



HOUSE OF REPRESENTATIVES FEDERAL REPUBLIC OF NIGERIA

FIRST VOTES AND PROCEEDINGS

Thursday, 16 May, 2019

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1. The House met at 11:41 a.m. Mr Deputy Speaker read the Prayers.
 2. **Votes and Proceedings**
Mr Deputy Speaker announced that he had examined and approved the *Votes and Proceedings* of Wednesday, 15 May, 2019.

The Votes and Proceedings was adopted by unanimous consent.

3. **Presentation of Bills**
The following Bills were read the *First Time*:
 - (1) Federal University of Oil and Gas Technology, Bonny, Rivers State (Establishment) Bill, 2019 (HB. 1632).
 - (2) Federal Polytechnic, Iseyin, Oyo State Bill, 2019 (HB. 1633).
4. **Presentation of Reports**
 - (i) *Conference Committee on a Bill for an Act to Repeal the Nigerian Postal Service Act, Cap. N127, LFN, 2004 and Establish the Nigeria Postal Commission to make Comprehensive Provisions for the Development and Regulation of Postal Services; and for Related Matters; Motion made and Question proposed, "That the House do receive the Report of the Conference Committee on a Bill for an Act to Repeal the Nigerian Postal Service Act, Cap. N127, LFN, 2004 and Establish the Nigeria Postal Commission to make Comprehensive Provisions for the Development and Regulation of Postal Services; and for Related Matters" (Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency).*

Agreed to.

Report laid.

- (ii) *Conference Committee on a Bill for an Act to Repeal the National Commission for Refugees Act, Cap. N21, Laws of the Federation of Nigeria, 2004 and Enact the National Commission for Refugees, Migrants and Internally Displaced Persons; and for Related Matters:*

Motion made and Question proposed, "That the House do receive the Report of the Conference Committee on a Bill for an Act to Repeal the National Commission for Refugees Act, Cap. N21, Laws of the Federation of Nigeria, 2004 and Enact the National Commission for Refugees, Migrants and Internally Displaced Persons; and for Related Matters" (Hon. Namdas Abdulrasak Sa'ad — Mayo Belwa/Ganye/Jada/Toungo Federal Constituency).

Agreed to.

Report laid.

- (iii) *Committee on Public Petitions:*

Petition by White Plains British School:

Motion made and Question proposed, "That the House do receive the Report of the Committee on Public Petitions on the petition by White Plains British School against First Bank of Nigeria Plc and the Managing Director First Bank Plc, the Governor, Central Bank of Nigeria, the Director in Charge of Land, AGIS, the Inspector General of Police, the Nigeria Police Force, Bar. Godwin Imakhal, Notary Public, Mr Bola Olotu, Esq. and Lords Chamberson offences of Fraud, Super Imposition of Signature or Forgery" (Hon. Uzoma Nkem-Abonta — Ukwa East/Ukwa West Federal Constituency).

Agreed to.

Report laid.

- (iv) *Committee on Public Petitions:*

Petition by Victor Inyama and Co. on Behalf of Von Schools Ltd:

Motion made and Question proposed, "That the House do receive the Report of the Committee on Public Petitions on the petition by Victor Inyama and Co. on Behalf of Von Schools Ltd. against the Management of Bankers Committee, Chartered Institute of Bankers and Fidelity Bank Plc." (Hon. Uzoma Nkem-Abonta — Ukwa East/Ukwa West Federal Constituency).

Agreed to.

Report laid.

- (v) *Committee on Public Petitions:*

Petition by Fidelis C. Nwanulor:

Motion made and Question proposed, "That the House do receive the Report of the Committee on Public Petitions on the petition by Fidelis C. Nwanulor against the Management of the Independent National Electoral Commission (INEC) over his unlawful dismissal from Office as INEC Staff" (Hon. Uzoma Nkem-Abonta — Ukwa East/Ukwa West Federal Constituency).

Agreed to.

Report laid.

(vi) *Committee on Public Petitions:*

Petition by Adindu M. Ohima Daniel on Behalf of 1123 Others:

Motion made and Question proposed, "That the House do receive the Report of the Committee on Public Petitions on the petition by Adindu M. Ohima Daniel on Behalf of 1123 Others against Micheno Multipurpose Cooperative Society on the Regulatory and Supervisory Lapses in the Mismanagement of about 30 Million Naira Deposited by over 13,000 direct Subscribers" (Hon. Uzoma Nkem-Abonta — Ukwa East/Ukwa West Federal Constituency).

Agreed to.

Report laid.

(vii) *Committee on Public Petitions:*

Petition by Victor Inyama and Co. on Behalf of the Management of Nnamdi Azikiwe University Teaching Hospital:

Motion made and Question proposed, "That the House do receive the Report of the Committee on Public Petitions on the petition by Victor Inyama and Co. on Behalf of the Management of Nnamdi Azikiwe University Teaching Hospital, Nnewi, Anambra State on complaints of fraudulent and excess charges by the First Bank of Nigeria and Three Others" (Hon. Uzoma Nkem-Abonta — Ukwa East/Ukwa West Federal Constituency).

Agreed to.

Report laid.

5. **A Bill for an Act to Eradicate the Age Discrimination against Job Seekers in Federal Government Agencies; and for Related Matters (HB. 1502) — Third Reading**
Motion made and Question proposed, "That a Bill for an Act to Eradicate the Age Discrimination against Job Seekers in Federal Government Agencies; and for Related Matters (HB. 1502) be now read the Third Time" (Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency).

Agreed to.

Bill read the Third Time and passed.

6. **A Bill for an Act to Establish the Defence Intelligence Agency Pensions Board to Handle Pension Matters for Civilian Personnel of the Agency; and for Related Matters (HB. 1557) — Third Reading**
Motion made and Question proposed, "That a Bill for an Act to Establish the Defence Intelligence Agency Pensions Board to Handle Pension Matters for Civilian Personnel of the Agency; and for Related Matters (HB. 1557) be now read the Third Time" (Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency).

Agreed to.

Bill read the Third Time and passed.

7. **A Bill for an Act to Establish the South-East Development Commission to Serve as a Catalyst to Develop the Commercial Potentials of the South-East, Receive and Manage Funds from Allocation of the Federation for the Rehabilitation, Reconstruction and Reparation for Houses and Lost Business of Victims of the Civil War and Address any Other Environmental or Developmental challenges; and for Related Matters (HB.1626) — Second Reading**

Motion made and Question proposed, "That a Bill for an Act to Establish the South-East Development Commission to Serve as a Catalyst to Develop the Commercial Potentials of the South-East, Receive and Manage Funds from Allocation of the Federation for the Rehabilitation, Reconstruction and Reparation for Houses and Lost Business of Victims of the Civil War and Address any Other Environmental or Developmental challenges; and for Related Matters (HB.1626) be now read a Second Time" (Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency).

Debate.

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

Bill read the Second Time.

Bill referred to the Committee of the Whole.

8. **A Bill for an Act to Provide for the Establishment of the Federal Capital Territory Health Insurance Agency, to Institute the Federal Capital Territory Health Insurance Scheme for all Residents of the Federal Capital Territory; and for Related Matters (HB. 1545) — Second Reading**

Motion made and Question proposed, "That a Bill for an Act to Provide for the Establishment of the Federal Capital Territory Health Insurance Agency, to Institute the Federal Capital Territory Health Insurance Scheme for all Residents of the Federal Capital Territory; and for Related Matters (HB. 1545) be now read a Second Time" (Hon. Uzoma Nkem-Abonta — Ukwu East/Ukwu West Federal Constituency).

Debate.

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

Bill read the Second Time.

Bill referred to the Committee of the Whole.

9. **A Bill for an Act to Provide for the Establishment of the Federal Capital Territory Primary Health Care Board; and for Related Matters (HB. 1546) — Second Reading**

Motion made and Question proposed, "That a Bill for an Act to Provide for the Establishment of the Federal Capital Territory Primary Health Care Board; and for Related Matters (HB. 1546) be now read a Second Time" (Hon. Uzoma Nkem-Abonta — Ukwu East/Ukwu West Federal Constituency).

Debate.

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

Bill read the Second Time.

Bill referred to the Committee of the Whole.

10. **Discharge of Committees from Referral on Bills, Pursuant to Order Seventeen, Rule 3 (1) (g) of the Standing Orders of the House of Representatives**

Motion made and Question proposed:

The House:

Notes that the undermentioned Bills were read the Second time in 2017 and 2018 respectively and referred to the Committee on Tertiary Education and Services for further legislative actions:

<i>S/No.</i>	<i>Title of Bill</i>	<i>Date</i>	<i>Committee</i>
1.	Federal College of Agriculture, Baissa (Establishment) Bill, 2018 (HB. 1446)	17/7/2018	Tertiary Education and Services
2.	Niger Delta Institute of Technology and Skills Acquisition (Establishment) Bill, 2018 (HB. 1069) 2018	12/10/2017	Tertiary Education and Services

Aware that the Committee is yet to present Reports on the Bills, contrary to the provisions of Order Seventeen, Rule 3 (1) (g) of the Standing Orders of the House of Representatives, to wit:

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

Resolves to:

Discharge the Committee of the above mentioned Bills and commit same to the Committee of the Whole for consideration (Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency)

Agreed to.

11. Consideration of Reports

(i) Committee on Telecommunications:

Motion made and Question proposed, "That the House do consider the Report of the Committee on Telecommunications on the issue from the Statutory Revenue Fund of the Nigerian Communications Commission, the Total Sum of ₦218,792,377,000.00 (Two Hundred and Eighteen Billion, Seven Hundred and Ninety-Two Million, Three Hundred and Seventy-Seven Thousand Naira) only, of which the sum of ₦44,334,686,000.00 (Forty-Four Billion, Three Hundred and Thirty-Four Million, Six Hundred and Eighty-Six Thousand Naira) only, is for Recurrent Expenditure, the sum of ₦22,215,384,000.00 (Twenty-Two Billion, Two Hundred and Fifteen Million, Three Hundred and Eighty-Four Thousand Naira) only is for Capital Expenditure, the sum of ₦15,789,898,000.00 (Fifteen Billion, Seven Hundred and Eighty-Nine Million, Eight Hundred and Ninety-Eight Thousand Naira) only is for Special Projects while the sum of ₦122,952,409,000.00 (One Hundred and Twenty-Two Billion, Nine Hundred and Fifty-Two Million, Four Hundred and Nine Thousand Naira) only, will be transferred to the Federal Government of Nigeria, and the sum of ₦13,500,000,000.00 (Thirteen Billion, Five Hundred Million Naira) only, is for Transfer to the Universal Service Provision Fund (USPF) for the period ending on 31 December, 2019" (Hon. Saheed Akinade-Fijabi — Ibadan Southwest/Ibadan Northwest Federal Constituency).

Agreed to.

