



HOUSE OF REPRESENTATIVES FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Wednesday, 28 March, 2018

1. The House met at 11.14 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 Tuesday, 27 March, 2018.

The Votes and Proceedings was adopted by unanimous consent.

3. **Announcement**

Visitors in the Gallery:

Mr Speaker recognised the presence of the following visitors in the Gallery:

- (i) Staff and Students of *Bill Clinton International Academy*, New Nyanya, Karu, Nasarawa State;
- (ii) Students of *Babcock University*, Ilishan-Remo, Ogun State; and
- (iii) Staff and Students of *Solid Base International Academy*, Abuja.

4. **Privilege (Order Six, Rules 2 and 4)**

Hon. Damburam Abubakar Nuhu (*Kano Municipal Federal Constituency*), drew the attention of the House to a publication in *The Nation* newspaper of Monday, 26 March, 2018, alleging that there were plans to offer bribe to Members of the House in order to stop the process of veto override on the Electoral Act (Amendment) Bill, 2018. He considered the publication as a breach of his privilege and that of the House.

Ordered: Matter referred to the Committee on Ethics and Privileges for further legislative action.

5. **Presentation of Bills**

The following Bills were read the *First Time*:

- (1) Federal Medical Centre, Abakaliki (Establishment) Bill, 2018 (HB. 1390).
- (2) Federal Medical Centre, Abeokuta (Establishment) Bill, 2018 (HB. 1391).

- (3) Federal Medical Centre, Asaba (Establishment) Bill, 2018 (HB. 1392).
- (4) Federal Medical Centre, Azare (Establishment) Bill, 2018 (HB. 1393).
- (5) Federal Medical Centre, Bida (Establishment) Bill, 2018 (HB. 1394).
- (6) Federal Medical Centre, Birni-Kebbi (Establishment) Bill, 2018 (HB. 1395).
- (7) Federal Medical Centre, Birni-Kudu (Establishment) Bill, 2018 (HB. 1396).
- (8) Federal Medical Centre, Ebute-Meta (Establishment) Bill, 2018 (HB. 1397).
- (9) Federal Medical Centre, Gombe (Establishment) Bill, 2018 (HB. 1398).
- (10) Federal Medical Centre, Yola (Establishment) Bill, 2018 (HB. 1399).
- (11) Federal Medical Centre, Gusau (Establishment) Bill, 2018 (HB. 1400).
- (12) Federal Medical Centre, Ado-Ekiti (Establishment) Bill, 2018 (HB. 1401).
- (13) Federal Medical Centre, Jalingo (Establishment) Bill, 2018 (HB. 1402).
- (14) Federal Medical Centre, Katsina (Establishment) Bill, 2018 (HB. 1403).
- (15) Federal Medical Centre, Keffi (Establishment) Bill, 2018 (HB. 1404).
- (16) Federal Medical Centre, Lokoja (Establishment) Bill, 2018 (HB. 1405).
- (17) Federal Medical Centre, Makurdi (Establishment) Bill, 2018 (HB. 1406).
- (18) Federal Medical Centre, Nguru (Establishment) Bill, 2018 (HB. 1407).
- (19) Federal Medical Centre, Owerri (Establishment) Bill, 2018 (HB. 1408).
- (20) Federal Medical Centre, Owo (Establishment) Bill, 2018 (HB. 1409).
- (21) Federal Medical Centre, Umuahia (Establishment) Bill, 2018 (HB. 1410).
- (22) Federal Medical Centre, Yenagoa (Establishment) Bill, 2018 (HB. 1411).
- (23) National Council of Nigerian Version (Establishment, etc.) Act Repeal Bill, 2018 (HB. 1412).
- (24) National Committee on Geographical Names Act (Amendment) Bill, 2018 (HB. 1413).
- (25) Remuneration of Former Presidents and Heads of State and Other Ancillary Matters Act (Amendment) Bill, 2018 (HB. 1414).
- (26) National Board for Technical Education Act (Amendment) Bill, 2018 (HB. 1415).
- (27) Federal Polytechnics Act (Amendment) Bill, 2018 (HB. 1416).
- (28) Statutory Corporations (Modifications, etc.) Act (Amendment) Bill, 2018 (HB. 1417).
- (29) Medical Negligence (Litigation) Bill, 2018 (HB. 1418).
- (30) Nigeria Immunization Trust Fund Bill, 2018 (HB. 1419).

- (31) University of Uyo Act (Amendment) Bill, 2018 (HB. 1420).
- (32) Federal University of Technology, Land and Air Transport. Uyo (Establishment) Bill, 2018 (HB. 1421).
- (33) Public Complaints Commission Act (Amendment) Bill, 2018 (HB. 1422).
- (34) National Orientation Agency Act (Amendment) Bill, 2018 (HB. 1423).
- (35) Nigerian Communications Commission Act (Amendment) Bill, 2018 (HB. 1424).

6. **Presentation of Reports**

(i) **Conference Committee Report:**

Motion made and Question proposed, "That the House do receive the Report of the Conference Committee on a Bill for an Act to Provide for the Governance and Institutional Framework for the Petroleum Industry and for Related Matters (HB. 477, HB. 878 and HB. 1053)" (*Hon. Victor Nwokolo — Ika North East/Ika South Federal Constituency*).

Agreed to.

Report laid.

(ii) **Committee on Tertiary Education and Services:**

Motion made and Question proposed, "That the House do receive the Report of the Committee on Tertiary Education and Services on a Bill For an Act to Provide easy Access to Higher Education for Nigerians through Interest Free Loans from Nigerian Education Bank Established in the Act with a view to provide Education for all Nigerians and for Related Matters (HB.435)" (*Hon Aminu Suleiman — Fagge Federal Constituency*).

Agreed to.

Report laid.

7. **A Bill for an Act to Repeal the Advertisement Practitioners (Regulation, etc.) Act and Enact the Advertising Practitioner's (Registration, Licensing, etc.) Bill for the Establishment of a Council for Advertising Practitioners as the Apex Regulatory Authority for the Nigerian Advertising Profession and Practice, to make Provisions for the Regulation and Control of the Practice of the Profession and Business of Advertising to ensure the Protection of the General Public and Consumers, Promote Local Content while Entrenching Best International Practices; and for Related Matters (HB. 1248) — Second Reading**

Order read; deferred by leave of the House.

8. **A Bill for an Act to Establish Federal College of Agriculture, Okehi, Etche to Provide Full-Time Courses Leading to the Awards of Diploma, Higher National Diploma in Agriculture and Allied Fields, and be Responsible for the due Administration of the College; and for Related Matters (HB. 1325) — Second Reading**

Motion made and Question proposed, "That a Bill for an Act to Establish Federal College of Agriculture, Okehi, Etche to Provide Full-Time Courses Leading to the Awards of Diploma, Higher National Diploma in Agriculture and Allied Fields, and be Responsible for the due Administration of the College; and for Related Matters (HB. 1325) be now read a Second Time" (*Hon. Jerome Amadi Eke — Etche Omuama Federal Constituency*).

Debate.

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

Bill read the Second Time;

Bill referred to the Committee on Tertiary Education and Services.

9. **A Bill for an Act to Amend the Border Communities Development Agency Act, Cap. B10, Laws of the Federation of Nigeria, 2004 to clearly specify States to be Represented on the Governing Board of the Agency from the Six Geopolitical Zones; and for Related Matters (HB. 1006) — Second Reading**

Motion made and Question proposed, "That a Bill for an Act to Amend the Border Communities Development Agency Act, Cap. B10, Laws of the Federation of Nigeria, 2004 to clearly specify States to be Represented on the Governing Board of the Agency from the Six Geopolitical Zones; and for Related Matters (HB. 1006) be now read a Second Time" (*Hon. Benjamin Iorember Wayo — Kwande/Ushongo Federal Constituency*).

Debate.

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

Bill read the Second Time.

Bill referred to the Committee on Special Duties.

10. **Rescission on Eleven Bills Passed By the National Assembly, Pursuant to Order One, Rule 1(2) and Order Nine, Rule 1 (6) of the Standing Orders of the House of Representatives**

Motion made and Question proposed:

The House:

Notes that the undermentioned Bills were passed by the National Assembly and transmitted to the President for assent:

- (i) Federal Competition and Consumers Protection Bill, 2018 (HBs1 & 60);
- (ii) The Franchise Bill, 2018 (HB.76);
- (iii) Forestry Research Institute of Nigeria (Establishment) Bill, 2018 (HB.41);
- (iv) National Postgraduate College of Medical Laboratory Science (Establishment) Bill, 2018 (HB.405);
- (v) Nigerian Academy of Science (Establishment) Bills, 2018 (HB.917);
- (vi) Corporate Manslaughter Bill, 2018 (HB.273);
- (vii) National Assembly Budget and Research Office (Establishment) Bill, 2018 (HB.377);
- (viii) National Child Protection and Enforcement Agency (Establishment) Bill, 2018 (HB.127);
- (ix) Federal Capital Territory Civil Service Commission (Establishment) Bill, 2018 (HB.167);
- (x) Animal Health and Husbandry Technologists Registration Board (Establishment) Bill, 2018 (HB.320);
- (xi) Nigerian Financial Intelligence Unit Bill, 2018 (HB. 1082);

Aware that the Clerk to the National Assembly withdrew the above Bills from the President;

Convinced of the need to reconsider the Bills with all the necessary amendments;

Resolves to:

Rescind the decision on the Eleven (11) Bills and re-commit them to the Committee of the Whole for consideration (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*)

Agreed to.

11. Rescission of the Report of the Conference Committee on the Public Procurement Act (Amendment) Bill, Pursuant to Order Nine, Rule 1 (6) of the Standing Orders of the House of Representatives

Motion made and Question proposed:

The House:

Notes that the Report of the Conference Committee on a Bill for an Act to amend the Public Procurement Act was considered and adopted on Thursday, 27 July, 2017;

Aware that the Conference adopted clause 1(2) of the House of Representatives Bill as passed;

Also aware that Clause 5 of the Report did not reflect in whole, the House version as adopted;

Further aware that Clauses 10 and 12 of the Report did not reflect what was adopted in the Conference;

Desirous of taking necessary steps to reflect the correct and intended amendment of the Public Procurement Act by rescinding the House decision in Clause 1(2) which amended Section 1 (2) of the Public Procurement Act, Clause 5 which amended Section 5 of the Public Procurement Act, Clause 10 which amended Section 15 of the Public Procurement Act, Clause 13 which amended section 20 of the Act, Clause 14 which amended Section 21 of the Act, Clause 17(A and B) which amended Sections 25 and 28 of the Act respectively and Clause 18 which amended Section 35 of the Act;

Resolves to:

- (i) rescind its decision on Clauses 2, 5, 10, 12, 13, 14, 17 (A and B) and 18 of Report of the Conference Committee on the Public Procurement Act (Amendment) Bill;
- (ii) commit Clauses 2, 5, 10, 12, 13, 14, 17 (A and B) and 18 of the Report to Committee of the Whole for reconsideration (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*)

Agreed to.

12. Need for Gradual and Constant Rehabilitation of Nigerian Roads

Motion made and Question proposed:

The House:

Notes that many Federal Roads in different parts of the country are dilapidated which has affected the free movement of people and goods across the country as a lot of delays and accidents occurring on the roads are attributable to the bad state of the roads;

Also notes that all the bad Federal Roads in Nigeria need immediate attention of the Federal Government and the limited resources at the disposal of the Federal Government has made it impossible for all the roads to be rehabilitated at the same time;

Further notes that successive governments had awarded contracts for the rehabilitation or reconstruction of long stretches of Federal Roads proposed in annual budgets but many of such contracts were not executed due to the inability of those governments to release funds on time for the projects;

Convinced that if contracts are awarded yearly for the rehabilitation of specified stretches of selected Federal Roads, it would be easier for the Federal Government to release funds to execute them and ensure that more roads are rehabilitated within the four-year tenure of a particular administration;

Resolves to:

Urge the Federal Government to adopt a system of gradual and constant rehabilitation of Nigerian roads by awarding only contracts it has resources to execute within a fiscal year (*Hon. Bolaji Yusuf Ayinla — Mushin II Federal Constituency*).

Agreed to.

(HR. 128/03/2018).

Motion referred to the Committee on Works, pursuant to Order Eight, Rule 9 (5).

13. Need to Ensure Remittance of Budgetary Provision for the Federal University of Petroleum Resources, Effurun to Boost Research Development in the Oil and Gas Industry

Motion made and Question proposed:

The House:

Notes that the Federal University of Petroleum Resources, Effurun, Delta State enabling Act was passed in 2017;

Also notes that the Federal University of Petroleum Resources which is the first in Africa and sixth in the world was set up with the core mandate of producing skilled personnel with the capability to understand, use and adapt existing technology, improve on and develop new ones;

Further notes that this specialized University is the Federal Government's deliberate effort to strengthen capacity in science and technology with special focus on petroleum resources and other allied sectors in the Niger Delta Region;

Aware that Section 9 (2), (3) and (4) of the Federal University of Petroleum Resources (Establishment) Act 2017 provides as follows:

- “(2) The Federal Ministry of Petroleum Resources, Petroleum Technology Development Fund and the Nigerian Content Development and Monitoring Board (NCDMB) shall provide two per cent of their annual budgets for research programmes in petroleum technology, and facilities in the university;
- (3) Petroleum Technology Development Fund shall contribute at least two per cent of its gross revenues for the academic and infrastructural development of the university;
- (4) The general fund shall be applied for the purpose of the university”;

Concerned that paucity of funds will hinder the capacity of the University to conduct researches that will impact positively on the oil and gas industry which in turn relates to low specialized students' enrolment;

Worried that if the annual remittance is not given the budgetary attention as envisaged under the Act, it will continue to reduce Nigeria's locally trained human capacity in the oil and gas industry;

Resolves to:

Mandate the Committees on Petroleum Resources (Upstream), Tertiary Education and Services, Finance and Local Content to ensure that the Federal Ministry of Petroleum Resources, Petroleum Technology Development Fund and the Nigerian Content Development and Monitoring Board provide two per cent of their annual budgets to the Federal University of Petroleum Resources, Effurun in the 2018 Appropriations Estimates (*Hon. Reyenieju Daniel — Warri South/Warri West Federal Constituency*).

Debate.

Agreed to.

The House:

Noted that the Federal University of Petroleum Resources, Effurun, Delta State enabling Act was passed in 2017;

Also noted that the Federal University of Petroleum Resources which is the first in Africa and sixth in the world was set up with the core mandate of producing skilled personnel with the capability to understand, use and adapt existing technology, improve on and develop new ones;

Further noted that this specialized University is the Federal Government's deliberate effort to strengthen capacity in science and technology with special focus on petroleum resources and other allied sectors in the Niger Delta Region;

Aware that Section 9 (2), (3) and (4) of the Federal University of Petroleum Resources (Establishment) Act 2017 provides as follows:

- (2) The Federal Ministry of Petroleum Resources, Petroleum Technology Development Fund and the Nigerian Content Development and Monitoring Board (NCDMB) shall provide two per cent of their annual budgets for research programmes in petroleum technology, and facilities in the university;
- (3) Petroleum Technology Development Fund shall contribute at least two per cent of its gross revenues for the academic and infrastructural development of the university;
- (4) The general fund shall be applied for the purpose of the university";

Concerned that paucity of funds will hinder the capacity of the University to conduct researches that will impact positively on the oil and gas industry which in turn relates to low specialized students' enrolment;

Worried that if the annual remittance is not given the budgetary attention as envisaged under the Act, it will continue to reduce Nigeria's locally trained human capacity in the oil and gas industry;

Resolved to:

Mandate the Committees on Petroleum Resources (Upstream), Tertiary Education and Services, Finance and Local Content to ensure that the Federal Ministry of Petroleum Resources, Petroleum Technology Development Fund and the Nigerian Content Development and Monitoring Board provide two per cent of their annual budgets to the Federal University of Petroleum Resources, Effurun in the 2018 Appropriations Estimates (**HR. 129/03/2018**).

14. **Motion made and Question proposed,** "That the House do suspend Order Seven, Rule 2 (2) to enable Mr Speaker preside in the Committee of the Whole" (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

Agreed to.

15. **Consideration of Reports**

- (i) **A Bill for an Act to Provide for the Ajaokuta Steel Company Completion Fund for the speedy Completion of the Project; and for Related Matters (HB. 1371):**

Motion made and Question proposed, "That the House do consider the Report on a Bill for an Act to Provide for the Ajaokuta Steel Company Completion Fund for the speedy Completion of the Project; and for Related Matters (HB. 1371) and approve the recommendations therein" (*Hon. Uzoma Nkem-Abonta — Ukwa East/Ukwa West Federal Constituency and 300 Others*).

Agreed to.

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

(HOUSE IN COMMITTEE)

(Mr Speaker in the Chair)

**A BILL FOR AN ACT TO PROVIDE FOR THE AJAOKUTA STEEL COMPANY
COMPLETION FUND FOR THE SPEEDY COMPLETION OF THE PROJECT
AND FOR RELATED MATTERS (HB. 1371)**

Clause 1: Expenditure incurred.

Nothing in this Bill shall be deemed to affect the legality of any expenditure incurred before the commencement of this Bill (*Hon. Uzoma Nkem-Abonta — Ukwa East/West Federal Constituency*).

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

Clause 2: Ajaokuta Steel Company Completion Fund.

There is hereby established the Ajaokuta Steel Company Completion Fund, (in this Bill referred to as the Fund) which shall comprise of:

- (a) the sum of \$1bn from excess crude revenue
- (b) all moneys from time to time appropriated and authorized to be paid into the Fund by this Bill; and
- (c) all loans or grants from time to time made to Nigeria for the purposes of completing the Ajaokuta Steel Company:

Provided that moneys in the Fund together with interest (if any) payable in respect thereof shall be applied for the purposes specified in clause 3 of this Bill (*Hon. Uzoma Nkem-Abonta — Ukwa East/West Federal Constituency*).

Amendments Proposed:

- (i) In Clause 2 (a), immediately after the word "revenue", insert the words "the share of the Federal Government of Nigeria" (*Hon. Pwajok Edward Gyang — Jos South/Jos East Federal Constituency*).

Question that the amendment be made — Agreed to.

- (ii) Leave out all the words in Clause 2 (b), and insert the following words "all monies that may from time to time be appropriated and authorised by any tier of government" (*Hon. Femi Gbajabiamila — Surulere I Federal Constituency*).

Question that the amendment be made — Agreed to.

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

Clause 3: Application of moneys in the Fund.

The monies in the Fund shall be applied by the Minister only for the purposes of:

- (a) the construction, improvement, extension, enlargement and replacement of infrastructure and works, including the provision, acquisition, improvement and replacement of other capital assets (like vehicles, vessels, machinery, instruments and equipment) required in respect of or in connection with the completion of the Ajaokuta Steel Company project;
- (b) the acquisition of land and of any right or interest in or over land and in respect of the use of any invention;
- (c) the carrying on of any survey, research or investigation preparatory to the undertaking of any such purpose as is referred to in paragraph (a) and (b) or to the formation of any plan or scheme for the development, improvement, of Ajaokuta Steel Company project;
- (d) the payment of any charges or expenses incidental to or arising from the carrying out of any of the purposes referred to in paragraphs (a) - (c) (*Hon. Uzoma Nkem-Abonta — Ukwu East/West Federal Constituency*).

Amendments Proposed:

- (i) In Clause 3, immediately after the word "Minister", insert the following words "subject to appropriation by the National Assembly and" (*Hon. Adeyinka Ajayi — Ifelodun/Boripe/Odo-Otin Federal Constituency*).

Question that the amendment be made — Agreed to.

- (ii) In Clause 3 (a), immediately after the words "capital assets", leave out the following words "(like vehicles, vessels, machinery, instruments and equipment)" (*Hon. Adeyinka Ajayi — Ifelodun/Boripe/Odo-Otin Federal Constituency*).

Question that the amendment be made — Agreed to.

- (iii) Insert a new Clause 3 (e), as follows: "Defray any previous laws or expenses" (*Hon. Pwajok Edward Gyang — Jos South/Jos East Federal Constituency*).

Question that the amendment be made — Agreed to.

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

Clause 4: Disbursement from the Fund.

Disbursement from the fund shall be applied by the Minister in accordance with rules made under Section 23 of the Finance (Control and Management) Act (*Hon. Uzoma Nkem-Abonta — Ukwu East/West Federal Constituency*).

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

Clause 5: Unspent proceeds of existing loans.

The proceeds of any loans which have been raised under any written law and which have not been spent before the commencement of this Bill, may, notwithstanding any provision to the contrary in any such law, be directed by a resolution of National Assembly to be paid into the Fund and to be applicable only to all or any of the purposes of the Fund in accordance with the provisions of this Bill (*Hon. Uzoma Nkem-Abonta — Ukwu East/West Federal Constituency*).

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

Clause 6: Contingencies.

- (1) The Minister may, if he is satisfied that there has arisen an urgent and unforeseen need for expenditure for which no other provision exists and for which funds cannot be provided under this Bill, shall with the approval of the National Assembly make advances from the Fund to meet such need.
- (2) Where any advance is made by virtue of the authority conferred under subclause (i), a supplementary estimate of the sum required to replace the amount so advanced shall, as soon as practicable, be presented to and voted on by the National Assembly and the sum shall be included in a Supplementary Budget (*Hon. Uzoma Nkem-Abonta — Ukwu East/West Federal Constituency*).

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

Clause 7: Concession of the Ajaokuta Steel Company.

The Ajaokuta Steel Company shall be concessioned under the provisions of the policy on privatization or any written law:

Provided that the project is completed and is seen to have begun production at a very significant stage (*Hon. Uzoma Nkem-Abonta — Ukwu East/West Federal Constituency*).

Amendment Proposed:

In Clause 7, immediately after the word "Company", leave out the word "shall", and insert the word "may" (*Hon. Solomon Bulus Maren — Mangu/Bokkos Federal Constituency*).

Question that the amendment be made — Agreed to.

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

Clause 8: Penalties.

Except as otherwise provided in this Bill, a person who contravenes the provisions under this Bill shall commit an offence and on conviction be liable to imprisonment for a term of 6 months or to a fine of up to ₦1,000,000.00 or both (*Hon. Uzoma Nkem-Abonta — Ukwu East/West Federal Constituency*).

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

Clause 9: Expiry.

This Bill shall remain in force up until the completion of the Ajakouta Steel Company project, on such a date so declared by the President (*Hon. Uzoma Nkem-Abonta — Ukwu East/West Federal Constituency*).

Amendment Proposed:

In Clause 9, immediately after the word "President", insert the following words "on attaining significant production stage" (*Hon. Solomon Bulus Maren — Mangu/Bokkos Federal Constituency*).

Question that the amendment be made — Agreed to.

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

Clause 10: Interpretation.

In this Bill:

"Ajaokuta Steel Company Completion Fund" means the fund created under Clause 2 of this Bill (*Hon. Uzoma Nkem-Abonta — Ukwu East/West Federal Constituency*).

Question that the meaning of the words "Ajaokuta Steel Company Completion Fund" be as defined in the interpretation to this Bill — Agreed to.

"Excess crude revenue" means revenue acquired from sale of crude above the benchmark set by the Appropriations Act and is determined to be the share of the Federal Government (*Hon. Uzoma Nkem-Abonta — Ukwu East/West Federal Constituency*).

Question that the meaning of the words "Excess crude revenue" be as defined in the interpretation to this Bill — Agreed to.

"Minister" means Minister responsible for Steel (*Hon. Uzoma Nkem-Abonta — Ukwu East/West Federal Constituency*).

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

"Significant stage" means above 50 percent (*Hon. Uzoma Nkem-Abonta — Ukwu East/West Federal Constituency*).

Amendment Proposed:

Immediately after the word "above", *leave out* all other words, and *insert* the following "70 percent of its installed capacity" (*Hon. Adeyinka Ajayi — Ifelodun/Boripe/Odo Otin Federal Constituency*).

Question that the amendment be made — Agreed to.

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

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

Clause 11: Short Title.

This Bill may be cited as the Ajaokuta Steel Company Completion Fund Bill, 2018 (*Hon. Uzoma Nkem-Abonta — Ukwu East/West Federal Constituency*).

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

Explanatory Memorandum:

This Bill seeks to provide for the Ajaokuta Steel Company Completion Fund for the Speedy Completion of the project (*Hon. Uzoma Nkem-Abonta — Ukwu East/West Federal Constituency*).

Agreed to.

Long Title.

A Bill for an Act to Provide for the Ajaokuta Steel Company Completion Fund for the Speedy Completion of the project and for Related Matters (HB.1371) (*Hon. Uzoma Nkem-Abonta — Ukwu East/West Federal Constituency*).

Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Speaker in the Chair, reported that the House in Committee of the Whole considered the Report on a Bill for an Act to Provide for the Ajaokuta Steel Company Completion Fund for the speedy Completion of the Project; and for Related Matters (HB. 1371) and approved Clause 1, approved Clauses 2 and 3 as amended, approved Clauses 4 - 6, approved Clause 7 as amended, approved Clause 8, approved Clauses 9 and 10 as amended, approved Clause 11, 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.

