Federal Executive Council to get approval;

Also distressed that these acts of negligence, omission, incompetence, if not outright collusion and conspiracy with a view, possibly, to corruption have been perpetrated over such a long period of time when Nigeria has had well-paid legal and technical experts in place;

Anguished that this is a sad reminder of how the wealth of Nigeria, Africa's largest oil producer, derived from her God given natural resources ends up in foreign lands while her economy and the lot of her citizens continue to dwindle as is evidenced by, amongst others, her economic recession and the pervasive and acute poverty in the country;

Determined that these reckless incidents that have resulted in the massive depletion of both our nation's resources and the revenue accruing from them have gone on for far too long and that there is a need for this National Assembly to come to Nigeria's rescue in interest of the common man and take adequate measures to bring them to a halt.

Resolved to set up an Ad-hoc Committee to:

- (i) investigate the operation of the PSC as between the NNPC and the IOCs towards determining the reasons for the loss of the aforesaid \$21 billion; why the appropriate steps were not taken in the first place or promptly taken over such an inordinately long period to remedy losses; and the possibility of recovering the revenue lost; and, towards these, to require the Minister of Petroleum Resources to provide details of financial transactions between the NNPC and the IOCs during the period when the losses were incurred;
- (ii) review the PSC and the Joint Operating Agreement and other relevant agreements with a view to regularising all the anomalies that have led to the aforesaid loss of revenue and report back within six (6) weeks for further legislative actions (HR. 07/2018).

7. Presentation of Reports

- (i) **Conference Committee on Environmental Managers Registration Council of Nigeria Bill**
That the House do receive the Report of the Conference Committee on a Bill for an Act to Establish the Environmental Managers Registration Council of Nigeria; and for Related Matters

Order read; deferred by leave of the House.

- (ii) **Nigeria-Saudi Arabia Parliamentary Friendship and Hajj Affairs:**
Motion made and Question proposed, "That the House do receive the Report of the Nigeria-Saudi Arabia Parliamentary Friendship and Hajj Affairs on the Highlights of the 2017 Hajj" (Hon. Abdullahi Balarabe Salame — Illela/Gwadabawa Federal Constituency).

Agreed to.

Report laid.

8. **A Bill for an Act to Establish Federal Institute for Industrial Research to Conduct Industrial Research for the Development of Micro, Small, Medium and Large Industries aimed at Rapid Industrialization and Socio-Economic Development of Nigeria; and for Related Matters (HB. 1221) — Second Reading**

Order read; deferred by leave of the House.

9. **A Bill for an Act to Provide for the Imprisonment, Registration and Monitoring of Persons that have been Convicted of Sexual Offences against Children under 18 years, the Notification of Law Enforcement Agencies, Owners of Schools, Child Care Services Providers, Social Workers, Employers and the General Public as a Caution against Recurrence of Sexual Offences and to maintain a Register of such Sexual Offenders in the Designated Registry; and for Related Matters (HB. 1198) — Second Reading**

Motion made and Question proposed, "That a Bill for an Act to Provide for the Imprisonment, Registration and Monitoring of Persons that have been Convicted of Sexual Offences against Children under 18 years, the Notification of Law Enforcement Agencies, Owners of Schools, Child Care Services Providers, Social Workers, Employers and the General Public as a Caution against Recurrence of Sexual Offences and to maintain a Register of such Sexual Offenders in the Designated Registry; and for Related Matters (HB. 1198) be now read a Second Time" (*Hon. Ochiglegor Idagbo — Obanliku/Obudu/Bekwarra Federal Constituency*).

Debate.

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

Bill read the Second Time.

Bill referred to the Committees on Human Rights, and Justice.

10. **A Bill for an Act to Amend the Pre-Shipment Inspection of Exports Act, Cap. P25, Laws of the Federation of Nigeria, 2004 to increase penalties for defaulters and amend reference in Section 18 (3) to paragraph (a) of subsection (1) to read "subsection (2)"; and for Related Matters (HB. 1227) — Second Reading**

Motion made and Question proposed, "That a Bill for an Act to Amend the Pre-Shipment Inspection of Exports Act, Cap. P25, Laws of the Federation of Nigeria, 2004 to increase penalties for defaulters and amend reference in Section 18 (3) to paragraph (a) of subsection (1) to read "subsection (2)"; and for Related Matters (HB. 1227) be now read a Second Time" (*Hon. Johnson Egwakhide Oghuma — Etsako East/Etsako West/Etsako Central Federal Constituency*).

Debate.

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

Bill read the Second Time.

Bill referred to the Committee on Commerce.

11. **Discharge of Committees from Referrals on Bills, Pursuant to Order Seventeen, Rule 3 (g) of the Standing Orders of the House of Representatives**
Motion made and Question proposed;

The House:

Notes that the following Bills were read a Second time separately between 2015 and 2016 and referred to the underlisted Committees for legislative actions:

<i>S/No.</i>	<i>Title of Bill</i>	<i>Date</i>	<i>Committee</i>
1.	Satellite Towns Development Agency Bill, 2015 (HB. 12)	7/10/2015	Federal Capital Territory Area Councils and Ancillary Matters
2.	Nigerian Industrial Revolution Plan Bill 2015 (HB. 26)	6/10/2015	Industry
3.	Nigerian Postal Commission Bili, 2015 (HB. 23)	8/10/2015	Telecommunications
4.	Tertiary Education Trust Fund Act (Amendment) Bill, 2015 (HB. 38)	14/10/2015	Tertiary Education and Services
5.	National Primary Healthcare Development Agency Act (Amendment) Bill, 2015 (HB. 15)	15/10/2015	Healthcare Services
6.	Emergency Communication Bill, 2015 (HB. 32)	27/10/2015	Telecommunications
7.	Security Services Welfare Infrastructural Development Commission Bill, 2015 (HB. 83)	5/11/2015	Defense, Customs and Excise, National Security and Intelligence, and Police Affairs
8.	National Agency for Food and Drug Administration and Control Act (Amendment) Bill, 2015 (HB. 42)	26/11/2015	Healthcare Services
9.	Miscellaneous Offences Act (Amendment) Bill, 2015 (HB. 92)	2/12/2015	Justice
10.	Anti-Dumping and Countervailing Bill, 2015 (HB. 90)	10/12/2015	Commerce
11.	Broadcasting Practitioners Bill, 2015 (HB. 150)	10/12/2015	Information, National Orientation, Ethics and Values
12.	Security and Intelligence (Compulsory Inclusion in Secondary Schools Syllabus) Bill, 2015 (HB. 123)	10/12/2015	Basic Education and Services
13.	Nigeria Insurance Act (Amendment) Bill, 2015 (HB. 178)	10/12/2015	Insurance and Actuarial Matters
14.	Presidential (Transition) Bill, 2015 (HB. 102 & 109)	16/12/2015	Justice
15.	National Population Commission Act (Amendment) Bill, 2015 (HB. 186)	17/12/2015	Population
16.	Nigerian Sovereign Investment Authority Act (Amendment) Bill, 2015 (HB. 114)	12/1/2016	Banking and Currency
17.	National Inland Waterways Authority Bill, 2015 (HB. 48)	13/1/2016	Ports, Harbours and Waterways

18. National Broadcasting Commission Act (Amendment) Bill, 2015 (HB. 168) 14/1/2016 Information, National Orientation, Ethics and Values

Aware that the Committees are yet to present Reports on the Bills, contrary to the provisions of Order Seventeen, Rule 3 (g) of the Standing Orders of the House of Representatives, to wit:

"Any matter referred to any Committee shall be treated within 30 days otherwise the Committee shall stand discharged after 60 days and the matter committed to the Committee of the Whole for consideration";

Resolves to:

Discharge the Committees mentioned above from the Bills referred to them and commit same to the Committee of the Whole for consideration (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

Agreed to.