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

(HOUSE IN COMMITTEE OF SUPPLY)

(Mr Deputy Speaker in the Chair)

A BILL FOR AN ACT TO AUTHORIZE THE ISSUE FROM THE STATUTORY REVENUE FUND OF THE NIGERIAN COMMUNICATIONS COMMISSION, THE TOTAL SUM OF ₦218,792,377,000.00 (TWO HUNDRED AND EIGHTEEN BILLION, SEVEN HUNDRED AND NINETY-TWO MILLION, THREE HUNDRED

AND SEVENTY-SEVEN THOUSAND NAIRA) ONLY, OF WHICH THE SUM OF ₦44,334,686,000.00 (FORTY-FOUR BILLION, THREE HUNDRED AND THIRTY-FOUR MILLION, SIX HUNDRED AND EIGHTY-SIX THOUSAND NAIRA) ONLY, IS FOR RECURRENT EXPENDITURE, THE SUM OF ₦22,215,384,000.00 (TWENTY-TWO BILLION, TWO HUNDRED AND FIFTEEN MILLION, THREE HUNDRED AND EIGHTY-FOUR THOUSAND NAIRA) ONLY, IS FOR CAPITAL EXPENDITURE, THE SUM OF ₦15,789,898,000.00 (FIFTEEN BILLION, SEVEN HUNDRED AND EIGHTY-NINE MILLION, EIGHT HUNDRED AND NINETY-EIGHT THOUSAND NAIRA) ONLY, IS FOR SPECIAL PROJECTS WHILE THE SUM OF ₦122,952,409,000.00 (ONE HUNDRED AND TWENTY-TWO BILLION, NINE HUNDRED AND FIFTY-TWO MILLION, FOUR HUNDRED AND NINE THOUSAND NAIRA) ONLY, WILL BE TRANSFERRED TO THE FEDERAL GOVERNMENT OF NIGERIA, AND THE SUM OF ₦13,500,000,000.00 (THIRTEEN BILLION, FIVE HUNDRED MILLION NAIRA) ONLY IS FOR TRANSFER TO THE UNIVERSAL SERVICE PROVISION FUND (USPF) FOR THE PERIOD ENDING ON 31 DECEMBER, 2019.

SUMMARY OF NCC BUDGET 2019

A.	REVENUE PROFILE	₦'000
	Licensing Fees	886,116
	Annual Operating Levy	45,000,000
	Spectrum Fees	34,952,410
	Numbering Plan	3,100,000
	Admin Charges	88,612
	Type Approval Fees	220,000
	Sanction Fees	110,000,000
	Sundry Income	25,520
	Transfers from Reserve	24,519,719
	Total Revenue	218,792,377
B.	Expenditures	
	Recurrent Expenditure	
	Establishment Costs	844,800
	Staff Costs	23,053,994
	Travel Costs	5,151,969
	Operational Costs	9,505,719
	Administration Costs	5,778,204
	Total Recurrent Expenditure	44,334,686

Question,

That the expenditure of Forty-Four Billion, Three Hundred and Thirty-Four Million, Six Hundred and Eighty-Six Thousand Naira (₦44,334,686.00) only, for the purposes set out under the Recurrent Expenditure Costs for Nigerian Communications Commission (NCC) stand part of the Revenue Expenditure for 2019 (*Hon. Saheed Akinade-Fijabi — Ibadan South West/Ibadan North West Federal Constituency*) — *Agreed to.*

Capital Expenditure

Internal Projects	9,872,898
School Support Programme	11,115,414
Consultancies	1,227,072
Total Capital Expenditure	22,215,384

Question,

That the expenditure of Twenty-Two Billion, Two Hundred and Fifteen Million, Three Hundred and Eighty-Four Naira (₦22,215,384.00) only, for the purposes set out under the Capital Expenditure Costs for Nigerian Communications Commission (NCC) stand part of the Capital Revenue Expenditure for 2019 (*Hon. Saheed Akinade-Fijabi — Ibadan South West/Ibadan North West Federal Constituency*) — *Agreed to.*

Special Projects	
Emergency Communications Centres	3,598,700
State Accelerated Broadband Initiative	5,695,646
GSM & CDMA Networks QOS	3,303,967
Subscribers Database Management	829,100
ICT Parks	350,000
R&D in Emerging Trends in Telecoms	2,012,485
Total Special Projects	15,789,898

Question,

That the expenditure of Fifteen Billion, Seven Hundred and Eighty-Nine Million, Eight Hundred and Ninety-Eight Naira (₦15,789,898.00) only, for the purposes set out under the Special Expenditure Costs for Nigerian Communications Commission (NCC) stand part of the Capital Recurrent Expenditure for 2019 (*Hon. Saheed Akinade-Fijabi — Ibadan South West/Ibadan North West Federal Constituency*) — *Agreed to.*

Transfer to Federal Government	122,952,409
Transfer to USPF	13,500,000
Total Budgeted Expenditure	218,792,377

The Total Budgeted Expenditure for the Year 2019 is ₦218,792,377,000 (Two Hundred and Eighteen Billion, Seven Hundred and Ninety Two Million, Three Hundred and Seventy Seven Thousand Naira only).

Main Question,

That the expenditure of Two Hundred and Eighteen Billion, Seven Hundred and Ninety-Two Million, Three Hundred and Seventy-Seven Thousand Naira (₦218,792,377,000.00) only, for the purposes set out under the Expenditure Costs for Nigerian Communications Commission (NCC) stand part of the Recurrent and Capital Expenditure for 2019 (*Hon. Saheed Akinade-Fijabi — Ibadan South West/Ibadan North West Federal Constituency*) — *Agreed to.*

SUMMARY OF USPF 2019 BUDGET

A. REVENUE PROFILE	₦'000
Income from AOL Contribution	13,500,000,000
Reserves	1,671,605,072
Tender Fees	2,520,000
Total Revenue	15,174,125,072
B. EXPENDITURES	
Recurrent Expenditure	
Employee Costs	979,533,560
Operational Costs	685,335,543
Administrative Costs	33,457,600
Board Expenses	297,860,000
Bank Charges	2,000,000
Total Recurrent Expenditure	1,998,186,703
C. Capital Expenditure	
Computers	7,540,000
Office Equipment	24,750,000
Motor Vehicles	67,500,000
Furniture and Fittings	2,460,000
Total Capital Expenditure	102,250,000

Question,

That the expenditure of One Hundred and Two Billion, Two Hundred and Fifty Million Naira (₦102,250,000,000.00) only, for the purposes set out under the Expenditure Costs for Universal Service Provision Fund (USPF) stand part of the Recurrent Capital Expenditure for 2019 (*Hon. Saheed Akinade-Fijabi — Ibadan South West/Ibadan North West Federal Constituency*) — *Agreed to.*

D. Projects Expenditure

Connectivity Programs	8,249,543,080
Access Programmes Institutional Strengthening	4,395,757,694
Consultancy Programmes	396,385,000
Consultancy on Assets Swap Valuation	32,002,595
Total Projects Expenditure	13,073,688,369

Total Budgeted Expenditure**15,174,125,072**

The Total Budgeted Expenditure for the Year 2019 is ₦15,174,125,072 (Fifteen Billion, One Hundred and Seventy-Four Million, One Hundred and Twenty-Five Thousand and Seventy-Two) Naira only.

Main Question,

That the expenditure of Fifteen Billion, One Hundred and Seventy-Four Million, One Hundred and Twenty-Five Thousand and Seventy-Two Naira (₦15,174,125,072.00) only, for the purposes set out under the Expenditure Costs for Universal Service Provision Fund (USPF) stand part of the Recurrent Capital Expenditure for 2019 (*Hon. Saheed Akinade-Fijabi — Ibadan South West/Ibadan North West Federal Constituency*) — *Agreed to.*

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in Committee of Supply considered the Report of the Committee on Telecommunications on the issue from the Statutory Revenue Fund of the Nigerian Communications Commission, the Total Sum of ₦218,792,377,000.00 (Two Hundred and Eighteen Billion, Seven Hundred and Ninety-Two Million, Three Hundred and Seventy-Seven Thousand Naira) only, of which the sum of ₦44,334,686,000.00 (Forty-Four Billion, Three Hundred and Thirty-Four Million, Six Hundred and Eighty-Six Thousand Naira) only, is for Recurrent Expenditure, the sum of ₦22,215,384,000.00 (Twenty-Two Billion, Two Hundred and Fifteen Million, Three Hundred and Eighty-Four Thousand Naira) only, is for Capital Expenditure, the sum of ₦15,789,898,000.00 (Fifteen Billion, Seven Hundred and Eighty-Nine Million, Eight Hundred and Ninety-Eight Thousand Naira) only, is for Special Projects while the sum of ₦122,952,409,000.00 (One Hundred and Twenty-Two Billion, Nine Hundred and Fifty-Two Million, Four Hundred and Nine Thousand Naira) only, will be transferred to the Federal Government of Nigeria, and the sum of ₦13,500,000,000.00 (Thirteen Billion, Five Hundred Million Naira) only, is for Transfer to the Universal Service Provision Fund (USPF) for the period ending on 31 December, 2019 and approved the Recommendations of the Committee.

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

(ii) Committee on Financial Crimes:

Motion made and Question proposed, "That the House do consider the Report of the Committee on Financial Crimes on a Bill for an Act to Repeal the Money Laundering (Prohibition) Act, 2011 and Enact the Money Laundering (Prevention and Prohibition) Bill; and for Related Matters (HB. 391 and HB. 410) and approve the recommendations therein" (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

Agreed to.

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

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

A BILL FOR AN ACT TO REPEAL THE MONEY LAUNDERING (PROHIBITION) ACT, 2011
(AS AMENDED) AND ENACT THE MONEY LAUNDERING (PREVENTION AND PROHIBITION)
ACT TO PROVIDE FOR MEASURES FOR THE PREVENTION AND PROHIBITION OF
MONEY LAUNDERING IN NIGERIA AND FOR OTHER RELATED MATTERS

PART I — OBJECTIVE

Committee Recommendation:

Clause 1: Objective.

The objective of this Bill is to provide for an effective and comprehensive legal and institutional framework for the prevention, prohibition, detection, prosecution and punishment of money laundering and other related offences in Nigeria (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

PART II — OFFENCES

Committee Recommendation:

Clause 2: Money laundering offences.

- (1) Money laundering is prohibited in Nigeria.
- (2) A person who knows, ought reasonably to have known or suspects that property has a criminal origin, commits an offence if he conceals, disguises converts, transfers or removes the property from Nigeria.
- (3) A person does not commit an offence under subsection (2) of this section if —
 - (a) he makes a report under section 12 of this Bill and, if the report is made before he does any act referred to in subsection (2) of this section, he has the appropriate consent;
 - (b) he intended to make a report referred to in paragraph (a) of this section but had a justifiable reason for not doing so; or
 - (c) the act he does is done in carrying out a function he has relating to the enforcement of any provision of this Bill or of any other enactment relating to any criminal enterprise or benefit from any unlawful act.
- (4) To conceal or disguise criminal property includes concealing or disguising its nature, source, location, disposition, movement or ownership or any rights with respect to it (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

Amendment Proposed:

In Subclause (2), line 1, *leave out* the words “ought reasonable to have known or suspects” and where ever it appears in the Bill (*Hon. Mohammed Musa Soba — Soba Federal Constituency*).

Question that the amendment be made — Agreed to.

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

Committee Recommendation:

Clause 3: Being concerned in an arrangement, etc.

- (1) A person commits an offence if he enters into or becomes concerned in an arrangement which he knows, ought reasonably to have known, or suspects, facilitates by whatever means, the acquisition, retention, use or control of property that has a criminal origin by or on behalf of another person.
- (2) A person does not commit an offence under subsection (1) of this section if —
 - (a) he makes a report under section 12 of this Bill and, if the report is made before he does any act referred to in subsection (1) of this section, he has the appropriate consent;
 - (b) he intended to make a report referred to in paragraph (a) of this subsection but had a justifiable reason for not doing so; or
 - (c) the act he does is done in carrying out a function he has relating to the enforcement of any provision of this Bill or of any other enactment relating to any criminal enterprise or benefit from any unlawful act (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

Committee Recommendation:

Clause 4: Acquisition, use and possession.