- (ii) ***A Bill for an Act to Amend the Public Enterprises (Privatization and Commercialization) Act, Cap. P38, Laws of the Federation of Nigeria, 2004 to Review the List of Enterprises to be Privatized; and for Related Matters (HB. 1372):***

Motion made and Question proposed, "That the House do consider the Report on a Bill for an Act to Amend the Public Enterprises (Privatization and Commercialization) Act, Cap. P38, Laws of the Federation of Nigeria, 2004 to Review the List of Enterprises to be Privatized; and for Related Matters (HB. 1372) and approve the recommendations therein" (Hon. Uzoma Nkem Abonta — Ukwu East/Ukwu West Federal Constituency and 300 Others).

Agreed to.

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

(HOUSE IN COMMITTEE)

(Mr Speaker in the Chair)

A BILL FOR AN ACT TO AMEND THE PUBLIC ENTERPRISES (PRIVATIZATION AND COMMERCIALIZATION) ACT, CAP. 38, LFN, 2004 TO REVIEW THE LIST OF ENTERPRISES TO BE PRIVATIZED; AND FOR RELATED MATTERS (HB.1372)

Clause 1: Amendment of Cap. 38 LFN, 2004.

The Public Enterprises (Privatization and Commercialization) Act, Cap. 38 LFN 2004 herein referred to as the Principal Act" is amended as set out in this Bill (*Hon. Uzoma Nkem-Abonta — Ukwu East/West Federal Constituency*).

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

Clause 2: Amendment of Part I of the First Schedule.

The First Schedule of the Principal Act is amended in Part I by deleting "Ajaokuta Steel Company Limited" under Steel and Aluminum Sector (*Hon. Uzoma Nkem-Abonta — Ukwu East/West Federal Constituency*).

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

Clause 3: Citation.

This Bill may be cited as the Public Enterprises (Privatization and Commercialization) Act (Amendment) Bill, 2018 (*Hon. Uzoma Nkem-Abonta — Ukwu East/West Federal Constituency*).

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

Explanatory Memorandum:

This Bill seeks to amend the Public Enterprises (Privatization and Commercialization) Act Cap. 38 LFN 2004 to review the list of Enterprises to be privatized (*Hon. Uzoma Nkem-Abonta — Ukwu East/West Federal Constituency*).

Agreed to.

Long Title.

A Bill for an Act to Amend the Public Enterprises (Privatization and Commercialization) Act, Cap. 38, LFN, 2004 to Review the List of Enterprises to be Privatized; and for Related Matters (HB.1372) (*Hon. Uzoma Nkem-Abonta — Ukwu East/West Federal Constituency*).

Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Speaker in the Chair; reported that the House in Committee of the Whole considered the Report on a Bill for an Act to Amend the Public Enterprises (Privatization and Commercialization) Act, Cap. P38, Laws of the Federation of Nigeria, 2004 to Review the List of Enterprises to be Privatized; and for Related Matters (HB. 1372) and approved Clauses 1 - 3, 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.

(iii) Conference Committee Report:

Motion made and Question proposed, "That the House do consider the Report of the Conference Committee on a Bill for an Act to Provide for the Governance and Institutional Framework for the Petroleum Industry and for Related Matters (HB. 477, HB. 878 and HB. 1053) and approve the recommendations therein" (*Hon. Victor Nwokolo — Ika North East/Ika South 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 Speaker in the Chair)

A BILL FOR AN ACT TO PROVIDE FOR THE GOVERNANCE AND INSTITUTIONAL
FRAMEWORK FOR THE PETROLEUM INDUSTRY AND FOR OTHER RELATED MATTERS

Clause 4: Establishment of the Nigeria Petroleum Regulatory Commission.

- (1) There is established under this Bill the Nigeria Petroleum Regulatory Commission ("the Commission") as a body corporate with perpetual succession and a common seal and which may sue or be sued in its corporate name.
- (2) The Commission shall have power to —
 - (a) enter into contracts and incur obligations;
 - (b) acquire, hold, mortgage, purchase and deal with property, whether movable or immovable, real or personal; and
 - (c) do all such things as are necessary for or incidental to the carrying out of its functions and duties under this Bill.
- (3) From the Effective Date, without further assurance, the Commission shall be vested with all assets, funds, resources and other movable and immovable properties which immediately before the Effective Date were held by the Petroleum Inspectorate, the Department of Petroleum Resources and the Petroleum Products Pricing Regulatory Agency.
- (4) As from the date of commencement of this Bill —
 - (a) the rights, interests, obligations and liabilities of the Petroleum Inspectorate, Department of Petroleum Resources and the Petroleum Products Pricing Regulatory Agency existing immediately before the Effective Date under any contract or instrument or law or in equity shall by virtue of this Bill be assigned to and vested in the Commission;
 - (b) any such contract or instrument covered by subsection (4) (a) of this section shall be of the same force and effect against or in favour of the Commission and shall be enforceable as fully and effectively as if instead of the Petroleum Inspectorate, Department of Petroleum Resources or the Petroleum Products Pricing Regulatory Agency, the Commission had been named therein or had been a party thereto; and
 - (c) the Commission shall be subject to all the obligations and liabilities to which the Petroleum Inspectorate, Department of Petroleum Resources and the Petroleum Products Pricing Regulatory Agency were subject immediately before the Effective Date and all other persons shall as from the Effective Date have the same rights, powers and remedies against the Commission as they had against the Petroleum Inspectorate, Department of Petroleum Resources and the Petroleum Products Pricing Regulatory Agency immediately before the Effective Date.

- (5) The Commission shall be structured into departments as its Board may, from time to time, deem appropriate for the effective discharge of its functions under this Bill.
- (6) The headquarters of the Nigeria Petroleum Regulatory Commission shall be located in Abuja (*Hon. Victor Onyemaechi Nwokolo — Ika North East/Ika South Federal Constituency*).

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

Clause 6:

(1) The Commission shall —

- (a) administer and enforce policies, laws and regulations relating to all aspects of petroleum operations which are assigned to it under the provisions of this Bill or any regulations made in pursuance of this Bill or under any other enactment;
- (b) monitor and enforce compliance with the terms and conditions of all leases, licences, permits and authorisations issued in respect of any petroleum operations;
- (c) define and enforce approved standards for design, construction, fabrication, operation and maintenance for all plants, installations and facilities utilized or to be utilized in petroleum operations;
- (d) in consultation with the Ministry of Environment or any other agency in charge of environmental issues, ensure adherence to applicable national and international environmental and other technical standards by all persons involved in petroleum operations;
- (e) establish, monitor, regulate and enforce health and safety measures relating to all aspects of petroleum operations;
- (f) keep public registers of all leases, licences, permits and other authorizations issued by the Commission or the Minister and any renewals, amendments, extensions, suspensions and revocations thereof;
- (g) monitor the activities of the holders of leases, licences, permits and other authorizations issued by the Commission or the Minister to secure and enforce compliance with the terms and conditions thereof and carry out enquiries, tests, audits, investigations and any other undertakings deemed necessary for performance of this responsibility;
- (h) publish reports and statistics on the petroleum industry;
- (i) develop and publish methodologies for tariffs and pricing relating to third party access to petroleum facilities from time to time by regulation;
- (j) establish the framework for the validation and certification of national hydrocarbon reserves;

- (k) advise the Minister on fiscal and other issues pertaining to the petroleum industry.
- (l) undertake evaluation of national reserves and reservoir management studies;
- (m) conduct regular audits of the activities of operators engaged in petroleum operations and oil service companies in order to ensure compliance with Nigerian laws and requirements for petroleum operations;
- (n) maintain a petroleum industry data bank comprising all data acquired by or given to the Commission in the exercise of its statutory functions;
- (o) supervise and ensure accurate calibration and certification of equipment used for fiscal measures for upstream and downstream petroleum operations;
- (p) issue licences or permits and any other authorisations necessary for all activities connected with, but not limited to the following:
 - (i) seismic;
 - (ii) drilling ;
 - (iii) design, fabrication, construction, commissioning and decommissioning of all facilities for upstream and downstream petroleum operations; and
 - (iv) maximum efficiency rate test and other well test/production related activities.
- (q) manage and administer all unallocated acreage of crude oil and natural gas and all upstream petroleum data;
- (r) conduct bid rounds or other processes for the award of any licence or lease required for petroleum exploration or production;
- (s) issue, modify, amend, extend, suspend, review, cancel and reissue, revoke and / or terminate upstream licences made in compliance with applicable laws and regulations;
- (t) approve all field development programmes;
- (u) allocate petroleum production quotas in a non-discriminatory manner;
- (v) develop benchmarks and cost management strategies for petroleum operations performance monitoring;
- (w) compute, assess and ensure payment of royalties, rentals, fees, and other charges for upstream petroleum operations; and

- (x) issue clean certificates of inspection at the oil terminals to exporters of crude oil upon satisfaction that the requirements as to quality and quantity have been complied with;
 - (y) regulate and co-ordinate the activities of the industry in a non-discriminatory and transparent manner;
 - (z) establish the methodology for determining appropriate tariffs for gas processing, gas transportation, transmission and transportation of crude oil and bulk storage of oil and gas.
- (2)
- (a) develop cost benchmarks for key elements of midstream & downstream petroleum operations;
 - (b) regulate bulk storage, transportation and transmission of crude oil and gas and set rules for the common carrier systems for crude oil and gas;
 - (c) promote the principles of sustainable infrastructural development;
 - (d) promote competition and private sector participation;
 - (e) ensure that all economic and strategic demands for gas in the domestic economy are met;
 - (f) monitor and enforce the actual application of tariffs and pricing frameworks;
 - (g) monitor market behaviour including the development and maintenance of competitive markets;
 - (h) arrest situations of abuse of dominant power and restrictive business practices;
 - (i) provide the standard for metering, inspect the metering of pumps and all other facilities and ensure their compliance with safety standards as prescribed by the Commission;
 - (j) grant, issue and renew licences, permits and authorisations including but not limited to licences, permits or authorisations for downstream gas, petroleum products, storage depots, retail outlets, transportation and distribution facilities for the petroleum industry and the design, fabrication, construction, commissioning and decommissioning of all facilities and prescribe requirements to be satisfied by applicants for these purposes.
 - (k) modify, amend, extend, suspend, review, cancel and reissue, revoke and / or terminate licences, permits and authorisations;
 - (l) establish framework for calculating the fair market value of petroleum products;
 - (m) regulate and set rules for petroleum products distribution, petroleum product pipelines, retail outlets, trucking of petroleum products and storage depots;

- (n) ensure security of petroleum products supply, market development and the development of competition;
 - (o) develop market rules for trading in wholesale gas supplies to downstream gas distributors;
 - (p) establish customer protection measures;
 - (q) undertake consultation with customers, licensees and other industry participants, where necessary, for purpose of:
 - (i) promoting and protecting the interests of consumers; and
 - (ii) promoting the principles of sustainable resource and infrastructural development through the efficient supply and use of downstream gas and other petroleum products.
 - (r) regulate and ensure the supply, distribution, marketing and retail of petroleum products;
 - (s) administer and monitor the national operating and strategic stocks as set by the Minister;
 - (t) monitor and enforce the actual application of petroleum product pricing formulae or framework for petroleum products;
 - (u) enforce consumer rights in relation to petroleum products and services;
 - (v) establish appropriate dispute settlement mechanisms relating to the commercial rights and obligations of operators and customers pursuant to the provisions of this Bill or any other enactment or regulation, provided that operators and customers shall reserve the right to resolve disputes in accordance with the terms of their contracts or approach a court with jurisdiction in the matter;
 - (w) inspect the metering of pumps and any other facilities at downstream retail outlets to ensure compliance with safety, measurement and technical standards;
 - (x) establish, monitor and regulate health, environmental and safety measures relating to the management of downstream assets, including but not limited to refineries, petrochemical plants, lube plants, petroleum depots and pipelines and downstream gas plants;
 - (y) monitor and ensure the quality and process of conversion or blending of whatever material by whatever method to fuels, bio-fuels or other petroleum derivatives for automotive use in Nigeria;
 - (z) monitor and ensure the quality of petroleum products sold in Nigeria.
- (3) In addition to the functions specified above, the Commission shall —

- (a) develop open access rules applicable to crude oil and petroleum products and natural gas transportation pipelines, strategic depots, loading facilities, transportation, transmission and bulk storage facilities;
 - (b) notwithstanding the provisions of any other law or regulations, exclusively supervise and ensure accurate calibration and certification of equipment used for fiscal measures in the industry;
 - (c) undertake by itself or through qualified expertise such other activities as are necessary or expedient for giving full effect to the provisions of this Bill; and
 - (d) do such other things as are necessary and expedient for the effective and full discharge of any of its functions under this Bill.
- (4) The Commission shall, in addition to its other functions —
- (a) promote the exploration of the frontier basins of Nigeria;
 - (b) develop exploration strategies and portfolio management for the exploration of unassigned frontier acreages in Nigeria;
 - (c) identify opportunities and increase information about the petroleum resources base within all frontier acreages in Nigeria; and
 - (d) undertake studies, analyse and evaluate all unassigned frontier acreages in Nigeria.
- (5) Collaboration and Consultation with other Agencies —
- (a) in performing its functions as provided in this section, the Commission shall, where applicable, collaborate with other relevant Government agencies;
 - (b) notwithstanding the provisions of any other law or regulation, no Government agency shall exercise any powers and functions in relation to the petroleum industry in conflict with the powers and functions of the Commission;
 - (c) all Government agencies exercising any lawful powers and functions in relation to the petroleum industry shall consult with the Commission in the issuance of any regulations, guidelines and in the issuance of enforcement orders or directives which may impact the petroleum industry.

Responsibility for Environmental Matters in the Petroleum Industry.

- (6) (a) The Commission shall have responsibility over all aspects of health, safety and environmental matters in respect of the petroleum industry.
- (b) The Commission shall at all times ensure that any regulation or directive in respect of the petroleum industry, made in pursuance of subsection (6) (a) of this section, shall not conflict with any regulation or directive issued by the Federal Ministry of Environment.

- (c) For the avoidance of doubt the Commission shall, in consultation with the Federal Ministry of Environment, make regulations and issue directives specifically relating to environmental aspects of the petroleum industry.
- (d) In exercising its functions in subsection (5) (a) of this section, the Commission may in conjunction with the Federal Ministry of Environment establish a joint committee to facilitate collaboration (*Hon. Victor Onyemaechi Nwokolo — Ika North East/Ika South Federal Constituency*).

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

Clause 19: Vacancy on the Board.

- (1) A vacancy on the Board shall occur if a member of the Board —
 - (a) dies;
 - (b) is removed from office in accordance with section 17 of this Bill;
 - (c) resigns from office;
 - (d) completes his tenure of office; or
 - (e) where the member is incapacitated.
- (2) A vacancy on the Board shall be filled by the appointment of another person by the President in accordance with section 13 of this Bill (*Hon. Victor Onyemaechi Nwokolo — Ika North East/Ika South Federal Constituency*).

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

Clause 26: Funding.

- (1) The Commission shall establish and maintain a fund ('the Fund') from which all expenditures incurred by the Commission shall be defrayed.
- (2) The Fund shall comprise monies derived from the following sources —
 - (a) such moneys as may be determined and appropriated to the Commission from time to time by the National Assembly for its personnel cost;
 - (b) fees charged for services rendered to holders of licences, permits or other authorizations;
 - (c) income derived from publications produced by the Commission and from reviews, and other related activities;
 - (d) fees for services rendered to non-petroleum producing companies and service companies and for other services performed generally;
 - (e) grants, loans, grants-in-aid or grants of land from communities for facilities for use by the Communities.

- (3) Such moneys which shall be ten percent of the revenue generated by the Commission for the Government of the Federation as may be determined and appropriated to the Commission by the National Assembly.
- (4) Without prejudice to subsection (1), (2) and (3) of this section, the Commission may from time to time impose a special levy on licensees and/or lessees for the implementation of any project that is of common benefit and value to the oil and gas industry;
- (5) The Commission shall apply the proceeds of the Fund established pursuant to subsection (1) of this section —
- (a) to meet the administrative and operating costs of the Commission;
 - (b) to provide for the payment of salaries, wages, fees or other remuneration or allowances, pensions and other retirement benefits payable to staff or employees of the Commission;
 - (c) for the acquisition and maintenance of property acquired by or vested in the Commission;
 - (d) for purposes of investment, as prescribed by the Trustee Investments Act, or any other relevant legislation subject to the approval of the Minister responsible for finance; and
 - (e) generally, in connection with the carrying out of any of its functions under this Bill.
- (6) The Commission shall ensure that all monies accruing from upstream leases, bonuses, lease renewal fees, assignment fees and concession rentals charged under this Bill or any other enactment, or any subsidiary legislation or regulation made pursuant to such legislation are paid into the Federation Account.
- (7) For any particular year, if monies accruing to the Fund from appropriation established pursuant to subsection (2) of this section, have not been fully applied for the purposes provided for in subsection (3) of this section, such monies shall be paid into the Consolidated Revenue Fund (*Hon. Victor Onyemaechi Nwokolo — Ika North East/Ika South Federal Constituency*).

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

PART IV — ESTABLISHMENT OF PETROLEUM EQUALISATION FUND

Clause 36: Establishment of Petroleum Equalisation Fund.

- (1) There shall be established the Petroleum Equalisation Fund ("the Equalisation Fund") into which shall be paid all monies payable to the Equalisation Fund —
- (a) by way of a 5% fuel levy in respect of all fuel sold and distributed within the Federation which shall be charged subject to the approval of the Minister;
 - (b) all subventions, fees and charges for services rendered or publications made by the Fund;

- (c) all other funding which may, from time to time, accrue to the Fund;
 - (d) any net surplus revenue recovered from petroleum products marketing companies pursuant to this Bill; and
 - (e) such sums as may be provided for purpose of the Equalisation Fund by the Federal Government.
- (2) The Equalisation Fund shall be a body corporate with perpetual succession, a common seal and may sue and be sued in its corporate name.
- (3) The Equalisation Fund shall have power to —
- (a) enter into contracts and incur obligations;
 - (b) acquire, hold, mortgage, purchase and deal with property, whether movable or immovable, real or personal; and
 - (c) do all such things as are necessary for or incidental to the carrying out of its functions and duties under this Bill.
- (4) From the date of the commencement of this Bill, without further assurance, the Equalisation Fund shall be vested with all assets, funds, resources and other movable and immovable properties which immediately before the commencement of this Bill were held by the Petroleum Equalisation Fund.
- (5) As from the date of commencement of this Bill —
- (a) the rights, interests, obligations and liabilities of the Petroleum Equalisation Fund existing immediately before the commencement Date under any contract or instrument or law or in equity shall by virtue of this Bill be assigned to and vested in the Equalisation Fund;
 - (b) any such contract or instrument covered by subsection (4) (a) of this section shall be of the same force and effect against or in favour of the Equalisation Fund and shall be enforceable as fully and effectively as if instead of the Petroleum Equalisation Fund, the Commission had been named therein or had been a party thereto; and
 - (c) the Equalisation Fund shall be subject to all the obligations and liabilities to which the Petroleum Equalisation Fund were subject immediately before the commencement Date and all other persons shall as from the Effective Date have the same rights, powers and remedies against the Equalisation Fund as they had against the Petroleum Equalisation Fund immediately before the commencement date.
- (6) The Equalisation Fund shall be structured into departments as its Board may, from time to time, deem appropriate for the effective discharge of its functions under this Bill (*Hon. Victor Onyemaechi Nwokolo — Ika North East/Ika South Federal Constituency*).

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

Clause 38: Functions of the Equalisation Fund.

The Equalisation Fund shall perform the following functions:

- (a) collecting all revenues and levies charged pursuant to the provisions of this Bill;
- (b) determining, at such intervals as the Board may direct, the net surplus revenue recoverable from any oil marketing company and accruing to that company from the sale by it of petroleum products at such uniform prices as may be fixed by the Minister;
- (c) determining the amount of reimbursement due to any oil marketing company for purposes of equalisation of price of products;
- (d) the payment of all disbursements authorised under or by virtue of this Bill;
- (e) accounting for all moneys collected, paid or otherwise expended under this Bill;
- (f) carrying out such other duties as may, from time to time be specified by the Board (*Hon. Victor Onyemaechi Nwokolo — Ika North East/Ika South Federal Constituency*).

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

Clause 43: Governing Board of the Equalisation Fund.

- (1) There shall be established for the Equalisation Fund a governing Board (in this Bill referred to as the "Equalisation Fund Board") which shall, be responsible for the policy and general administration of the Equalisation Fund.
- (2) The Board shall consist of the following members —
 - (a) the Chairman who shall be appointed by the President;
 - (b) a representative of the Federal ministry in charge of petroleum resources;
 - (c) a representative of the Federal Ministry in charge of Industry, Trade and Investment;
 - (d) one representative of the National Petroleum Company;
 - (e) a representative of the Commission;
 - (f) two representatives of petroleum marketing associations;
 - (g) three other executive directors;
 - (h) two persons to be appointed by the President who shall possess a minimum of fifteen years relevant professional experience ten of which shall be at senior management level;
 - (i) the Executive Secretary of the Equalisation Fund who shall serve as Secretary.

- (3) Membership of the Board shall be on a part-time basis.
- (4) Appointment to the Board in respect of persons appointed pursuant to subsection (2) (a) and (b) of this section shall be in a non-executive and part-time basis.
- (5) The provisions of the Second Schedule to this Bill shall have effect with respect to the proceeding of the Board and other matters contained therein (*Hon. Victor Onyemaechi Nwokolo — Ika North East/Ika South Federal Constituency*).

Question that Clause 43 stands part of the Bill — Agreed to.

Clause 47: Disqualification and cessation of appointment.

- (1) A member of the Board may be suspended or removed from office by the President if the member —
 - (a) is found to have been unqualified for appointment as a member of the Board pursuant to the provisions of section 44 of this Bill or is in a breach of the conflict of interest provision set out in the Third Schedule to this Bill after his appointment;
 - (b) if he ceases to be an employee of the ministry which he represents on the Board and has demonstrated inability to effectively perform the duties of the office;
 - (c) has been absent from three consecutive meetings of the Board without the consent of the Chairman or when the Chairman is involved without the consent of the Minister except good reason is shown for such absence;
 - (d) is guilty of serious misconduct.
- (2) Prior to the suspension or removal of a director under subsection (1) of this section, the President shall inform the Director by written notice, as soon as practicable, of his intention to suspend or remove the Director from office and the reasons therefor.
- (3) The affected Equalisation Fund under subsection (1) of this section shall be given a reasonable opportunity to make written submissions to the Minister within a time period specified in the notice and such time period shall not be less than 14 days from the date of the notice.
- (4) The affected Director may, within the time period specified in the notice, submit a written submission and the Minister shall consider the submission in making his final decision on the Director's suspension or removal from office (*Hon. Victor Onyemaechi Nwokolo — Ika North East/Ika South Federal Constituency*).

Question that Clause 47 stands part of the Bill — Agreed to.

Clause 56: Utilisation of the fund.

- (1) The Equalisation Fund shall utilise the funds received pursuant to section 36 in the following manner:

- (a) for reimbursement of oil marketing companies for any loss sustained by them solely and exclusively as a result of the sale by them of petroleum products at uniform prices throughout Nigeria as may be fixed by the Minister pursuant;
 - (b) for the provision of financing for infrastructural development throughout the federation;
 - (c) for the provision of financial and other financial support as may from time to time be determined by the Minister.
- (2) The financial year of the Equalisation Fund shall be a period of twelve calendar months commencing on the 1st of January in each year (*Hon. Victor Onyemaechi Nwokolo — Ika North East/Ika South Federal Constituency*).

Question that Clause 56 stands part of the Bill — Agreed to.

Clause 65: Utilisation of the fund.

- (1) There shall be for the Equalisation Fund an Executive Secretary, appointed by the President on the recommendation of the Minister.
- (2) The Executive Secretary shall be a person with vast knowledge and cognate professional experience in management and selected through a transparent merit-based recruitment process.
- (3) The Executive Secretary shall be the chief executive and accounting officer of the Board and shall be responsible for running the day-to-day administration of the Equalisation Fund under the direction of the Board (*Hon. Victor Onyemaechi Nwokolo — Ika North East/Ika South Federal Constituency*).

Question that Clause 65 stands part of the Bill — Agreed to.

Clause 95: Disqualification and cessation of appointment.