12. Need to Investigate Fraudulent Activities in the Housing Sector
Motion made and Question proposed,

The House:

Notes that shelter is unarguably one of the most basic necessities of life as it is a top priority item in the hierarchy of man's needs and this primacy is reaffirmed by section 16 (2) (d) of the Constitution of the Federal Republic of Nigeria, 1999 which mandates the State to provide suitable and adequate shelter for all citizens;

Also notes that in a bid to actualize the above injunction, the Federal Government set up a Public-Private Partnership Arrangement which entails the Government providing land for estate developers who are willing to use their resources to develop real estates for sale to members of the public at affordable rates;

Further notes that despite the attractive and motivational incentives by successive governments, there is still huge housing deficit for the low and even medium income earners who are desirous of owning their houses, as a result, the Public-Private Partnership Arrangement has become a veritable tool in the hands of people who masquerade as estate developers to dupe unsuspecting Nigerians who are seeking affordable houses;

Aware that the fraudulent activities going on in the housing sector have resulted in losses of several billions of Naira by innocent Nigerians and also hampered the housing development policy of the Government, and desirous of putting a stop to those unwholesome practices by putting in place strict monitoring and regulatory mechanisms in the housing sector;

Resolves to:

- (i) call on the Federal Ministry of Power, Works and Housing to put in place appropriate mechanism to ensure the registration of all estate developing firms in the housing sector and strict regulation of activities therein;
- (ii) mandate the Committee on Housing to conduct an investigative hearing on the alleged fraudulent practices and activities in the housing sector which have hampered the housing development policy of the Federal Government and report back within eight (8) weeks for further legislative action (*Hon. Joseph Edionwele — Esan Central/Esan West/Igueben Federal Constituency*).

Debate.

Agreed to.

The House:

Noted that shelter is unarguably one of the most basic necessities of life as it is a top priority item in the hierarchy of man's needs and this primacy is reaffirmed by section 16 (2) (d) of the Constitution of the Federal Republic of Nigeria, 1999 which mandates the State to provide suitable and adequate shelter for all citizens;

Also noted that in a bid to actualize the above injunction, the Federal Government set up a Public-Private Partnership Arrangement which entails the Government providing land for estate developers who are willing to use their resources to develop real estates for sale to members of the public at affordable rates;

Further noted that despite the attractive and motivational incentives by successive governments, there is still huge housing deficit for the low and even medium income earners who are desirous of owning their houses, as a result, the Public-Private Partnership Arrangement has become a veritable tool in the hands of people who masquerade as estate developers to dupe unsuspecting Nigerians who are seeking affordable houses;

Aware that the fraudulent activities going on in the housing sector have resulted in losses of several billions of Naira by innocent Nigerians and also hampered the housing development policy of the Government, and desirous of putting a stop to those unwholesome practices by putting in place strict monitoring and regulatory mechanisms in the housing sector;

Resolved to:

- (i) call on the Federal Ministry of Power, Works and Housing to put in place appropriate mechanism to ensure the registration of all estate developing firms in the housing sector and strict regulation of activities therein;
- (ii) mandate the Committee on Housing to conduct an investigative hearing on the alleged fraudulent practices and activities in the housing sector which have hampered the housing development policy of the Federal Government and report back within eight (8) weeks for further legislative action (**HR. 08/2018**).

13. Consideration of Reports

(i) Committee on Electoral and Political Party Matters:

Motion made and Question proposed, "That the House do consider the Report of the Committee on Electoral and Political Party Matters on a Bill for an Act to Establish the Nigerian Electoral Offences Commission; and for Related Matters (HB. 504 and HB. 546) and approve the recommendations therein" (*Hon. Aishatu Jibril Dukku — Dukku/Nafada Federal Constituency*).

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 ESTABLISH THE NIGERIAN ELECTORAL OFFENCES
COMMISSION AND FOR RELATED MATTERS (HBs 504 and 546)

PART I — ESTABLISHMENT

Committee Recommendation:**Clause 1: The Nigerian Electoral Offences Commission.**

- (1) There is established a body known as the Nigerian Electoral Offences Commission (in this Bill referred to as the Commission) which shall be constituted in accordance with and shall have functions as are conferred upon it by this Bill.
- (2) The Commission:
 - (i) shall be a body corporate with perpetual succession and a common seal;
 - (ii) may sue and may be sued in its corporate name and may, for the purpose of its functions acquire, hold or dispose of property (whether moveable or immovable);
 - (iii) the common seal of the Commission shall be kept in the custody of the Secretary and shall be authenticated by the signature of the Chairman or such other officer as the Commission may designate.
 - (iv) the Headquarters of the Commission shall be in Abuja, Nigeria and the Commission may establish an office or more branches in each State of the Federation and the Federal Capital Territory, Abuja to carry out its functions under this Bill (*Hon. Aishatu Jibril Dukku — Dukku/Nafada Federal Constituency*).

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

Committee Recommendation:**Clause 2: Composition of the Commission.**

- (1) The Commission shall consist of the following Members —
 - (a) a Chairman who shall be a person of proven integrity; and
 - (b) twelve other persons, who shall be known as National Commissioners.
- (2) In appointing the members of the Commission, regards shall be had to federal character and gender policy of the Federal Government.
- (3) Members of the Commission shall be non-partisan and of proven integrity and in —
 - (a) the case of the Chairman, be not less than forty years of age; and
 - (b) other members, be not less than thirty-five years of age.
- (4) The Chairman shall be the chief executive and accounting officer of the Commission.
- (5) The provisions of the First Schedule to this Bill shall have effect with respect to the proceedings of the Commission and other matters mentioned therein (*Hon. Aishatu Jibril Dukku — Dukku/Nafada Federal Constituency*).

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

Committee Recommendation:**Clause 3: Appointment and Tenure of Chairman and Members of the Commission.**

- (1) The Chairman and members of the Commission shall be appointed by the President subject to confirmation by the Senate.
- (2) The Chairman shall hold office for a period of four (4) years and may be re-appointed for another four (4) years but shall not be eligible for re-appointment thereafter. The other members of the Commission shall hold office for a period of four (4) years and may be re-appointed for another four (4) years but shall not be eligible for re-appointment thereafter.
- (3) The Chairman and members of the Commission shall have at least a first degree or its equivalent from a recognized institution in addition to a minimum of ten years' cognate experience in a relevant field.
- (4) The Chairman or any member of the Commission may be removed or suspended by the President:
 - (a) if he is satisfied that it is not in the interest of the Commission or of the public for the person appointed to continue in office subject to confirmation by the Senate; or
 - (b) acting on a motion supported by two-thirds majority of the Senate praying that the member be so removed for inability to discharge the functions of the office for reason of infirmity of mind or body or of misconduct upon which a court of competent jurisdiction has found such a person guilty.
- (5) A member of the Commission may resign his membership by notice in writing addressed to the President and that member shall, on the date of the receipt of the notice by the President, cease to be a member.
- (6) Where a vacancy occurs in the membership of the Commission, the President shall appoint a successor to hold office for a term of five years subject to confirmation by the Senate.
- (7) Where a vacancy occurs in the office of the Chairman, the members shall elect one of their members to act in the capacity of a chairman for a maximum period of 3 months and no more.
- (8) The office of the Chairman or a member of the Commission shall become vacant where —
 - (i) he attains 70 years of age;
 - (ii) he has been convicted of a felony or any offence involving dishonesty;
 - (iii) he has been declared bankrupt or insolvent by a competent court or tribunal;
 - (iv) he becomes a member of, holds an office in or is employed by any political party; or
 - (v) he is declared guilty of gross misconduct by a court or competent tribunal (*Hon. Aishatu Jibril Dukku — Dukku/Nafada Federal Constituency*).

Amendments Proposed:

- (i) *Leave out* all the words in subclause (2), and *insert* as follows:
“The Chairman and Members shall hold office for a period of four (4) years and may be re-appointed for another four (4) years and no more” (*Hon. Muhammad Musa Soba — Soba Federal Constituency*).

Question that the amendment be made — Agreed to.

- (ii) In subclause (3), immediately after the words “cognate experience” *leave out* the words “in a relevant field” (*Hon. Simon Yakubu Arabo — Kauru Federal Constituency*).

Question that the amendment be made — Agreed to.

- (iii) In subclause (4) (a), line 1, before the word “if”, *insert* the following words “in case of suspension” (*Hon. Muhammad Musa Soba — Soba Federal Constituency*).

Question that the amendment be made — Agreed to.

- (iv) In subclause (4) (b), line 6, immediately after the words “subject to” *insert* the words “approval of $\frac{2}{3}$ of the Senate within 14 working days, pending when the suspension last” (*Hon. Muhammad Musa Soba — Soba Federal Constituency*).