- (1) A person who knows, ought reasonably to have known, or suspects that property has a criminal origin, commits an offence if he —
 - (a) acquires the property;
 - (b) uses the property; or
 - (c) has possession of the property.
- (2) A person does not commit an offence under subsection (1) of this section if —
 - (a) he makes a report under section 12 of this Bill and, if the report is made before he does any act referred to in subsection (1) of this section, he has the appropriate consent;
 - (b) he intended to make a report referred to in paragraph (a) of this subsection but had a justifiable reason for not doing so;
 - (c) he acquired, used or had possession of the property for adequate consideration; or

- (d) the act he does is done in carrying out a function he has relating to the enforcement of any provision of this Bill or of any other enactment relating to any criminal enterprise or benefit from any unlawful act.
- (3) For the purpose of this section —
 - (a) a person acquires property for inadequate consideration if the value of the consideration is significantly less than the value of the property;
 - (b) a person uses or has possession of property for inadequate consideration if the value of the consideration is significantly less than the value of the use or possession; and
 - (c) the provision by a person of goods or services which he knows or suspects may help another to carry out any unlawful act is not a consideration.
- (4) For the purpose of subsection (1) (c) of this section, a person has possession of any property if he does an act in relation to the property (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

Amendment Proposed:

Leave out all the words in Subclause (3), (Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency).

Question that the amendment be made — Agreed to.

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

Further consideration deferred.

Ordered: Committee on Rules and Business to liaise with the Committee on Financial Crimes and any other interested Member to thoroughly examine the Bill with a view to availing the House with the final copy on Wednesday, 22 May, 2019.

Chairman to report progress.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in Committee of the Whole considered the Report of the Committee on Financial Crimes on a Bill for an Act to Repeal the Money Laundering (Prohibition) Act, 2011 and Enact the Money Laundering (Prevention and Prohibition) Bill; and for Related Matters (HB. 391 and HB. 410) approved Clause 1, approved Clause 2 as amended, approved Clause 3, approved Clause 4 as amended, and deferred further consideration of the Bill.

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

- (iii) *Conference Committee on a Bill for an Act to Repeal the Nigerian Postal Service Act, Cap. N127, LFN, 2004 and Establish the Nigeria Postal Commission to make Comprehensive Provisions for the Development and Regulation of Postal Services; and for Related Matters: Motion made and Question proposed, "That the House do consider the Report of the Conference Committee on a Bill for an Act to Repeal the Nigerian Postal Service Act, Cap. N127, LFN, 2004 and Establish the Nigeria Postal Commission to make Comprehensive Provisions for the Development and Regulation of Postal Services; and for Related Matters and approve the recommendations therein" (Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency).*

Agreed to.

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

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

A BILL FOR AN ACT TO REPEAL THE NIGERIAN POSTAL SERVICE ACT,
CAP. N127 LFN, 2004, AND ESTABLISH THE NIGERIA POSTAL COMMISSION TO
MAKE COMPREHENSIVE PROVISIONS FOR THE DEVELOPMENT AND REGULATION
OF POSTAL SERVICES AND FOR OTHER RELATED MATTERS (HB. 1563)

PART I — OBJECTIVES AND SCOPE

Clause 1: Objectives and scope of application.

- (1) The objectives of this Bill are to:
- (a) implement the National Postal Policy;
 - (b) establish a regulatory framework for the Nigerian postal industry and for this purpose to create an effective, impartial and independent regulatory authority;
 - (c) promote the provision of a modern universal, efficient, reliable, affordable and easily accessible postal services with the widest range and coverage throughout Nigeria;
 - (d) encourage local and foreign investments in the Nigerian postal industry and the introduction of innovative services and practices in the industry in accordance with international best practices and trends;
 - (e) ensure fair competition in all sectors of the Nigerian postal industry and encourage participation of Nigerians in the ownership, control and management of postal organisations;
 - (f) encourage the development of postal, manufacturing and supply sector within the Nigerian economy and promote effective research and development effort by all postal industry practitioners;
 - (g) protect the rights and interests of postal service providers and consumers within Nigeria;

- (h) ensure that the needs of the disabled and elderly persons are taken into consideration in the provision of postal services;
 - (i) ensure an efficient management including planning, coordination, allocation, assignment, registration, monitoring and use of national resources in the postal sub-sector and also promote and safeguard national interest, safety and security;
 - (j) ensure greater access to basic services through the achievement of universal postal service, by providing an acceptable level of effective and regular postal services to all areas and small towns where post offices are not available ;
 - (k) promote small, medium and macro enterprises within the postal industry; and
 - (l) do such other things that are incidental to the attainment of the above stated objectives.
- (2) This Bill applies to all activities within or associated with the provision and use of all postal and postal related services and networks, in whole or in part within Nigeria (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

PART II — ESTABLISHMENT OF THE NIGERIA POSTAL SERVICE
AND DESIGNATION AS PUBLIC POSTAL OPERATOR

Clause 2: Provision of Universal Postal Service.

- (1) There is hereby established a body to be known as the Nigeria Postal Service (in this Bill designated as the Public Postal Operator) .
- (2) The Service shall:
 - (a) be a body corporate with perpetual succession and a common seal;
 - (b) may sue and be sued in its corporate name;
 - (c) may acquire, hold or dispose of any property, whether moveable or immoveable.
- (3) The Public Postal Operator shall be charged with the responsibility of providing Universal Postal Services in Nigeria.
- (4) In carrying out its Universal Postal Service Obligations, the provisions of any enactment relating to the taxation of companies, agencies or trust funds shall not apply to the Public Postal Operator (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 3: Establishment and Membership of the Governing Board of the Public Postal Operator.

- (1) There is hereby established for the Nigeria Postal Service a Governing Board which shall be known as the Nigeria Postal Service Governing Board in this Bill referred to as ("the Board") which shall have responsibility for:
 - (a) formulating policies and adopting strategies to promote the development and maintenance of efficient, co-ordinated and economic postal services for the Federation;
 - (b) borrowing or raising of money in such manner as the Board may deem fit for and on behalf of the Public Postal Operator;
 - (c) establishing/incorporating subsidiaries for the Public Postal Operator which subsidiaries shall be governed in line with the provisions of the Companies and Allied Matters Act; and
 - (d) promoting the development of such other ancillary services as the Board may deem fit.
- (2) The Board shall consist of:
 - (a) a part time Chairman to be appointed by the President;
 - (b) the Permanent Secretary of the Federal Ministry in charge of Communications, who shall act as the alternate Chairman;
 - (c) a representative, each of the following Federal Ministries in charge of —
 - (i) Finance, and
 - (ii) Internal Affairs.
 - (d) the Postmaster-General; and
 - (e) two other members appointed by the President on the recommendation of the Minister in charge of Communications.
- (3) The Secretary, who shall be a legal practitioner of not less than ten (ten) years post call experience and appointed by the Board.
- (4) The supplementary provisions set out in the First Schedule to this Bill shall have effect with respect to the proceedings of the Board and other matters contained therein (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 4: Tenure of office and removal from office of the Chairman, etc. of the Board.

- (1) The Chairman shall hold office for a period of four years and shall be eligible for re-appointment for a further period of four years and no more.
- (2) Subject to this section, a member of the Board shall hold office for a period of four years from the date of his appointment as a member and shall be eligible for reappointment for a further period of four years and no more.

- (3) The Minister may, with the approval of the President, at any time remove any member of the Board from office if the Minister is of the opinion that it is not in the interest of the Board or the Postal Service for the member to continue in office and shall notify the member in writing to that effect.
- (4) Where the Board is satisfied that the continued presence on the Board of any member or the Secretary is not in the national interest or the interest of the Board or the Postal Service, it may recommend to the Minister that the member or Secretary concerned be removed from office; and if the Minister, after making such inquiries as he considers necessary, approves of the recommendation, he may in writing with the approval of the President declare the office of the member or Secretary vacant (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 5: Appointment of the Postmaster-General.

- (1) There shall be appointed for the Public Postal Operator by the President, on the recommendation of the Minister, a Postmaster-General who shall be the Chief Executive and shall be responsible for the execution of the Policy of the Board relating to the Public Postal Operator and its day to day administration.
- (2) The Postmaster-General shall hold office in the first instance for a period of five (5) years and may be eligible for re-appointment for a further term of five years and no more.
- (3) Subject to this section, the Postmaster-General shall hold office on such term as to emolument and otherwise as may be specified in his letter of appointment (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 6: Duties of the Postmaster-General.

- (1) Subject to the provisions of this Bill, the administration and control of the Postal Service shall vest in the Postmaster-General.
- (2) In carrying out the functions of the Postal Service, the Postmaster-General may —
 - (a) establish post offices at such places as he may deem fit and may abolish any such post office where there are cogent reasons subject to the approval of the Board;
 - (b) establish and operate facilities for the collection, despatch, delivery and distribution of domestic and international mail;
 - (c) provide and operate philatelic services within and outside Nigeria;
 - (d) plan and co-ordinate the entire postal network;
 - (e) negotiate and enter into agreement with any person or authority on matters relating to the postal system subject to the approval of the Board;

- (f) provide on agency basis such miscellaneous services as may be required of him by the Federal Government;
- (g) representing Nigeria at proceedings of international organisations and fora on matters relating to postal services and matters ancillary and connected thereto.
- (h) carry on all such other activities as are necessary or expedient for the discharge of his responsibilities under this Bill (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 7: Duties of Secretary to the Public Postal Operator.

The Secretary shall keep the corporate records of the Board, conduct correspondences and perform such other duties as the Board may from time to time direct (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 8: Staff Regulations as to Conditions of Service of Employees.

The Board may, with the approval of the Minister, make regulations relating generally to the conditions of service of the employees of the Postal Service and without prejudice to the generality of the foregoing, such regulations may provide for —

- (a) the appointment, promotion and disciplinary control of all employees of the Postal Service; and
- (b) appeals by such employees against dismissal or other disciplinary measures, and until such regulations are made, any instrument relating to the conditions of service of employees or anybody dissolved or affected by this Bill, shall continue in force and have the same effect as if made under this Bill (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 9: Application of Pensions Act.

- (1) It is hereby declared that service in the Postal Service shall be pensionable under the Pensions Reform Act, 2014 and accordingly employees of the Postal Service shall, in respect of their services in the Postal Service, be entitled to pensions, gratuities and other retirement benefits as are prescribed there under.
- (2) Notwithstanding the provisions of subsection (1) of this section, nothing in this Bill shall prevent the appointment of a person to an office on terms which preclude the grant of a pension and gratuity in respect of that office.
- (3) Subject to subsection (2) of this section, the Pensions Act shall in its application shall have effect as if the officer were in the Civil Service of the Federation within the meaning of the Constitution of the Federal Republic of Nigeria, 1999 (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 10: Obligations of Public Postal Operator.

- (1) Subject to the provisions of this Bill the Public Postal Operator designated under subsection (1) of Section 2 of this Bill shall:
- (a) take necessary steps to implement the minimum quality objectives for the Universal Postal Service as maybe defined from time to time by the Board;
 - (b) offer products and services corresponding to the pricing conditions as may be defined from time to time so as to ensure access to the Universal Postal Service;
 - (c) expand access to collection and delivery of Universal Postal Service products and services to geographical areas in which postal service is non-existent;
 - (d) develop products and services that meet the criteria for accessible affordable, good quality universal postal services;
 - (e) authenticate electronic and internet-based receipts;
 - (f) publish and disseminate the list of products and services provided as part of the Universal Postal Service including their prices;
 - (g) participate in projects on Universal Postal Service costing and pricing;
 - (h) participate in Universal Postal Union and restricted union activities;
 - (i) maintain and review the Post Office Guide from time to time;
 - (j) enter into any business partnerships or collaborate with governmental agencies, corporate organisations and individuals in the discharge of its obligations;
 - (k) inspect, audit and recover monies due to the Public Postal Operator;
 - (l) appoint auditors for the purpose of determining its total revenue collections from all transactions carried out on its behalf;
 - (m) have power to borrow or raise money in such manner as it may deem fit;
 - (n) have power to conduct investigation of postal offences, and in doing so an investigation officer or any other relevant officer of the Public Postal Operator may without warrant, enter and search a building or carrier including aircraft, vehicle or container or any other instrumentalities whatsoever, which he has reason to believe is connected with the commission of an offence;
 - (o) establish/incorporate subsidiaries to be governed by the Companies and Allied Matters Act; and
 - (p) to carry out such other activities as are necessary or expedient for the discharge of its responsibilities under this Bill, either directly or/and through its appointed agents/proxies.