- (1) The Management Company shall be subject to the Code of Corporate Governance of the Securities and Exchange Commission.
- (2) The Minister shall cause the Articles of Association of the Management Company to provide for the composition of the Board as follows —
 - (a) a non-executive Chairman who may be the Minister;
 - (b) the Managing Director of the Management Company who shall possess relevant experience with at least 10 years' experience at a senior management position in a petroleum exploration and production company;
 - (c) four other Executive Directors of the Management Company who shall possess petroleum exploration and production or other relevant experience with at least 10 years' cognate experience at a senior management position;
 - (d) four Non-Executive Directors who shall be persons with at least twenty years cognate professional or management experience;

- (e) a representative of the Ministry of Petroleum Resources who shall not be below the rank of director.
- (3) Notwithstanding the provisions of the Companies and Allied Matters Act or any other enactment, the power of the shareholders to appoint or remove directors, shall be subject to subsections (4) and (5) of this section and the approval of the President.
- (4) For the purpose of making appointments to the Board of Directors, the shareholders shall constitute an independent committee ("the Board Nomination Committee") of five persons with proven qualifications and tested industry experience one of which shall include a representative of the Ministry of Petroleum Resources who shall not be below the rank of director, to identify and recommend highly qualified candidates for such positions in a competitive and transparent manner (*Hon. Victor Onyemaechi Nwokolo — Ika North East/Ika South Federal Constituency*).

Question that Clause 95 stands part of the Bill — Agreed to.

PART VIII — REPEALS, TRANSITIONAL AND SAVINGS PROVISIONS

Clause 127: Adaptation of laws.

- (1) The enactments specified in the Fifth Schedule to this Bill are hereby amended to the extent specified therein.
- (2) For the avoidance of doubt, the relevant provisions of all existing enactments or laws, including but not limited to the Petroleum Act, Oil Pipelines Act, Hydrocarbon Oil Refineries Act and the Companies and Allied Matters Act, to the extent that they deal with matters provided for in this Bill, shall be read with such modifications as to bring them into conformity with the provisions of this Bill.
- (3) If the provisions of any other enactment or law, including but not limited to the enactments specified in subsection (1) of this section, are inconsistent with the provisions of this Bill, the provisions of this Bill shall prevail and the provisions of that other enactment or law shall, to the extent of that inconsistency, be void in relation to matters provided for in this Bill.
- (4) Any regulatory functions conferred on the Minister pursuant to the Petroleum Act and the Oil Pipelines Act or on the chief executive of the Inspectorate pursuant to the Nigerian National Petroleum Corporation Act, shall be deemed to have been transferred to the Commission (*Hon. Victor Onyemaechi Nwokolo — Ika North East/Ika South Federal Constituency*).

Question that Clause 127 stands part of the Bill — Agreed to.

Long Title:

A Bill for an Act to Provide for the Governance and Institutional Framework for the Petroleum Industry and for Other Related Matters (*Hon. Victor Onyemaechi Nwokolo — Ika North East/Ika South Federal Constituency*).

Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Speaker in the Chair, reported that the House in Committee of the Whole considered the Report of the Conference Committee on a Bill for an Act to Provide for the Governance and Institutional Framework for the Petroleum Industry and for Related Matters (HB. 477, HB. 878 and HB. 1053) and approved Clauses 4, 6, 19, 26, 36, 38, 43, 47, 56, 65, 95, 127, and the Long Title of the Bill.

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

(iv) **Conference Committee on Public Procurement:**

Motion made and Question proposed, "That the House do consider the Report of the Conference Committee on the Public Procurement Act (Amendment) Bill, 2018 and approve the recommendations therein" (Hon. Oluwale Oke — Obokun/Oriade 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 Speaker in the Chair)

A BILL FOR AN ACT TO AMEND THE PUBLIC PROCUREMENT ACT, 2007 BY ADDING A NEW MEMBER TO THE COUNCIL, AMENDING THE PROCEDURE FOR APPOINTING THE DIRECTOR GENERAL OF THE BUREAU AND EXTENDING THE APPLICATION OF THE ACT TO DEFENCE PROCUREMENT AND FOR OTHER MATTERS CONNECTED THEREWITH (HB. 475)

Clause 1: Amendment of Section 1.

Section 1(2) of the Principal Act is amended to read thus:

(2) The Council shall consist of:

- (a) the Chairman to be appointed by the President;
- (b) the Attorney - General and Minister of Justice of the Federation;
- (c) the Honourable Minister responsible for Finance;
- (d) the Honourable Minister responsible for Budget and National Planning;
- (e) the Secretary to the Government of the Federation;
- (f) the Head of Service of the Federation;
- (g) eight part - time members to represent:
 - (i) the Chartered Institute of Purchasing and Supply Management of Nigeria;
 - (ii) Nigeria Bar Association;
 - (iii) Nigeria Association of Chambers of Commerce, Industry, Mines and Agriculture;

- (ii) a ministry or extra-ministerial entity, the Ministerial Tender Board.
- (b) Procurement above the thresholds of the Parastatals Tender Board and Ministerial Tender Board shall be the Federal Executive Council;
- (c) in the case of Parastatals Tenders Board and Ministerial Tenders Board, the Chairmen shall be the Accounting Officers of the respective entities;
- (d) the respective Heads of the procurement Units/Departments of the procuring entity shall be the Secretary of the Parastatals Tenders Board, Ministerial Tenders Board (*Hon. Busayo Oluwole Oke — Obokun/Oriade Federal Constituency*).

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

Clause 5: Amendment of Section 20.

Section 20 of the Principal Act is amended by substituting for the existing section a new section, that is:

“Accounting Officer.

20. (1) The accounting officer of a procuring entity shall be the person charged with line supervision of the conduct of all procurement processes; in the case of ministries the Permanent Secretary; in the case of extra-ministerial departments and corporations the Director - General or officer of coordinate responsibility.
- (2) The accounting officer of every procuring entity shall have overall responsibility for the planning of organization of tenders, evaluation of tenders and execution of all procurements and in particular shall, primarily be responsible for:
- (a) ensuring compliance with the provisions of this Act by his entity and liable in person for the breach or contravention of this Act or any regulation made hereunder whether or not the act or omission was carried out by him personally or any of his subordinates and it shall not be material that he had delegated any function duty or power to any person or group of persons;
 - (b) constituting the procurement planning Committee and its decisions;
 - (c) ensuring that adequate appropriation is provided specifically for the procurement in Federal budget;
 - (d) integrating his entity's procurement expenditure into its yearly budget;
 - (e) ensuring that no reduction of values or splitting of procurements is carried out such as to evade the use of the appropriate procurement method;
 - (f) constituting the Evaluation Committee; and
 - (g) liaising with the Bureau to ensure the implementation of its regulations.

- (3) The accounting officer of each procuring entity is empowered to purchase or approve contracts without open competitive tendering provided the value of such procurement (low value procurement) does not exceed certain threshold set by the Council. For such low-value procurement, the council shall prescribe the procedure and other conditions applicable for different procuring entities and for different goods, works and services to be procured.
- (4) Each employee of a procuring entity and each member of a board or committee of a public entity shall ensure that this Act, within the areas of assigned responsibility of the employee or member, is complied with.
- (5) All bidders, contractors and suppliers for the procurement of any goods, works and services for any public entity shall comply with all relevant provisions of this Act.
- (6) Any stakeholder, be it the accounting officer, an officer of the procuring entity, a member of a committee or board of a public entity and any bidder or contractor or supplier of public goods, works and services, who fails to independently perform within the respective assigned responsibility as prescribed in this Act and or who contravenes the provisions of this Act, shall be guilty of an offence" (*Hon. Busayo Oluwole Oke — Obokun/Oriade Federal Constituency*).

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

Clause 6: Amendment of Section 21.

Section 21 (3) (4) of the Principal Act is amended by substituting for the existing section a new section that is:

"Procurement Planning Committee.

- (4) The Procurement unit or department of the procuring entity shall undertake independent mandatory regular monitoring of all projects and render returns to the relevant Tenders Board and directly to the Bureau on monthly basis" (*Hon. Busayo Oluwole Oke — Obokun/Oriade Federal Constituency*).

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

Clause 7: Amendment of Section 25.

Section 25 of the Principal Act is amended in subsection (2) paragraph (ii) by substituting for the existing paragraph a new paragraph that is:

"Invitation to Bid.

- (1) Invitations to bid may be either by way of National Competitive Bidding or International Competitive Bidding and the Bureau shall from time to time set the monetary thresholds for which procurements shall fall under either system.

- (2) Every invitation to an open competitive bid shall:
- (i) in the case of goods and works under International Competitive Bidding, the invitation for bid shall be advertised in at least two national newspapers; and either one relevant internationally recognized publication, or any official websites of the procuring entity and the Bureau or the Federal Tenders Journal not less than five weeks before the deadline for submission of the bids for the goods and works;
 - (ii) in the case of goods and works valued under National Competitive Bidding, the invitation for bids shall be advertised on the notice board of the procuring entity, any official websites of the procuring entity and at least two national newspapers; and where practicable in the Federal Tenders Journal not less than three weeks before the deadline for submission of the bids for the goods and works except for emergency situation or urgent needs.
- (3) (i) The Bureau or procuring entities shall where necessary and appropriate, shorten the time provided in this Bill or Regulations issued pursuant to this Bill for any emergency procurement activity to ensure timely execution.
- (ii) A procuring entity acting with respect to paragraph (i) of this section shall notify the Bureau within 7 days of such action (*Hon. Busayo Oluwole Oke — Obokun/Oriade Federal Constituency*).

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

Clause 8: Amendment of Section 28.

Section 28 of the Principal Act is amended by substituting for the existing section a new section:

- "28. A procuring entity may:
- (a) reject all bids at any time prior or after the acceptance of a bid, without incurring thereby any liability to the bidders; and
 - (b) cancel the procurement proceedings in the public interest, without incurring any liability to the bidders" (*Hon. Busayo Oluwole Oke — Obokun/Oriade Federal Constituency*).

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

Clause 9: Amendment of Section 35.

Section 35 of the Principal Act is amended by substituting for subsection (1) thereof a new subsection. That is:

"Mobilization Fees.

- (1) In addition to any other regulations as may be prescribed by the Bureau, a mobilization fee of not more than 30% may be paid to a supplier or contractor supported by the following:
- (a) in the case of National Competitive Bidding — an irrevocable advance payment guarantee or insurance bond issued by a reputable bank or insurance company; and

- (b) in the case of International Competitive Bidding, an irrevocable bank guarantee issued by a banking institution:

Provided that in the case of national competitive bidding involving substantial foreign component, a mobilization fee of not more than 50% may be paid to the supplier or contractor.

- (2) Once a mobilization fee has been paid to any supplier or contractor, no further payment shall be made to the supplier or contractor without an interim performance certificate issued in accordance with the contract agreement.
- (3) Any person or authority who accesses mobilization fee and absconds or does not carry out the services or works commensurate to the fee paid shall be guilty of an offence and punishable with 2 years imprisonment or a fine equivalent to the fee paid or both (*Hon. Busayo Oluwote Oke — Obokun/Oriade Federal Constituency*).

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

Long Title:

A Bill for an Act to Amend the Public Procurement Act, 2007 by Adding a New Member to the Council, Amending the Procedure for Appointing the Director General of the Bureau and Extending the Application of the Act to Defence Procurement and for Other Matters Connected Therewith (HB. 475) (*Hon. Busayo Oluwote Oke — Obokun/Oriade Federal Constituency*).

Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Speaker in the Chair, reported that the House in Committee of the Whole considered the Report of the Conference Committee on the Public Procurement Act (Amendment) Bill, 2018 and approved Clauses 1 - 9 and the Long Title of the Bill.

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

- (v) ***A Bill for an Act to Establish Nigerian Financial Intelligence Unit as the Central Body in Nigeria Responsible for Receiving, Requesting, Analysing and Disseminating Financial Intelligence Reports and other Information to Law Enforcement, Security and Intelligence Agencies and other Relevant Authorities; and for Related Matters (HB. 1082):***
Motion made and Question proposed, "That the House do consider the Report on a Bill for an Act to Establish Nigerian Financial Intelligence Unit as the Central Body in Nigeria Responsible for Receiving, Requesting, Analysing and Disseminating Financial Intelligence Reports and other Information to Law Enforcement, Security and Intelligence Agencies and other Relevant Authorities; and for Related Matters (HB. 1082) and approve the recommendations therein" (Hon. Orker-Jev Emmanuel Yisa — Buruku 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 Speaker in the Chair)

A BILL FOR AN ACT TO ESTABLISH THE NIGERIAN FINANCIAL INTELLIGENCE UNIT AS THE CENTRAL BODY IN NIGERIA RESPONSIBLE FOR RECEIVING, REQUESTING, ANALYSING AND DISSEMINATING FINANCIAL INTELLIGENCE REPORTS AND OTHER INFORMATION TO LAW ENFORCEMENT, SECURITY AND INTELLIGENCE AGENCIES AND OTHER RELEVANT AUTHORITIES AND FOR RELATED MATTERS

Clause 25: Obstruction of the Agency or authorised officer.

(1) A person who wilfully obstructs the Unit or any authorised officer in the exercise of the functions or powers conferred by this Bill or any other law, commits an offence and is liable on conviction -

(a) in the case of an individual, to imprisonment for a term of not less than three years or to a fine Two Hundred Thousand Naira for every day the obstruction persists; and

(b) in the case of an entity, to a fine of a million Naira for every day that the obstruction persists.

(2) Any other regulatory authority may on the recommendation of the Unit withdraw the licence of any person or entity who contravenes the provisions of subsection (1) of this section (*Hon. Kayode Oladele — Egbado North/Imeko Afon Federal Constituency*).

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

Clause 27: Consequential amendments.

(1) The Economic and Financial Crimes Commission (Establishment) Act, is amended by deleting sections 1 (2) (c) and 6 (1) of the Act.

(2) The Money Laundering (Prohibition) Act, is amended in sections 2, 5, 6, 8, 10 and 13 of the Act by substituting for the word "Commission" found anywhere in those sections with the words "Nigerian Financial Intelligence Unit".

(3) The Money Laundering (Prohibition) Act and the Terrorism (Prevention) Act, are amended by substituting for the words "Chairman of the Economic and Financial Crimes Commission" wherever appearing with the words "Director of the Nigerian Financial Intelligence Unit" (*Hon. Kayode Oladele — Egbado North/Imeko Afon Federal Constituency*).

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

Long Title:

A Bill for an Act to Establish the Nigerian Financial Intelligence Unit as the Central Body in Nigeria Responsible for Receiving, Requesting, Analysing and Disseminating Financial Intelligence Reports and Other Information to Law Enforcement, Security and Intelligence Agencies and Other Relevant Authorities and for Related Matters (*Hon. Kayode Oladele — Egbado North/Imeko Afon Federal Constituency*).

Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Speaker in the Chair, reported that the House in Committee of the Whole considered the Report on a Bill for an Act to Establish Nigerian Financial Intelligence Unit as the Central Body in Nigeria Responsible for Receiving, Requesting, Analysing and Disseminating Financial Intelligence Reports and other Information to Law Enforcement, Security And Intelligence Agencies and other Relevant Authorities: and for Related Matters (HB. 1082) and approved Clauses 25, 27, and the Long Title of the Bill.

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

(vi) *A Bill for an Act to Establish the National Institute of Credit Administration and for Related Matters (HB. 425):*

Motion made and Question proposed, "That the House do consider the Report on a Bill for an Act to Establish the National Institute of Credit Administration and for Related Matters (HB. 425) and approve the recommendations therein" (Hon. Orker Jev Emmanuel Yisa — Burukii 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 Speaker in the Chair)

A BILL FOR AN ACT TO ESTABLISH THE NATIONAL INSTITUTE OF CREDIT ADMINISTRATION AND FOR MATTERS CONNECTED THEREWITH (HB. 425)

PART I — ESTABLISHMENT, ETC OF THE NATIONAL
INSTITUTE OF CREDIT ADMINISTRATION

Clause 1: Establishment of the Institute.

- (1) There is established a body known as the National Institute of Credit Administration (in this Bill referred to as "the Institute") which shall among other things, have the objectives of —
 - (a) serving as national body of expertise for all matters relating to credit management;
 - (b) overseeing the implementation and monitoring of national standards for credit management practice;
 - (c) setting professional standards and awarding professional qualifications in credit management;
 - (d) testing and assessing those who wish to become members;
 - (e) enhancing, promoting and protecting the interests of business credit providers and grantors;
 - (f) enacting binding professional code of ethics on credit managers and their executives;

- (g) consulting with and making recommendations to the government, regulatory bodies, trade associations, academic community and other professional bodies on all matters relating to credit management;
 - (h) providing range of services and programmes aimed at keeping Nigerian credit managers and their executives up-to-date by developing their professional skills, elevating their status and inculcating ethics in their service of managing credit for their employers, among others;
 - (i) developing and maintaining sound and industry-driven credit management and administration educational programmes in Nigeria; and
 - (j) maintaining high-level discipline and ethics among its members.
- (2) The Institute shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name. It shall have power to acquire and dispose of interest in movable and immovable property.
- (3) Subject to the provisions of this Bill, a person admitted to membership of the Institute shall be registered as a member of the profession in the category of —
- (a) Fellow;
 - (b) Member;
 - (c) Associate;
 - (d) Graduate;
 - (e) Honorary fellow;
 - (f) Corporate member; or
 - (g) Student.

Membership of the Institute shall be by admission and examination only.

- (4) A person accorded status as a member of the Institute shall be entitled to the use of that name and shall be registered as —
- (a) a Fellow, if —
 - (i) he is, at least Thirty years of age and has had not less than five years relevant professional working experience and has been an associate member in good standing,
 - (ii) he is the holder of a certificate of the examination of the Institute or an approved professional qualification; and
 - (iii) he is otherwise considered by the Governing Council, to be a fit and proper person to be so registered;

- (b) a Member, if —
 - (i) he is at least twenty five years of age and has had not less than three years relevant professional working experience,
 - (ii) he is the holder of a certificate of the examination of the Institute or approved academic and professional qualification; and
 - (iii) he is otherwise considered by the Governing Council, to be a fit and proper person to be so registered;
 - (c) an associate, if —
 - (i) he is at least twenty years of age and has had not less than two years relevant professional working experience and personally engaged in matters relating to credit management and administration;
 - (ii) he is the holder of a certificate of the examination of the Institute and has been a credit management graduate member for a continuous period of not less than 12 months; and
 - (iii) he is otherwise considered by the Governing Council, to be a fit and proper person to be so registered;
 - (d) a Graduate if, as a student of the Institute, upon the completion of the Institute's professional examinations, he be legible to become a graduate associate member,
 - (e) an Honorary fellow if, by a resolution of the Governing Council he is admitted as an honorary fellow of the Institute;
 - (f) Corporate members which shall include business or commercial credit grantors, corporate bodies and such other organizations or associations as shall be duly admitted by the institute;
 - (g) Student if he is a person duly registered by the Governing Council as a student member.
- (5) The designatory letters of the Institute are:
- (a) Fellow of the National Institute of Credit Administration shall be "FICA";
 - (b) Member of the National Institute of Credit Administration shall be "MICA";
 - (c) Associate of the National Institute of Credit Administration shall be "AICA".
 - (d) Honourary fellows of the Institute of the National Institute of Credit Administration shall be "FICA" (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 2: Control and supervision of credit management and administration profession.
Subject to this Bill, the Institute shall have the control and supervision of the profession of credit management and administration (in this Bill referred to as "the profession"), in Nigeria (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 3: Functions of the Institute.

(1) Without prejudice to section 1 of this Bill, it shall be the function of the Institute to —

- (a) set standards and code of ethics for those engaged or who should engage in the practice or carrying out the functions of credit management and administration solutions, including all the elements of credit and business information decision tools and the appraisal process involved in credit advancement;
- (b) set standards and sanction any organization or individual who wishes to introduce any credit product into the market, having to do with credit extension or credit mitigation to individual members of the public or corporate organizations. In this case, the Institute shall be the only national body vested with power to set conditions and standards for corporate bodies and individuals who desire to float or introduce any product into the market with intention to either extend credit, facilitate credit, mitigate credit or guarantee credit;
- (c) determine and establish national standards of knowledge, proficiency and achievement in credit management and administration, and provide a means for recognition of those who attain the standards from time to time, by the Institute;
- (d) co-operate with colleges and university schools of business administration and other related professional schools and associations to develop programmes of study in credit management, credit administration and credit risk measurement;
- (e) determine what standards of knowledge and skills are to be attained by persons seeking to become members of the profession and improving those standards, from time to time, as circumstances may permit;
- (f) secure, in accordance with the provisions of this Bill, the establishment and maintenance of a register of fellows, members, associates, honorary fellows and retired members of the profession and the publication, from time to time, of lists of those persons;
- (g) encourage and advance education, practical training, and research into the profession; and
- (h) conduct examinations in the profession and award certificates or diplomas to successful candidates as appropriate, and for such purposes the Institute shall prescribe fees to be paid in respect thereof;

- (2) The Institute shall be the supervisory authority for this Bill and shall for that purpose —
- (a) register and regulate credit management professional practice activities, and control and supervise their activities with a view to maintaining proper standards of conduct and acceptable credit administration practices;
 - (b) make rules consistent with the provisions of this Bill, for the proper functioning of institutions under this Bill;
 - (c) take measures to protect the interests of credit information subjects;
 - (d) protect the integrity of the credit management system in Nigeria against any abuses;
 - (e) impose penalties for the breach of any provision of this Bill and Regulations made under the Act;
 - (f) undertake such other activities as are necessary or expedient for giving full effect to the provisions of this Bill; and
 - (g) Perform other functions that may not have been specified under this Bill (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 4: Requirement of license for credit Management Consulting Practice.

No person shall —

- (a) establish, operate, or otherwise conduct business as a credit insurance agency, credit factoring company, credit guarantee organization, debt recovery and management agent, credit and business information reference company, credit facility monitoring firm, credit card company, receivables management consulting firm, credit scoring company, micro credit consulting company, credit derivatives consulting company; or
- (b) hold themselves out to the public as engaging in any credit management services or such activities as may be considered an aspect of or relating to credit management, unless that person has obtained a professional practice license for that purpose from the Institute (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 5: Application for license.

- (1) A person who wishes to carry on credit management services as specified in section 4 of this Bill shall apply in writing in the prescribed form to the Institute for a professional practice license.
- (2) The Institute shall within sixty days of receiving an application for a professional practice license and upon satisfying itself that the applicant has satisfied all pre-conditions including the payment of any fees required for approval, grant the license to the applicant.

- (3) The Institute may grant a professional practice license subject to such conditions or restrictions as it thinks fit, and the Institute may at any time by written notice to a credit management firm or credit information firm or credit investigation organization among others, vary any condition or restriction in relation to the license.
- (4) The license issued by the Institute shall be valid until revoked by the Institute under this Bill.
- (5) Where the Institute is not satisfied with an application, it may in writing to the applicant, within thirty days after receiving the application:
 - (a) request the applicant to rectify any error in the application or satisfy any pre-condition for the grant of approval, within twenty-one days and grant the approval upon the rectification of the error or satisfaction of the pre-conditions within the specified time; or
 - (b) refuse to grant the approval.

Where an application for a license is refused, the Institute shall state the reasons for the refusal, in the notice of the refusal to the applicant (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 6: Professional practice licensing requirements.

- (1) The Institute shall not license a person as a professional credit management practitioner unless that person —
 - (a) has attained the status of at least Member (MJCA) of the Institute;
 - (b) is incorporated in Nigeria as a company under the Companies and Allied Matters Act, 1990 solely for the purpose of carrying on credit management activities;
 - (c) the professional qualification of the Institute such as Member of the Institute of Credit Administration (MICA) or Fellow of the Institute of Credit Administration (FICA) shall be part of requirements by the Corporate Affairs Commission for the incorporation of any company whose business activities are directly or indirectly involved in all aspects of credit management and credit services including credit monitoring, risk mitigation, credit facilitation, credit protection, credit enhancement, credit default repair, credit purchase stimulation, credit card issuance, receivables management, credit derivatives and guarantees.
 - (d) has, in the opinion of the Institute, sufficient human, financial and operational resources to enable it perform its functions efficiently in terms of this Bill or presents to the Institute, a credible plan to acquire or develop those resources;
 - (e) submits a satisfactory business plan to the Institute, including plans to adopt mechanisms to gather, input, integrate, update, validate, ensure efficiency in its services: and provide security for data; and

- (f) presents to the Institute, a credible plan to develop and adopt procedures to ensure that questions, concerns and complaints are treated equitably and consistently in a timely, efficient and courteous manner (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 7: President and Vice Presidents of the Institute.

- (1) There shall be a President and two Vice-Presidents of the Institute, who shall be fellows of the Institute, to be elected by the members of the Institute at the Institute's Annual General Meeting and shall each hold office for a term of two years from the date of election.
- (2) The President shall be the Chairman at each general meeting of the "Institute, so however that, in the event of the death, incapacity or inability for any reason of the President to perform his duty, the first Vice-President shall act in his stead for the unexpired portion of the term of the office, or as the case may require, and references in this Bill to the President shall be construed accordingly.
- (3) The President and the first Vice-President shall respectively be Chairman and Vice-Chairman of the Governing Council established by section 8 of this Bill.
- (4) If the President or any of the Vice-Presidents ceases to be a member of the Institute, he shall cease to hold any of the offices designated under this section (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 8: Establishment of Governing Council.