Question that the amendment be made — Agreed to.

- (v) In subclause (4) (b), immediately after the words “mind or body” *leave out* the words “or of misconduct”, (*Hon. Olusupo Abiodun Adeola — Iseyin/Iresiwaju/Kajola/Iawjowa Federal Constituency*).

Question that the amendment be made — Agreed to.

- (vi) In subclause (6), immediately after the word “of ” *leave out* the word “five (5)” *insert* the word “four (4)” (*Hon. Abdullahi Umar Faruk — Bunza/Birnin Kebbi/Kalgo Federal Constituency*).

Question that the amendment be made — Agreed to.

- (vii) In subclause (6), immediately after the words “by the Senate ” *insert* the words “to complete his term”. (*Hon. Abdullahi Umar Faruk — Bunza/Birnin Kebbi/Kalgo Federal Constituency*).

Question that the amendment be made — Negatived.

- (viii) In subclause (6), immediately after the words “appoint a successor” *insert* the words “who shall complete the term and may be re-appointed by the President for a further term of four (4) years subject to confirmation by the Senate and no more” (*Hon. Chinda Kingsley — Obio/Akpor Federal Constituency*).

Question that the amendment be made — Agreed to.

- (ix) *Leave out* subclause (8) (b), (*Hon. Muhammad Musa Soba — Soba Federal Constituency*).

Question that the amendment be made — Agreed to.

Question that Clause 3 as amended, stands part of the Bill — Agreed to.

Committee Recommendation:**Clause 4: Emoluments, allowances, etc.**

The Chairman and members of the Commission shall be paid such emoluments, allowances and benefits as may be determined by the appropriate Federal Government Agency, from time to time, in accordance with extant laws and regulations (*Hon. Aishatu Jibril Dukku — Dukku/Nafada Federal Constituency*).

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

Committee Recommendation:**Clause 5: Functions and Powers of the Commission.****(1) The Commission shall be responsible for:**

- (a) the co-ordination, enforcement and the due administration of the provisions of this Bill and other enforcement functions conferred on any other person or authority under this Bill;
- (b) the investigation, enforcement and prosecution of all electoral malpractices and electoral offences created under the Constitution, Electoral Act and any other law related to electoral offences;
- (c) the advise of the electoral entities of any change in practices, systems or procedures compatible with the effective discharge of the duties of electoral entities as the Commission thinks fit to reduce the likelihood or incidence of electoral and related offences;
- (d) the sensitization, enlightenment and orientation of the public on electoral offences and the liabilities there from;
- (e) the facilitation of the exchange of scientific and technical information with other democracies on the conduct of joint operations and training geared towards the eradication of electoral fraud and malpractices;
- (f) the adoption of measures to identify, trace and prosecute political thuggery, electoral fraud, political terrorism and related electoral offences;
- (g) the adoption of measures to prevent and eradicate the commission of electoral malpractices including coordination, preventive and regulatory actions, introduction of investigative and control techniques, and the collaboration with election observers within and outside Nigeria;
- (h) the execution of such other activities as are necessary or expedient for the full discharge of all or any of the functions conferred on it under this Bill or conferred upon it by an Act of the National Assembly.

(2) The Commission shall have powers to:

- (a) investigate and prosecute any person suspected to have conspired to commit or has attempted to commit or has committed an electoral offence or an offence under this Bill or the Electoral Act;

- (b) issue of summons to persons to appear in person or to produce documents that would help in the investigation or prosecution of an electoral offence;
 - (c) seize any property (moveable or immoveable) that is used or suspected to be used in the Commission of an electoral offence;
 - (d) examine the practices, systems and procedures of any electoral entity and where, in the opinion of the Commission, such practices, systems or procedures aid or facilitate electoral offences to advise on ways by which electoral offences may be eliminated or minimized by such entity;
 - (e) appoint, promote, dismiss and exercise disciplinary control over the staff of the Commission in accordance with the provisions of this Bill;
 - (f) adopt measures including coordination, prevention and regulatory actions, to —
 - (i) identify, trace and prosecute political thuggery electoral fraud, political terrorism and other electoral offences,
 - (ii) prevent the commission of electoral malpractices; and
 - (g) enlist and foster public support in combating electoral offences.
- (3) The Commission shall —
- (a) formulate and provide the general policies and guidelines relating to the functions of the Commission;
 - (b) issue guidelines and regulations to govern political party activities;
 - (c) monitor the implementation of the policies and programmes of the Commission;
 - (d) submit to the relevant statutory bodies for approval the terms and conditions of service, including remuneration of the employees of the Commission after consideration by the Management of the Commission;
 - (e) cause to be kept, proper accounts and records of the Commission in respect of each financial year and shall cause the accounts to be audited not later than 6 months after the end of each year by auditors appointed from the list and in accordance with the guidelines supplied by the Auditor-General of the Federation; and
 - (f) do any other thing which in the opinion of the Commission is necessary or expedient to ensure the efficient performance of the functions of the Commission (*Hon. Aishatu Jibril Dukku — Dukku/Nafada Federal Constituency*).

Amendment Proposed:

Leave out the provision of subclause (3) (b) (Hon. Abdulrahman Shuaibu Abubakar — Miah/Mubi North/Mubi South Federal Constituency).

Question that the amendment be made — Agreed to.

Question that Clause 5 as amended, stands part of the Bill — Agreed to.

Committee Recommendation:**Clause 6: Standing Orders.**

The Commission may issue administrative orders to be called standing orders for regulating its proceedings, any of its committees or units and for such matters that may enhance the efficient and effective functioning of the Commission as prescribed in the first schedule to this Bill (*Hon. Aishatu Jibril Dukku — Dukku/Nafada Federal Constituency*).

Amendment Proposed:

Insert a new subclause (2) as follows:

“The Commission shall establish one or more branch offices in each State of the Federation and the Federal Capital Territory, Abuja, to carry out its functions under this Bill the offenders to be tried in State where offence is committed” (Hon. Beffy Apiafy — Abua/Odual/Ahaoda Federal Constituency).

Question that the amendment be made — Negatived.

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

PART II — MANAGEMENT AND STAFF OF THE COMMISSION**Committee Recommendation:****Clause 7: Appointment and tenure of the Secretary to the Commission.**

- (1) There shall be for the Commission, a Secretary who shall be appointed by the Commission.
- (2) The Secretary shall hold office for a term of four years in the first instance and be eligible for re-appointment for another term of four years and no more.
- (3) The Secretary shall possess at least a first degree or its equivalent from a recognized Institution with at least fifteen years cognate experience in a relevant field.
- (4) The Secretary shall —
 - (a) be the head of administration of the Commission;
 - (b) keep records,
 - (c) conduct correspondence of the Commission; and
 - (d) perform such other duties and functions as the Commission or the Chairman may from time to time direct (*Hon. Aishatu Jibril Dukku — Dukku/Nafada Federal Constituency*).

Amendments Proposed:

- (i) In subclause (3), immediately after the words “with at least”, *leave out* the word “fifteen (15)”, and *insert* the word “ten (10)” (*Hon. Lawal Abubakar Garba — Yola North/Yola South/Gire Federal Constituency*).

Question that the amendment be made — Agreed to.

- (ii) In subclause (3), immediately after the word “field”, *insert* the words “who shall be a legal practitioner with at least ten years cognate experience” (*Hon. Lawal Abubakar Garba — Yola North/Yola South/Gire Federal Constituency*).

Question that the amendment be made — Agreed to.

Question that Clause 7 as amended, stands part of the Bill — Agreed to.

Committee Recommendation:**Clause 8: Other Staff of the Commission.**

- (1) The Commission may, from time to time, appoint such other staff or appoint officers on secondment from government security or law enforcement agencies or such other private or public services as it may deem necessary, to assist the Commission in the performance of its functions under this Bill.
- (2) The staff of the Commission appointed under subsection (1) of this section shall be appointed on such terms and conditions of service as the Commission may determine in accordance with the approved Government Policy.
- (3) The staff of the Commission shall be public officers as defined in the Constitution of the Federal Republic of Nigeria (*Hon. Aishatu Jibril Dukku — Dukku/Nafada Federal Constituency*).