- (2) The contents of the Post Office Guide shall include the following:
- (a) statement of the rates of Postage that may from time to time be fixed for postal services;
 - (b) conditions regarding the payment of compensation for loss or damage to postal articles;
 - (c) conditions for the issuance and payment of Money Orders and Postal Orders including the rates of commission thereon;
 - (d) conditions under which and the manner in which special services will be performed for the convenience of individuals;
 - (e) the rules for the guidance, conduct and discipline of officers and servants of the Public Postal Operator and the performance of their several duties;
 - (f) the statement of hours during which the Post Offices will be opened for the transaction of the various classes of public business;
 - (g) the statement of hours for the posting of postal articles and the late fee charges for postal articles;
 - (h) the list of officers who may frank postal articles sent by a public department;
 - (i) stamping list for the purpose of denoting receipts, documents and other instruments;
 - (j) the statement of the manner in which amendments of the Post Office Guide will be published; and
 - (k) such other information as the Postmaster-General may deem fit to include (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 11: Exclusive Powers of the Public Postal Operator.

- (1) The Public Postal Operator shall have and exercise power to the exclusion of any other person to:
- (a) collect, accept, process, convey and deliver postal articles weighing up to 1 kg including such postal articles addressed to different recipients with each weight class 'not more than 1kg whether enclosed in an envelope, sack, collector or any form of container; notwithstanding the foregoing, Courier/Express Service operators may accept, process, convey, and deliver items less than 1kg provided that they charge a minimum of 3 times the rate charged by the public postal operator;
 - (b) collect, accept, process, convey and deliver postal articles with tariff of less than five times the rate of postage applicable to the particular weight class or as may be revised from time to time by regulations made pursuant to this Part;

- (c) print, produce and issue electronic and adhesive stamps;
 - (d) produce philatelic products, pre-stamped envelopes, pre-stamped postcards, aerogrammes and international reply coupons;
 - (e) provide and maintain private letters boxes and bags for mail delivery, letter posting boxes, and to establish post offices throughout Nigeria and the use of post office or postal service on such boxes, equipment and offices;
 - (f) authorise the use of franking meter machine to record prepaid postage charges by any person;
 - (g) authenticate documents and internet mail related transaction receipts and documents;
 - (h) issue and pay domestic and international postal and money orders;
 - (i) provide Slogan Die publicity services;
 - (j) verify, authenticate and validate addresses nationwide;
 - (k) provide and establish non-postal or similar services;
 - (l) issue, prescribe and approve stamp for denotation of receipts, documents and other instruments required to be denoted;
 - (m) review from time to time the value of threshold of receipts and other instruments required to be denoted;
 - (n) determine modalities for the issuance and production of electronic stamping;
 - (o) provide for such miscellaneous services as may be authorised by the Federal Government;
 - (p) explore additional sources of postal revenue; and
 - (q) accredit e-sat certificate and digital signature in Nigeria for verification and authentication of electronic documents which shall include but not limited to financial statements, utility bills, e-mails, government documents, e-dividend warrants, etc.
- (2) In this section "postal articles" includes any letter, postcard, newspaper, book, document, pamphlet, pattern or sample packet, parcel or package or other article whatsoever transmissible by post or electronic means (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 12: Exceptions to Powers.

The exclusive powers conferred on the Public Postal Operator by subsection (1) of Section 11 of this Bill shall not extend to:

- (a) letters sent through a messenger on purposes concerning the private affairs or business of the sender or receiver;

- (b) letters concerning goods or merchandise sent by common carriers to be delivered with the goods without conferring any reward, profit or advantage for receiving or delivering of the letter;
- (c) letters from merchants, owners of vessels of merchandise or the cargo or loading therein, sent by the vessels of merchandise, or by any person employed by the owners for the carriage of the letters, according to their respective directions and delivered to the respective persons to whom they are directed without paying or receiving fees or reward, advantage or profit for the same in any way;
- (d) letters sent between individuals on private journey or travel without reward for the letters to be delivered to the party to whom they are directed; and
- (e) letters carried to the premises of a provider of electronic mail service for the purposes of transmission by electronic mail (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 13: Mandatory Postal Services.

The Public Postal Operator, shall in addition to the services exclusively reserved under section 11 of this Bill, provide:

- (a) basic postal services that include acceptance, conveyance, transportation and delivery of postal articles nationwide, including but not limited to packets, parcels and goods under terms and conditions as may be determined from time to time by regulations made by the Commission;
- (b) basic financial services, that may include but not limited to money transfer (acceptance and payment) travellers' cheques, savings, operation of giro account, Bank deposits and withdrawals either directly or on agency basis;
- (c) postal insurance services, electronic postal services and other information communication technology services;
- (d) such other financial services as may be determined from time to time by the Public Postal Operator (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

PART III — PROVISIONS AS TO DENOTATION OF RECEIPTS, ETC.

Clause 14: Denotation of receipts, documents and other instruments.

- (1) As from the commencement of this Bill, notwithstanding anything contained in any enactment whatsoever:
 - (a) all receipts, documents and other instruments shall be denoted with adhesive and or electronic stamp of the Postal Service for the purpose of authenticating and validating receipts, documents and other instruments;

- (b) the Public Postal Operator shall be the only competent authority to print, produce and issue electronic and adhesive stamp for the purposes of denoting, authenticating and validating receipts, documents and other instruments .
- (2) For the purposes of this Bill, the expression "receipts" includes any written, printed, or electronic notes or memorandum, and electronic transactions or notifications classified as an eligible transaction by the Federal Government.
- (3) The expression "document" includes any written, printed or electronic notes, memorandum, or piece of matter that provides information or evidence or memorialise representation of thoughts or drafts or agreements or proofs or copies or statements or application that serves as an official record between two parties or more.
- (4) The expression "instrument" includes any written, printed or electronic matter formally attributed to his author, records, and formally expresses a legally enforceable act, process, contract or obligation, or rights, and therefore evidences that act, process, or agreement, or documents with value, or can be traded, or contractual rights to deliver or receive cash of any money or asset amounting ten thousand naira or upwards is acknowledged or expressed to have been received or deposited or paid, or whereby any debt or demand, or any part of a debt or demand; of the amount of ten thousand naira or upwards, is acknowledged to have been settled, satisfied, or discharged, or which signifies or imports any such acknowledgement, and whether the same is or is not signed with name of any person.
- (5) For the purposes of denotation of receipts, documents and other instruments, the value of the adhesive and electronic postage stamp shall be the prevailing minimum postage rate (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 15: Cancellation and penalties.

- (1) The denotation upon receipts, documents or other instruments shall be made with adhesive or electronic postage stamp which is to be cancelled by the person by whom the receipt is given before it is delivered. Every person who, being required by law to cancel as herein provided, neglects or refuses duly and effectively to do so in the manner aforesaid, shall be guilty of an offence and liable on conviction to a fine of One Hundred Thousand Naira.
- (2) Where in any legal proceedings or before any arbitrator or referee a receipt, document, or other instrument is inadmissible by reason of it not been duly stamped, the officer presiding over the court, the arbitrator, or the referee may, having regard to the illiteracy and ignorance of the party tendering the receipt, document or instrument in evidence, admit the receipt upon the payment of a penalty of One hundred thousand Naira and the officer presiding over the court, the arbitrator or referee, as the case may be, shall note the payment of the penalty upon the face of the receipt, document or instrument so admitted and a receipt shall be given for the same.
- (3) A receipt, document or instrument so admitted in evidence shall not be deemed to be duly stamped but shall be available for the purposes of the suit in which it is tendered in evidence and for that purpose only.

- (4) Where a person has been permitted under this section to tender a receipt, document or instrument not duly stamped upon payment of the penalty of One hundred thousand Naira, such person may recover the said sum of One hundred thousand Naira from the person whose duty it was to stamp the receipt, document or instrument at the time when it was first issued.
- (5) Nothing contained in this section shall relieve any person from any other penalty incurred by him in relation to such receipt, document or Instrument.
- (6) If any person:
 - (a) gives a receipt, document or instrument liable to be stamped and not duly stamped; or
 - (b) in any case where a receipt, document or instrument would be liable to being stamped, refuses to give a receipt, document or instrument duly stamped; or
 - (c) upon a payment or transaction to the amount classified as an eligible transaction by the Federal Government, gives a receipt for a sum not amounting to the amount, or separates or divides the value of the amount paid or transaction with the intent to evade the denotation of receipt, document or instrument, such a person shall be guilty of an offence and liable on conviction to a fine of One hundred thousand Naira per receipt, document or instrument (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

PART IV — NATIONAL DIGITAL ADDRESSING SYSTEM,
ADDRESS VERIFICATION SYSTEM AND POSTCODE SYSTEM

Clause 16: Administration and Planning of the National Digital Addressing System etc.

- (1) The Public Postal Operator shall be vested with the development, operation, administration, control, planning, management and assignment of the National Digital Addressing System, Address Verification System and Postcode System in Nigeria.
- (2) The Public Postal Operator shall develop, operate, administer, control, plan, manage and assign the National Digital Addressing System, Address Verification System and Postcode System for effective and efficient mail delivery taking into account modern global addressing standards.
- (3) In developing the National Digital Addressing System, Address Verification System and Postcode System, the Public Postal Operator may liaise with any relevant government, authority or agency.
- (4) The Public Postal Operator shall maintain and manage the integrated National Digital Addressing, Address Verification and post code database to archive all verified addresses for a period not less than 10 years and make information available to the public for a fee as it may prescribe, in a non-discriminatory manner.
- (5) Notwithstanding the provisions of subsection (2) of this section, the Public Postal Operator may enter into a Public Private Partnership or agency arrangement to carry out any of its obligations under this section.

- (6) No person shall carry on the business of address verification services unless the person is duly registered with Public Postal Operator and permitted to perform such service.
- (7) The Public Postal Operator shall continuously improve the process and operations of the verified address database and digital addressing system.
- (8) The Public Postal Operator shall ensure data privacy and protection of the digital addressing system and any agent involved in the verification of any address shall be personally liable for the misuse or unauthorised disclosure of such verified information.
- (9) No digital address shall be regarded as valid and legal except that which has the endorsement of the Public Postal Operator (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

PART V — OFFENCES, PENALTIES AND TRIAL OF OFFENCES

Clause 17: Postal offence.