- (1) There is established a Governing Council for the Institute, charged with responsibility for the policy matters of the Institute.
- (2) The Governing Council shall consist of the following members, being fellows, members, and associates appointed; or elected as the case may be, as follows —
 - (a) the President of the Institute, who shall be the Chairman;
 - (b) the two Vice-Presidents of the Institute, who shall be Vice-Chairman on rotation;
 - (c) the Founding member of the Institute;
 - (d) the Treasurer of the Institute;
 - (e) past Presidents of the Institute who shall be entitled to serve on the Council for a maximum period of three years from the expiration of their terms of office as President;
 - (f) the Registrar/Chief Executive of the Institute; and
 - (g) the permanent secretary of the ministry of industry, trade and investment can represent the ministry on the council

- (h) a maximum of six (6) other persons comprising individuals and corporate organizations of impeccable characters.

First Schedule.

- (3) The provisions of the First Schedule to this Bill shall have effect with respect to the qualifications and tenure of office of members of the Governing Council and the other matters mentioned therein.

Powers of the Governing Board.

- (4) Regulations made by the Governing Council may provide for an increase or reduction in the membership of the Council and may make such amendments of section 8 (2) of the First Schedule to this Bill as it considers expedient for the purposes of or in consequence of the increase or reduction (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

PART II — FINANCIAL PROVISIONS

Clause 9: Fund of the Institute.

- (1) There shall be established for the institute a fund which shall be managed and controlled by the Governing Council.
- (2) There shall be paid and credited into the fund established pursuant to subsection (1) of this section —
- (a) all fees and other moneys payable to the Institute in pursuance of this Bill;
 - (b) such moneys as may be provided by the Federal Government to the Institute by way of grant or loan or otherwise; and
 - (c) such moneys as are held by the National Institute of Credit Administration incorporated under the Companies and Allied Matters Act 1990 (in this Bill referred to as "the Incorporated Institute") on its ceasing to exist as provided for in this Bill
 - (d) all monies received by the institute in the course of discharge of its functions and operations
 - (e) all annual subscription fees of members
- (3) There shall be paid out of the fund —
- (a) all expenditure incurred by the Institute in the discharge of its functions under this Bill;
 - (b) the remuneration and allowances of the Registrar who is the Chief Executive Officer and other employees of the Institute; and
 - (c) such reasonable traveling and subsistence allowances of Executive and Governing Council members of the Institute in respect of the time spent on the duties of the Institute as the Governing Council may determine.

- (4) The Institute may invest moneys from the fund in any security created or issued by or on behalf of the Federal Government or in any other securities in Nigeria
- (5) The Governing Council may, from time to time, borrow money for the purposes of the Institute and any interest payable on moneys so borrowed shall be paid out of the fund.
- (6) The Governing Council shall keep proper accounts on behalf of the Institute in respect of each year and proper records in relation to those accounts; and the Governing Council shall cause the accounts to be audited by an auditor and when audited, the accounts shall be submitted to the members of the Institute at a general meeting of the Institute for approval by them.
- (7) An auditor, appointed for the purposes of this section, shall not be a member of the Council.
- (8) The Governing Council shall prepare and submit, not later than twelve months after its establishment and once in each year thereafter, a report on the activities of the Institute during the last preceding year and shall include in the report a copy of the audited accounts of the Institute for that year and of the auditor's report thereon (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

PART III — TRANSFER TO INSTITUTE OF CERTAIN ASSETS AND LIABILITIES

Clause 10: Transfer of assets and liabilities.

- (1) On the commencement of this Bill —
 - (a) all assets and liabilities held or incurred immediately before that date by or on behalf of the Incorporated Institute shall, by virtue of this Bill and without any further assurance, vest in the Institute established by this Bill and be held by it for the purposes of the Institute;
 - (b) the Incorporated Institute shall cease to exist; and
 - (c) subject to subsection (2) of this section, any act or thing made or done by the Incorporated Institute shall be deemed to have been made or done by the Institute.

Second Schedule.

- (2) The provisions of the Second Schedule to this Bill shall have effect with respect to matters arising from the transfer by this section to the Institute of the property of the Incorporated Institute and with respect to the other matters mentioned therein (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

PART IV — APPOINTMENT OF THE REGISTRAR AND THE REGISTER

Clause 11: Registrar and other staff of the Institute.

- (1) It shall be the duty of the Governing Council, to appoint a person, who shall be a member of the Institute with not less than ten years working experience with the Institute, to be the Registrar of the Institute for the purposes of this Bill, and such other persons as the Institute may, from time, to time, think necessary.
- (2) The Registrar shall in addition to his other functions under this Bill, be the Secretary to the Institute and shall on the instructions of the Chairman of the Council or of any committee thereof, convene general meetings of the Institute or meetings of any committee thereof and keep minutes of the proceedings at all such meetings as the case may be.
- (3) The Registrar is the Chief Executive Officer of the institute and shall report to the Governing Council.
- (4) The Governing Council may, whenever the Registrar is absent or is unable for any other reason to discharge the functions of his office, appoint an acting Registrar who shall have the same qualifications as in subsection (1) of this section to discharge those functions.
- (5) The Registrar/Chief Executive Officer shall hold office for the period which shall be determined by the Governing Council of the Institute (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 12: Register of Members.

- (1) It shall be the duty of the Registrar to prepare and maintain, in accordance with the rules made by the Institute a register of names, addresses and approved qualifications and of such other particulars, as may be specified in the rules, of all persons who are entitled in accordance with the provisions of this Bill to be registered as members of the profession in the category of fellows, members, associates, graduates, students, honorary members, honorary fellows and retired members and, who, in the manner prescribed by such rules, apply to be so registered.
- (2) The Register shall consist of seven parts of which —
 - (a) the first part shall be in respect of fellows;
 - (b) the second part shall be in respect of members;
 - (c) the third part shall be in respect of associates;
 - (d) the fourth part shall be in respect of graduates;
 - (e) the fifth part shall be in respect of honorary fellows;
 - (f) the sixth part shall be in respect of corporate members; and
 - (g) the seventh part shall be in respect of students.

- (3) Subject to the following provisions of this section, the Governing Council may make rules with respect to the form and keeping of the register and the making of entries therein and in particular —
- (a) regulate the making of applications for registration, and provide for the evidence to be produced in support of such applications;
 - (b) provide for the notification to the Registrar, by the person to whom any registered particulars relate, of any change in those particulars;
 - (c) specify the fees, including any annual subscription, to be paid to the Institute in respect of the entry of names in the register, and authorize the Registrar to refuse to enter a name on the register until any fees specified for the entry has been paid;
 - (d) specify anything failing to be specified under the foregoing provisions of this section.
- (4) Any rules made for the purposes of paragraph (c) of subsection (3) of this section, shall not come into force until they are confirmed at a special meeting of the Institute.
- (5) The Registrar shall have powers to —
- (a) correct, in accordance with the directions of the Governing Council, any entry in the register which the Council directs him to correct as being in the opinion of the Council an entry which was incorrectly made;
 - (b) make, from time to time, any necessary alteration to the registered particulars of registered persons;
 - (c) record the names of members of the Institute who are in default for more than six months in the payment of annual subscriptions, and to take such action in relation thereto (including removal of the names of defaulters in the register) as the Council may direct or require.
 - (d) to re-registered members who defaulted in payment of their subscription fees where such fees are paid up in full
 - (e) to remove the names of deceased members from the register as maybe directed by the council
- (6) If the Registrar —
- (a) sends by post to any registered person a registered letter addressed to him at his address on the register enquiring whether the registered particulars relating to him are correct and receives no reply to the letter within the period of six months from the date of posting it; and
 - (b) upon the expiration of that period sends in the like manner to the person in question a second similar letter and receives no reply to that letter within three months from the date of posting it,

the Registrar may remove the particulars relating to the person in question from the register, so, however, that the Governing Council may for any reason which seems to it sufficient direct the Registrar to restore to the appropriate part of the register any particulars removed therefrom under this subsection (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 13: Publication of register and list of corrections.

(1) It shall be the duty of the Registrar —

(a) to cause the register to be printed, published and put out on sale to members of the public not later than two years from the coming into effect of this Bill;

(b) in each year, after that in which a register is first published under paragraph (a) of this subsection, to cause to be printed, published and put on sale as aforesaid, either a corrected edition of the register or a list of corrections made to the register since it was last printed;

(c) to cause a print of each edition of the register and of each list of corrections to be deposited at the principal office of the Institute; and

(d) to keep the register and lists so deposited available at all reasonable times for inspection by members of the public.

(2) A document purporting to be a print of an edition of the register published under this section by authority of the Registrar or documents purporting to be prints of an edition of the register so published and of the list of corrections to that edition so published, shall (without prejudice to any other mode of proof) be admissible in any proceedings as evidence that any person specified in the document, or documents read together, as being registered, was so registered at the date of the edition or of the list of corrections, as the case may be, and that any person not so specified was not so registered.

(3) Where in accordance with subsection (2) of this section, a person is in any proceedings, shown to have been or not to have been registered at a particulars date, he shall, unless the contrary is proved, be taken for the purposes of those proceedings as having at all material times thereafter continued to be or not to be so registered (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

PART V — REGISTRATION

Clause 14: Registration of members.

(1) Subject to section 15 of this Bill and to rules made under section 12 of this Bill, a person is entitled to be registered as a "member" of the profession if —

(a) he passes the qualifying examination for registration recognized or conducted by or for the Institute under this Bill and completes the practical training prescribed; or

- (b) he holds a qualification granted and for the time being accepted by the Institute and satisfies the Institute that he has sufficient practical experience as a member of the profession.
- (2) An applicant for registration under this Bill shall, in addition to evidence of qualification, satisfy the Institute that—
 - (a) he is of good character; and
 - (b) he has not been convicted in Nigeria or elsewhere of an offence involving fraud or dishonesty.
- (3) The Governing Council may, in its sole discretion provisionally accept a qualification produced in respect of an application for registration under this section, or direct that the application be renewed within such period as may be specified in the direction.
- (4) Any entry directed to be made in the register under subsection (3) of this section, shall show that the registration is provisional and no entry so made shall be converted to full registration without the consent of the Institute, signified in writing in that behalf.
- (5) The Governing Council shall, from time to time, publish in the Federal Gazette particulars of qualifications for the time being acceptable for registration by the Institute (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 15: Approval of qualifications, etc.

- (1) The Governing Council may approve any institution for the purposes of this Bill and may for those purposes approve —
 - (a) any course of training at any approved institution which is intended for persons seeking to become or are already credit managers or executives and which the Institute considers is designed to confer on persons completing it sufficient knowledge and skill for admission into the Institute;
 - (b) any qualification which, as a result of an examination taken in conjunction with a course of training approved by the Institute under this section, is granted to candidates reaching a standard at the examination, indicating in the opinion of the Institute that the candidates have sufficient knowledge and skill for the practice of the profession.
- (2) The Governing Council may, if it thinks fit, withdraw any approval given under this section in respect of any course, qualification or institution but before withdrawing such an approval, the Institute shall —
 - (a) give notice that it proposes to do so to persons in Nigeria, appearing to the Institute to be persons by whom the course is conducted or the qualification is granted or the institution is controlled, as the case may be;

- (b) afford each such person an opportunity of making representations to the Institute with regard to the proposal; and
 - (c) take into consideration any representation made as regards the proposal in pursuance of paragraph (b) of this subsection.
- (3) As regards any period during which the approval of the Institute under this section for a course, qualification or institution is withdrawn, the course, qualification or institution shall not be treated as approved under this section; but the withdrawal of such an approval shall not prejudice the registration or eligibility for registration of any person who, by virtue of the approval, was registered or eligible for registration immediately before the approval was withdrawn.
- (4) The giving or withdrawal of an approval under this section shall have effect from such date, either before or after the execution of the instrument signifying the giving or withdrawal of the approval, as the Institute may specify in the instrument and the Institute shall as soon as may be, publish a copy of every such instrument in the Federal Gazette (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 16: Supervision of Instructions.

- (1) It shall be the duty of the Registrar to supervise and keep Governing Council informed of the nature of —
 - (a) the instructions given at approved institutions to persons attending approved courses of training; and
 - (b) the examination as a result of which approved qualifications are granted; and for the purposes of performing that duty the Registrar may appoint, either from among its own members or otherwise, persons to visit approved institutions or observe such examinations;
- (2) It shall be the duty of the person appointed under subsection (1) of this section to report to the Council on —
 - (a) the sufficiency or otherwise of the instructions given to persons attending approved courses of training at institutions visited by him;
 - (b) the adequacy or otherwise of the examinations conducted at any institution inspected by him; and
 - (c) any other matters relating to the institutions or examinations on which the Governing Council may, either generally or in a particular case, request him to report, but no person shall interfere with the giving of any instruction or the holding of any examination.
- (3) On receiving a report made in pursuance of this section, the Council may, if it thinks fit and shall, if so required by the Institution, send a copy of the report to the person appearing to the Council to be in charge of the institution or responsible for the examinations to which the report relates,

requesting that person to make observations on the report to the Council within such period as may be specified in the request, not being less than one month beginning with the date of the request (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 17: Joint Signatory.

- (1) The Registrar of the Institute shall be a joint signatory to a certificate awarded by the Institute.
- (2) The Chairman of the Governing Council shall also be a signatory to the certificate awarded by the institute (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 18: Power to grant Diplomas, etc.

The Institute shall have power to grant advanced and higher professional diploma certificates and awards in credit management thereof either solely or jointly with other institutions (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

PART VI — PROFESSIONAL DISCIPLINE

Clause 19: Disciplinary Tribunal and Investigation Panel.

- (1) There shall be a body known as the National Institute of Credit Administration Investigation Panel (in this referred to as "the Panel") which shall be charged with the duty of —
 - (a) conducting a preliminary investigation into any case where it is alleged that a member of the profession has misbehaved in his capacity as a credit manager or executive or should for any other reason be the subject of proceedings before the tribunal; and
 - (b) deciding whether the case should be referred to the tribunal.
- (2) The tribunal shall consist of the Chairman and three other members of the council appointed by the council, and three other non-council members.
 - (a) the Chairman of the tribunal shall be one of the vice-presidents of the institute
- (3) There shall be a tribunal known as the National Institute of Credit Administration Disciplinary Tribunal (in this Bill referred to as "the tribunal"), which shall be charged with the duty of considering and determining any case referred to it by the Investigating panel established under subsection (3) of this section, and any other case of which the tribunal has cognizance under the following provisions of this Bill.
- (4) The panel shall be appointed by the Governing Council and shall consist of four members of the Council and one member who is not a member of the Council.

Third Schedule.

- (5) The provisions of the Third Schedule to this Bill shall, so far as they are applicable to the tribunal and panel respectively, have effect with respect to those
- (6) The Governing Council may make rules not inconsistent with this Bill as to acts which constitute professional misconduct (*Hon. Orker-Jev Emmanuel Yisa - Buruku Federal Constituency*).

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

Clause 20: Penalties for Unprofessional Conduct, etc.

(1) Where —

- (a) a person registered under this Bill is adjudged by the tribunal to be guilty of infamous conduct in any professional respect; or
- (b) a person registered under this Bill is convicted, in Nigeria or elsewhere, by any Court or tribunal having power to award punishment for an offence (whether or not such offence is punishable with imprisonment) which in the opinion of the tribunal is incompatible with the status of a member of the profession; or
- (c) where the tribunal is satisfied that the name of any person has been fraudulently registered, the tribunal may, if it thinks fit, give a direction reprimanding that person or ordering the Registrar to strike his name off the relevant part of the register subject to confirmation by the Governing council.
- (2) The tribunal may, if it thinks fit, defer or further defer its decision as to the giving of a direction under subsection (1) of this section until a subsequent meeting of the tribunal.
- (3) No decision of the tribunal shall be deferred under subsection (2) of this section for periods exceeding one year in the aggregate.
- (4) As far as possible no person shall be a member of the tribunal for the purposes of reaching a decision which has been deferred or further deferred, unless he was present as a member of the tribunal when the decision was deferred.
- (5) For the purposes of subsection (1) (b) of this section, a person should not be treated as convicted as therein mentioned unless the conviction starts at a time when no appeal or further appeal is pending or may (without extension of time) be brought in connection with the conviction.
- (6) When the tribunal gives a direction under subsection (1) of this section, the tribunal shall cause notice of the direction to be served on the person to whom it relates.
- (7) The person to whom such a direction relates may, at any time within twenty-eight days from the date of service on him of the notice of direction, appeal against the direction to the Federal High Court and the tribunal may appear as respondent to the appeal and for the purpose of enabling directions

to be given as to the costs of the appeal and of proceedings before the Federal High Court, the tribunal shall be deemed to be a party thereto whether or not it appears on the hearing of the appeal.

(8) A direction of the tribunal given under subsection (1) of the section shall take effect where —

(a) no appeal under this section is brought against the direction within the time limited for such an appeal, on the expiration of that time; or

(b) such an appeal is brought and is withdrawn or struck out for want of prosecution, on the withdrawal or striking out of the appeal;

(c) such an appeal is brought and is not withdrawn or struck out as aforesaid, if and when the appeal is dismissed, and shall not take effect except in accordance with the foregoing provisions of this subsection.

(9) A person whose name is removed from the register in pursuance of a direction of the tribunal under this section, shall not be entitled to be registered again except in pursuance of a direction in that behalf given by the tribunal on the application of that person.

(10) A direction under this section for the removal of a person's name from the register, may prohibit an application under subsection (9) of this section by that person until the expiration of such period from the date of the direction (and where he has duly made such an application, from the date of his last application) or as may be specified in the direction (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

PART VII — MISCELLANEOUS AND GENERAL

Clause 21: Application of Act to certain persons.

(1) Any person who not being a member of the Incorporated Institute who, but for this Act, would have been qualified to apply for, and obtain membership of the Incorporated Institute may, within the period of three months from the commencement of this Bill, apply for the membership of the Institute in such a manner as may be prescribed by the Institute.

(2) Where an application under subsection (1) of this section is approved by the Governing Council, the applicant shall be registered, as the case may be according to his qualification (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 22: When persons are deemed to practice as Chartered members of the profession.

(1) Subject to subsection (2) of this section, a person shall be deemed to practice as a chartered member of the profession if, in consideration of remuneration received or to be received, and whether by himself or in partnership with any person he —

- (a) engages himself in the practice of the profession or holds himself out to the public as a member of the profession; or
 - (b) renders any other service or assistance in or about matters of principle or detail relating to the profession;
 - (c) renders any other service which may, by regulations made by the Institute designated as service constituting practice as a chartered member of the profession.
- (2) Nothing in this section shall be construed so as to apply to persons who, while in the employment of any government, are required under the terms or in the course of such employment, to perform the duties or any of the duties of the profession (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 23: Rules as to Articles, etc.

- (1) The Institute's Governing Council may make rules for —
- (a) the training of suitable persons with registered members of the profession in credit management and administrative methods; and (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 24: Provision and maintenance of library and research facilities.

- (1) Provide and maintain a library comprising of books and publications for the promotion and advancement of credit management and administration, and such other books and publication as the Governing Council may think necessary for the purpose;
- (c) Encourage research into credit management and administration (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 25: Regulations.

- (1) Any regulations, made under this Bill, shall be published in the Federal Gazette as soon as may be after they are made.
- (2) Rules made for the purposes of this Bill, shall be subject to confirmation by the Institute at its next general meeting or at any special meeting of the Institute convened for the purpose, and if then annulled shall cease to have effect on the day of annulment, but without prejudice to anything done in pursuance or intended pursuance of any such rules (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 26: Offences and penalties.

- (1) Any person who, for the purpose of procuring the registration of any name, qualification or other matter —

- (a) makes a statement which he believes to be false in a material particular; or
 - (b) recklessly makes a statement which is false in a material particular unless he commits an offence
- (2) If, on or after the coming into force of this Bill, any person who is not a member of the Institute practices or holds himself out to practice as a member of the profession for or in expectation of reward or takes or uses any name, title, addition or description implying that he is in practice as a member of the profession, he commits an offence.
- (3) In the case of a person falling within section 21 of this Bill —
 - (a) the provision of subsection (2) of this section shall not apply in respect of anything done by him during the period of three months mentioned in that section; and
 - (b) if within that period he duly applies for membership of the Institute, then unless within that period he is notified that his application has not been approved, the provision of subsection (2) of this section shall not apply in respect of anything done by him between the end of that period and the date on which he is registered or is notified as aforesaid.
- (4) If the Registrar or any other person employed by or on behalf of the Institute wilfully makes any falsification in any matter relating to the register, he commits an offence.
- (5) A person guilty of an offence under this section is liable —
 - (a) on summary conviction, to a fine not exceeding ₦100,000 or
 - (b) on conviction on indictment, to a fine not exceeding ₦145,000 or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment
- (6) Where an offence under this section which has been committed by a body corporate is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of any director, manager, secretary or other similar officer of the body corporate or any person purporting to act in any such capacity, he as well as the body corporate, shall be deemed to have committed that offence and shall be liable to be proceeded against and punished accordingly (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 27: Interpretation.

In this Bill, unless the context otherwise requires —

"Council" means the Governing Council established as the governing body of the Institute under section 4 of this Bill (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

"Fees" includes annual subscriptions (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

"Incorporated Institute" means the National Institute of Credit Administration incorporated under the Companies and Allied Matters Act, 1990 (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

"Institute" means the National Institute of Credit Administration established under section 1 of this Bill (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

"Member of the Institute" means a registered fellow, member, associate, graduate, honorary fellow, corporate member or student member and "membership of the Institute" shall be construed accordingly (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

"Panel" has the meaning assigned to it by section 15 of this Bill (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

"President" and "vice-president" mean respectively the office holders under those names in the Institute (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

Question that the meaning of the words "President" and "Vice-President" be as defined in the interpretation to this Bill — Agreed to.

"Profession" means the profession of chartered credit management and administration (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

"Register" means the register maintained in pursuance of section 6 of this Bill; and (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

"Tribunal" has the meaning assigned to it by section 15 of this Bill (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

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

Clause 28: Short Title.

This Bill may be cited as the National Institute of Credit Administration (Establishment, etc.) Bill, 2018 (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

SCHEDULES

FIRST SCHEDULE

Section 9 (3)

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL.

Qualifications and Tenure of Office of Members

1. (1) Subject to the provisions of this paragraph, a member of the Governing Council shall hold office for a period of two years beginning with the date of his appointment or election.
- (2) In the case of a person who is a member by virtue of having been President of the Institute, he shall hold office for a period of three years from the date of his having ceased to be President of the Institute.
- (3) Any member of the Institute who ceases to be a member thereof shall, if he is also a member of the Governing Council, cease to hold office of the Governing Council.
- (4) Any elected member may, by notice in writing under his hand addressed to the President of the Institute, resign his office.
- (5) A person who retires from or otherwise ceases to be an elected member of the Governing Council shall be eligible again to become a member of the Governing Council.
- (6) Members of the Governing Council shall at their next meeting before the annual general meeting of the Institute arrange for the twenty-one members of the Governing Council appointed or elected and the four (4) longest in office to retire at that annual meeting.
- (7) Elections to the Governing Council shall be held in such manner as may be prescribed by rules made by the Governing Council, and until so prescribed, they shall be decided by secret ballot.
- (8) If for any reason there is a vacation of office by a member and such member was elected, the Governing Council may, if the time between the unexpired portion of the term of office and the next general meeting of the Institute appears to warrant the filling of the vacancy, co-opt some fit and proper person for such time as aforesaid.

Powers of Governing Council, etc.

2. The Governing Council shall have power to do anything which in its opinion is calculated to facilitate the carrying on of the activities of the Institute.

Standing Orders

3. (1) Subject to the provisions of this Bill, the Governing Council may in the name of the Institute, make standing orders regulating the proceedings of the Institute, the Governing Council and shall exercise its powers to set up Governing Council standing Committees and regulate their activities.
- (2) Standing orders shall provide for decisions to be taken by a majority of the members, and in the event of equality of votes, the President of the Institute or the Chairman, as the case may be, shall have a second or casting vote.
- (3) Standing orders made for a committee shall provide that the committee reports back to the Governing Council on any matter referred to it by the Governing Council.
- (4) The quorum of the Governing Council shall be seven and the quorum of a committee of the Governing Council shall be determined by the Governing Council.

Meetings of the Institute

4. (1) The Governing Council shall convene the general meeting of the Institute on 30th April in every year or on such other day as the Governing Council may, from time to time, appoint, so however that if the meeting is not held within one year after the previous meeting not more than fifteen months shall elapse between the respective dates of the two meetings.
- (2) A special meeting of the Institute may be convened by the Governing Council at any time; and if not less than twenty members of the Institute require it by notice in writing addressed to the Registrar of the Institute setting out the objects of the proposed meeting, the Chairman of the Governing Council shall convene a special meeting of the Institute.
- (3) The quorum of any meeting of the Institute shall be one fourth of its members or 20 members, whichever is smaller and that of any special meeting of the Institute shall be 15 members.

Meetings of the Governing Council

5. (1) Subject to the provisions of any standing orders of the Governing Council, the Governing Council shall meet whenever it is summoned by the Chairman; and if the Chairman is required to do so by notice in writing given to him by not less than seven other members, he shall summon a meeting of the Governing Council to be held within fourteen days from the date on which the notice is given.
- (2) At any meeting of the Governing Council, the Chairman or in his absence, the first Vice-Chairman shall preside, but if both are absent, the members present at the meeting shall appoint one of their members to preside at that meeting.
- (3) Where the Governing Council desires to obtain the advice of any person on a particular matter, the Governing Council may co-opt him as a member for such period as the Governing Council thinks fits, but a person who is a member by virtue

of this subparagraph shall not be entitled to vote at any meeting of the Governing Council and shall not count towards a quorum.