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

Committee Recommendation:**Clause 9: Staff regulations.**

- (1) The Commission may, subject to the provisions of this Bill, make staff regulations relating generally to the conditions of service of the employees of the Commission and, without prejudice to the generality of the foregoing, the regulations may provide for —
 - (a) the appointment, promotion and disciplinary control, including dismissal, of employees of the Commission; and
 - (b) appeals by such employees against dismissal or other disciplinary measures, and until the regulations are made, any instrument relating to the conditions of service of officers in the Civil Service of the Federation shall be applicable, with such modifications as may be necessary, to the employees of the Commission.
- (2) Staff regulations made under subsection (1) of this section shall not have effect until approved by the Commission, published in the Gazette and brought to the notice of all affected persons in such manner as the Commission may, from time to time, determine (*Hon. Aishatu Jibril Dukku — Dukku/Nafada Federal Constituency*).

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

Committee Recommendation:**Clause 10: Pensionable service.**

- (1) Service in the Commission shall be public service for the purposes of the Pensions Reform Act and accordingly, officers and other persons employed by the Commission shall in respect of their service in the Commission, be entitled to pensions, gratuities and other retirement benefits as are prescribed thereunder.
- (2) For the purposes of the application of the provisions of the Pensions Reform Act, any power exercisable under the Act by a Minister or other authority of the Government of the Federation (not being the power to make regulations under the Act by a Minister) is hereby vested in and shall be exercisable by the Commission and not by any other person or authority.
- (3) Notwithstanding the provisions of subsection (1) of this section, nothing in this Bill shall prevent the appointment of a person to any office on terms, which preclude the grant of pension and retirement benefits in respect of that office.
- (4) The Commission shall in consultation with the National Salaries, Incomes and Wages Commission determine and review from time to time, the remunerations and allowances, payable to the Commission's staff (*Hon. Aishatu Jibril Dukku — Dukku/Nafada Federal Constituency*).

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

Committee Recommendation:**Clause 11: Appointment of experts.**

In exercising and performing the powers, functions and duties conferred on it under this Bill, the Commission may appoint, contract, liaise or co-operate with various experts, including specialized agencies, academic or technical institutes, or advisory committees, in order to assist it in carrying out its functions or duties (*Hon. Aishatu Jibril Dukku — Dukku/Nafada Federal Constituency*).

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

PART III — FINANCIAL PROVISIONS**Committee Recommendation:****Clause 12: Funds of the Commission.**

- (1) The Commission shall establish and maintain a fund from which shall be defrayed all expenditures reasonably incurred by the Commission for the execution of its functions under this Bill.
- (2) There shall be paid and credited to the fund established pursuant to subsection (1) of this section —
 - (a) such monies as may, in each year, be approved by the Federal Government for the purposes of the Commission;
 - (b) all such moneys as shall, from time to time, be appropriated to the Commission by the National Assembly;
 - (c) all such moneys as may, from time to time, be lent or granted to the Commission by the Government of the Federation, a State or Local Government;

- (d) charges paid to the Commission in relation to the registration of political parties, grant of licenses, permits and authorizations;
 - (e) all moneys raised for the purpose of the Commission by way of donations, loans, grant-in-aid, testamentary disposition or otherwise; and
 - (f) all other assets that may, from time to time, accrue to the Commission.
- (3) The fund shall be managed in accordance with rules made by the Commission, and without prejudice to the generality of the power to make rules under this subsection, the rules shall, in particular, contain provisions —
- (a) specifying the manner in which the assets of the Commission are to be held and regulating the making of payments into and out of the fund; and
 - (b) requiring the keeping of proper accounts and records for the purpose of the fund in such form as may be specified in the rules.
- (4) The Commission may accept gifts of money or other property and upon such terms and conditions, if any, as may be specified by the person or organization making the gift provided that such terms and conditions are not inconsistent with the objectives and functions of the Commission (*Hon. Aishatu Jibril Dukku — Dukku/Nafada Federal Constituency*).

Amendments Proposed:

- (i) In subclause (2) (a) immediately after the words “approved by the”, *leave out* the words “Federal Government”, and *insert* the words “National Assembly” (*Hon. Ossai Nicholas Ossai — Ndokwa East/Ndokwa West/Ukwuani Federal Constituency*).

Question that the amendment be made — Agreed to.

- (ii) *Leave out* the provision of subclause (2) (d) (*Hon. Lawal Abubakar Garba — Yola North/Yola South/Gire Federal Constituency*).

Question that the amendment be made — Agreed to.

Question that Clause 12 as amended, stands part of the Bill — Agreed to.

Committee Recommendation:**Clause 13: Administration of the Commission's Fund.**

The Commission shall apply the proceeds of the fund established pursuant to provisions of this Bill to the following purposes, the —

- (a) cost of administration of the Commission;
- (b) cost of acquiring any property, equipment or other facility necessary to the discharge of the functions and duties of the Commission under this Bill; and,
- (c) payments of salaries, allowances and other remunerations, payable to members, experts or employees of the Commission (*Hon. Aishatu Jibril Dukku — Dukku/Nafada Federal Constituency*).

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

Committee Recommendation:**Clause 14: Accounts and audit.**

The Commission shall cause to be kept, proper books of accounts and records in respect of each financial year and shall cause its accounts to be audited not later than six months after the end of each financial year by auditors appointed in accordance with guidelines issued by the Office of the Auditor-General of the Federation (*Hon. Aishatu Jibril Dukku — Dukku/Nafada Federal Constituency*).

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

Committee Recommendation:**Clause 15: Statement of estimated income and expenditure.**

The Commission shall submit to the National Assembly, for approval not later than 31st August, in each financial year, a statement of its estimated income and expenditure for the following financial year (*Hon. Aishatu Jibril Dukku — Dukku/Nafada Federal Constituency*).

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

Committee Recommendation:**Clause 16: Bank Account.**

The Commission shall open and maintain with any bank or financial institution, an account in which there shall be deposited all moneys received by the Commission within the contemplation of the provisions of this Bill and from which all payments for and on behalf of the Commission shall be made (*Hon. Aishatu Jibril Dukku — Dukku/Nafada Federal Constituency*).

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

Committee Recommendation:**Clause 17: Investment of funds.**

The funds of the Commission, which are not immediately required for current or contingent expenditure, may upon the decision of the Commission —

- (a) be invested on call or short term fixed deposit with any bank or financial institution; or
- (b) be deposited with the Central Bank of Nigeria or any other bank or financial institution in an investment account in such manner and for such periods as the Commission may, upon a resolution, approve (*Hon. Aishatu Jibril Dukku — Dukku/Nafada Federal Constituency*).

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

Committee Recommendation:**Clause 18: Annual reports.**

The Commission shall submit to the National Assembly not later than 30th June in each financial year, a report on its activities during the immediate preceding year and shall include in such report the audited accounts of the Commission (*Hon. Aishatu Jibril Dukku — Dukku/Nafada Federal Constituency*).

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

PART IV — SPECIAL POWERS OF THE COMMISSION

Committee Recommendation:**Clause 19: Training programme.**

The Commission shall initiate, develop or improve specific training programs for its law enforcement and other personnel charged with responsibility for the detection, investigation and prosecution of offences created by this Bill and such programs shall include —

- (a) methods used in the detection of electoral offences or offences created under this Bill;
- (b) techniques used by persons involved in electoral offences or offences under this Bill and appropriate counter-measures;
- (c) collection of evidence;
- (d) law enforcement techniques;
- (e) capacity building for prosecutors; and,
- (f) dissemination of information on electoral and related offences (*Hon. Aishatu Jibril Dukku — Dukku/Nafada Federal Constituency*).

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

Committee Recommendation:**Clause 20: Powers and immunities of officers.**

- (1) Subject to the provisions of this Bill, an officer of the Commission, when investigating or prosecuting an electoral offence shall have all the powers and immunities of a police officer under the Police Act and any other laws conferring power on the police or empowering and protecting law enforcement agents.
- (2) Where, in the course of any investigations or proceedings in a court in respect of the commission of an electoral offence or an offence under this Bill by any person, there is disclosed an offence under any other written law, not being an electoral offence or offence under this Bill, irrespective of whether the offence was committed by the same person or any other person, the officer of the Commission responsible for the investigation or proceedings, as the case may be, shall notify the Attorney - General of the Federation or any other officer charged with responsibility for the prosecution of criminal cases, who may issue such direction as shall meet the justice of the case (*Hon. Aishatu Jibril Dukku — Dukku/Nafada Federal Constituency*).