- (1) A person who without lawful authority or with intent to defraud:
 - (a) stops, dumps, intercepts or in any way not otherwise specified in any section of this Bill, tampers or meddles with, or otherwise retards the delivery of any postal matter or electronic mail;
 - (b) stops, delays, intercepts, tampers or meddles with any postal matter or electronic mail with intent to steal or pilfer it; or
 - (c) secretes, destroys or defaces any postal matter, electronic mail or any part thereof or evidence of the existence of the postal matter, electronic mail or part thereof, whether or not the postal matter, electronic mail or part thereof so secreted, destroyed or defaced, contains money or other thing whatsoever; commits an offence under this Bill.
- (2) A person who:
 - (a) steals any postal matter or electronic mail;
 - (b) being charged with the delivery of any postal matter or electronic mail, without lawful authority, fraudulently, wilfully or maliciously dumps it or delivers it to person or an address other than the person or address stated on the postal matter or electronic mail;
 - (c) sells, offers for sale any stamp, postal order, money order or other postal item at an amount not approved by the Public Postal Operator;
 - (d) without lawful authority, communicates or attempts to communicate to an unauthorised person, any information relating to the movement of any mail bag or postal matter or electronic mail;

- (e) being the landlord, tenant, occupier or is concerned with the management of any premises, causes or knowingly permits the premises to be used for any purposes which constitutes an offence under this Bill;
- (f) fraudulently, or by means of a false pretence, obtains from any employee of a postal operator or any other person, any postal matter or electronic mail which is not addressed to him with intent to defraud;
- (h) falsely represents himself as an employee of a postal operator or that he is for the time being employed by a postal operator or authorised to render a service on behalf of the operator;
- (i) being an employee of a postal operator with intent to defraud, receives, gives, delivers, transmits or is in possession of any postal matter by false pretence.
- (j) being an employee of a postal operator or any other person aids, abets, counsels, procures, attempts or conspires with any other person to commit an offence under this Bill;
- (k) prints, sells, supplies, recycles, offers for sale or otherwise deals in any postage stamp or any postal matter;
- (l) prints, sells, supplies, recycles, offers for sale counterfeit postage stamps, postal matter, postal payment imprints;
- (m) removes cancelled stamps or makes from bona fide postage stamp or postage payment imprints for purposes of falsification or re-use;
- (n) being employee of the Public Postal Operator or any other person authorised by the Public Postal Operator to sell postage stamps or other postal items, without lawful excuse fraudulently, wilfully or maliciously, refuses to do so or fraudulently, wilfully or maliciously does any act that causes a scarcity of postage stamps or postal items;
- (o) lawfully or unlawfully obtains a postal service and then abandons or gives up the service without settling any debt or charge incurred by him on the service;
- (p) engages in any conduct designed to perpetrate postal fraud schemes;
- (q) refuses to supply or convey information where disclosure or submission is required under the provisions of this Bill or any other written law;
- (r) refuses to submit to inspection or obstructs or resists inspection activities by law enforcement agencies or the Commission;
- (s) arranges for permits or transmits banned or prohibited article or item under this Bill, subsidiary legislation or any other written law;
- (t) without lawful authority offers or is engaged in any of the services exclusively reserved for the Public Postal Operator;

- (u) colludes with a licensed operator to undercut price, dump items and does not comply with the provisions of this Bill and regulations made under this Bill;
- (v) patronises an unlicensed operator; or
- (w) being a licensed operator partners with unlicensed operators to transact postal or express business commits an offence under this Bill (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 18: Breach of official duty.

A person who, being an employee of the Public Postal Operator or is for the time being under duty to discharge any function assigned to him by the Public Postal Operator:

- (a) negligently and fraudulently fails to perform or discharge that duty;
- (b) performs that duty fraudulently, negligently, perversely or recklessly; or
- (c) commits an act or omission in breach of that duty, commits an offence under this Bill (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 19: Penalties.

- (1) A person who commits an offence under this Bill is liable on conviction, where no penalty is otherwise specified, in case of:
 - (a) an individual, to imprisonment for a term of not less than one year or a fine of not less than one million Naira or to both;
 - (b) a body corporate, to a fine not exceeding ten times the initial fee for the relevant license.
- (2) Notwithstanding the provision of subsection (1) (b) of this section, where an offence under this Bill is committed by a body corporate, firm or other association, any:
 - (a) director, manager, secretary or other similar officers of the body corporate;
 - (b) partner or officer of the firm;
 - (c) person concerned in the management of the affairs of the association; or
 - (d) person who was purporting to act in any such capacity as aforesaid; shall be severally liable for the offence and shall be prosecuted and punished for the offence in like manner as if he had himself committed the offence in an individual capacity, unless he proves that the act or commission constituting the offence took place without his knowledge; consent or connivance.

- (3) In addition to the penalties specified in this Part of this Bill, any article, property, facility, equipment, vehicle or other things used in the commission of or in connection with the offence shall be forfeited to the Federal Government (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 20: Jurisdiction to try Offences.

The Federal High Court shall have exclusive jurisdiction over all matters, suits and cases arising from this Bill or any regulations made under this Bill and all references to 'Court' or 'Judge' in this Bill means the Federal High Court or a judge of the Federal High Court (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 21: Cases in which compensation may be paid by the Public Postal Operator.

- (1) Subject to the provisions of this section, compensation may be paid voluntarily and as act of grace, if it is proved to the satisfaction of the Postmaster-General of the Public Postal Operator that a letter or packet duly admitted by the Public Postal Operator for registration has been entirely lost whilst in his custody, except where such loss occurs as a result of tempest, shipwreck, fire outbreak, earthquake, war or such similar causes.
- (2) The final decision on all questions of compensation in respect of postal articles transmitted through the post shall vest with the Postal Administration of the Country in which the loss has occurred; but no compensation shall be payable, except in the loss of the entire letter or packet; and no claim shall be admitted if made more than a year after the letter or packet was posted.
- (3) In the case of a packet posted in Nigeria and addressed to a place in Nigeria through the Public Postal Operator, the compensation paid shall not exceed the value of the article lost, and compensation may be paid for the loss of the contents of any packet if —
- (a) it is proved to the satisfaction of the Postmaster-General that the loss occurred in the post and that the packet and securing of the cover were adequate; and
- (b) in the case of the loss of Money Orders, Postal Order, Coupons, Bonds, and similar documents which are enclosed in one of the registered envelopes supplied by the Post Office, that particulars sufficient for the identification of those documents have been furnished.
- (4) No compensation shall be paid in any circumstance for the loss of a postal packet, unless the name of the payee and of the office at which payment is to be made has been filed in.
- (5) No claim for compensation for the loss of any of the contents of a packet shall be entertained if delivery of the packet has been accepted without comments.
- (6) Compensation payable for loss or damage of an insured letter or parcel transmitted by the Public Postal Operator —

- (a) shall not exceed the amount of the actual loss or damage;
 - (b) shall not be paid for a packet containing a prohibited article or for a packet which has been delivered without external trace or injury and has been accepted without remark; or
 - (c) shall not be paid if arising from tempest, shipwreck, earthquake, fire outbreak, war, insurgence or other cause beyond control;
 - (d) shall not be paid for delay in the delivery of such packet, letter, parcel or postal article.
- (7) No legal liability to give compensation in respect of any packet for which an insurance fee has been paid shall attach to the Postmaster-General either personally or in his official capacity or to the Public Postal Operator, member or an officer of the Public Postal Operator.
- (8) Compensation shall not be paid for the delay, loss or damage of an uninsured parcel, packet, letter or postal article in any circumstances under any circumstances.
- (9) No compensation shall be paid —
- (a) for damage to fragile article, whether sent by letter or parcel post;
 - (b) for damage by water in any case where a parcel was transported for any portion of its journey by carrier, runner or canoe;
 - (c) in the case of accident or in respect of an article which cannot be accounted for in consequence of the destruction of official document through a cause beyond control.
- (10) The sender of the parcel, letter, packet or postal article may waive his claim for compensation in favour of the addressee
- (11) This section does not apply to Courier/Express Services. The Civil Aviation Act, 2006, shall regulate the compensation for loss or damage of cargo by Courier/Express Service operators (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

PART VI — SPECIAL POWERS OF THE PUBLIC POSTAL OPERATOR

Clause 22: Power to intercept, detain, etc. of postal articles.

The Public Postal Operator shall have the following specific powers:

- (a) to intercept, detain, open, inspect, return, deliver to or deal in such manner as may be prescribed, where postal articles:
 - (i) have been posted contrary to the provisions of this Bill or regulations made pursuant to this Bill;
 - (ii) are suspected or found to be of a fraudulent nature; or

- (iii) contain goods in respect of which an offence is being committed or is being attempted to be committed; or
- (iv) contain any fictitious postage stamp or bearing any postage stamp, the surface of which is smeared or coated with any postage stamp, which has been previously used to prepay the postage in any other postal article or for the payment of any revenue, duty or tax;
- (b) to intercept, detain, open, inspect, return, deliver to an officer of the Government, a postal article or class or description of postal articles on the occurrence of public emergency or in the interest of public safety, peace or welfare; and
- (c) take all necessary preventive measures in situations in which their implementation cannot be postponed (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 23: Power to open postal articles.

- (1) Where the Public Postal Operator has reason to suspect that a postal article contains anything in respect of which an offence is being committed or attempted to be committed, it shall, by notice in writing, require the attendance at the office of the postal operator where the article was received for conveyance or delivery, the addressee or sender, as the case may be and thereafter the article shall be opened by the addressee or sender or his agent.
- (2) Where the addressee or sender or his agent fails or refuses to attend in pursuance of the notice given under subsection (1) of this section or refuses to open the article, the article shall be opened by authorized officer of the Public Postal Operator in the presence of another officer of the public postal operator and of any other person named or referred to in the notice present.
- (3) In all cases where an article is opened under this section, it shall be given to the addressee or sender as the case may be unless it is required for the purpose of any proceedings under this Bill or any other enactment for the time being in force (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

PART VII — LEGAL ACTIONS AGAINST THE PUBLIC POSTAL OPERATOR

Clause 24 Limitation of actions against the Public Postal Operator.

- (1) Notwithstanding anything contained in any enactment whatsoever, no action shall lie or be instituted in any Court against the Public Postal Operator, a member or an officer of the Public Postal Operator for any act done in pursuance of or execution of its universal postal service obligations under this Bill or any enactment or law or public duty or authority or in respect of any alleged default in the execution of its universal postal service obligations, or such enactment or law or duty or authority, unless it is commenced:
 - (a) within three months after the act, neglect or default complained of; or

- (b) in the case of a continuous damage or injury, within six months next after the ceasing thereof.
- (2) No suit shall be commenced against the Public Postal Operator, member, Postmaster-General, Secretary or any officer or employee of the Public Postal Operator before the expiration of a period of one month after a written notice of intention to commence the suit shall have been served on the Public Postal Operator by the intending Plaintiff or his agent.
- (3) Subject to the provisions of Section 160 of the Constitution of the Federal Republic of Nigeria 1999 as amended, a law officer employed in the business of the Public Postal Operator, may conduct prosecutions in respect of offences related to and connected with the Postal Service committed under this Bill.
- (4) A law officer may with the consent of the Attorney General of the Federation conduct civil proceedings under or in relation to or in connection with an enactment relating to the Public Postal Operator.
- (5) A private legal practitioner may, with the consent of the Attorney General, conduct civil proceedings under or in relation to or in connection with an enactment relating to the public postal operator (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 25

Restriction on execution against Property of the Public Postal Operator.

Notwithstanding anything contained in any enactment whatsoever, in any action or suit against the Public Postal Operator, no execution or attachment of process in the nature thereof shall be issued against the Public Postal Operator but any sum of money which may, by the judgment of the Court, be awarded against the Public Postal Operator shall, subject to any directive by the Court where notice of appeal has been given by the Public Postal Operator in respect of the said judgment, be paid from the Universal Postal Service Fund (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

PART VIII — ESTABLISHMENT OF THE NIGERIAN POSTAL COMMISSION

Clause 26

Establishment of the Nigeria Postal Commission.