- (4) The Chairman of the Governing council shall summon the first meeting of the council not later than 30 days after its inauguration.

Committees

6. (1) The Governing Council may appoint one or more committees to carry out on behalf of the Institute or of the Governing Council such functions as the Governing Council may determine.
- (2) A committee appointed under this paragraph shall consist of the number of persons determined by the Governing Council, of whom not more than one third shall be persons who are not members of the Governing Council and a person, other than a member of the Governing Council, shall hold office on the committee in accordance with the terms of the instrument by which he is appointed.
- (3) A decision of a committee of the Governing Council shall be of no effect until it is confirmed by the Governing Council.

Miscellaneous

7. (1) The fixing of the seal of the Institute shall be authenticated by the signature of the President or of some other member of the Governing Council authorized generally or specially by the Institute to act for that purpose.
- (2) Any contract or instrument which, if made executed by a person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the Institute or of the Governing Council as the case may require, by any person generally or specially authorised to act for that purpose by the Governing Council.
- (3) Any document purporting to be a document duly executed under the seal of the Institute shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.
8. The validity of any proceedings of the Institute or the Governing Council or of a committee of the Governing Council shall not be adversely affected by any vacancy in membership, or by any defect in the appointment of a member of the Institute or of the Governing Council or of a person to serve on the committee or by reason that a person not entitled to do so took part in the proceedings.
9. Any member of the Institute or of the Governing Council, and any person holding office on a committee of the Governing Council, who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Governing Council on behalf of the Institute or on behalf of the Governing Council or a committee thereof; shall forthwith disclose his interest to the President or to the Governing Council as the case may be, and shall not vote on any question relating to the contract or arrangement.
10. Any member of the institute or of the Governing Council, and any person holding office on a committee of the Governing Council, who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Governing Council on behalf of the Institute, or on behalf of the Governing Council or a committee thereof, shall forthwith

disclose his interest to the President or to the Governing Council as the case may be, and shall not vote on any question relating to the contract or arrangement (*Hon. Orker-Jev Emmanuel Yisa -- Buruku Federal Constituency*).

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

SECOND SCHEDULE

TRANSITIONAL PROVISIONS AS TO ASSETS AND LIABILITIES

Transfer of Assets and Liabilities

1. (1) Every agreement to which the Incorporated Institute of Credit Administration was a party immediately before the commencement of this Bill, whether in writing or not and whether or not of such a nature that the rights, liabilities and obligations thereunder could be assigned by the Incorporated Institute, shall, unless its terms or subject matter make it impossible that it should have effect as modified in the manner provided by these subparagraphs, have effect from the commencement of this Bill so far as it relates to assets and liabilities transferred by this Bill to the Institute established by this Bill, as if —
 - (a) the Institute established by this Bill had been a party to the agreement;
 - (b) for any reference (however worded and whether expressed or implied) to the Incorporated Institute, there were substituted in respect of anything failing to be done on or after the commencement of this Bill a reference to the Institute established by this Bill;
 - (c) for any reference (however worded to a member or members of the Governing Council of the Incorporated Institute or an officer of the Incorporated Institute, there are substituted, in respect of anything failing to be done on or after the commencement of this Bill, a reference to a member or members of the Governing Council under this Bill.
 - (d) if the law in force at the place where any property transferred by this Bill is situate provides for the registration or transfer of property of the kind in question (whether by reference to an instrument of transfer or otherwise), the law shall, so far as it provides for alterations of a register (but not for avoidance of transfers, the payment of fees or any other matter) apply with the necessary modifications to the transfer of the property aforesaid; and it shall be the duty of the Governing Council to furnish the necessary particulars of the transfer to the proper officer of the registration authority, and for that officer to register the transfer accordingly.
- (2) Other documents which refer, whether specially or generally, to the Incorporated Institute shall be considered in accordance with sub-paragraph (1) of this paragraph so far as applicable.
- (3) Without prejudice to the generality of the foregoing provisions of this Schedule, where, by the operation of section 10 of this Bill, any right, liability or obligation vests in the Institute established by this Bill, the Institute established by this Bill and all other persons shall, as from the commencement of this Bill have the same rights, powers and remedies (and, in particular, the same rights as to the taking or making or resisting of applications to any authority) for ascertaining, perfecting or enforcing that right, liability or obligation as they would have if it had at all times been a right, liability or obligation of the Institute established by this Bill.

- (4) Any legal proceedings or application to any authority pending at the commencement of this Bill, by or against the Incorporated Institute and relating to assets or liabilities transferred by this Bill to the Institute established by this Bill, may be continued on or after that day.
2. On the commencement of this Bill, any person holding any paid appointment in the Incorporated Institute shall hold corresponding appointment in the Institute established by this Bill on the same terms and condition as to tenure and otherwise but shall not be entitled to receive remuneration both from the Incorporated Institute and from the Institute in respect of the same period of service.
3. All members of the institute shall on the date of commencement of this Bill become members of the institute of credit administration.
4. All regulations, rules and similar instruments made for the purposes of the Incorporated Institute and in force immediately before the coming into force of this Bill shall, except in so far as they are subsequently revoked or amended by any authority having power in that behalf, have effect with any necessary modification as if duly made for the corresponding purpose of the Institute established by this Bill (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

THIRD SCHEDULE

Section 19 (5)

SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY TRIBUNAL AND INVESTIGATING PANEL OF THE TRIBUNAL

1. The quorum of the tribunal shall be four members, of whom at least two shall be members of the profession.
2. The Attorney-General of the Federation may make rules as to the selection of members of the tribunal for the purposes of any proceeding and as to the procedure to be followed and the rules of evidence to be observed in proceedings before the tribunal.
 - (1) The rules shall in particular provide —
 - (a) for securing that notice of the proceedings shall be given at such time and in such manner as may be specified by the rules, to the person who is the subject of the proceedings;
 - (b) for determining who in addition to the person aforesaid, shall be party to the proceedings;
 - (c) for securing that any party to the proceedings shall, if so required be entitled to be heard by the tribunal;
 - (d) Subject to the provisions of section 16 (7) of this Bill, as to the costs of proceedings before the tribunal; any member seeking redress at the tribunal shall bear the cost of the proceedings.
 - (e) for requiring in a case where it is alleged that the person who is the subject of the proceedings is guilty of infamous conduct in any professional respect,

that where the tribunal adjudges that the allegation has not been proved it shall record a finding that the person is not guilty of such conduct in respect of the matters to which the allegation relates:

(f) for publishing in the Gazette of notice of any direction of the tribunal which has taken effect providing that a person's name shall be struck off a register.

(2) For the purposes of any proceedings before the tribunal, any member of the tribunal may administer oaths and any party to the proceedings may issue out of the registry of the Federal High Court writs of *subpoena ad testificandum* and *duces tecum*; but no person appearing before the tribunal shall be compelled —

(a) to make any statement before the tribunal tending to incriminate himself; or

(b) to produce any document under such a writ which he could not be compelled to produce at the trial of an action.

3. (1) For the purpose of advising the tribunal on questions of law arising in the proceedings before it, there shall in all such proceedings be an assessor to the tribunal who shall be appointed by the Governing Council on the nomination of the Attorney General of the Federation and shall be a legal practitioner of not less than ten years standing.

(2) The Attorney-General of the Federation shall make rules as to the functions of assessors appointed under this paragraph, and in particular, such rules shall contain provisions for securing that —

(a) where an assessor advises the tribunal on any question of law as to evidence, procedure or any other matters specified by the rules, he shall do so in the presence of every party or person representing a party to the proceedings who appears thereat or, if the advice is tendered while the tribunal is deliberating in private, that every such party or person as aforesaid shall be informed what advice the assessor has tendered;

(b) every such party or person as aforesaid shall be informed if in any case the tribunal does not accept the advice of the assessor on such a question as aforesaid.

(3) An assessor may be appointed under this paragraph either generally or for any particular proceedings or class of proceedings and shall hold and vacate office in accordance with the terms of the instrument by which he is appointed.

The Panel

4. The quorum of the panel shall be three.

5. (1) The panel may, at any of its meetings attended by not less than five members of the panel, make standing orders with respect to the panel.

(2) Subject to the provisions of any such standing orders, the panel may regulate its procedure.

Miscellaneous

6. (1) Any person appointed as a member of the panel or tribunal shall serve for a period of two years.

- (2) A person ceasing to be a member of the tribunal or the panel shall be eligible for re-appointment as a member of that body. But no person can serve more than 4 years.
- (3) A person may, if otherwise eligible, be a member of both the tribunal and panel; but no person who acted as a member of the panel with respect to any case shall act as a member of the tribunal with respect to that case.
7. The tribunal or the panel may act notwithstanding any vacancy in its membership; and the proceedings of either body shall not be invalidated by any irregularity in the appointment of a member of that body, or (subject to paragraph 6 (2) of this Schedule) by reason of the fact that any person who was not entitled to do so took part in the proceedings of that body.
8. Any document authorised or required by virtue of this Bill to be served on the tribunal or the panel shall be served on the Registrar appointed in pursuance of section 11 of this Bill
9. Any expenses of the tribunal or the panel shall be defrayed by the Institute (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Explanatory Memorandum:

This Bill seeks to establish the National Institute of Credit Administration which has the duty to regulate and set standards for professional conduct of those who manage credit in Nigeria (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

Agreed to.

Long Title:

A Bill for an Act to Establish the National Institute of Credit Administration and for Matters Connected Therewith (HB. 425) (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Speaker in the Chair, reported that the House in Committee of the Whole considered the Report on a Bill for an Act to Establish the National Institute of Credit Administration and for Related Matters (HB. 425) and approved Clauses 1 – 28, the Schedules, 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.

- (vii) ***A Bill for an Act to Regulate the Franchised Business in Nigeria; and for Related Matters (HB. 78):***

Motion made and Question proposed, "That the House do consider the Report on a Bill for an Act to Regulate the Franchised Business in Nigeria; and for Related Matters (HB. 78) and approve the recommendations therein" (Hon. Orker-Jev Emmanuel Yisa — Buruku 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 Speaker in the Chair)

A BILL FOR AN ACT TO REGULATE THE FRANCHISED BUSINESS IN NIGERIA; AND FOR RELATED MATTERS (HB. 78)

Clause 1: Implementation of this Bill, Cap. N62, LFN, 2004.

2. The National Office for Technology Acquisition and Promotion established by the National Office for Technology Acquisition and Promotion Act, Cap N62 Laws of the Federation of Nigeria, 2004 (in this Act referred to as "the implementing agency") shall be responsible for the implementation of the provisions of this Act provided that where appropriate, NOTAP shall consult the Registrar of Trade Marks and Patents or any other relevant authority (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

*Question that Clause 1 stands part of the Bill — Agreed to.***Clause 2: Amendment of Section 8 (1) (e) (i)(ii), (f), (g)(i)(ii), (h)-(l), (n)-(p).**

- (1) In the disclosure document, the franchisor shall provide the following information:
- (a) the legal name, legal form and legal address of the franchisor and the address of the principal place of business of the franchisor;
 - (b) the trademark, trade name, business name or similar name, under which the franchisor carries on or intends to carry on business in Nigeria or in another country, if outside Nigeria as the case may be, in which the prospective franchisee will operate the franchise business;
 - (c) the address of the franchisor's principal place of business in the country, if outside Nigeria, where the prospective franchisor is located;
 - (d) a description of the franchise to be operated by the prospective franchisee;
 - (m) information on the categories of goods and/or services that the franchisee is required to purchase or lease, indicating —
 - (i) whether any of these have to be purchased or leased from the franchisor, affiliates of the franchisor or from a supplier designated by the franchisor,
 - (ii) whether the franchisee has the right to recommend other suppliers for approval by the franchisor, and
 - (iii) whether any revenue or other benefit that may be directly or indirectly received by the franchisor or any of the affiliates of the franchisor from any supplier of goods and/or services to the franchisee, such as rebates, bonuses, or incentives with regard to those goods and/or services, shall be passed on to the prospective franchisee or, if not, whether a price

mark-up will be made by the franchisor or the supplier recommended by the franchisor (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 3: Citation.

This Bill may be cited as the Franchise Bill, 2018 (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Explanatory Memorandum:

This Bill regulates the franchised business in Nigeria (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

Agreed to.

Long Title:

A Bill for an Act to Regulate the Franchised Business in Nigeria; and for Related Matters (HB. 78) (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Speaker in the Chair, reported that the House in Committee of the Whole considered the Report on a Bill for an Act to Regulate the Franchised Business in Nigeria; and for Related Matters (HB. 78) and approved Clauses 1 - 3, 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.

(viii) A Bill for an Act to Establish the Forest Research Institute of Nigeria; and for Related Matters (HB. 41):

Motion made and Question proposed, "That the House do consider the Report on a Bill for an Act to Establish the Forest Research Institute of Nigeria; and for Related Matters (HB. 41) and approve the recommendations therein" (*Hon. Orker-Jev Emmanuel Yisa — Buruku 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 Speaker in the Chair)

A BILL FOR AN ACT TO ESTABLISH THE FOREST RESEARCH INSTITUTE OF NIGERIA; AND FOR RELATED MATTERS (HB. 41)

Clause 1: Amendment of Section 4 (3).

(e) the Director-General of the Institute (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 2: Amendment of Section 24.

This Bill may be cited as the Forestry Research Institute of Nigeria (Establishment) Bill, 2018 (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Long Title:

A Bill for an Act to Establish the Forest Research Institute of Nigeria; and for Related Matters (HB. 41) (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Speaker in the Chair, reported that the House in Committee of the Whole considered the Report on a Bill for an Act to Establish the Forest Research Institute of Nigeria; and for Related Matters (HB. 41) 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.

- (ix) ***A Bill for An Act to Establish National Postgraduate College of Medical Laboratory Science to Conduct Professional Postgraduate Examination of Candidates into various specialised branches of Medical Laboratory Science; and for Related Matters (HB. 405): Motion made and Question-proposed, "That the House do consider the Report on a Bill for An Act to Establish National Postgraduate College of Medical Laboratory Science to Conduct Professional Postgraduate Examination of Candidates into various specialised branches of Medical Laboratory Science; and for Related Matters (HB. 405) and approve the recommendations therein" (Hon. Orker-Jev Emmanuel Yisa — Buruku 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 Speaker in the Chair)

A BILL FOR AN ACT TO ESTABLISH THE NATIONAL POSTGRADUATE COLLEGE OF MEDICAL LABORATORY SCIENCE TO CONDUCT PROFESSIONAL POSTGRADUATE EXAMINATION OF CANDIDATES INTO VARIOUS SPECIALISED BRANCHES OF MEDICAL LABORATORY SCIENCE; AND FOR RELATED MATTERS

- Clause 1: Establishment of National Postgraduate College of Medical Laboratory Science.**
 (1) There is established the National Postgraduate College of Medical Laboratory Science (in this Bill referred to as "the College") (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 2: Establishment of Fund and Expenditure.

Section 9 (1) The Board shall establish and maintain a fund for the College into which shall be paid:

- (a) all money received by the Board under this Bill, including regular subventions and grants from government;
 - (b) all subscriptions, fees and other charges payable to the College by members, individuals and bodies corporate; and
 - (c) all money raised for the purposes of the College by way of gifts, donations, grants-in-aid, testamentary dispositions from individuals, bodies corporate or philanthropic organisations, non-governmental organisations within and outside Nigeria, or otherwise.
- (2) The Board shall apply the proceeds of the Fund of the College to:
- (a) all expenditure incurred by the Board in the discharge of its functions under this Bill;
 - (b) the remuneration and allowances of staff of the College;
 - (c) the maintenance of the premises and property owned by and vested in the Board;
 - (d) the payment of traveling allowances and such stipend for members of the Board as may be determined by the Board; and
 - (e) the payment of such other charges as may be reasonably incurred in the performance of the functions of the College.
- (3) For the purposes of the companies income tax, any donation made by any company in Nigeria to the College shall be a deductible donation within the meaning of that Act (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 3: Borrowing and investment power.

Section 10 (1) The Board may, with the consent of its members and in accordance with the general guidelines or authority given by the Government of the Federation, borrow, on behalf of the Board, by way of loan or overdraft from any source, any money required by the Board to meet the obligations of the Board in order to perform its functions under this Bill, and such consent or authority shall be required where the sum or aggregate of the sums involved at any time does not exceed such amount as is for the time being projected in relation to the Board in any particular year.

- (2) The Board may, subject to the provisions of this Bill and conditions of trust in respect of funds held or any property owned by the Board, invest any but not all of its funds with the same consent or general authority (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 4: Annual estimates, account and audit.

Section 11 (1) The Board shall cause to be prepared, not later than six months before the end of the year, estimates of recurrent and capital expenditure (if any) and income of the College during the next succeeding financial year which shall be presented to the annual general meeting of the Board by the Board for approval.

- (2) The Board shall:
- (a) keep proper accounts and records in relation to the accounts and records; and
 - (b) prepare, in respect of each financial year, a statement of account in such form as the Chairman or the Board may direct.
- (3) The Board shall, as soon as may be after the end of a financial year, cause the accounts of the College to be audited by qualified auditors appointed from the list of auditors and in accordance with the guidelines laid down by the Auditor-General for the Federation.
- (4) The auditors appointed under subsection (3) of this section shall, on completion of the audit of the accounts of the College for each financial year, prepare and submit to the Board:
- (a) a general report setting out the observations and recommendations of the auditors on the financial affairs of the College for that year, and on any important matters which the auditors may consider necessary to bring to the notice of the Board; and
 - (b) a detailed report containing the observations and recommendations of the auditors on all aspects of the operations of the College (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 5: Composition of the Senate.

Section 6 (b) the Chairman and Secretary of each Faculty Board appointed in line with section 12 of this Bill; and (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 6: Establishment of Fund and Expenditure.

Section 9 (1) The Board shall establish and maintain a fund for the College into which shall be paid:

- (a) all money received by the Board under this Bill, including regular subventions and grants from government;
 - (b) all subscriptions, fees and other charges payable to the College by members, individuals and bodies corporate; and
 - (c) all money raised for the purposes of the College by way of gifts, donations, grants-in-aid, testamentary dispositions from individuals, bodies corporate or philanthropic organisations, non-governmental organisations within and outside Nigeria, or otherwise.
- (2) The Board shall apply the proceeds of the Fund of the College to:
- (a) all expenditure incurred by the Board in the discharge of its functions under this Bill;
 - (b) the remuneration and allowances of staff of the College;

- (c) the maintenance of the premises and property owned by and vested in the Board;
 - (d) the payment of traveling allowances and such stipend for members of the Board as may be determined by the Board; and
 - (e) the payment of such other charges as may be reasonably incurred in the performance of the functions of the College.
- (3) For the purposes of the companies income tax, any donation made by any company in Nigeria to the College shall be a deductible donation within the meaning of that Act (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 7: Borrowing and investment power.

Section 10 (1) The Board may, with the consent of its members and in accordance with the general guidelines or authority given by the Government of the Federation, borrow, on behalf of the Board, by way of loan or overdraft from any source, any money required by the Board to meet the obligations of the Board in order to perform its functions under this Bill, and such consent or authority shall be required where the sum or aggregate of the sums involved at any time does not exceed such amount as is for the time being projected in relation to the Board in any particular year.

- (2) The Board may, subject to the provisions of this Bill and conditions of trust in respect of funds held or any property owned by the Board, invest any but not all of its funds with the same consent or general authority (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 8: Annual estimates, account and audit.

Section 11 (1) The Board shall cause to be prepared, not later than six months before the end of the year, estimates of recurrent and capital expenditure (if any) and income of the College during the next succeeding financial year which shall be presented to the annual general meeting of the Board by the Board for approval.

- (2) The Board shall:
- (a) keep proper accounts and records in relation to the accounts and records; and
 - (b) prepare, in respect of each financial year, a statement of account in such form as the Chairman or the Board may direct.
- (3) The Board shall, as soon as may be after the end of a financial year, cause the accounts of the College to be audited by qualified auditors appointed from the list of auditors and in accordance with the guidelines laid down by the Auditor-General for the Federation.
- (4) The auditors appointed under subsection (3) of this section shall, on completion of the audit of the accounts of the College for each financial year, prepare and submit to the Board:

- (a) a general report setting out the observations and recommendations of the auditors on the financial affairs of the College for that year, and on any important matters which the auditors may consider necessary to bring to the notice of the Board; and
- (b) a detailed report containing the observations and recommendations of the auditors on all aspects of the operations of the College (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 9: Interpretation.

- (1) In this Bill:

"College" means the Postgraduate College of Medical Laboratory Science established under section 1 (1) of this Bill (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

"Faculty Board" means any Faculty Board established under section 12 (1) of this Bill (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

"Governing Board" means the Governing of the College referred to in section 3 (1) (a) of this Bill (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

"Medical Laboratory Science Council" means the Medical Laboratory Science Council of Nigeria (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

Question that the meaning of the words "Medical Laboratory Science Council" be as defined in the interpretation to this Bill — Agreed to.

"President" means the President of the College; and (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

"Senate" means the Senate of the College referred to in section 3 (1) (b) of this Bill (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

- (2) Unless the context otherwise requires, expressions used in this Bill have the same meaning as in the Act (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Long Title:

A Bill for an Act to Establish the National Postgraduate College of Medical Laboratory Science to Conduct Professional Postgraduate Examination of Candidates into Various Specialised Branches of Medical Laboratory Science; and for Related Matters (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Speaker in the Chair, reported that the House in Committee of the Whole considered the Report on a Bill for An Act to Establish National Postgraduate College of Medical Laboratory Science to Conduct Professional Postgraduate Examination of Candidates into various specialised branches of Medical Laboratory Science; and for Related Matters (HB. 405) and approved Clauses 1 - 9, and the Long Title of the Bill.

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

- (x) ***A Bill For an Act to Establish Nigerian Academy of Science to Promote the Growth, Acquisition and Dissemination of Scientific Knowledge and to facilitate the use of Science in the solution to problems of National Interest; and for Related Matters (HB.917):***
Motion made and Question proposed, "That the House do consider the Report on a Bill For an Act to Establish Nigerian Academy of Science to Promote the Growth, Acquisition and Dissemination of Scientific Knowledge and to facilitate the use of Science in the solution to problems of National Interest; and for Related Matters (HB. 917) and approve the recommendations therein" (Hon. Orker-Jev Emmanuel Yisa — Buruku 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 Speaker in the Chair)

A BILL FOR AN ACT TO ESTABLISH THE NIGERIAN ACADEMY OF SCIENCE TO PROMOTE THE GROWTH, ACQUISITION AND DISSEMINATION OF SCIENTIFIC KNOWLEDGE AND TO FACILITATE THE USE OF SCIENCE IN THE SOLUTION TO PROBLEMS OF NATIONAL INTEREST; AND FOR RELATED MATTERS

- Clause 1:** Amendment of date on the Long Title, Explanatory Memoranda - Nigerian Academy of Science (Establishment) Bill, 2018 (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 2: Section 5 (c) — Amendment.

- (c) the Secretariat, to be maintained by the Academy and headed by an Executive Secretary, who shall be appointed by the Council on such terms and conditions as the Council may specify (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 3: Section 6 (1) (k).

- (k) the Executive Secretary who shall be the Secretary to the Council, shall be appointed by the Council for a period of five years, renewable at the pleasure of the Council (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 4: Section 6 (2) — Amendment.

- (2) The members of the Council, except the member contemplated in subsection (2) (c), who has observer status, and the Executive Secretary, shall be elected by members of the Academy from among themselves and shall hold office until the expiration of their elected term (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Long Title:

A Bill for an Act to Establish the Nigerian Academy of Science to Promote the Growth, Acquisition and Dissemination of Scientific knowledge and to facilitate the use of Science in the Solution to Problems of National Interest; and for Related Matters (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Speaker in the Chair, reported that the House in Committee of the Whole considered the Report on a Bill For an Act to Establish Nigerian Academy of Science to Promote the Growth, Acquisition and Dissemination of Scientific Knowledge and to facilitate the use of Science in the solution to problems of National Interest; and for Related Matters (HB.917) and approved Clauses 1 - 3, and the Long Title of the Bill.

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

- (xi) ***A Bill for an Act to Provide for Corporate Manslaughter by making Corporate Organisations Criminally Liable for Death of Employees arising from their acts or Omissions; and for 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 by making Corporate Organisations Criminally Liable for Death of Employees arising from their acts or Omissions; and for Related Matters (HB.273) and approve the recommendations therein" (Hon. Orker-Jev Emmanuel Yisa — Buruku 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 Speaker in the Chair)

**A BILL FOR AN ACT TO PROVIDE FOR CORPORATE MANSLAUGHTER BY MAKING
CORPORATE ORGANISATIONS CRIMINALLY LIABLE FOR DEATH OF EMPLOYEES
ARISING FROM THEIR ACTS OF OMISSION; AND FOR RELATED MATTERS**

Clause 1: Amendment of Section 1: Offences.