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

Committee Recommendation:**Clause 21: Power to investigate and prosecute electoral offences.**

- (1) The Commission shall investigate and prosecute all electoral offences created under the Electoral Act or any other law or Regulations on electoral offences.

- (2) Every report relating to the commission of an electoral offence or any offence under this Bill may be made orally or in writing to an officer of the Commission, and if made orally shall be reduced into writing and read over to the person making the report; and every such report shall be signed or thumb-printed by the person making it; and where the person making the report is an illiterate the officer obtaining the report shall endorse that fact on the report together with a statement to the effect that it was read over and interpreted to the maker.
- (3) Every report, whether in writing or reduced into writing, shall be recorded and kept at the office of the Commission and there shall be appended to such entry the date and hour at which such report was made.
- (4) Where an officer of the Commission has reason to suspect the commission of an offence following a report made under subsection (1) or information otherwise received by him, he shall cause investigation to be made and for such purpose may exercise all the powers of investigation provided for under this Bill or any other law.
- (5) A report made under subsection (1) of this section shall not be disclosed by any person other than to the officers of the Commission until the accused person has been invited, summoned or charged to court for an offence arising from such report.
- (6) Any document certified by any officer of the Commission under subsection (2) in respect of a report under subsection (1) shall be admissible as evidence of the contents of the original and of the time, place and manner in which the report was recorded (*Hon. Aishātu Jibril Dukku — Dukku/Nafada Federal Constituency*).

Question that Clause 21 stands part of the Bill — Agreed to.

Committee Recommendation:

Clause 21: Power to examine persons.

- (1) An officer of the Commission investigating an electoral offence or an offence under this Bill may —
 - (a) order any person to attend before him for the purpose of being examined in relation to any matter which may, in his opinion, assist in the investigation of the offence;
 - (b) order any person to produce before him any book, document or any certified copy thereof, or any other article which may, in his opinion, assist in the investigation of the offence; or
 - (c) by written notice require any person to furnish a statement in writing made under oath or affirmation setting out therein all such information required under the notice, being information which, in such officer's opinion, would be of assistance in the investigation of the offence.
- (2) Subsection (1) (b) shall not apply to banker's books save in accordance with the provisions of the Evidence Act.
- (3) A person to whom an order under subsection (1) (a) has been given shall —

- (a) attend in accordance with the terms of the order to be examined, and shall continue to attend from day to day where so directed until the examination is completed; and
 - (b) during such examination disclose all information which is within his knowledge.
- (4) A person to whom an order has been given under subsection (1) (b) shall not conceal, destroy, remove, mutilate, expunge or dispose of any book, document or article specified in the order or relevant to the investigation, or alter or deface any entry in such book or document, or cause such act to be done, or assist or conspire to do such act.
- (5) A person to whom a written notice has been given under subsection (1) (c) shall, in his statement, furnish and disclose truthfully all information required under the notice which is within his knowledge, or which is available to him.
- (6) Any person who contravenes any provision of this section shall be guilty of an offence punishable with a term of imprisonment not exceeding three months (*Hon. Aishatu Jibril Dukku — Dukku/Nafada Federal Constituency*).

Question that Clause 22 stands part of the Bill — Agreed to.

Committee Recommendation:

Clause 23: General provisions as to summons.

- (1) Subject to the provisions of subsections (1) to (6) of this section, the Commission may issue a summons directed to a person complained against or any other person to attend before the Commission for the purpose of being examined in relation to the complaint or in relation to any other matter which may aid or facilitate the investigation of the complaint; and a summons so issued shall state the substance of the complaint, and the time and place at which the inquiry is to be held.
- (2) Every summons issued by the Commission under this Bill shall be in duplicate and signed by the Chairman or such other officer as the Chairman may authorize to issue summons.
- (3) Every summons issued by the Commission under this Bill shall be served by an officer of the Commission in the manner prescribed in the Sheriffs and Civil Process Act and any other law relating to the service of process and the person effecting the service shall have and exercise all the powers conferred by that Act and any other law relating to the service of process.
- (4) Where the person summoned by the Commission is in the service of Government, the Commission may deliver the summons in duplicate to the Head of the Department in which such person is employed for the purpose of its being served on that person and such officer shall thereupon cause the summons to be served on that person.
- (5) Where a summons has been served upon the person to whom it is addressed or is delivered to any other person, the person to whom it is addressed or delivered, as the case may be, shall sign a receipt on the duplicate; and where service is not effected by handing the summons to an individual but by some other method approved by this Bill, the person effecting service shall endorse on the duplicate particulars of the method by which the service was effected.

- (6) A person required to sign a receipt on the back of the duplicate summons to the effect that he has received the summons who refuses to do so may be arrested by the person serving the summons and shall be guilty of an offence and upon conviction be liable to one month imprisonment or a fine of five thousand Naira.
- (7) Where the Commission is satisfied that a summons directed to a person complained against or any person has been served and that person does not appear at the time and place appointed in the summons, the Commission shall have power to arrest and detain any such person (*Hon. Aishatu Jibril Dukku — Dukku/Nafada Federal Constituency*).

Question that Clause 23 stands part of the Bill — Agreed to.

Committee Recommendation:

Clause 24: Warrant to search premises.

- (1) Whenever it appears to the Chairman upon information, and after such inquiry as he shall consider necessary, that there is reasonable cause to suspect that in any place there is any evidence of the commission of an electoral offence or offence under this Bill, he may by a written order direct an officer of the Commission to obtain a court order to —
 - (a) enter any premises and search for, seize and take possession of any book, document or other article evidencing the commission of such offence;
 - (b) inspect, make copies of or take extracts from any book, record or document;
 - (c) search any person who is in or on such premises and, for the purpose of such search, detain such person and remove him to such place as may be necessary to facilitate such search, and seize and detain any article found on such person;
 - (d) break open, examine, and search any article, container or receptacle; or
 - (e) stop, search and seize any vehicle or conveyance.
- (2) Whenever directed, an officer of the Commission exercising any of the powers prescribed under subsection (1) of this section shall obtain a warrant from a judge or magistrate to —
 - (a) break open any outer or inner door or window of any premises and enter thereto, or otherwise forcibly enter the premises and every part thereof;
 - (b) remove by force any obstruction to such entry search, seizure or removal as he is empowered to effect; or
 - (c) detain any person found in or on any premises or in any conveyance searched under subsection (1) or until such premises or conveyance has been searched.
- (3) No person shall be searched under this section except by a person who is of the same gender as the person to be searched (*Hon. Aishatu Jibril Dukku — Dukku/Nafada Federal Constituency*).

Question that Clause 24 stands part of the Bill — Agreed to.

Committee Recommendation:

Clause 25: Obligation to give information.

Subject to such limitation as is provided under this Bill, every person required by an officer of the Commission to give any information on any subject which it is the duty of such officer to inquire into under this Bill and which is in that person's statutory power to give, shall be bound to give such information, failing which, he shall be guilty of an offence and on conviction, liable to imprisonment for six months or a fine of ten thousand Naira or both (*Hon. Aishatu Jibril Dukku — Dukku/Nafada Federal Constituency*).

Question that Clause 25 stands part of the Bill — Agreed to.

Committee Recommendation:

Clause 26: Obstruction of inspection and search.

Any person who —

- (a) refuses any officer of the Commission access to any premises or fails to submit to a search by any person authorized to search him under this Bill;
- (b) assaults or obstructs any officer of the Commission or any person authorized by the Commission in the execution of his duty under this Bill;
- (c) fails to comply with any lawful demand, notice, order or requirement of an officer of the Commission in the execution of his duty under this Bill;
- (d) fails to produce, or conceals or attempts to conceal from an officer of the Commission, any book, document, or article, in relation to which such officer has reasonable grounds for suspecting or believing that an electoral offence or offence under this Bill has been or is being committed, or which is liable to seizure under this Bill;
- (e) rescues or endeavours to rescue or causes to be rescued any person who has been duly arrested or anything which has been duly seized; or
- (f) destroys anything to prevent the seizure thereof or the securing of the thing;

shall be guilty of an offence punishable with imprisonment for one year without the option of a fine (*Hon. Aishatu Jibril Dukku — Dukku/Nafada Federal Constituency*).