- (1) There is hereby established a body to be known as the Nigeria Postal Commission (in this Bill, referred to as "the Commission").
- (2) The Commission:
- (a) shall be a body corporate with perpetual succession and a common seal;
- (b) may sue or be sued in its corporate name;
- (c) do all such things as are necessary for or incidental to the carrying out of its functions and duties under this Bill; and

- (d) shall be structured into Departments as the Commission may, from time to time, deem appropriate for the effective discharge of its functions (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 27 Establishment and Membership of the Governing Board of the Commission.

- (1) There is hereby established for the Commission a Governing Board (in this Bill referred to as "the Board").
- (2) The Board shall consist of the following:
 - (a) a part time Chairman;
 - (b) one Executive Directors of the Commission;
 - (c) four Non-Executive Directors including:
 - (i) one representative of Federal Ministry of Communications
 - (ii) one representative of Federal Ministry of Finance;
 - (iii) one representative of the Federal Ministry of Interior;
 - (iv) one representative from the Courier Industry; and
 - (d) the Director-General of the Commission.
- (3) The Chairman and members of the Board shall be appointed by the President, on the recommendation of the Minister, in accordance with subsection 3 of this section, from the six geopolitical zones of Nigeria.
- (4) Members of the Board shall be persons with recognised qualification and experience in the field of postal matters, transport and logistics management, law, accountancy, economics, finance, social sciences or administration.
- (5) The supplementary provisions set out in the Second Schedule to this Bill shall have effect with respect to the proceedings of the Board and other matters contained therein.
- (6) Notwithstanding any other provision of this Bill, the President shall ensure at all times that there is a duly constituted Board and that there is a minimum of five (5) serving Directors on the Board at any and all times, made up of:
 - (a) the Director General of the Commission;
 - (b) two Executive Directors; and
 - (c) two non-Executive Directors.
- (7) The Board shall have capacity to make standing orders for the regulation of its proceedings and meetings howsoever and acts of the Board shall be deemed to be acts of the Commission.

- (8) The conflict of interest provisions contained in the Third Schedule to this Bill shall apply to the Members of the Board (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 28 Tenure of office.

Members of the Board shall be appointed for a term of 4 years in the first instance and may be reappointed for another term of 4 years and no more (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 29: Allowances of members.

The remunerations and allowances, payable to the Members of the Board, including the Director General and the Executive Directors, shall at the instance of the Board be determined and reviewed from time to time by the National Salaries, Incomes and Wages Commission (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 30: Cessation of membership.

- (1) The office of a member of the Board shall become vacant where -

- (a) his term of office expires;
- (b) he resigns his office by a notice in writing under his hand addressed to the President;
- (c) he is incapable of performing the functions of his office due to mental or physical illness;
- (d) he becomes bankrupt;
- (e) he has been convicted of a felony or any offence involving dishonesty;
- (f) he is guilty of gross misconduct relating to his duties;
- (g) in the case of a person who possesses professional qualification, he is disqualified or suspended from practicing his profession in Nigeria by an order of a competent authority; or
- (h) he dies.

- (2) Notwithstanding the provisions of subsection (1) of this section, the President may remove or suspend a member of the Board if he is satisfied that it is not in the interest of the Commission or of the public for the member to continue in office.

- (3) Where a vacancy occurs in the membership of the Board, the President shall appoint a successor to hold office for the unexpired term of his predecessor and the successor shall be from the same geographical zone as that member whose exit created the vacancy (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

PART IX — FUNCTIONS AND POWERS OF THE COMMISSION

Clause 31: Functions of the Commission.

The Commission:

- (a) shall have the sole and exclusive responsibility for the regulation and supervision of the postal sector which includes Postal Services and Courier/Express Services;
- (b) shall consider, design determine and ensure a system which shall promote the widespread availability and usage of network of basic postal services to all segments of the population on a continuing basis with specific standard of quality at affordable prices;
- (c) shall from time to time, make regulations under this Part which shall include:
 - (i) the scope of service required to be rendered under this Part;
 - (ii) the standards of the services;
 - (iii) remunerations for services rendered;
 - (iv) bonus or dividends;
 - (v) penalties as may be applicable for the provision of universal postal products and services;
 - (vi) the disposal of undeliverable postal articles;
 - (vii) the articles that may or may not be transmitted as postal articles;
 - (viii) the classification of postal articles for postal charges; and
 - (ix) the adoption of the regulations agreed upon by the Universal Postal Union for or respecting or in relation to the transmission of postal matter and that same or any part or modification thereof shall be in force within Nigeria.
- (d) may also make rules, guidelines and regulations, for the implementation of the Universal Postal Service Regulations as may be agreed and ratified in accordance with the requirement of any law in force in Nigeria in respect of the transmission of postal matters;
- (e) shall facilitate investments in and entry into the Nigerian market for the provision and supply of postal services, equipment and facilities;
- (f) shall protect and promote the interests of consumers against unfair practices including but not limited to matters relating to tariffs and charges for and the availability and quality of postal services;
- (g) shall ensure that licensees implement and operate at all times the most efficient and accurate tariff system;

- (h) shall promote fair competition in the postal industry and protection of postal services and facilities providers from misuse of market power or anti-competitive and unfair practices by other service or facilities providers or equipment suppliers;
- (i) shall grant and renew postal licenses in accordance with the provisions of this Bill and monitoring and enforcing compliance with license terms and conditions by licensees;
- (j) shall propose and effect amendments to license conditions in accordance with the objectives and provisions of this Bill;
- (k) shall undertake general responsibility for economic and technical regulation of the postal industry;
- (l) shall ensure efficiency and effectiveness of the postal sector;
- (m) shall undertake such other activities which are necessary or convenient for the enhanced performance of the objectives of this Bill and the functions of the Commission (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 32: Powers of the Commission.

In carrying out its functions under this Bill, the Commission shall have power to:

- (a) fix and collect fees for grant of postal licenses and for other regulatory services provided by it under this Bill;
- (b) develop and monitor performance standards and indices relating to the quality of postal services and facilities supplied to consumers in Nigeria having regard to the best international performance indicators;
- (c) make and enforce regulations and guidelines in accordance with Part XIV of the Bill as may be necessary to give effect to the objectives of this Bill;
- (d) liaise with any relevant government authority or agency in the naming and numbering of streets buildings and facilities;
- (e) formulate and manage Nigerian inputs into the setting of international technical standards for postal services and equipment;
- (f) encourage and promote infrastructure sharing amongst licensees and provide regulatory guidelines thereon;
- (g) examine and resolve complaints, objections and disputes between licensed operators, consumers or any other person involved in the postal industry, using such dispute resolution methods as the Commission may determine from time to time, including mediation and arbitration;
- (h) prepare and implement programmes and plans that promote and ensure the development of the postal industry and the provision of postal services in Nigeria;

- (i) design, manage and implement universal postal service strategy and programme in accordance with Federal Governments general policy and objectives thereon;
- (j) advise the Minister on the formulation of the general policies for the postal industry and generally on matters relating to the postal industry in the exercise of the Minister's functions and responsibilities under this Bill;
- (k) implement Governments general policies in the postal industry and the execution of all such other functions and responsibilities as may be conferred on the Commission under this Bill or are incidental or related thereto;
- (l) advise and assist the postal industry stakeholders and practitioners with a view to the development of the industry and attaining the objectives of this Bill and its subsidiary legislation;
- (m) represent Nigeria at proceedings of international organisations and fora on matters relating to regulation of postal services and matters ancillary and connected thereto;
- (n) conduct market research on the following and other related matters:
 - (i) the extent of the development of Nigerian postal industry;
 - (ii) Public Postal Operator needs;
 - (iii) quantitative and qualitative characteristics of demand for postal service;
 - (iv) economic, operational and labour related data on postal operators;
 - (v) the level of technological development of postal operators;
 - (vi) an analysis of the current legal framework for the postal sector; including provisions with respect to competition and consumers;
 - (vii) the technical and economic viability of postal service enterprises;
 - (viii) the quality of postal services rendered by the different service providers doing business in the postal market;
 - (ix) universal postal service standards;
 - (x) the scope of universal postal services rendered by the public postal operator;
 - (xi) supply and demand for universal services;
 - (xii) standards of quality and prices in the postal market;
 - (xiii) the level of investment in the postal sector;
 - (xiv) development plans and the level of investment by the universal service operator; and
 - (xv) publishing the result of the market study;

- (o) establish and administer appropriate pricing system for service offerings on the postal market including:
 - (i) universal postal services provided by the public postal service operator, and
 - (ii) service open to competition provided by all postal operators including the public operator.
- (p) define, delimit and design the content and scope of measures and activities required for the provision of Universal Postal Services;
- (q) participate in Universal Postal Union activities and projects aimed at developing Universal Postal Service costing and pricing methodologies; and
- (r) sanction any inappropriate postal practices by postal operators in the industry contrary to the provisions of this Bill (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 33: Transparency.

The Commission shall at all times carry out its functions and duties and exercise its powers under this Bill efficiently, effectively and in a non-discriminatory and transparent manner and in a way that is best calculated to ensure that they are provided throughout Nigeria, subject to the regulatory controls as specified in this Bill, all forms of postal services, facilities and equipment on such terms and subject to such conditions as the Commission may, from time to time specify (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

PART X — STAFF OF THE COMMISSION

Clause 34: Appointment of the Director-General.

- (1) There shall be appointed for the Commission by the President on the recommendation of the Minister, subject to confirmation by the Senate, a Director General, who shall be:
 - (a) the Chief Executive and Accounting officer of the Commission;
 - (b) responsible for the execution of the policies and decisions of the Commission;
 - (c) responsible for the day-to-day management and supervision of the activities of the Commission; and
 - (d) hold office:
 - (i) for a term of 4 years in the first instance and may be re-appointed for another term of 4 years and no more; and
 - (ii) on such terms and conditions as may be specified in their letters of appointment.

- (2) The Director-General shall be a professional with recognised qualification and experience in the field of postal matters, transport and logistics management, law, accountancy, finance, social sciences or administration (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 35: Appointment of Executive Directors.

- (1) There shall be for the Commission, two Executive Directors to be appointed by the President on the recommendation of the Minister, subject to confirmation by the Senate.
- (2) The Executive Directors shall —
- (a) be professionals with recognised qualification and experience in the field of postal matters, transport and logistics management, law, accountancy, finance, social sciences or administration;
 - (b) perform such duties as the Commission or Director-General may from time to time assign to them; and
 - (c) hold office:
 - (i) for a term of 4 years in the first instance and may be re-appointed for another term of 4 years and no more; and
 - (ii) on such terms and conditions as maybe specified in their letters of appointment (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 36: Appointment of Secretary.

- (1) There shall be for the Commission, a Secretary to be appointed by the Board of the Commission.
- (2) The Secretary shall:
- (a) be a legal practitioner with at least 10 years post call experience;
 - (b) keep the corporate records of the Commission;
 - (c) conduct the correspondence of the Commission;
 - (d) perform such other duties as the Chairman or the Commission may from time to time assign to him (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 37: Other Staff of the Commission.

- (1) The Commission may appoint either directly, on secondment or transfer such number of employees as it considers expedient for the carrying out of its functions.

- (2) The members of staff of the Commission shall be public officers as defined in the Constitution of the Federal Republic of Nigeria (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 38: Conditions of Service and Pension.