- (1) Any organisation whose activities are managed or organised 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 organisation to the deceased, commits an offence of corporate manslaughter.
- (2) The organisations to which this section applies are —
 - (a) a corporate organisation 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; and
 - (d) partnership, trade union or employers' association that is an employer.
- (3) An organisation commits 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) In this section —
 - (a) "relevant duty of care" has the meaning of sections 2-7, of this Bill;
 - (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 organisation 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 commits corporate manslaughter is liable on conviction or indictment to a fine.

- (6) The Federal High Court, the High Court of the Federal Capital Territory (FCT) and State level shall have jurisdiction to try cases of corporate manslaughter (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 2: Amendment of Section 4: Military activities.

- (1) Any duty of care owed by the Ministry of Defence and other Security Agencies 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, 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. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 3: Amendment of Section 13: Consent of the Attorney-General.

Proceedings for an offence of corporate manslaughter shall not be instituted except with the consent of the Attorney-General of the Federation and the Attorney-General of a State when it is a State matter (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 4: Amendment of Section 17: Interpretation.

In this Bill —

"armed forces" means the Army, Navy or Airforce of the Federal Republic of Nigeria and for this purpose, a person who is a member of the Armed Forces is to be treated as employed by the Ministry of Defence (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

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

"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. Orker-Jev Emmanuel Yisa — 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; and (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

"Law enforcement agencies" include Nigeria Police Force, the Economic and Financial Crimes Commission (EFCC), Independent Corrupt Practices and Other Related Crimes Commission (ICPC), Nigerian Security and Civil Defence Corps, Nigeria Immigration Service, Board of Customs and Excise, Federal Road Safety Commission and similar bodies and (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

"Police Force" means a police force within the meaning of the Police Act and for this purpose, a police force is to be treated as owing whatever duties of care it would owe if it were a body corporate (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

"Security Agencies" include the Ministry of Defence, the Army, Navy, Airforce, Department of State Security Services, National Intelligence Agency and Defence Intelligence Agency (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

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

Clause 5: Amendment of Section 18: Citation.

This Bill may be cited as the Corporate Manslaughter Bill, 2018 (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Long Title:

A Bill for an Act to Provide for Corporate Manslaughter by Making Corporate Organisations Criminally Liable for Death of Employees Arising from Their Acts of Omission; and for Related Matters (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Speaker in the Chair, reported that the House in Committee of the Whole considered the Report on a Bill for an Act to Provide for Corporate Manslaughter by making Corporate Organisations Criminally Liable for Death of Employees arising from their acts or Omissions; and for Related Matters (HB.273) and approved Clauses 1 - 5, and the Long Title of the Bill.

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

(xii) *A Bill for an Act to Establish National Assembly Budget and Research Office which provides the National Assembly with Objective, Timely and Non-partisan Analysis needed for Economic and Budget Decisions; and for Related Matters (HB. 377):*

Motion made and Question proposed, "That the House do consider the Report on a Bill for an Act to Establish National Assembly Budget and Research Office which provides the National Assembly with Objective, Timely and Non-partisan Analysis needed for Economic and Budget Decisions; and for Related Matters (HB. 377) and approve the recommendations therein" (Hon. Orker-Jev Emmanuel Yisa — Buruku 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 Speaker in the Chair)

A BILL FOR AN ACT TO ESTABLISH THE NATIONAL ASSEMBLY BUDGET AND RESEARCH OFFICE WHICH PROVIDES THE NATIONAL ASSEMBLY WITH OBJECTIVE, TIMELY AND NON-PARTISAN ANALYSIS NEEDED FOR ECONOMIC AND BUDGET DECISIONS; AND FOR RELATED MATTERS

Clause 1: Establishment of NABRO.

- (1) There is established the National Assembly Budget and Research Office (in this Bill referred to as "the NABRO").
- (2) NABRO is a body corporate with perpetual succession and official seal, and shall have power to sue and be sued in its corporate name (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 2: Functions of NABRO.

The functions of NABRO shall be to —

- (a) provide independent, unbiased and non-partisan analysis of the national budget estimates;
- (b) provide independent unbiased analysis of the budget of the National Assembly and assist all the Committees of the National Assembly in developing their annual budgets;

- (c) provide independent and continuous review of the budget of the Federal Government including monitoring of existing and proposed programmes and budgets;
- (d) provide assistance to all Committees in both Chambers of the National Assembly, including —
 - (i) information with respect to budget and all bills relating to new budget heads;
 - (ii) information with respect to estimated future revenue and changing revenue conditions;
 - (iii) aggregate of all current liabilities and existing financial commitments; and
 - (iv) any related information as the Committees may request;
- (e) provide analysis of the economic implication on the private sector, the budgetary and financial implication on States and Local Governments of any proposed legislation;
- (f) prepare and present to the National Assembly periodic forecasts of economic trends and alternative fiscal policies;
- (g) provide the National Assembly with cost estimates including an analysis of the inflationary impact of any proposed legislation;
- (h) submit to both Chambers of the National Assembly, not later than June every year, a report of —
 - (i) all items funded in the preceding financial year for which no appropriation was made by the National Assembly; and
 - (ii) all items contained in the Appropriation Act in the preceding financial year but which were not funded by the Federal Government;
- (i) publish and disseminate on its website information it generates including reports, analysis, forecasts, etc.;
- (j) submit to both chambers of the National Assembly quarterly report on budget implementation; and
- (k) carry out any other functions as the Board may direct, from time to time (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 3: Powers of NABRO.

NABRO shall have the power to do all things necessary to or in connection with the performance of its functions, including the power to —

- (a) enter into agreement, acquire, hold and dispose of property;
- (b) procure the services of experts, consultants and organisations;

- (c) enter into partnership or affiliation with any company, firm, organisation, agency or person, which in its opinion will facilitate the discharge of its functions;
- (d) request for, and obtain from, any public enterprise, statistical and other information including reports, memoranda, audited accounts and other information relevant to its functions;
- (e) liaise with relevant bodies or institutions, national or international for effective performance of its functions;
- (f) conduct any study necessary to enable it fulfil its mandate; and
- (g) determine the methodologies needed for use in its works (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 4: Governing Board.

- (1) There shall be for NABRO, a Governing Board (In this Bill referred to as "the Board")
- (2) The Board shall consist of:
 - (a) President of the Senate as Chairman or at his instance the Deputy President of the Senate
 - (b) Speaker of the House of Representatives as the Alternate Chairman or at his instance the Deputy Speaker;
 - (c) 6 serving Senators (one from each geopolitical zone from relevant Committees) nominated by the President of the Senate;
 - (d) 6 serving members of the House of Representatives (one from each Geopolitical Zone from relevant Committees) nominated by the Speaker;
 - (e) Clerk to the National Assembly; and
 - (f) Director-General who shall be a member and secretary.
- (3) The President of the Senate shall, in consultation with the Speaker of the House of Representatives, appoint Members of the Board.

Schedule.

- (4) The Chairman, alternate Chairman and other Ex-officio members of the Board shall be part-time members.
- (5) The provisions of the Schedule to this Bill shall apply with respect to proceedings of the Board (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 5: Powers and functions of the Board.

The Board shall have supervisory authority over NABRO and shall exercise the following powers —

- (a) appointment and discipline of Directors;
- (b) approval and ratification of appointments, promotion and discipline of staff, professional analysts and other professional staff of NABRO, as may be recommended by the Management Committee;
- (c) approval of NABRO budget;
- (d) making regulations and guidelines for the operation of NABRO;
- (e) approval of establishment of departments as the need arises; and
- (f) take any action necessary for the proper functioning of NABRO (*Hon. Orker-Jev Emmanuel Yisa – Buruku Federal Constituency*).

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

Clause 6: Establishment and functions of the Management Committee.

- (1) There shall be for NABRO a Management Committee consisting of the Director-General and Directors who shall be responsible for —
 - (a) the implementation of the requests from the committees of the National Assembly and the day-to-day administration of NABRO;
 - (b) making recommendations to the Board on appointment, promotion and discipline of professional staff other than Directors; and
 - (c) any other duty as the Board may direct.
 - (d) the Director General shall be the Chairman of the Management Committee.
- (2) NABRO shall be structured into functional departments, each to be headed by a Director.
- (3) Subject to the power of the Board to create additional departments, the following departments shall exist —
 - (a) Budget Analysis Department;
 - (b) Research Analysis Department; and
 - (c) Administrative and Services Department.
- (4) Functions and duties of each Department shall be as defined in an operational manual approved by the Board (*Hon. Orker-Jev Emmanuel Yisa – Buruku Federal Constituency*).

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

Clause 7: Appointment, duties, tenure and removal of the Director-General.

- (1) The Director-General shall be the Chief Executive and Accounting Officer of NABRO.
- (2) The President of the Senate shall, in consultation with the Speaker of House of Representatives, appoint the Director-General.
- (3) The Director-General shall possess appropriate qualifications in a relevant field such as law, Economics, Accounting, Finance, Budgeting, Political Science or related disciplines with not less than 15 years relevant experience to the functions of the agency.
- (4) The Director-General shall not be a member of a political party.
- (5) The Director-General shall hold office for a term of 4 years, and may be eligible for reappointment for another term of 4 years only, provided the Board considers his performance satisfactory.
- (6) The Director-General shall be responsible for the overall operations of NABRO including —
 - (a) procuring the services of experts, consultants or organizations by contracts as independent contractors,
 - (b) steering and overseeing the provision of analysis of the annual budget estimates of the Federal Government and the implementation of the requests of Legislative Committees;
 - (c) general management and administration of NABRO;
 - (d) controlling and disbursing amounts from funds established in accordance with this Bill; and
 - (e) the establishment of a transparent system and process for the National Assembly budget.
- (7) The Director-General shall secure information, data, estimates and statistics from the various departments of the Executive branch of the government and the regulatory agencies and communications of government and all such departments, agencies, establishments, regulatory agencies and commissions shall furnish the Director-General with available material which NABRO determines to be necessary in the performance of its duties and functions other than material disclosure of which would be a violation of this Bill.
- (8) The Director-General is authorised, upon agreement with the head of any such department, agency, establishment, regulatory agency or commission to utilize its services, facilities and personnel with or without reimbursement; and head of each such department, agency or commission is authorised to provide the office such services, facilities and personnel.
- (9) The Director-General shall be removed from office by the Board on account of the Director-General's inability to perform the functions of the office or for misconduct.

- (10) The Director-General shall resign from office upon giving 3 months written notice of resignation to the Board or payment of 3 months basic salaries in lieu of notice.
- (11) The Director-General shall be responsible to the Board (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 8: Appointment, duties, tenure and removal of Directors.

- (1) The Directors of the Departments shall be appointed by the Board in a transparent manner and the appointments shall be based solely on professional competence and qualification.
- (2) The Directors shall be professionals in the relevant fields and shall be persons of proven integrity with at least a Master's degree and a minimum of 12 years post qualification and relevant experience.
- (3) The Directors shall not be members of a political party.
- (4) The Directors may be removed from office by the Board upon recommendation of the Director-General for inability to discharge the function of their office or for misconduct.
- (5) A Director may resign his office upon giving 3 months written notice of resignation to the Board or payment of 1 month basic salary in lieu of notice (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 9: Other staff.

- (1) The Management Committee shall appoint such other staff as may be necessary to carry out the duties and functions of NABRO and such appointments shall be made solely on the basis of qualification and competence.
- (2) In carrying out the duties and functions of NABRO, the Management Committee may procure the services of experts or consultants by contract, subject to ratification by the Board (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 10: Remuneration of Directors, professional analysts and staff.

- (1) The Directors, professional analysts and professional staff of NABRO shall receive such remuneration as shall be determined by the Board.
- (2) Such remuneration shall be competitive (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 11: Remuneration of other staff. Cap. 4 LFN, 2004.

- (1) Service in NABRO shall be approved service for the purpose of the Pensions Reform Act, and accordingly, officers and other persons employed in NABRO in respect of their service shall be entitled to pension, gratuities and other retirement benefits as are enjoyed by persons holding equivalent grades in the public service of the Federation.
- (2) Nothing in subsection (1) of this section shall prevent the appointment of a person in NABRO on terms which preclude the grant of a pension or gratuity in respect of service in NABRO (*Hon. Orker Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 12: Regulations.

The Board may, by regulations publish in the National Assembly Journal or the Journal of each House of the National Assembly prescribing the —

- (a) duties and responsibilities of the Director-General, Directors, Professional Analysts, and other staff of NABRO;
- (b) disciplinary control of employees of NABRO and mode of appeal by such employees against dismissals or other disciplinary measure;
- (c) administrative or organizational structure of NABRO;
- (d) promotion and staff welfare; and
- (e) other guidelines (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 13: Funds and estimates of expenditure.

- (1) NABRO shall establish and maintain a Fund which shall be applied towards the discharge of its functions.
- (2) NABRO shall derive its funds from —
 - (a) such monies as may, in each year, be approved by the National Assembly under the Appropriation Act for the purposes of carrying out the duties and functions of NABRO;
 - (b) such monies as may, from time to time, be granted or deposited with NABRO by the National Assembly or anybody or institution;
 - (c) all monies raised for the purposes of NABRO by way of gifts, loans, grants-in-aid, testamentary dispositions or otherwise; and
 - (d) proceeds from other assets that may, from time to time, accrue to NABRO.
- (3) Such monies derived for the purpose of running NABRO shall be declared to the National Assembly through the Board who shall then appropriate such funds before spending except for grants in aids attached to programme or projects.

- (4) NABRO shall defray from the Fund all expenditures incurred by it and shall include —
- (a) the cost of administration;
 - (b) the payment of salaries, fees or other remunerations or allowances and pensions and gratuities payable to members and employees of NABRO; and
 - (c) anything done in connection with any of its functions under this Bill.
- (5) The Director-General shall prepare, not later than 30th June of each year, an estimate of the expenditure and income of the office for the succeeding year which shall be submitted to the Board for approval.
- (6) The Director-General shall keep accounts and receipts, payments, assets and liabilities and shall in respect of each year prepare a statement of account in such form as the National Assembly through the Board may direct.
- (7) The Director-General, shall within 3 months after the end of the financial year to which the account relates, cause the account to be audited by auditors appointed from the list and in accordance with guidelines supplied by the Auditor-General of the Federation (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 14: Obtaining of data by the Director-General.

The Director-General may, for the purpose of coordinating the operations of NABRO with those of the National Assembly agencies, obtain information, data, estimates and statistics developed by the Committees, Clerk and all other offices of the National Assembly (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

- Clause 15:**
- (1) The Director-General shall, through collaboration, obtain information, data, estimates and statistics from ministries, extra-ministerial departments, government parastatals, agencies, commissions and establishments; and all such ministries, extra-ministerial departments, government parastatals, agencies, commissions and establishments shall furnish the Director-General with all materials that are necessary in the discharge of NABRO's duties.
 - (2) The Director-General may with the approval of the supervising Minister or relevant supervising authority, upon agreement with the head of any ministry, extra-ministerial departments, parastatals, agency, commission or establishment, utilise its services, facilities and personnel as needed by NABRO.
 - (3) The Director-General may assign professional and other staff of NABRO with the approval of the Supervising Minister or relevant supervising authority to any ministry, extra-ministerial department, parastatals, agency, commission or establishment including joint ventures where government is a party for the purpose of obtaining primary data and statistics.

- (4) The Director-General may assign professional staff or consultants to conduct surveys as may be required by NABRO.
- (5) A ministerial department and agency shall submit information, data, estimates and statistics as requested by NABRO.
- (6) Any person who refuses or neglects to submit information, data, estimates and statistics as requested by NABRO commits an offence and is liable on conviction to —
 - (a) be dismissed in line with the Civil Service Rules if he is in the employment of the Civil Service of the Federation; or
 - (b) be dismissed in accordance with the rules governing public servants if he is in the employment of the Public Service of the Federation; or
 - (c) either dismissal as stated above, or a fine not exceeding ₦1,000,000; or
 - (d) a fine not exceeding ₦2,000,000 if he is an appointee of government (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 16: Annual report.

The Board shall not later than three months after receipt of the audit report of each year, submit to each House of the National Assembly, the report of the activities and the operations of the Board during the immediate preceding year and shall include report of the audited accounts of the Board (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 17: Power to accept gifts.

- (1) NABRO may accept gifts of land, money or other property on such terms and conditions, if any, as may be specified by the person or organisation making the gift.
- (2) NABRO shall not accept any gift if the conditions attached by the person or organisation making the gift are inconsistent with the functions of NABRO (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 18: Power to borrow.

Subject to general guidelines issued by the Government of the Federation, NABRO may borrow by way of loan or over draft from any source within the country, such specified amount required by NABRO for meeting its obligations and discharging its functions under this Bill (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 19: Procedure for suit against NABRO. Cap. P41, LFN, 2004.

- (1) Subject to the provisions of this Bill, the provisions of the Public Officers Protection Act shall apply in relation to any suit instituted against any officer or employee of the NABRO.
- (2) Notwithstanding anything contained in any other law or enactment, no suit shall lie against any member of the Board, the Director-General or any other officer or employee of the NABRO for any act in pursuance or execution of this Bill or any other law or enactment, or of any duty or authority or in respect of any alleged neglect or default in the execution of this Bill or such law or enactment, duty or authority, shall lie or be instituted in any court unless —
 - (a) it is commenced within three months next after the act, neglect or default complained of; or
 - (b) in the case of a continuation of damage or injury, within six months next after the ceasing thereof (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 20: Service of summons.

A notice, summons or other document required or authorised to be served upon the NABRO under the provisions of this Bill or any other law or enactment may be served by delivering it to the Director-General or by sending it by registered post and addressed to the Director-General at the principal office of NABRO (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 21: Indemnity of members.

A member of the Board, the Director, Director any officer or employee of the NABRO shall be indemnified out of the assets of NABRO against any proceeding, whether civil or criminal, in which judgment is given in his favour or in which he is acquitted, if any such proceeding is brought against him in his capacity as a member of the Board, the Director-General, officer or employee of the NABRO (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 22: Acquisition of property by NABRO. Cap. L5, LFN, 2004.

- (1) For the purposes of providing offices and premises necessary for the performance of its functions under this Bill, the NABRO may, subject to the Land Use Act —
 - (a) purchase or take on lease any interest in land, or other property; and
 - (b) construct offices and premises and equip and maintain same.
- (2) The NABRO may, subject to the Land Use Act, sell or lease out any office or premises held by it, which office or premises is no longer required for the performance of its functions under this Bill (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 23: Interpretation.

In this Bill —

"committees" means committees established under the rules of both the Senate and the House of Representatives (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

"misconduct" means misconduct as provided in the Code of Conduct for Public Officers (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

"property" means land or building and includes intellectual property (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

"public bodies" means any corporation, board, company or parastatals established by, or under enactment in which the Government of the Federation, a ministry, or extra-ministerial department, agency, or equity interest and include a partnership, joint venture, or any form of business arrangement or organization; and (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

"NABRO" means National Assembly Budget and Research Office (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

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

Clause 24: Citation.

This Bill may be cited as the National Assembly Budget and Research Office (Establishment) Act, 2018 (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

SCHEDULE

Section 4 (5)

SUPPLEMENTARY PROVISION RELATING TO THE BOARD, ETC.

1. (1) At any meeting of the Board, the Chairman shall preside and in the absence of the Chairman, the alternate Chairman or such member of the Board as the other members may elect among themselves for that purpose.

- (2) The Director-General shall be the Secretary and shall provide secretariat services for all meetings of the Board.
 - (3) Subject to the provisions of this Bill and section 27 of the Interpretation Act, the Board may make standing orders regulating its proceeding or those of any of its Committees.
2. The quorum of the Board shall be four members of the Board.
 3. The Board may appoint one or more Committees to carry out, on behalf of the Board, such of its functions as the Board may determine, but no decision of any such Committee shall have effect unless ratified by the Board.
 4. The Board may co-opt persons who are not members of the Board to any meeting of the Board or any Committee and such persons may take part in the deliberations of the Board or any Committee but shall not be entitled to vote.
 5. The fixing of the seal of NABRO shall be authenticated by the signature of the Chairman or any other member of the Board generally or specifically authorized by the Board to act for that purpose and the Director-General.
 6. A document purporting to be a document duly executed under the seal of NABRO shall be received in evidence and shall, unless the contrary is proved, be presumed so executed.
 7. The validity of any proceeding of the Board or a Committee shall not be adversely affected by —
 - (a) the validity in the membership of the Board or Committee;
 - (b) a defect in the appointment of a member of the Board or Committee; or
 - (c) reason that a person not entitled to do so, took part in the proceeding of the Board or Committee (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Explanatory Memorandum:

This Bill establishes the National Assembly Budget and Research Office which provides the National Assembly with objective, timely and non-partisan analysis needed for economic and budget decisions (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

Agreed to.

Long Title:

A Bill for an Act to Establish the National Assembly Budget and Research Office which provides the National Assembly with Objective, Timely and Non-partisan analysis needed for Economic and Budget Decisions; and for Related Matters (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Speaker in the Chair, reported that the House in Committee of the Whole considered the Report on a Bill for an Act to Establish National Assembly Budget and Research Office which provides the National Assembly with Objective, Timely and Non-partisan Analysis needed for Economic and Budget Decisions; and for Related Matters (H.B. 377) and approved Clauses 1 - 24, 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.

(xiii) ***A Bill for an Act to Establish National Child Protection and Enforcement Agency to provide necessary Protection and Care for the Nigerian Children; and for Related Matters (H.B.127):***

Motion made and Question proposed. "That the House do consider the Report on a Bill for an Act to Establish National Child Protection and Enforcement Agency to provide necessary Protection and Care for the Nigerian Children; and for Related Matters (H.B.127) and approve the recommendations therein" (*Hon. Orker-Jev Emmanuel Yisa -- Buruku 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 Speaker in the Chair)

**A BILL FOR AN ACT TO ESTABLISH THE NATIONAL CHILD PROTECTION AND
ENFORCEMENT AGENCY TO PROVIDE NECESSARY PROTECTION AND CARE FOR THE
NIGERIAN CHILDREN; AND FOR RELATED MATTERS**

Clause 2: Establishment and membership of the Governing Council.

- (1) There is established for the Agency a Governing Council (in this Bill referred to as "the Council") which shall -
 - (a) be the governing authority responsible for its policies; and
 - (b) superintend over the general affairs of the Agency.
- (2) The Council shall consist of —
 - (a) a chairman who shall be a person with ability, character, knowledge and experienced in child protection matters;
 - (b) a representative each, not lower than the rank of a Director, from the Federal Ministries of —
 - (i) Women Affairs and Social Development;
 - (ii) Education,
 - (iii) Health,
 - (iv) Justice,

- (c) a representative of the —
 - (i) National Human Rights Commission,
 - (ii) National Population Commission, and
 - (iii) Nigeria Police Force (not lower than the rank of a Commissioner of Police);
 - (iv) Non-Governmental Organisation on Child's Rights,
 - (v) National Child's Right's Committee,
 - (vi) Christian Association of Nigeria,
 - (vii) Supreme Council of Islamic Affairs, and
 - (viii) each geopolitical zone; and
 - (d) the Executive Secretary of the Agency.
- (3) The Chairman and members of the Council, who are not representing Ministries and other statutory bodies, shall be appointed by the President on the recommendation of the Minister subject to confirmation by the Senate.

First Schedule.

- (4) The supplementary provisions set out in the First Schedule to this Bill shall have effect with respect to the proceedings of the Council and other matters (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 3: Tenure of office and allowances of members.

- (1) A member of the Council, other than Executive Secretary, shall hold office for a term of four years and may be re-appointed for another term of four years and no more provided that the representatives from the six geopolitical zones shall —
- (a) operate on a rotational basis within each zone; and
 - (b) serve for a term of four years only with no extension.
- (2) Members of the Council shall be paid remuneration and such allowances as may be determined by the Federal Government (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 4: Cessation of membership.

- (1) A member of the Council ceases to hold office if he —
- (a) becomes of unsound mind;
 - (b) becomes bankrupt or makes a compromise with his creditors;
 - (c) is convicted of a felony or any offence involving dishonesty; or

- (d) is guilty of serious misconduct in relation to his duties.
- (2) A member of the Council may at any time resign from office in writing addressed to the President and such resignation becomes effective on acceptance by the President.
- (3) A member of the Council may be removed from office by the President, on the recommendation of the Council, if he is satisfied that it is not in the interest of the public that the member remains in the office.
- (4) Where a member of the Council ceases to hold office for any reason before the expiration of the term for which he is appointed, another person representing the same interest as that member shall be appointed for the unexpired term (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

PART II — FUNCTIONS AND POWERS OF THE AGENCY

Clause 5: Functions of the Agency.