Question that Clause 26 stands part of the Bill — Agreed to.

Committee Recommendation:

Clause 27: Attempt or conspiracy.

Any person who —

- (a) attempts or conspires to commit any electoral offence;
- (b) does any act preparatory to or in furtherance of the commission of any electoral offence; or
- (c) abets or is engaged in a criminal conspiracy to commit any electoral offence;

commits an offence and shall on conviction, be liable to the punishment provided for such offence (*Hon. Aishatu Jibril Dukku — Dukku/Nafada Federal Constituency*).

Question that Clause 27 stands part of the Bill — Agreed to.

Committee Recommendation:

Clause 28: Bail of offenders, etc.

- (1) Every electoral offence or offence under this Bill shall be a billable offence for the purposes of the Criminal Procedure Act or Code.
- (2) Every person arrested under this Bill may be released from custody on his executing a bond with sureties, as an officer of the Commission may require.
- (3) Any person who has been released from custody under subsection (2) may be re-arrested without warrant by any officer of the Commission —
 - (a) if such officer has reasonable grounds for believing that any condition on which such person was released or otherwise admitted for bail has been broken; or
 - (b) on being notified in writing by the surety of such person that such person has broken or is likely to break any condition on which such person was released and that the surety wishes to be relieved of his obligation as surety.
- (4) Any person arrested under subsection (3) who is not released on bail shall, without unreasonable delay, and in any case within twenty-four hours (excluding the time for any necessary journey) be produced before the Court and if it appears to the Court that any condition on which such person was released or otherwise admitted for bail has been or is likely to be broken, the court may —
 - (a) remand such person in custody; or
 - (b) admit such person to bail on the same conditions or on such other conditions as it thinks fit.
- (5) Where a person who is arrested for an electoral offence or offence under this Bill is serving a sentence of imprisonment or is in detention under any law relating to preventive detention or is otherwise in lawful custody, he shall, upon an order in writing by an officer of the Commission, be produced before such officer or before any other officer of the Commission for the purpose of investigation and for such purpose he may be kept in lawful custody for a period not exceeding fourteen days.
- (6) A person who is detained in lawful custody under subsection (5) or otherwise under any other written law may, at any time, be made available to an officer of the Commission for the purpose of investigation, or may be taken to any other place for the purpose of searching the place, or seizing any property, or identifying any person or for any other purpose related to the investigation.
- (7) The period during which a person is under lawful custody under subsection (6) shall count towards the period of his imprisonment, detention or other custody (*Hon. Aishatu Jibril Dukku — Dukku/Nafada Federal Constituency*).

Question that Clause 28 stands part of the Bill — Agreed to.

PART V — DIRECTIONS, INQUIRY, DISPUTE RESOLUTION AND APPEALS

Committee Recommendation:**Clause 29: Public inquiry.**

- (1) The Commission may hold a public inquiry on any matter of a general nature that relates to the administration of this Bill or any other legislation, which will serve the objects of this Bill.
- (2) The Commission may hold a public inquiry under subsection (1) of this section —
 - (a) in response to a written request from a person or entity; or
 - (b) on its own initiative,where it is satisfied that the matter is of significant interest to the public, current or prospective party under this Bill.
- (3) The Commission may, for the purposes of an inquiry, exercise any or all of its investigation and information-gathering powers as provided for in this Bill.
- (4) Subject to subsection (1) of this section, where the Commission decides to hold a public inquiry, the Commission shall publish, in the manner that it deems appropriate, notice of the —
 - (a) fact that it is holding the inquiry;
 - (b) period during which the inquiry is to be held;
 - (c) nature of the matter to which the inquiry relates;
 - (d) period of at least 21 days, within which, and the form in which, members of the public are invited to make submissions;
 - (e) matters that the Commission would like the submissions to be dealt with; and
 - (f) address or addresses to which the submissions may be sent.
- (5) The Commission shall consider any submissions received within the time limit as specified in the notice and the submissions made by the members of the public shall be in the form and of the nature as specified in the notice.
- (6) Notwithstanding the provisions of subsection (1) of this section, an inquiry or a part of an inquiry may be conducted in private where the Commission is satisfied that —
 - (a) the documents or information that may be given, or a matter that may arise during the inquiry or a part of the inquiry, is of a confidential nature;
 - (b) it is against national interest to hold the inquiry in public; or
 - (c) holding the inquiry or part of the inquiry or a matter, or part of a matter, in public would not be conducive to the due administration of this Bill.

- (7) Where an inquiry takes place in public and the Commission is of the opinion that —
- (a) the evidence or other materials presented to the inquiry: or
 - (b) the written submissions lodged with the Commission is of a confidential nature, the Commission may direct that —
 - (i) the evidence or material should not be published: or
 - (ii) its disclosure be restricted.
- (8) Where an inquiry or part of an inquiry takes place in private, the Commission —
- (a) shall give a direction as to the persons who may be present at the inquiry or part of the inquiry: and
 - (b) may give a direction restricting the disclosure of evidence or other material presented at the inquiry or part of the inquiry.
- (9) Notwithstanding the provisions of subsection (8) of this section, a person who without reasonable excuse, fails to comply with a direction given by the Commission shall be liable to the payment of fine as the Commission may determine, from time to time.
- (10) The Commission shall publish a report on its findings on any inquiry it conducts within 60 days of the conclusion of the inquiry.
- (11) Civil proceedings shall not lie against a person in respect of any loss, damage or injury of any kind suffered by another person on grounds of the making of a statement or giving of a document or information to the Commission in relation to an inquiry under this Part.
- (12) The Commission shall maintain a register of all reports made pursuant to an inquiry under this Part (*Hon. Aishatu Jibril Dukku — Dukku/Nafada Federal Constituency*).

Question that Clause 29 stands part of the Bill — Agreed to.

Committee Recommendation:

Clause 30: Investigation for purposes of administrative inquiry, etc.

- (1) The Commission may investigate any matter pertaining to the administration of this Bill where the Commission has grounds to believe that an infringement of the provisions of this Bill was, is or will be committed.
- (2) The Commission may conduct an investigation on a matter referred to in subsection (1) of this section upon a written complaint by a person and the complaint shall specify the person against whom the complaint is made.
- (3) If a complaint has been made to the Commission under this section, the Commission may make inquiries of the respondent for the purpose of deciding whether the Commission should, in its discretion, investigate the matter.

- (4) If the Commission decides not to investigate, or not to investigate further, a matter to which a complaint relates, it shall not later than 30 days from the date of receipt of the complaint and in such manner as it thinks fit, inform the complainant and the respondent of the decision and the reasons for the decision.
- (5) The Commission shall before commencing an investigation of a matter to which the complaint relates, inform the respondent that the matter is to be investigated.
- (6) An investigation under this Part shall be conducted as the Commission thinks fit and the Commission may, for the purposes of an investigation, obtain information from such persons as it thinks fit.
- (7) Subject to subsection (4) of this section, a complainant or respondent may, at the Commission's discretion, be given an opportunity to appear before the Commission in connection with an investigation.
- (8) The Commission shall not, as a result of the investigation, make a finding that is adverse to a complainant or a respondent unless it has given the complainant or respondent an opportunity to make written submissions about a matter to which the investigation relates within a time period of not less than 21 days (*Hon. Aishatu Jibril Dukku — Dukku/Nafada Federal Constituency*).

Question that Clause 30 stands part of the Bill — Agreed to.

Committee Recommendation:

Clause 31: Conduct of investigation.

- (1) The Commission shall consider the submissions made by the complainant or the respondent under section 29 of this Bill before making its decision.
- (2) The Commission may, after concluding an investigation, prepare and publish a report which shall cover —
 - (a) the conduct of the investigation concerned;
 - (b) any finding that the Commission has made as a result of the investigation;
 - (c) the evidence and other materials on which those findings were based; and
 - (d) such other matters relating to, or arising out of, the investigation as the Commission deems fit (*Hon. Aishatu Jibril Dukku — Dukku/Nafada Federal Constituency*).