- (1) The Commission may make regulations relating generally to the conditions of service of the employees of the Commission, such regulations may provide for the appointment, promotion, termination, dismissal and discipline of the employees of the Commission.
- (2) The Commission shall in consultation with the National Salaries, Incomes and Wages Commission determine and review from time to time, the remunerations and allowances, payable to the staff of the Commission.
- (3) The Conflict of Interest provisions contained in the Third Schedule to this Bill shall apply to all employees of the Commission.
- (4) Service in the Commission shall be approved service for the purposes of the Pension Reform Act and accordingly, officers and other persons employed in the Commission shall in respect of their services in the Commission, be entitled to pensions and other retirement benefits as are enjoyed by persons holding equivalent grades in the Civil Service of the Federation.
- (5) Nothing in this Bill shall prevent the appointment of a person to any office on terms which preclude the grant of pension and gratuity in respect of that office.
- (6) For the purposes of the application of the Pensions Act, any power exercisable there under by a Minister or other Authority of the Federal Government, other than the power to make regulations under section 51 thereof, is hereby vested in and shall be exercisable by the Commission and not by any other person or authority (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

PART XI — FINANCIAL PROVISIONS

Clause 39: Fund of the Commission.

- (1) The Commission shall establish and maintain a Fund (hereinafter referred to as 'the Fund') from which all expenditures incurred by the Commission shall be defrayed.
- (2) The Fund shall consist of:
- (a) such monies as may be appropriated to the Commission from time to time by the National Assembly;
- (b) fees charged by the Commission under this Bill or regulations issued pursuant to this Bill or under any license issued under the provisions of this Bill;
- (c) such monies as may be received by the Commission by way of gifts, loans, grants, aids, etc.;

- (d) all other assets that may, from time to time, accrue to the Commission;
 - (e) fines and administrative charges; and
 - (f) all other monies which may from time to time accrue to the Commission.
- (3) The proceeds of the Funds of the Commission shall be applied:
 - (a) to meet the administrative and operating costs of the Commission;
 - (b) for the payment of salaries, wages, fees, allowances, retirement benefits including pensions and any other remuneration payable to the Commissioners and staff of the Commission;
 - (c) for the purchase or acquisition of property or other equipment and other capital expenditure and for maintenance of any property, acquired or vested in the Commission under this Bill or any order, rules and regulation made pursuant to this Bill;
 - (d) for purposes of investment; and
 - (e) for or in connection with all or any of the functions of the Commission under this Bill or under any order, rule or regulations made pursuant to this Bill.
- (4) Any excess of the Commission's revenue for any year over the approved expenditure for that year shall be remitted to the Consolidated Revenue Fund.
- (5) The Commission shall pay all monies accruing from sale of licenses into the Consolidated Revenue Fund (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 40: Power to borrow and accept gifts.

- (1) The Commission may, with the approval of the Minister, borrow by way of loan or over draft such monies as the Commission may require in the exercise of its functions.
- (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 Bill (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 41: Budget and Expenditure.

- (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) of this section, the Commission may, in any financial year, submit supplementary or adjusted statements of estimates income and expenditure to the National Assembly through the President for approval (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 42: Financial Year and Audit of the Commission's Account.

- (1) The financial year of the Commission shall commence on 1st January of each year and end on 31st December of the same year.
- (2) The Commission shall keep proper records of its accounts for each year and shall cause its accounts to be audited within 6 months from the end of each financial year by auditors whose appointment shall be approved by the Commission and are on the list of auditors approved from time to time by the Auditor-General for the Federation (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 43: Exemption from taxation.

The provisions of any enactment relating to the taxation of companies or trust Funds shall not apply to the Commission (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

PART XII — LICENCES

Clause 44: Power to grant license.

Subject to the provisions of this Bill, the Commission shall be responsible for granting licenses for the carrying on of postal services under this Bill and for the period specified in the licenses (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that Clause 44 stands part of the Bill— Agreed to.

Clause 45: Operation of postal services.

A person other than the Public Postal Operator shall not :

- (a) operate a postal system or facility; or
- (b) provide and operate Courier/Express service in Nigeria; unless it is registered as a company and holds a license under this Bill (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that Clause 45 stands part of the Bill— Agreed to.

Clause 46: Assignment of licenses and compliance with license conditions.

- (1) The grant of a license shall be personal to the licensee and a license shall not be operated, assigned, sub-licensed or transferred to any other person without the prior written approval of the Commission.

- (2) A licensee shall at all times comply with the terms and conditions of the license and the provisions of this Bill or regulations made under this Bill
(Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency).

Question that Clause 46 stands part of the Bill— Agreed to.

PART XIII — RENEWAL AND REVOCATION

Clause 47: Processing of applications.

The Commission shall, within 90 days of receiving an application for a license under this Bill, inform the applicant by written notice:

- (a) whether or not the license has been granted;
- (b) in the event of a grant, of any special or additional conditions that apply to the license; and
- (c) in the event that the application has been refused, the reasons for the refusal
(Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency).

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

Clause 48: Renewal of license.

- (1) The licensee may apply for the renewal of a license at least 6 months prior to its expiration and the renewal fee, to be determined by the Commission, shall be payable upon approval of the application.
- (2) The Commission may refuse an application for the renewal of a license if the licensee has failed to comply with:
 - (a) the terms and conditions of the license;
 - (b) the provisions of this Bill or regulations made pursuant to this Bill; or
 - (c) any instrument issued, made or given by the Commission in connection with the license, its terms and conditions.
- (3) Where the Commission has no intention of renewing the license, the Commission shall:
 - (a) inform the licensee by notice in writing not later than 3 months from the date of receipt of the application for renewal of the license of its intention not to renew the license; and
 - (b) publish such intention at least 30 days before the expiry of the license.
- (4) The Commission shall give the affected licensee a reasonable opportunity to make written submissions to it within a time period specified in the notice and such time period shall not be less than 14 days from the date of receipt of notice.
- (5) The affected licensee may within the time period specified in the notice forward a written submission to the Commission for consideration (Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency).

Question that Clause 48 stands part of the Bill— Agreed to.

Clause 49: Surrender of license.

- (1) A licensee may, by a written notice, surrender his license to the Commission at any time in accordance with the requirements set out in the individual license.
- (2) The surrender shall take effect on the date the Commission receives the license under subsection (1) of this section, or where a later date is specified in the notice, on the date specified in the notice.
- (3) The surrender of a license shall be irrevocable unless it is expressed to take effect on a later date and before that date the Commission, by notice in writing to the licensee, allows the surrender to be withdrawn (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that Clause 49 stands part of the Bill— Agreed to.

Clause 50: Suspension or revocation of license.

- (1) The Commission may, by declaration suspend or revoke a license granted under this Bill in any of the following circumstances where the:
 - (a) Licensee has failed to pay any amount or fine required by or imposed on the licensee under this Bill;
 - (b) Licensee has failed to comply with the provisions of this Bill or regulations made pursuant to this Bill or the terms and conditions of the license;
 - (c) Licensee has contravened the provisions of any other law relevant to the postal industry;
 - (d) Licensee has failed to comply with any instrument issued, made or given by the Commission;
 - (e) Licensee has ceased to be a person qualified to hold the license;
 - (f) Licensee is adjudged to have committed any fraud or intentional misrepresentation at the time of applying for the license;
 - (h) suspension or revocation is in the public interest.
- (2) Notwithstanding any other provisions contained in this Bill, a license may be suspended or revoked under subsection (1) of this section only after:
 - (a) the Commission has, by written notice, informed the licensee of the breach of the provision of subsection (1) of this section and demanded that the breach be rectified, if it is capable of rectification, within 60 days from the date of the notice; and
 - (b) the licensee has failed to rectify the breach within the time frame stipulated in paragraph (a) of this subsection.

- (3) Prior to the suspension or revocation of a license under subsection (1) of this section, the Commission shall inform the licensee by written notice, as soon as practicable, of its intention to suspend or revoke the license and the Commission shall give reasons for the decision taken in this respect.
- (4) The Licensee concerned shall be given a reasonable opportunity to make written submission to the Commission 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.
- (5) The affected licensee may, within the time period specified in the notice, forward a written submission and the Commission shall consider the submission in making its final determination and declaration on the suspension or revocation of the license.
- (6) Subject to subsections (4) and (5) of this section, the suspension or revocation of the license shall take effect on the expiration of 30 days from the date on which the notice of the Commission's declaration under subsection (3) of this section in respect of the suspension or revocation is served on the licensee.
- (7) Where the suspension or revocation of a license has taken effect, the Commission shall, as soon as practicable, cause the suspension or cancellation to be published in at least two widely circulated national daily newspapers.
- (8) Any delay or failure to publish the notice of suspension or revocation shall not in any manner affect the validity of the suspension or revocation.
- (9)
 - (1) A Licensee shall have the right of appeal to the Minister within thirty (30) days of notice of the Commission's declaration under subsection (3) of this section in respect of the suspension or revocation of the License.
 - (2) The Minister's decision on this issue shall be final (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that Clause 50 stands part of the Bill— Agreed to.

PART XIV — REGULATIONS, GUIDELINES BY COMMISSION

Clause 51: Regulations, guidelines, etc. by the Commission.

- (1) The Commission shall in consultation with the postal operators and private sector stakeholders issue and publish regulations covering all or any of the following matters:
 - (a) written authorisations, permits, assignments and licenses granted or issued under this Bill;
 - (b) fees, charges, rates or fines to be imposed under this Bill or regulations issued pursuant to this Bill;
 - (c) quality of service;
 - (d) postal related offences and penalties;

- (e) any matter for which this Bill makes express provision; and
 - (f) such other matters as are necessary for giving full effect to the provisions of this Bill and for their due administration.
- (2) The Commission may make and publish guidelines on any matter for which this Bill makes express provision and such other matters as are necessary for giving full effect to the provisions of this Bill and for their due administration (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that Clause 51 stands part of the Bill— Agreed to.

PART XV — MONITORING AND REPORTING

Clause 52: Monitoring and reporting.

- (1) The Commission shall monitor all matters relating to the performance of all licensees and publish annual reports thereon at the end of each financial year of the Commission.
- (2) In performing its functions under subsection (1) of this section, the Commission shall have regard to the established industry performance indicators as the Commission considers appropriate.
- (3) Matters upon which the Commission shall monitor, and report include:
 - (a) the operation and administration of this Bill and rules and regulations made under this Bill;
 - (b) the efficiency in which licensees provide facilities and services;
 - (c) the quality of services;
 - (d) industry statistics generally, including but not limited to the provision of services, traffic patterns, industry operators;
 - (e) the tariff rate and charges paid by consumers for services;
 - (f) the development of industry self-regulation;
 - (g) the adequacy and availability of services in all parts of Nigeria;
 - (h) any deficiencies in the scope or operation of this Bill and regulations made under this Bill;
 - (i) other matters as deemed appropriate by the Commission.
- (4) The Commission shall publish report under this section in a manner it deems appropriate (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that Clause 52 stands part of the Bill— Agreed to.

PART XVI — GENERAL COMPETITION PRACTICES

Clause 53: Power of the Commission to regulate competition practice in the Postal Sector.
The Commission shall have the power to determine, pronounce upon, administer, monitor and enforce compliance by all persons with competition laws and regulations, whether of a general or specific nature, as it relates to Nigerian postal market (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that Clause 53 stands part of the Bill— Agreed to.

Clause 54: Anti-competition practices.

- (1) A licensee shall not engage in any conduct which has the purpose or effect of substantially lessening competition in any aspect of the Nigerian postal market.
- (2) A licensee shall not enter into any understanding, agreement or arrangement whether legally enforceable or not, which has the tendency of limiting competition and which provides for:
 - (a) rate fixing;
 - (b) market sharing;
 - (c) boycott of another competitor;
 - (d) boycott of a supplier of apparatus or equipment; or
 - (e) boycott of any other licensee.
- (3) Where the Commission finds that a licensee is engaged, has been engaged or is likely to engage in any anti-competitive activity, the Commission shall have the power to issue a direction requiring such licensee to desist from such practices or methods of competition.
- (4) Failure to comply with a direction issued pursuant to subsection (2) of this section shall constitute an offence punishable in the case of a:
 - (a) first offender, by a fine not exceeding Two Million Naira;
 - (b) second time offender, by a fine not exceeding ten per cent of the annual turnover of the Licensee; and
 - (c) third time offender, by the revocation of the relevant license.
- (5) A direction shall not be issued nor a penalty imposed where the licensee is able to demonstrate to the satisfaction of the Commission that it has not engaged or has not been engaged or is not likely to be engaged in any anti-competitive activity.
- (6) For the purpose of paragraph (b) of subsection 4 of this section, "annual turnover" shall mean the annual turnover for the financial year of the licensee preceding the year in which the offence was committed (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that Clause 54 stands part of the Bill— Agreed to.