The Agency shall —

- (a) deal with all matters relating to the protection of children as guaranteed by the Constitution of the Federal Republic of Nigeria and all other domestic and international laws operative in Nigeria;
- (b) ensure child sensitive social protection policies that address child poverty, vulnerability and risks;
- (c) monitor and analyse the patterns and trends of child rights violations in Nigeria in liaison with the States' child rights monitoring bodies and other child protection agencies, and make appropriate recommendations to the government for policies, guidelines and programmes on prevention and mitigation measures;
- (d) undertake studies, researches, and surveys on all matters relating to the protection of children and assist the government in the formulation of appropriate policies;
- (e) compile data regularly on child rights violations in collaboration with relevant sectors including, justice, public health, education, social welfare, and publish regularly reports on the state of child rights protection in Nigeria;
- (f) coordinate and supervise the activities of all child protection service providers in Nigeria to ensure timely provision of appropriate assistance to victims of child rights violation;
- (g) monitor the provision of victims' assistance and support with a view to identify gaps and bottlenecks and make recommendations on corrective measures;
- (h) advise the government in the formulation of appropriate policies and guidelines to establish and ensure the standard of services for redress, remedies and make recommendations for capacity building wherever necessary;

- (i) organise and participate in seminars, workshops, conferences and other activities on child protection issues, alone or in collaboration with other organisations, both within and outside Nigeria;
- (j) present periodic progress report to the Minister for onward transmission to the National Assembly;
- (k) network with similar agencies outside Nigeria; and
- (l) carry out such other functions that are necessary or expedient for the attainment of its objectives under this Bill (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 6: Special powers of the Agency.

The Agency shall have power to —

Second Schedule.

- (a) act as a coordinating, regulatory and enforcement mechanism for government and non-governmental bodies involved in the prevention of child abuse, exploitation, protection and rehabilitation of victims of such abuse as provided in the Second Schedule to this Bill;

Act No. 26, 2003.

- (b) cause investigations to be conducted with respect to the commission of offences under the Child's Right Act;
- (c) do all things which, by this Bill or any other enactment, are required or permitted to be done by the Agency; and
- (d) do such other things as are necessary or expedient for the exercise of its power under this Bill (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 7: Establishment of special units.

- (1) For the effective performance of the functions of the Agency, there shall be established —
 - (a) the Investigation Unit;
 - (b) the Counseling and Rehabilitation Unit;
 - (c) the Public Enlightenment Unit;
 - (d) the Legal Unit;
 - (e) the Research and Statistics Unit; and
 - (f) such other units as the Agency may deem fit to establish with the approval of the Council.

- (2) Notwithstanding the provisions of subsection (1) of this section, the Agency shall have power to set up Technical Committees and Task Forces to assist the Agency in the performance of its functions under this Bill (*Hon. Orker-Jev Emmanuel Yisa – Buruku Federal Constituency*).

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

Clause 8: Duties of the units.

- (1) The Investigation Unit shall —

Act No. 26, 2003.

- (a) investigate complaints and petitions received in respect of violations of the provisions of the Child's Rights Act and
- (b) liaise and collaborate with the Police and other relevant Agencies for the prevention of offences and detention of offenders in violation of the provisions of the Child's Rights Act.
- (2) The Counseling and Rehabilitation Unit shall, in collaboration with the Ministry and other relevant agencies be responsible for:
- (a) counseling, aftercare rehabilitation, social reintegration and education of abused or vulnerable children; and
- (b) counseling and promotion of the welfare of abused or vulnerable children.
- (3) The Public Enlightenment Unit shall be responsible for campaigns, seminars and workshops aimed at educating the public on the provisions of the Child's Rights Act and the need for the protection of the rights and welfare of children.
- (4) The Legal Unit shall be responsible for ensuring the prosecution of offenders and violators of the provisions of the Child's Rights Act in collaboration with the relevant Agencies.
- (5) The Research and Statistics Unit shall be responsible for the production of relevant documents and children databank and resources which are to be updated periodically.
- (6) There shall be appointed for each of the Units a Principal Officer who shall be known by such designation as the Agency may determine.
- (7) For the purpose of this section, categories of vulnerable children include:
- (a) children who have lost one or both parents;
- (b) children living with terminally or chronically ill parents or caregivers;
- (c) children on or off the street or child hawkers;
- (d) children living with aged or frail grandparents,
- (e) children who get married before 18 years who are neglected or abandoned;

- (f) children in child-headed homes;
- (g) children infected with Human Immunodeficiency Virus (HIV);
- (h) child beggars and destitute children (including exploited almajiris);
- (i) internally displaced or separated children, child domestic servants and child sex workers;
- (j) children with special challenges or disabilities;
- (k) child victims of trafficking;
- (l) children in conflict with the law;
- (m) children of migrant workers; and
- (n) children living with teenage parents (*Hon. Orker-Jev Emmanuel Yisa Buruku Federal Constituency*).

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

PART III — STAFF OF THE AGENCY

Clause 9: Executive Secretary of the Agency.

- (1) There shall be for the Agency an Executive Secretary who shall be —
 - (a) the Chief Executive and Accounting Officer of the Agency; and
 - (b) appointed by the President on the recommendation of the Minister subject to confirmation by the Senate.
- (2) The Executive Secretary shall hold office for a term of four years in the first instance on such terms and conditions as the President may, on the recommendation of the Minister, determine, and may be re-appointed for another term of four years and no more.
- (3) Subject to such general directions as the Council may give, the Executive Secretary shall be responsible for the day-to-day administration of the Agency and the implementation of the decisions of the Council.
- (4) The Executive Secretary shall perform the functions of keeping the records of proceedings and decisions of the Council and such other functions as the Council may direct (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 10: Other staff of the Agency.

- (1) The Council may appoint directly, and either on transfer or on secondment from any Public Service in the Federation, such number of employees as may, in the opinion of the Council, be required to assist the Agency in the discharge of any of its duties under this Bill, and shall pay to persons so employed such remuneration (including allowances) as the Council may determine.

- (2) The terms and conditions of service, including terms and conditions as to remuneration, allowances, pensions, gratuities and other benefits, of the persons employed by the Agency shall be as determined by the Council.
- (3) The Council may engage such consultants and advisers as it requires for the proper and efficient performance of the functions of the Agency (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 11: Staff regulations.

The Agency may, subject to the provisions of this Bill, make staff regulations relating generally to the conditions of service of the employees of the Agency and without prejudice to the generality of the provisions of this Bill, such regulations may provide for —

- (a) the appointment, promotion and disciplinary control (including dismissal) of employees of the Agency; and
- (b) appeals by such employees against dismissal or other disciplinary measures (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 12: Condition of service.

The Agency shall, with the approval of the Minister, determine its conditions of service, including pensions and gratuities as are appropriate for its employees (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

- Clause 13:**
- (1) The service in the Agency is a scheduled service and is deemed to be pensionable under this Bill and employees of the Agency shall, in respect of their service in the Agency, be entitled to pensions, gratuities and other retirement benefits as are prescribed.
 - (2) 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 a pension or gratuity in respect of that office (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

PART IV — FINANCIAL PROVISIONS

Clause 14: Fund of the Agency.

- (1) The Agency shall establish and maintain a fund which shall be applied towards the performance of its functions under this Bill.
- (2) There shall be paid and credited to the Fund —
 - (a) such sums as may be provided by the Government of the Federation for the Agency;
 - (b) fees charged for services rendered by the Agency; and

- (c) all other sums accruing to the Agency by way of gifts, testamentary depositions, endowments, contributions from philanthropic persons and organisations or otherwise (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 15: Gift.

- (1) The Agency may accept gift of land, money or other property on such terms and conditions, if any, as may be specified by the person or organisation making the gift.
- (2) The Agency shall not accept any gift if the conditions attached by the person or organisation making the gift are inconsistent with the functions of the Agency (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 16: Borrowing powers.

- (1) The Council may, with the consent of, or in accordance with any specific authority given by, the Minister, borrow by overdraft or otherwise from any source approved by the Minister such specified amount of money as may be required by the Agency for meeting its obligations and performance of its functions under this Bill.
- (2) The Council may, subject to the provisions of this Bill and the conditions of any trust created in respect of any property, invest all or any of its funds with consent or general authority of the Minister

Cap. T22, LFN, 2004.

- (3) The Council may invest any surplus fund of the Agency in securities prescribed by the Trustee Investment Act or such other securities as may be approved by the Minister.

Cap. L5, LFN, 2004.

- (4) Subject to the provisions of the Land Use Act and any special or general direction which the Minister may give in that behalf, the Council may acquire or lease any land required for its purpose under this Bill (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 17: Annual Estimates, Accounts and Audit.

- (1) The Council shall cause to be prepared, not later than 30th September in each year, an estimate of the expenditure and income of the Agency during the next succeeding year and, when prepared, they shall be submitted to the Minister.
- (2) The Council shall cause to be kept proper accounts and records and, when certified by the Council, such accounts shall be audited as provided in sub-section (3) of this section.
- (3) The accounts of the Agency shall be audited by auditors appointed from the list of auditors and in accordance with the guidelines issued by the Auditor-General for the Federation and the fees of the auditors and the expenses for the audit generally shall be paid from the funds of the Agency (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 18: Annual Report.

The Council shall, not later than six months after the end of each year, submit, through the Minister, to the Federal Executive Council, a report on the activities of the Agency and its administration during the immediate preceding year and shall include in the report the audited accounts of the Agency and the auditor's comments (Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency).

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

PART V — MISCELLANEOUS PROVISIONS

Clause 19: Minister to give directive.

Subject to the provisions of this Bill, the Minister shall give to the Council such directives of a general nature with regard to the exercise by the Council of its powers under this Bill (Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency).

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

Clause 20: Regulations.

The Minister may make such regulations as he deems necessary or expedient for giving full effect to the provisions of this Bill (Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency).

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

Clause 21: Interpretation.

In this Bill —

"Agency" means the National Child Protection and Enforcement Agency established under section 1 (1) of this Bill (Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency).

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

"child abuse" includes a political, economic, social or cultural treatment that promotes a deprivation and violation of children's rights, or an action that deprives a child from the fundamental rights to life, development, protection and participation (Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency).

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

"Council" means the Governing Council established for the Agency under section 2 (1) of this Bill (Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency).

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

"domestic laws on children" includes —

- (a) Child's Rights Act 2003;
- (b) various State legislation on specific issues pertaining to children; and

- (c) provisions of the Federal laws, relating to children such as —
- (i) the Criminal Code,
 - (ii) Penal Code,
 - (iii) Labour Act,
 - (iv) Immigration Act, and
 - (v) legislation on health issues (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

Question that the meaning of the words "domestic laws on children" be as defined in the interpretation to this Bill — Agreed to.

"international laws on children" includes —

- (a) the UN Convention on the Rights of the Child (1989);
- (b) the African Charter on the Rights and Welfare of the Child (1990);
- (c) International Labour Organisation Convention 182 on Minimum Age on Elimination of the Worse Forms of Child Labour (1999);
- (d) Optional Protocol on the Convention on Elimination of All Forms of Discrimination Against Women (1979);
- (e) Optional Protocol on the involvement of Children in armed Conflicts (2000);
- (f) Optional Protocol on the sale of Children, Child Prostitution and Child Pornography (2000);
- (g) United Nations Convention Against Transnational Organized Crime (2000);
- (h) Supplementing Trafficking Protocol to prevent, suppress and punish trafficking in persons, especially women and children (2000); and
- (i) African Charter on Human and People's Rights (1981) and its Protocol relating to the Rights of Women (2002) (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

Question that the meaning of the words "international laws on children" be as defined in the interpretation to this Bill — Agreed to.

"Minister" means the appropriate supervisory Minister for the Agency (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

"Ministry" means the appropriate supervisory Ministry for the Agency (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

"President" means the President of the Federal Republic of Nigeria; and (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

"Vulnerable children" means children who, because of circumstances of birth or immediate environment, are prone to abuse or deprivation of basic needs, care and protection, and thus disadvantaged relative to their peers, for the purpose of this section (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

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

Clause 22: Citation.

This Bill may be cited as the National Child Protection and Enforcement Agency (Establishment) Bill, 2018 (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

SCHEDULES

FIRST SCHEDULE

Section 2 (4)

SUPPLEMENTARY PROVISION RELATING TO THE BOARD, ETC.

Procedure of the Council

1. (1) Subject to this Bill and section 27 of the Interpretation Act; the Council may make standing orders regulating its proceedings or those of any of its committees.
- (2) Every meeting 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 the member to preside at the meeting.
- (3) The quorum of the Council shall be the Chairman or the person presiding at the meeting and nine other members of the Council.
- (4) Upon any special occasion, the Council may co-opt any person to be a member for as many meetings as may be necessary, and that person so co-opted shall have all the rights and privileges of a member, except that he shall not be entitled to vote or count towards a quorum.
- (5) Subject to its standing orders, the Council may set up such number of standing and ad-hoc committees, as it thinks fit, to consider and report on any matter with which the Agency is concerned.
- (6) Every committee set up under the provisions of subparagraph (5) shall be presided over by a member of the Council and shall be made up of such number of persons, not necessarily members of the Council, as the Council may determine in each case.

- (7) The decision of a committee shall be of no effect until it is confirmed by the Council.

Miscellaneous

2. (1) The fixing of the seal of the Agency shall be authenticated by the signature of the Chairman of the Council or any person authorised to act for that purpose.
- (2) A contract or instrument, which if made by a person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the Agency by the Executive Secretary of the Agency
- (3) A document purporting to be a contract or instrument or other document signed or sealed on behalf of the Agency shall be received in evidence and, unless the contrary is proved, be presumed, without further proof, to have been so signed or sealed.
- (4) The validity of any proceeding of the Council or a committee shall not be adversely affected by —
- (a) any vacancy in the membership of the Council;
- (b) any defect in the appointment of a member of the Council or committee; and
- (c) reason that a person not entitled to do so took part in the proceeding (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

SECOND SCHEDULE

Section 6 (a)

In the exercise of its powers of enforcement provided for under section 6 (a), the Agency may refer matters to the family court and such other courts established under other relevant laws (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Explanatory Memorandum:

This Bill Establishes the National Child Protection and Enforcement Agency to Provide necessary Protection and Care for the Nigerian Children (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

Agreed to.

Long Title:

A Bill for an Act to Establish the National Child Protection and Enforcement Agency to Provide necessary Protection and Care for the Nigerian Children; and for Related Matters (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Speaker in the Chair, reported that the House in Committee of the Whole considered the Report on a Bill for an Act to Establish National Child Protection and Enforcement Agency to provide necessary Protection and Care for the Nigerian Children; and for Related Matters (HB.127) and approved Clauses 2 - 22, the Schedules, 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.

- (xiv) *A Bill for an Act to Establish Federal Capital Territory Civil Service Commission charged with the responsibility for Appointment, Promotion and Discipline of Staff and Employees in the Civil Service of the Federal Capital Territory, Abuja; and for Related Matters (HB.167):*

Motion made and Question proposed, "That the House do consider the Report on a Bill for an Act to Establish Federal Capital Territory Civil Service Commission charged with the responsibility for Appointment, Promotion and Discipline of Staff and Employees in the Civil Service of the Federal Capital Territory, Abuja; and for Related Matters (HB.167) and approve the recommendations therein" (Hon. Orker-Jev Emmanuel Yisa — Buruku 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 Speaker in the Chair)

A BILL FOR AN ACT TO ESTABLISH THE FEDERAL CAPITAL TERRITORY
CIVIL SERVICE COMMISSION CHARGED WITH THE RESPONSIBILITY FOR
APPOINTMENT, PROMOTION AND DISCIPLINE OF STAFF AND EMPLOYEES IN
THE CIVIL SERVICE OF THE FEDERAL CAPITAL TERRITORY, ABUJA;
AND FOR RELATED MATTERS

Clause 2: Composition and membership of the Commission.

- (1) There shall be for the Commission, Commissioners who shall be Members of the Commission (in this Bill referred to as "Members") charged with the responsibility of the discharge of the functions of the Commission.
- (2) The Members of the Commission shall consist of —
 - (a) a chairman; and
 - (b) six other members, one each from the six geo-political zones.
- (3) The Chairman shall be the Chief Executive Officer of the Commission and shall direct and supervise all administrative and operational activities of the Commission.
- (4) The Chairman and other Members shall —
 - (a) be resident in the FCT;
 - (b) be persons of unquestionable integrity and of sound mind;

- (c) have wide knowledge in civil service administration matters;
- (d) have at least 25 years post-tertiary institution cognate experience in civil service administration;
- (e) be appointed by the President on the recommendation of the Minister; and
- (f) be retired public servants of the Federation not below Grade level 16 (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 3: Qualification and cessation of membership of the Commission.

- (1) Notwithstanding the provisions of section 2 of this Bill, a person shall not be qualified or cease to hold office as a Member of the Commission if the person:
 - (a) is not a citizen of Nigeria;
 - (b) is an undischarged bankrupt;
 - (c) has committed a felony or any offence involving dishonesty or fraud;
 - (d) is of unsound mind;
 - (e) is incapable of carrying out his duties;
 - (f) is guilty of gross misconduct in relation to his duties;
 - (g) holds office in any political party or political organisation;
 - (h) has, within the preceding ten years, been removed from office as a member of any of the bodies established under section 153 of the Constitution of the Federal Republic of Nigeria;
 - (i) resigns his appointment by a letter addressed to the Minister; or
 - (j) possessed professional qualifications, he is disqualified or suspended from practicing the profession in any part of the world by an order of a competent authority made in respect of that Member.
- (2) A person employed in the Civil Service of the Federation or of a State shall not be disqualified for appointment as a Chairman or Member of the Commission, provided that if such a person has been duly appointed to the Commission, the person shall, upon accepting the appointment, be deemed to have resigned or retired from the former office as from the date of the appointment (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

- (d) be responsible for the execution of the policy and the administration of the Commission;
- (e) keep the books and proper records of proceedings of the Commission;
- (f) conduct the correspondence of the Commission; and
- (g) perform such other functions and duties as the Commission or the Chairman may direct (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 15: Other staff of the Commission.

- (1) The Commission shall have power to —
 - (a) appoint such number of staff and other employees as it may deem necessary to assist the Commission in the performance of any of its functions under this Bill; and
 - (b) pay staff and other employees such remuneration and allowances as may be payable to other officers or employees of similar grade in the Civil Service of the FCT.
- (2) The terms and conditions of employment applicable to officers and employees of the Civil Service of the FCT shall apply to the employees and staff appointed by the Commission under sub-section (1) of this section.
- (3) The Commission may delegate to the Chairman the power to appoint such categories of staff of the Civil Service of the FCT as the Commission may specify (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 16: Pension Act No.6 2014.

- (1) Service in the Commission shall be approved service under the provision of the Pension Reform Act and accordingly, staff and employees of the Commission shall be entitled to pensions, gratuities and other retirement benefits as prescribed under the Pension Reform Act.
- (2) Without prejudice to the provisions of subsection (1) of this section, nothing in this Bill shall prevent the appointment of any person to any office on terms which preclude the grant of pension, gratuity or other retirement benefits with respect to that office (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

PART IV — FINANCIAL PROVISIONS

Clause 17: Fund of the Commission.

- (1) The FCT Administration shall establish a fund for the FCT Civil Service Commission and provision for the Fund shall be made in the annual budget of the FCT Administration.

- (2) There shall be paid and credited to the Fund —
- (a) such monies as may be provided by the FCT Administration by way of annual subvention or otherwise;
 - (b) such monies granted or deposited with the Commission by the FCT Administration, or institution within the country;
 - (c) such sums or other advances by way of loans;
 - (d) all monies raised for the purposes of the Commission by way of gifts, grants-in-aid, testamentary dispositions or otherwise;
 - (e) such subvention or budgetary allocation from the Federal Government;
 - (f) money earned or arising from any investment or other property acquired or vested in the Commission;
 - (g) such monies as may accrue to the Commission; and
 - (h) all sums, investments or other property vested in the Commission by virtue of this Bill.
- (3) The Commission shall defray from the Fund all expenditures incurred by it including —
- (a) the cost of administration of the Commission;
 - (b) the remuneration and allowance of the members of the Commission and any Committee set up by the Commission of such expenses as may be expressly authorised by the Commission in accordance with the rates approved by the Minister;
 - (c) the payment of salaries, remuneration, fees, allowances, pensions and gratuities of the staff and employees of the Commissions;
 - (d) the remuneration payable to agents and consultants of the Commission;
 - (e) the maintenance of any property vested in the Commission; and
 - (f) such other sums as the Commission may approve in connection with any of its functions under this Bill (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 18: Annual estimates and accounts.

- (1) The Commission shall, not later than 30th day of September in each year, submit to the Minister, an estimate of the income and expenditure of the Commission (including estimates of expected payments into the Fund of the Commission) during the next succeeding year.

- (2) The Commission shall keep proper records of accounts of each year in a form which conforms to accepted accounting standards, and proper records in relation thereto.
- (3) The accounts of the Commission shall be audited at the end of each calendar year by auditors appointed by the FCT Administration from a list and in accordance with the guidelines supplied by the Auditor-General of the Federation (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 19: Annual reports.

The Commission shall, not later than six months after the end of each year, submit to the Minister, a report on the activities of the Commission and its administration during the immediate preceding year and shall include in the report the audited accounts of the Commission and the auditor's report on the accounts (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

PART V — ADMINISTRATION OF THE CIVIL SERVICE
OF THE FEDERAL CAPITAL TERRITORY

Clause 20: Civil Service Code.

- (1) The Commission shall issue a Code of Conduct for the FCT Civil Service Commission (in this Bill referred to as "the FCT Civil Service Staff Code") and the Commission may amend same to reflect and supplement the provisions of this Bill.
- (2) The FCT Civil Service Staff Code shall consist of principles for the directive guidance, regulation and governance of the FCT Civil Service staff.
- (3) The provisions of the FCT Civil Service Staff Code shall be binding on any department, staff or employee of the Civil Service of the FCT in so far as they apply to that unit, department, officer or employee.
- (4) The issues contained in the FCT Civil Service Staff Code shall be consistent with the provisions of this Bill and any regulations made under this Bill (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 21: Board of Examiners.

- (1) The Commission shall set up such Board of Examiners as may be required to test candidates for appointment or promotion within the Civil Service of the FCT.
- (2) The Chairman of the Commission, when sitting upon a board of examiners, shall be the Chairman of the board, and in other cases he shall send a representative to be present at the interview, but the representative will not be the Chairman during such representation.
- (3) The Board of Examiners shall stipulate its guidelines during interviews which may include —

- (a) ensuring that appointments and promotions within the Civil Service of the FCT shall be based on principles of merit and Federal Character;
 - (b) establishing such standards for selection and assessment of staff and employees;
 - (c) conducting competitive written examination or such other competitive processes for selection, as the Commission may consider appropriate in the best interest of the Civil Service of the FCT; and
 - (d) taking into cognisance the education, knowledge, experience, language, residence which, in the opinion of the Commission, are necessary or desirable having regard to the nature of the duties to be performed by the applicant.
- (4) The Chief Executive Officer of any department or agency of the FCT Administration in respect of which candidates for appointment or promotion are examined by a board of examiners, may upon the Commission's request, be present or designate a representative to be present at such interview of any candidate.
- (5) The Commission shall not discriminate against any person by reason of national or ethnic origin, religion, age, sex, marital status, family status, disability under any circumstance (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

PART VI — REGULATIONS AND SUPPLEMENTARY PROVISIONS

Clause 22: Regulations.

The Minister may with the approval of the President, make regulations for the effective operation of this Bill and the due administration of the Commission (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 23: Interpretations.

In this Bill —

"Commission" means the FCT Civil Service Commission established by section 1 (1) of this Bill (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

"FCT" means the Federal Capital Territory, Abuja (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

"Member" means Commissioners of the Commission and includes the Chairman (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

"Minister" means the Minister for the time being charged with responsibility for the FCT under the Federal Capital Territory Act (Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency).

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

"President" means the President of the Federal Republic of Nigeria; and (Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency).

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

"Civil Service of the FCT" shall consist of persons who hold fixed or permanent appointments in the Civil Service of the FCT and receive funds wholly or part appropriated by the FCT Administration (Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency).

Question that the meaning of the words "Civil Service of the FCT" be as defined in the interpretation to this Bill — Agreed to.

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

Clause 24: Citation.

This Bill may be cited as the Federal Capital Territory Civil Service Commission (Establishment) Act, 2018 (Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency).

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

SCHEDULE

Section 4 (7)

Proceedings of the Commission

Cap 123 LFN, 2004.

1. Subject to this Bill and section 27 of the Interpretation Act (which provides for decisions of a statutory body to be taken by a majority of its members and for the Chairman to have a second or casting vote), the Commission may make standing orders regulating the proceedings of the Commission and Committee.
2. If at any time, the office of the Chairman is vacant or the Chairman is, in the opinion of the Commission, permanently or temporarily unable to perform the functions of the office, the Commission may appoint one of its Members to perform such functions from the period of the vacancy in the office of the Chairman and references in this Schedule to the Chairman shall be construed accordingly.
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 their Members to preside at the meeting.

4. Where, upon any specific issue or occasion, the Commission desires to obtain the advice of any person or on a particular matter, the Commission may co-opt that person to be Member for as many meetings as may be necessary, and that person while so co-opted shall have all the rights and privileges of a Member, except that the person shall not be entitled to vote or count towards a quorum.