Question that Clause 31 stands part of the Bill — Agreed to.

Committee Recommendation:

Clause 32: Information-gathering powers.

- (1) This section applies to any person who the Commission has reason to believe —
 - (a) has any information including but not limited to accounts and records or any document that is relevant to the exercise of the Commission's powers and functions under this Bill; or

- (b) is capable of giving any evidence relevant to the exercise of the Commission's powers and functions under this Bill.
- (2) The Commission may, by a written notice, direct any person to —
- (a) give the Commission; within the period and in the manner and form specified in the notice, any such information;
- (b) produce to the Commission, within the period and in the manner specified in the notice, any such document, whether in a physical or electronic form; or
- (c) make copies of any document and to produce those copies to the Commission within the period and in the manner specified in the notice.
- (3) The Commission shall allow the person so directed under subsection (2) of this section a reasonable time to produce any information or documents specified in the notice.
- (4) Any person who is required to provide information or documents under subsection (2) of this section shall ensure that the information or documents provided are true, accurate and complete, and such person shall provide a representation to that effect, including a representation that he is not aware of any other information which would make the information provided untrue or misleading.
- (5) A person who fails to disclose or omits to give any relevant information or evidence or document, or provides information or evidence or document that he knows or has reason to believe is false or misleading, in response to a direction issued by the Commission under this Part commits an offence and is liable on conviction to a fine not exceeding ₦1,000,000.00 or to imprisonment for a term not exceeding one year or to both.
- (6) The Commission may take and retain for as long as is necessary, the possession of a document produced under this Part (*Hon. Aishatu Jibril Dukku — Dukku/Nafada Federal Constituency*).

Question that Clause 32 stands part of the Bill — Agreed to.

Committee Recommendation:

Clause 33: Resolution of disputes.

- (1) The Commission shall have powers to resolve disputes between persons regarding any matter under this Bill.
- (2) The Commission shall establish and maintain a dispute resolution panel pursuant to the provisions of subsection (1) of this section.
- (3) The Commission may publish guidelines setting out the principles and procedures that it may take into account in resolving disputes or a class of disputes under this Part.
- (4) An attempt shall first be made by the parties to resolve any dispute between them through negotiation before the involvement of the Commission.

- (5) Where one of the parties to the dispute has provided an undertaking that is relevant to the subject matter of the dispute and the Commission in accordance with this Part has registered the undertaking, the parties may adopt the conditions of the undertaking for the purposes of resolving the dispute.
- (6) The Commission may only resolve a dispute under this Part if it is notified in writing of the dispute and requested by either or both parties to intervene thereon.
- (7) The Commission shall, upon receipt of the notification of the dispute referred to in subsection (1) of this section, as soon as practicable, convene a meeting to decide the dispute, if it is satisfied that —
 - (a) an agreement shall not be reached, or will not be reached within a reasonable time;
 - (b) the notification of the dispute is not trivial, frivolous or vexatious; and
 - (c) the resolution of the dispute would promote the objects of this Bill.
- (8) The Commission may resolve the dispute in such a manner, including but not limited to Alternative Dispute Resolution, upon such terms and conditions as it may deem fit.
- (9) The Commission, in carrying out its functions under subsection (1) of this section, shall always be guided by the objective of establishing a sustained dispute resolution process that is fair, just and effective.
- (10) The terms and conditions of any resolution of a dispute by the Commission under this Part shall be in writing stating the reasons and the Commission shall provide the parties to the dispute with a copy of its decision (*Hon. Aishatu Jibril Dukku — Dukku/Nafada Federal Constituency*).

Question that Clause 33 stands part of the Bill — Agreed to.

Committee Recommendation:

Clause 34: Appeals and review of decisions.

- (1) A person who is aggrieved or whose interest is adversely affected by any decision of the Commission made pursuant to the exercise of the powers and functions under this Bill may within a period of not more than 45 days from the date upon which a decision is made, request in writing for a review of the Commission's decision and specify therein the reasons and basis for his request.
- (2) The Commission upon such written request by an aggrieved person shall meet to review its decision taking into consideration the submissions of the aggrieved person under subsection (1) of this section.
- (3) The Commission shall not later than 30 days from the date of receipt of the aggrieved person's written submissions, conclude its review of the decision and inform the aggrieved person in writing of its decision thereon and the reasons thereof.

- (4) The Commission shall not be required to publish or to disclose to the aggrieved person, a statement of reasons or a part of a statement of reasons if the publication or disclosure would—
- (a) disclose a matter that is, in the opinion of the Commission, of a confidential character;
- (b) be likely to prejudice the fair trial of a person.
- (5) The Commission may, in carrying out the review of its decision, use and exercise any of its powers under (a) this part.
- (6) In this part, "decision" includes any action, order, report or direction (*Hon. Aishatu Jibril Dukku — Dukku/Nafada Federal Constituency*).

Question that Clause 34 stands part of the Bill — Agreed to.

PART VI — MISCELLANEOUS

Committee Recommendation:

Clause 35: Power to make regulations.

- (1) The Commission may make rules or regulations with respect to the exercise of any of the duties, functions or powers of the Commission under the Act.
- (2) Regulations made under this Bill shall be transmitted to the Senate within 90 days after gazetting (*Hon. Aishatu Jibril Dukku — Dukku/Nafada Federal Constituency*).

Amendment Proposed:

In subclause (2), line 1, immediately after the words "transmitted to the" *leave out* the word "Senate", and *insert* the words "National Assembly" (*Hon. Simon Yakubu Arabo — Kauru Federal Constituency*).

Question that the amendment be made — Agreed to.

Question that Clause 35 as amended, stands part of the Bill — Agreed to.

Committee Recommendation:

Clause 36: Offence by an officer of the Commission.

Where an officer of the Commission commits an offence, or aids or abets the commission of an offence under this Bill or any other law, he may be liable on conviction to the maximum punishment prescribed for such an offence (*Hon. Aishatu Jibril Dukku — Dukku/Nafada Federal Constituency*).

Question that Clause 36 stands part of the Bill — Agreed to.

Committee Recommendation:

Clause 37: Legal proceedings.

No civil action shall be commenced against the Commission or its authorised officers until 30 days pre-trial notice have been served on the Commission (*Hon. Aishatu Jibril Dukku — Dukku/Nafada Federal Constituency*).

Question that Clause 37 stands part of the Bill — Agreed to.

Committee Recommendation:**Clause 38: Restriction on execution against property of the Commission.**

In any action or suit against the Commission, no execution shall be levied or attachment process issued against the property of the Commission; unless not less than three months' notice of the intention to execute or attach has been given to the Commission (*Hon. Aishatu Jibril Dukku — Dukku/Nafada Federal Constituency*).

Question that Clause 38 stands part of the Bill — Agreed to.

Committee Recommendation:**Clause 39: Indemnity of officers of the Commission.**

A member of the Commission, Secretary to the Commission or Staff of the Commission shall be indemnified out of the assets of the Commission against any proceedings brought against him in his capacity as a member of the Commission, Secretary to the Commission or Staff or employee of the Commission where the act complained of is not ultra vires his powers (*Hon. Aishatu Jibril Dukku — Dukku/Nafada Federal Constituency*).

Question that Clause 39 stands part of the Bill — Agreed to.

Committee Recommendation:**Clause 40: Transitional provisions.**

- (1) Any person who immediately before the commencement of the Act was a staff of the Independent National Electoral Commission but handling issues relating to the investigation and prosecution of political offences shall continue in office and be deemed to have been appointed under this Bill for purposes of Pension.
- (2) Any part-heard proceedings pending before any court, in relation to any electoral offence, immediately before the coming into force of this Bill, shall be continued and completed as if this Bill had not been made.
- (3) This Bill and the Electoral Act (as amended) shall be read and construed together in so far as it is necessary to give effect to the intendment and tenor of this Bill.
- (4) Without prejudice to subsection (3) of this section, the functions conferred upon the Independent National Electoral Commission in relation to the prosecution of electoral offences and other related matters in the Electoral Act, shall, as from the commencement of this Bill, be conferred upon and exercisable by the Commission established under section 1 of this Bill and accordingly, all references to the "Independent National Electoral Commission", whether express or implied, in the Electoral Act shall, unless the context otherwise requires, be construed as references to the "Electoral Offences Commission" (*Hon. Aishatu Jibril Dukku — Dukku/Nafada Federal Constituency*).

Question that Clause 40 stands part of the Bill — Agreed to.

Committee Recommendation:**Clause 41: Interpretation.**

In this Bill —

"Chairman" means the Chairman of the Commission appointed under Section 1 (2) of this Bill (*Hon. Aishatu Jibril Dukku — Dukku/Nafada Federal Constituency*).

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

"Commission" means the Nigerian Electoral Offences Commission established under Section 1 of this Bill (*Hon. Aishatu Jibril Dukku — Dukku/Nafada Federal Constituency*).

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

"Constitution" means Constitution of the Federal Republic of Nigeria, 1999 (as amended) (*Hon. Aishatu Jibril Dukku — Dukku/Nafada Federal Constituency*).

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

"Corporate Body" means any legal entity artificial or otherwise recognized by companies and Allied Matters Act or created under the authority of any law in Nigeria (*Hon. Aishatu Jibril Dukku — Dukku/Nafada Federal Constituency*).

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

"Electoral offence" means any offence prescribed under this Bill, the Electoral Act, any Act of the National Assembly or in a regulation (*Hon. Aishatu Jibril Dukku — Dukku/Nafada Federal Constituency*).

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

"Person" includes a natural person, anybody or persons (corporate or incorporate) (*Hon. Aishatu Jibril Dukku — Dukku/Nafada Federal Constituency*).

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

"Political Party" has the same meaning as in the Constitution and the Electoral Act (*Hon. Aishatu Jibril Dukku — Dukku/Nafada Federal Constituency*).

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

"President" means the President of the Federal Republic of Nigeria (*Hon. Aishatu Jibril Dukku — Dukku/Nafada Federal Constituency*).

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

"Financial Institution" means a bank or other financial institution as defined in the Banks and Other Financial Institutions Act (*Hon. Aishatu Jibril Dukku — Dukku/Nafada Federal Constituency*).

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

"Member" means any member of the Commission appointed in accordance with section 1 of this Bill (*Hon. Aishatu Jibril Dukku — Dukku/Nafada Federal Constituency*).

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

"Judge of Superior Court of Record" means a judge holding any of the offices defined by Section 6 (5) of the Constitution (*Hon. Aishatu Jibril Dukku — Dukku/Nafada Federal Constituency*).

Question that the meaning of the words "Judge of Superior Court of Record" be as defined in the interpretation to this Bill — Agreed to.

Question that Clause 41 stands part of the Bill — Agreed to.

Committee Recommendation:

Clause 42: Short Title.

This Bill may be cited as the Nigerian Electoral Offences Commission Bill, 2017 (*Hon. Aishatu Jibril Dukku — Dukku/Nafada Federal Constituency*).

Question that Clause 42 stands part of the Bill — Agreed to.

SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO THE COMMISSION

[Section 1 (6)]

Proceedings of the Commission

1. Subject to the provisions of this Bill and section 27 of the Interpretation Act, the Commission shall have power to regulate its proceedings and may make standing orders with respect to the holding of its meetings, and those of its committees, notices to be given, the keeping of minutes of its proceedings, the custody and production for inspection of such minutes and such other matters as the Commission may, from time to time determine.
2. There shall be at least one ordinary meeting of the Commission in each quarter of the year and subject thereto, the Commission shall meet whenever it is convened by the Chairman, and if the Chairman is requested to do so by notice given to him by not less than four other members, he shall convene a meeting of the Commission to be held within 30 days from the date on which the notice was given.
3. Every meeting of the Commission shall be presided over by the Chairman and if the Chairman is unable to attend a particular meeting, the members present at the meeting shall elect one of them to preside at the meeting.
4. The minutes of the Commission shall be recorded by the Secretary and signed by the Chairman or the person who presided at the meeting, after confirmation by the Commission.
5. A quorum at a meeting of the Commission shall be one-third of the total number of members.
6. The Commission may co-opt any person to attend and participate at any of its meetings provided that the person so co-opted shall only be in attendance and shall not count towards the quorum or votes at the meeting.

Convening of Meetings of the Commission

7. The Chairman shall, at any time, if five other members request in writing, convene an emergency meeting of the Commission, provided that not less than 48 hours' notice is given to members for the meeting.
8. If the office of Chairman is at any time vacant, or the Chairman is absent from Nigeria or is in the opinion of the Commission permanently or temporarily unable to perform the functions of his office, the Secretary to the Commission shall convene such meetings of the Commission as are required during the period of vacancy, absence or otherwise.
9. The Commission shall meet for the conduct of its business at such places and on such days as the Chairman may appoint.
10. A question put before the Commission at a meeting shall be decided by consensus and where this is not possible, by a majority of the votes of the members present and voting.
11. The Chairman shall, in the case of an equality of votes, have a casting vote in addition to his deliberative vote.
12. Where the Commission seeks the advice of any person on a particular matter, the Commission may invite that person to attend for such period as it deems fit, but a person who is invited by virtue of this paragraph shall not be entitled to vote at any meeting of the Commission and shall not count towards the quorum.

Committees

13. The Commission may appoint one or more committees to carry out on behalf of the Commission such of its functions as the Commission may determine and report on any matter with which the Commission is concerned.
14. A committee appointed under paragraph 13 of this Schedule shall be presided over by a member of the Commission and shall consist of such number of persons (not necessarily all members of the Commission) as, may be determined by the Commission, and a person other than a member of the Commission shall hold office on the committee in accordance with the terms of his appointment.
15. A person who is not a member of the Commission shall hold office on the committee in accordance with his letter of appointment.
16. A decision of a committee of the Commission shall be of no effect until it is confirmed by the Commission.

Seal of the Commission

17. The application of the common seal of the Commission shall be authenticated by the signature of the Chairman or the Secretary to the Commission on behalf of the Commission.
18. A contract or an instrument which, if made or executed by any person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the Commission by the Secretary to the Commission or by any person generally or specifically authorized to act for that purpose by the Commission.
19. A document purporting to be a contract, an instrument or other document signed or sealed on behalf of the Commission shall be received in evidence and, unless the contrary is proved, be presumed without further proof, to have been properly signed or sealed.

Miscellaneous

20. The validity of any proceeding of the Commission or its committees shall not be affected by —
- (a) any vacancy in the membership of the Commission or its committees;
 - (b) reason that a person not entitled to do so took part in the proceedings; or
 - (c) any defect in the appointment of a member.
21. Any member of the Commission or committee who has a personal interest in any arrangement entered into or proposed to be considered by the Commission or any committee shall —
- (a) disclose his interest to the Commission or committee; and
 - (b) not vote on any question relating to the arrangement.
22. A resolution of the Commission is valid, even though it is not passed at a meeting of the Commission, if:
- (a) the notice in writing of the proposed resolution was given to each member; and
 - (b) the resolution is signed or assented to by a majority of members of the Commission, including the Secretary to the Commission (*Hon. Aishatu Jibril Dukku — Dukku/Nafada Federal Constituency*).

Question that the provisions of the Schedule stands part of the Bill — Agreed to.

Explanatory Memorandum:

This Bill seeks to establish an Electoral Offences Commission charged with the responsibility of investigation and prosecution of electoral offences and other matters connected therewith (*Hon. Aishatu Jibril Dukku — Dukku/Nafada Federal Constituency*).

Agreed to.

Long Title:

A Bill for an Act to Establish the Nigerian Electoral Offences Commission and for Related Matters (HBs 504 & 546) (*Hon. Aishatu Jibril Dukku — Dukku/Nafada Federal Constituency*).

Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in Committee of the Whole considered the Report of the Committee on Electoral and Political Party Matters on a Bill for an Act to Establish the Nigerian Electoral Offences Commission; and for Related Matters (HB. 504 and HB. 546) and approved Clauses 1- 2, approved Clause 3 as amended, approved Clause 4, approved Clause 5 as amended, approved Clause 6, approved Clause 7 as amended, approved Clauses 8 - 11, approved Clause 12 as amended, approved Clauses 13 - 34, approved Clause 35 as amended, approved Clauses 36 - 42, the Schedule, the Explanatory Memorandum, and the Long Title of the Bill.

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