Committees

5. Subject to its standing orders, the Commission may appoint such number of Standing *ad-hoc* Committees as it deems fit to consider and report on any matter with which the Commission is concerned.
6. Every Committee set up under the provisions of paragraph 6 shall be presided over by a Member of the Commission and shall be made up of a number of persons, not necessarily Members of the Commission, as the Commission may determine in each case.
7. The decision of the Committee shall have no effect until it is confirmed by the Commission.

Miscellaneous

8. The fixing of the seal of the Commission shall be authenticated by the signature of the Chairman and the Secretary of the Commission or such other Member authorized generally or specifically by the Commission to act for that purpose.
9. Any contract or instrument, which if made by a person not being a body corporate, would not be required to be made under seal, may be made or executed on behalf of the Commission by the Secretary or by any other person generally or specifically authorized by the Commission to act for that purpose.
10. Any document purporting to be a contract, 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 so signed or sealed.
11. The validity of any proceedings of the Commission or a Committee, shall not be adversely affected by —
 - (a) any vacancy in the membership of the Commission;
 - (b) any defect in the appointment of a Member of the Commission or Committee; or
 - (c) reason that a person not entitled to do so took part in the proceedings.
12. A member of the Commission or a Committee who has a personal interest in any contract or agreement entered into or proposed to be considered by the Commission or Committee, shall immediately disclose such interest to the Commission or Committee and shall not vote on any question relating to the contract or arrangement (*Hon. Orker-Jev Emmanuel Yisa — Buraku Federal Constituency*).

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

Explanatory Memorandum:

This Bill establishes the Federal Capital Territory Civil Service Commission charged with the responsibility for appointment, promotion and discipline of staff and employees in the Civil Service of the Federal Capital Territory, Abuja (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

Agreed to.

Long Title:

A Bill for an Act to Establish the Federal Capital Territory Civil Service Commission charged with the Responsibility for Appointment, Promotion and Discipline of Staff and Employees in the Civil Service of the Federal Capital Territory, Abuja; and for Related Matters (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Speaker in the Chair, reported that the House in Committee of the Whole considered the Report on a Bill for an Act to Establish Federal Capital Territory Civil Service Commission charged with the responsibility for Appointment, Promotion and Discipline of Staff and Employees in the Civil Service of the Federal Capital Territory, Abuja; and for Related Matters (HB.167) and approved Clauses 2 - 24, 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.

(xv) ***A Bill for an Act to Establish Animal Health Husbandry Technologists Registration Board of Nigeria to Regulate the Practice of Animal Health and Husbandry Technologists in Nigeria; and for Related Matters (HB. 320):***

Motion made and Question proposed, "That the House do consider the Report on a Bill for an Act to Establish Animal Health Husbandry Technologists Registration Board of Nigeria to Regulate the Practice of Animal Health and Husbandry Technologists in Nigeria; and for Related Matters (HB. 320) and approve the recommendations therein" (Hon. Orker-Jev Emmanuel Yisa — Buruku 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 Speaker in the Chair)

A BILL FOR AN ACT TO ESTABLISH THE ANIMAL HEALTH HUSBANDRY
TECHNOLOGISTS REGISTRATION BOARD OF NIGERIA TO REGULATE THE
PRACTICE OF ANIMAL HEALTH AND HUSBANDRY TECHINOLOGISTS
IN NIGERIA; AND FOR RELATED MATTERS

Clause 1: Amendment of the Long Title and Explanatory Memoranda.

— Animal Health and Husbandry Technologists Registration Board of Nigeria (Establishment) Bill, 2018 (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 2: Registrar and staff of the Board.

- (1) The Minister shall, on the recommendation of the Board, appoint a Registrar of the Board, a fit person who
 - (a) shall be an animal health and husbandry technologist in the employment of the Public Service of the Federation and
 - (b) who has been qualified as an animal health and husbandry technologist practitioner for not less than 12 years.
- (2) The Registrar shall, in addition to his other functions under this Bill be the Secretary to the Board and shall on the instruction of the Chairman of the Board or any committee of the Board convene and keep minutes of the proceedings at all meetings of the Board and committees.
- (3) The Board may appoint such other persons to be employees of the Board as it may determine, to assist the Registrar in the performance of his functions under this Bill.
- (4) The Board may whenever the Registrar is absent or for another reason is unable to discharge the function of his office appoint an Acting Registrar to discharge his functions.
- (5) The Registrar and other staff of the Board shall hold office on such conditions as the Board may with the approval of the Minister determine (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 3: Citation.

This Bill may be cited as the Animal Health and Husbandry Technologists Registration Board (Establishment) Bill, 2018 (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Long Title:

A Bill for an Act to Establish the Animal Health Husbandry Technologists Registration Board of Nigeria to Regulate the Practice of Animal Health and Husbandry Technologists in Nigeria; and for Related Matters (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Speaker in the Chair, reported that the House in Committee of the Whole considered the Report on a Bill for an Act to Establish Animal Health Husbandry Technologists Registration Board of Nigeria to Regulate the Practice of Animal Health and Husbandry Technologists in Nigeria; and for Related Matters (HB.320) and approved Clauses 1 - 3, and the Long Title of the Bill.

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

- (xvi) *A Bill for an Act to Repeal the Consumer Protection Act, Cap. C25, Laws of the Federation of Nigeria, 2004, Establish the Federal Competition and Consumer Protection Commission and the Competition and Consumer Protection Tribunal for the Development and Promotion of Fair, Efficient and Competitive Markets in the Nigerian Economy, Facilitate Access by all Citizens to Safe Products, Secure the Protection of Rights for all Consumers in Nigeria and for Related Matters (HB.1 and HB. 60):*

Motion made and Question proposed, "That the House do consider the Report on a Bill for an Act to Repeal the Consumer Protection Act, Cap. C25, Laws of the Federation of Nigeria, 2004, Establish the Federal Competition and Consumer Protection Commission and the Competition and Consumer Protection Tribunal for the Development and Promotion of Fair, Efficient and Competitive Markets in the Nigerian Economy, Facilitate Access by all Citizens to Safe Products, Secure the Protection of Rights for all Consumers in Nigeria and for Related Matters (HB.1 and HB.60) and approve the recommendations therein" (Hon. Orker-Jev Emmanuel Yisa — Buruku 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 Speaker in the Chair)

A BILL FOR AN ACT TO REPEAL THE CONSUMER PROTECTION ACT,
CAP. C25, LFN, 2004, ESTABLISH THE FEDERAL COMPETITION AND CONSUMER
PROTECTION COMMISSION AND THE COMPETITION AND CONSUMER PROTECTION
TRIBUNAL FOR THE DEVELOPMENT AND PROMOTION OF FAIR, EFFICIENT AND
COMPETITIVE MARKETS IN THE NIGERIAN ECONOMY, FACILITATE ACCESS BY
ALL CITIZENS TO SAFE PRODUCTS, SECURE THE PROTECTION OF RIGHTS FOR
ALL CONSUMERS IN NIGERIA AND FOR OTHER RELATED MATTERS

- Clause 1:** Amendment of date on the Long Title, Explanatory Memoranda — Federal Competition and Consumer Protection Act, 2018 (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

- Clause 2:** Amendment - Arrangement of Sections (S.26 - Annual reports Deleted and replaced with Borrowing Powers, gifts, etc.
Section 100 Powers of the Minister. Deleted and replaced with Prohibition of Merger) (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

- Clause 3:** Section 2 (3) — Insertion.
Section 2 (3) This Act shall apply to conduct outside Nigeria by —

- (a) a citizen of Nigeria or a person ordinary resident in Nigeria;
- (b) a body corporate incorporated in Nigeria or carrying on business within Nigeria;
- (c) any person in relation to the supply or acquisition of goods or services by that person into or within Nigeria; or

- (d) any person in relation to the acquisition of shares or other assets outside Nigeria resulting in the change of control of a business, part of a business or any asset of a business, in Nigeria (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 4: Section 4 (1)-(2) - Insertion.

- (1) There is established for the Commission a Governing Board charged with the administration of the affairs of the Commission.
- (2) The Board consists of 8 Commissioners made up of —
- (a) a chairman,
 - (b) a chief executive who shall also be the Executive Vice-Chairman,
 - (c) two Executive Commissioners, and
 - (d) four non-executive Commissioners,

who shall be appointed by the President of the Federal Republic of Nigeria, subject to the confirmation of the Senate (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 5: Section 4 (3) — Insertion of Vice.

Executive Vice Chairman (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 6: Sections 5, 6, 7, 8, 9.

5. (1) All Board Members to be appointed after the coming into force of this Act shall be appointed by the President in accordance with this Act, from the 6 geopolitical zones of Nigeria subject to confirmation by the Senate.
- (2) The Chairman and all Commissioners, except the Chief Executive and the Executive Commissioners, shall hold office on part-time basis.
- (3) Each Commissioner shall serve for a term of 4 (four) years from the date of appointment at the expiration of which the President may renew his term for a further period of four years and no more.
6. (1) Commissioners shall be persons of recognised standing, qualification (minimum of a University Degree) and not less than 15 years experience in one or more of the following fields —
- (a) Finance or Accounting
 - (b) Law
 - (c) Consumer Affairs

- (d) Competition or anti-trust matters
 - (e) Engineering or Information Technology
 - (f) Economics and
 - (g) Public Administration or social science or humanities.
- (2) A person shall not be appointed or remain in office as a Commissioner if —
 - (a) he is not a Nigerian citizen
 - (b) he is not ordinarily resident in Nigeria;
 - (c) he is incapacitated by any physical illness
 - (d) he has been certified to be of unsound mind
 - (e) he is an undischarged bankrupt
 - (f) he has been convicted in Nigeria or elsewhere of a criminal offence, being a misdemeanour or felony or
 - (g) he has at any time been removed from an office of trust on account of misconduct.
- (3) For failure to comply with the reporting obligations regarding personal and family assets as required by the Commission's Code of Conduct; or
- 7. A Commissioner may resign his office by giving 3 months written notice thereof addressed to the President through the Minister.
- 8. (1) A Commissioner may be suspended, or removed from office by the President if he —
 - (a) is found to have been unqualified for appointment as a Commissioner pursuant to provisions of this Act or is in breach of conditions of his appointment ;
 - (b) has demonstrated inability to effectively perform the duties of his office;
 - (c) has been absent from 5 (five) consecutive meetings of the Board without the consent of the Chairman except he shows good reason for such absence;
 - (d) is guilty of a serious misconduct in relation to his duties as a Commissioner, and as defined under the Public Service Rules;
 - (e) in the case of a person possessed of professional qualifications, he is disqualified or suspended from practising his profession in any part of the world by an order of a competent authority; or

- (f) is in a breach of the conflict of Interest Rules set out in the Second Schedule to this Act.
 - (2) The Exercise of the powers of the President under this section shall be subject to the approval of the Senate.
9. (1) There is a vacancy in the Board if a Commissioner —
- (a) dies;
 - (b) is removed from office in accordance with this Act ; or
 - (c) resigns from office; or
 - (d) upon the completion of his tenure of office.
- (2) A vacancy in the Board shall be filled by the appointment of another person to the vacant office by the President in accordance with this Act, as soon as is reasonably practicable after the occurrence of such vacancy.
- (3) In the instance of a vacancy on the Board that are created consequent upon death, removal or resignation of a Commissioner, any person so appointed shall hold office for the unexpired period of the term of office of his predecessor.
- (4) The provisions of subsection (3) of this section shall not apply to the filling of vacancies in respect of Executive Commissioners howsoever and whenever created (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 7: Section 10(2)(b) — Insertion of Vice.

Executive Vice Chairman (*Hon. Orker Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 8: Section 19 (1) (a) (b) (c) (2).

19. (1) The Executive Vice Chairman shall be —

- (a) the Chief Executive Officer of the Commission
- (b) primarily responsible for the execution of the policies and decisions of the Board and for the day-to-day management and supervision of the activities of the Commission.
- (c) a person possessing sound knowledge of and ability in the organisation and management of competition and or consumer protection matters and shall hold office for a term of four years and may be renewed for another term and no more.

- (2) The Executive Commissioners shall be persons possessing sound knowledge of and ability in the organisation and management of regulatory matters with respect to competition and or consumer protection matters and shall hold office for a term of four years and may be renewed for another term and no more (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 9: Section 19 (4) — Insertion of Vice.

Executive Vice Chairman (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 10: Section 25 (1) (2) (5) — Insertion of 19 (1) (2) of NCC Act.

- (1) The Commission shall not later than 30th September in each financial year prepare and present to the National Assembly through the President for approval, a statement of estimated income and expenditure for the following financial year.
- (2) Notwithstanding the provisions of subsection (1), the Commission may also, in any financial year, submit supplementary or adjusted statements of estimated income and expenditure to the National Assembly through the President for approval.
- (5) The provision of any enactment relating to taxation of companies or trust funds shall not apply to the Commission.

(2) (3) were renumbered as (3)(4) (*Hon. Orker Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 11: Section 26 (Annual Report) Deleted

The Commission shall prepare and submit to the Minister, not later than 30th June in each year, a report in such form as the Minister may direct on the activities of the Commission during the immediately preceding year, and shall include in the report a copy of the audited accounts of the Commission for that year and the auditors' report on the account (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 12: Section 26 — Insertion of S. 18 (1)(2) of NCC Act.

- (1) The Commission may, with the consent of, or in accordance with the general authority given by the Minister of Finance, borrow such sums of money as the Commission may require in the exercise of its functions under this Act or its subsidiary legislation.
- (2) The Commission may accept gifts or grants of money or aids or other property from national, bilateral and multi-lateral organisations and upon such terms and conditions, if any, as may be agreed upon between the donor and the Commission provided that such gifts are not inconsistent with the objectives and functions of the Commission under this Act (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 13: Section 27 (4).

Executive Vice Chairman replaced Executive Chairman (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 14: Section 40 (1)(a).

"not less than 12 "years replaced "with 10 years" (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 15: Section 94 (1)(a)-(c) — Insertion.

121. (1) (b) (i) (ii) (c) of Investments and securities Act, 2007

- (a) determine whether or not the merger is likely to substantially prevent or lessen competition, by assessing the factors set out in subsection (2).
- (b) if it appears that the merger is likely to substantially prevent or lessen competition, then determine —
 - (i) whether or not the merger is likely to result in any technological efficiency or other pro-competitive gain which will be greater than, and off-set, or is likely to result from the merger, and would not likely be obtained if the merger is prevented, and
 - (ii) whether the merger can or cannot be justified on substantial public interest grounds by assessing the factors set out in subsection (3);
- (c) otherwise, determine whether the merger can or cannot be justified on substantial public interest grounds by assessing the factors set out in subsection (3) (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 16: Section 96 (5).

Any action undertaken by any party in violation of the provisions of subsection (4) is void (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 17: Section 96 (7).

- (7) An undertaking that violates the provision of subsection (4) commits an offence and is liable on conviction to a fine not exceeding 10% of turnover of the undertaking in the business year preceding the date of the commission of the offence or to such other percentage as the court may determine having regard to the circumstances of the case (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 18: Section 100 (1) (2) (3) — Original S.100 restored and amended.

100. (1) The Minister is entitled to make representations on any public interest grounds indicated in Section 94(4) of this Act to the Commission with respect to any large merger which is under consideration by the Commission.
- (2) Subject to the overriding objectives of this Act, the Commission shall have special regard to the representations made by the Minister on any public interest grounds indicated in Section 94(4) of this Act in arriving at the decision on a large merger notification.
- (3) Further to the provisions of subsections (1) and (2), the Minister may participate as an observer in any merger proceedings before the Commission in the prescribed manner (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 19: Section 105 (4).

- (4) The Commission shall negotiate agreements with all government agencies whose mandate includes enforcement of competition and consumer protection for the purpose of coordinating and harmonising the exercise of jurisdiction over competition and consumer protection matters within the relevant industry or sector, and to ensure the consistent application of the provisions of this Act (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 20: Section 105 (5).

- (5) A government agency or regulatory authority, which in accordance with the provision of an existing law or regulation has jurisdiction in respect of an industry or sector, shall commence negotiation of agreements with the Commission as anticipated in subsection (4) and shall conclude such negotiations within one year thereof, and in respect of matters within its jurisdiction, may exercise its jurisdiction by way of such an agreement (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 21: Section 105 (7) — Amended

- (7) Where the negotiations contemplated by subsections (4) and (5) are inconclusive, the areas of disagreement shall be referred to the Attorney-General and Minister of Justice in the case of a large merger, for advise on public interest grounds (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 22: Section 105(8) Deleted.

- (8) In resolving the areas of disagreement as provided in (7), the Attorney-General of the Federation and Minister of Justice shall take into account the advice of the Tribunal (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 23: Section 165 (1).

- (1) The Consumer Protection Council Act, Cap. C25, Laws of the Federation of Nigeria, 2004, and sections 118, 119, 120, 121 (excluding Section 121 (i) (d)), 122, 123, 124, 125, 126, 127 and 128 of the Investments and Securities Act, Cap. 124, Laws of the Federation of Nigeria, 2004 are repealed (*Hon. Orker-Jev Emmanuel Yisa -- Buruku Federal Constituency*).

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

Clause 24: Section 166. Deleted (1) and replaced (2) as (1).

- (1) Subject to the provisions of this Act, the Director-General of the Consumer Protection Council established under the repealed Act is deemed to have been transferred to the Commission established under this Act as Executive Chairman and upon the commencement of this Act such number of persons employed by the Council shall be deemed to be staff of the Commission and shall be transferred to the service of the Commission on terms not less favourable than those applicable immediately prior to the transfer and the Minister shall within three months of commencement of this Act, ensure the appointment of Commissioners as provided for in this Act, and any failure to ensure such appointment will not affect the validity or operation of the Commission or its decisions.
- (2) (1) The provisions of this Act shall have effect with respect to matters arising from the transfer under this Act to the Commission of the property of the Council before this Act, and with respect to the other matters mentioned in the Second Schedule to this Act (*Hon. Orker-Jev Emmanuel Yisa -- Buruku Federal Constituency*).

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

Clause 25: Section 167(1) — Insertion of Vice.

Executive Vice Chairman (*Hon. Orker-Jev Emmanuel Yisa -- Buruku Federal Constituency*).

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

Clause 26: Section 167(1) — Insertion of Vice.

Executive Vice Chairman (*Hon. Orker-Jev Emmanuel Yisa -- Buruku Federal Constituency*).

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

Clause 27: Second Schedule (Transitional Provisions).

Schedule 2 (4) — Added. No. (4) becomes (5)

- (4) Any employees not transferred to the Commission shall be posted to Ministries, Departments and Agencies within the Federal Civil Service and Federal Public Service within a period of 3 months of coming into operation of the Commission, by the Head of the Civil Service of the Federation (*Hon. Orker-Jev Emmanuel Yisa -- Buruku Federal Constituency*).

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

Long Title:

A Bill for an Act to Repeal the Consumer Protection Act, Cap. C25, LFN, 2004, Establish the Federal Competition and Consumer Protection Commission and the Competition and Consumer Protection Tribunal for the Development and Promotion of Fair, Efficient and Competitive Markets in the Nigerian Economy, Facilitate Access by All Citizens to Safe Products, Secure the Protection of Rights for All Consumers in Nigeria and for Other Related Matters (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Speaker in the Chair, reported that the House in Committee of the Whole considered the Report on a Bill for an Act to Repeal the Consumer Protection Act, Cap. C25, Laws of the Federation of Nigeria, 2004, Establish the Federal Competition and Consumer Protection Commission and the Competition and Consumer Protection Tribunal for the Development and Promotion of Fair, Efficient and Competitive Markets in the Nigerian Economy, Facilitate Access by all Citizens to Safe Products, Secure the Protection of Rights for all Consumers in Nigeria and for Related Matters (HB.1 and HB.60) and approved Clauses 1 - 27, and the Long Title of the Bill.

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

(xvii) *A Bill for an Act to Amend the Industrial Development (Income Tax Relief) Act, Cap. 17, Laws of the Federation of Nigeria, 2004; and for Related Matters:*

Motion made and Question proposed, "That the House do consider the Report on a Bill for an Act to Amend the Industrial Development (Income Tax Relief) Act, Cap. 17, Laws of the Federation of Nigeria, 2004; and for Related Matters and approve the recommendations therein" (Hon. Orker Jev Emmanuel Yisa — Buruku 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 Speaker in the Chair)

A BILL FOR AN ACT TO AMEND THE INDUSTRIAL DEVELOPMENT
(INCOME TAX RELIEF) ACT, CAP. 17, LAWS OF THE FEDERATION OF
NIGERIA, 2004; AND FOR RELATED MATTERS

Clause 1: Amendment of Cap. 17 LFN, 2004.

The Industrial Development (Income Tax Relief) Act CAP.17, Laws of the Federation of Nigeria, 2004 (hereinafter referred to as "the Principal Act") is amended as set out in this Bill (*Hon. Orker Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 2: Amendment of Section 1.

Section 1 of the Principal Act is amended:

- (a) by inserting a new "subsection (4)" immediately after the existing "subsection (3)", and renumbering accordingly;

"(4) Notwithstanding the provisions of sections 10 (2) and (3), any company expanding its operations in a pioneer industry or pioneer product may apply under this Act for the issue of a new pioneer certificate, and nothing precludes any company whose application was rejected on the grounds of expansion from re-applying for reconsideration under this subsection".

- (b) in subsection (4) paragraph (a) and (b) by substituting for the figure "N50,000", the figure "N100,000,000", and the figure "N150,000", the figure "N120,000,000" respectively.

- (c) in subsection (6) paragraph (b) by substituting for "paragraph (b)", a new "paragraph (b)":

"(b) notwithstanding the provisions of the subsection (5) and (6) (a) of this section, any pending application made before the deletion or removal of the industry or product from the list of pioneer industries and pioneer products shall be processed by the Minister and forwarded to the President for approval or disapproval".

- (d) by inserting a proviso to read —

"provided that a three (3) year notice period is given for the commencement of the amendment" immediately after subsection (5) (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 3: Amendment of Section 2.

Section 2 of the Principal Act is amended:

- (a) in subsection (4) line 1, by substituting for the figure "N100", the figure "N200, 000";

- (b) by inserting the following new subsections" (7) and (8) " immediately after the existing" subsection (6)", that is:

"(7) All application for pioneer status certificate made pursuant to the provisions of this Bill shall be processed by the Minister and forwarded to the President and a Notice of disapproval or approval shall be issued within one (1) year from the date of submission of application" (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 4: Amendment of Section 3.

Section 3 of the Principal Act is amended by inserting a new "subsection (7) "immediately after the existing "subsections (6)" to read as follows:

- “(7) Where an application for the issue of a pioneer certificate is made pursuant to section 1 (4) of this Bill, the company shall be required to prepare and maintain separate audited accounts in respect of income and expenditure from the expansion of the pioneer industry or pioneer product” (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 5: Amendment of Section 6.

Section 6 of the Principal Act is amended in subsection (1) paragraphs (a) and (b), by substituting for the sum “N50,000”, the figure “N100,000,000”, and for the figure “N150,000”, the figure “N120,000,000” respectively (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 6: Amendment of Section 25.

Section 25 of the Principal Act is amended by inserting the definition of the words “Council” means Nigerian Investment Promotion Council (NIPC) immediately after the definition of the words “company” (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 7: Citation.

This Bill may be cited as the Industrial Development (Income Tax Relief) Act (Amendment) Bill, 2018. (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Explanatory Memorandum:

This Bill seeks to increase the capital expenditure for companies applying for pioneer status under the provisions of this Bill from of N50,000 to N100,000,000 for indigenous controlled companies and from N150,000 as stipulated in the Principal Act for other companies to N120,000,000. The application fee of “N100” is also increased to N200,000 to reflect value of the Naira and recent administrative changes introduced by the Council. The Bill further recognizes the need to provide the necessary incentives for additional investments by companies. Fundamentally all proposed amendment is meant to ensure smooth implementation of the Pioneer status Incentive scheme by the NIPC (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

Agreed to.

Long Title.

A Bill for an Act to Amend the Industrial Development (Income Tax Relief) Act, Cap. 17, Laws of the Federation of Nigeria, 2004; and for Related Matters (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Speaker in the Chair, reported that the House in Committee of the Whole considered the Report on a Bill for an Act to Amend the Industrial Development (Income Tax Relief) Act, Cap. I7, Laws of the Federation of Nigeria, 2004; and for Related Matters and approved Clauses 1 - 7, 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.

16. Adjournment

That the House do adjourn till Thursday, 29 March, 2018 at 11.00 a.m. (Hon. Mohammed Tahir Monguno – Monguno/Marte/Nganzai Federal Constituency).

The House adjourned accordingly at 3.04 p.m.

Yakubu Dogara
Speaker

CORRIGENDUM

In the *Votes and Proceedings* of Thursday, 22 March, 2018, page 2,336, item 3 (b):

Leave out the name "Hon. Obinna Chidoka" in item 3 (b) (4), and *insert* the name "Hon. Obinna Kingsley".