PART XVII — TARIFF RATE REGULATION

Clause 55: Approval of tariffs and charges by the Commission.

The Commission, in consultation with the postal operators and private sector stakeholders, shall review and fix minimum tariff for competitive products, cost coverage plus a reasonable contribution to overhead costs, from time to time in the interest of efficient and reliable service (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that Clause 55 stands part of the Bill— Agreed to.

Clause 56: Commission's Intervention in the setting of tariff rates.

Notwithstanding the provisions of this Bill, the Commission may intervene in such manner as it deems appropriate in determining and setting the tariff rates for any non-competitive services provided by a provider mentioned in this Bill as the public interest may require (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

PART XVIII — OFFENCES

Clause 57: Offences relating to licenses.

- (1) Subject to such exemptions as are contained in this Bill, or as may be determined by the Commission from time to time, a person who operates a postal service:
 - (a) without a licence issued under this Bill;
 - (b) outside the terms and conditions of the licence; or
 - (c) in contravention of the provisions of this Bill or regulation made pursuant to this Bill; commits an offence.
- (2) A person who for the purpose of securing a licence under this Bill, makes a statement or provides information which he knows to be false or does not have reason to believe to be true, commits an offence (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that Clause 57 stands part of the Bill— Agreed to.

PART XIX — LEGAL ACTIONS AGAINST THE COMMISSION

Clause 58: Limitation of Suits against the Commission.

- (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 an Official or employee of the Commission.
- (2) Notwithstanding anything contained in any other law or enactment, no suit shall lie against a Commissioner, the Secretary or any other official or employee of the Commission for any act done under this Bill or any other law or enactment or of any public duty or authority in respect of any alleged neglect or default in the execution of this Bill or any other law or enactment, duty or authority, or be instituted in any court unless it is commenced:

- (a) within three months after the act, neglect or default complained of; or
 - (b) in the case of continuation of damage or injury, within six months next after the ceasing thereof.
- (3) No suit shall be commenced against a member of the Commission, the Secretary or any official employee of the Commission before the expiration of a period of one month after written notice of the intention to commence the suit shall have been served on the Commission by the intending plaintiff or his agent.
- (4) The notice referred to in subsection (3) of this section shall clearly and explicitly state the cause of action, the particulars of the claim, the name and place of abode of the intending plaintiff and the relief sought (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that Clause 58 stands part of the Bill— Agreed to.

Clause 59: Service of Court Processes on the Commission.

A notice, summons or other documents required or authorised to be served on the Commission under the provisions of this Bill or any other law or enactment, may be served by delivering it to the Commission or by sending it by registered post addressed to the Director General of the Commission at the principal office of the Commission (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that Clause 59 stands part of the Bill— Agreed to.

Clause 60: Restriction on Execution against the Commission's Property.

- (1) In any action against the Commission, no execution or attachment of any nature thereof shall be issued against the Commission unless at least three months' notice of the intention to execute or attach the Commission's property has been given to the Commission.
- (2) Any sum of money which may by judgment of any Court be awarded against the Commission shall, subject to any direction given by the Court where notice of appeal against the judgment has been given, be paid from the Commission's Fund (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that Clause 60 stands part of the Bill— Agreed to.

Clause 61: Indemnity of the Commission's Officials.

A member of the Commission or any official or employee of the Commission shall be indemnified out of the assets of the Commission against any liability incurred by him in defending any proceeding, whether civil or criminal, if the proceeding is brought against him in his capacity as a member of the Commission, Officer or employee of the Commission (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that Clause 61 stands part of the Bill— Agreed to.

PART XX — RESPONSIBILITIES OF THE MINISTER

Clause 62: Responsibilities of the Minister.

The Minister shall:

- (a) formulate, determine and monitor the general policy of the postal sector in Nigeria to ensure, amongst other things, the utilisation of the sector as a platform for the economic and social development of Nigeria;
- (b) be responsible for the negotiation and execution of international postal treaties and agreements, on behalf of Nigeria, between sovereign countries and international organisations and bodies;
- (c) establish the broad policy framework for universal service with respect to basic and advanced postal services;
- (d) formulate and review broad structural and institutional frameworks for the postal industry;
- (e) support the applications by postal sector operators seeking for exemption from the use of any Form which exemption is allowed and Risk Assessment Report (RAR) and other similar requirements from the appropriate institution to expedite the timely delivery of express cargo or courier items; and
- (f) upon being satisfied that express or courier items have been inspected by relevant law enforcement agencies at designated sheds, bonded warehouses and other such inspection centres, support the application by postal sector operators to the appropriate authorities from inspection by law enforcement agencies, State and Local Government operators.
- (g) determine appeals from the postal operators as a result of the actions of the Commission (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that Clause 62 stands part of the Bill— Agreed to.

Clause 63: Power of the Minister.

In addition to the powers conferred on him by sections 4, 5, 8, 27 and 62 of this Bill, the Minister may after due consultation with all the stakeholders make regulations and guidelines covering or relating to all or any of the following matters —

- (a) written authorisations, permits, assignments and licenses granted or issued under this Bill;
- (b) fees, charges, rates or fines to be imposed under this Bill or regulations issued pursuant to this Bill;
- (c) quality of service;
- (d) postal related offences and penalties;
- (e) any matter for which this Bill makes express provision; and
- (f) such other matters as are necessary for giving full effect to the provisions of this Bill and for their due administration (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that Clause 63 stands part of the Bill— Agreed to.

PART XXI — ESTABLISHMENT OF THE UNIVERSAL POSTAL SERVICE FUND
AND UNIVERSAL POSTAL SERVICE FUND BOARD

Clause 64: 64. Universal Postal Service Fund.

- (1) There is established under this Part, a Universal Postal Service Fund in this Bill referred to as "the UPS Fund" which shall be controlled and managed in accordance with the provisions of this Part.
- (2) The UPS Fund established pursuant to subsection (1) of this section shall consist of —
 - (a) monies as may be specifically made available to the UPS Fund, from time to time, through the annual budgetary process appropriate by the National Assembly;
 - (b) contributions from the Commission based on a portion of the annual levies paid to the Commission by the Licensees.
 - (c) gifts, loans, aids and assistance from donor agencies; and
 - (d) such other monies which may from time to time accrue to the UPS Fund.
- (3) The proceeds of the UPS Fund shall be applied —
 - (a) to the payment of compensation and incentives to the public postal operator;
 - (b) to the cost of administration of the UPS Fund Board; and
 - (c) for the deployment of Postal Services to the unserved and underserved areas by the Public Postal operator (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that Clause 64 stands part of the Bill— Agreed to.

Clause 65: Establishment of the Universal Postal Service Fund Board.

- (1) There is established for the UPS Fund, a Board (in this Bill referred to as "the UPS Fund Board").
- (2) The UPS Fund Board established under subsection (1) of this section shall:
 - (a) supervise and provide broad policy direction for the management of the UPS Fund;
 - (b) apply the fund to the provision of compensation and incentives for the universal postal service provider where such services are not commercially viable;
 - (c) make appropriate recommendations to the Federal Government and its Agencies on Universal Service Development Policy.

- (3) The UPS Fund Board shall be constituted by the President on the recommendation of the Minister subject to confirmation by the Senate (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 66: Membership of the UPS Fund Board.

- (1) The UPS Fund Board shall consist of:
- (a) the Minister, who shall be the Chairman;
 - (b) the Chairman of the Commission, who shall be the Vice Chairman;
 - (c) the Director General of the Commission;
 - (e) a representative of the Federal Ministry of Finance not below the directorate cadre;
 - (f) a representative of the National Planning Commission not below the directorate cadre;
 - (h) a representative of the private sector; and
 - (i) the Chief Executive Officer of the Public Postal Operator.
- (2) A member of the UPS Fund Board shall be appointed:
- (a) for a term of 4 years and may be reappointed for another term of 4 years; and
 - (b) on such terms and conditions as may be indicated in his letter of appointment.
- (3) The organisations that are represented on the UPS Fund Board may at any time, at their discretion or at the instance of the UPS Fund Board, replace any member who is representing their organizations with another person (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that Clause 66 stands part of the Bill— Agreed to.

Clause 67: Proceeding of the UPS Fund Board.

- (1) The UPS Fund Board shall make standing orders for the regulation of its meetings and proceedings and may establish standing or ad-hoc Committees to assist it in exercising its functions under this Bill.
- (2) The UPS Fund Board may establish Committees and co-opt other persons including representatives of organisations that are in the UPS Fund Board's opinion, capable of assisting the Commission and the UPS Fund Board in the discharge of the functions under this bill, provided that such Committees shall, at all times, be chaired by a member of the UPS Fund Board.
- (3) Decisions of the Committee established by the UPS Fund Board shall not be binding and valid until adopted and agreed upon by the UPS Fund Board (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that Clause 67 stands part of the Bill— Agreed to.

Clause 68: Secretariat of the Universal Postal Service Fund.

- (1) There shall be for the UPS Fund a Secretariat responsible for the day to day administration of the UPS Fund established pursuant to Section 42 of this Bill.
- (2) The functions of the Secretariat shall include:
 - (a) evaluation of project performance and effecting such actions as may be necessary to ensure that the Fund meets the objectives for postal expansion and provision of service;
 - (b) enforcing standards for quality of service set by the Board in rural and underserved areas;
 - (c) evaluation of the effectiveness of the Universal Postal Service in meeting policy goals as set by the Federal Government and the UPS Fund Board;
 - (d) liaising with UPS Fund Board and the Universal Service Fund Managers appointed pursuant to the provision of Section 69 of this Bill.
- (3) There shall be for the UPS Fund, a Head of the Secretariat, known as the Secretary UPSF to be appointed by the UPS Fund Board.
- (4) The UPS Fund Board shall ensure that the Secretariat is staffed with suitably qualified and experienced personnel (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that Clause 68 stands part of the Bill— Agreed to.

Clause 69: Universal Postal Service Fund Managers.

- (1) The UPS Fund Board shall appoint an independent and competent investment management firm as Universal Postal Service Fund Manager (in this Bill referred to as the UPS Fund Manager) whose responsibilities are to:
 - (a) maintain the UPS Fund financial accounts and records;
 - (b) estimate the amount needed annually to sustain the rate of network expansion determined by the Commission as appropriate to meet policy objectives;
 - (c) determine, in consultation with the Commission, the amount of annual revenue required to ensure that the UPS Fund remains fiscally sound and calculation of the corresponding rate of assessment;
 - (d) disburse monies upon approval by the UPS Fund Board;
 - (e) prudently investing monies in the UPS Fund or cash reserves under directions from the UPS Fund Board and establishing cash management procedures to ensure maximum return on investments while meeting short-term cash requirements for disbursements;
 - (f) regularly reporting on financial performance of the Fund to the UPS Fund Board.

- (2) The UPS Fund Board shall determine the terms of engagement and the remuneration package for the UPS Fund Managers (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that Clause 69 stands part of the Bill— Agreed to.

Clause 70: Regulations on contributions to the UPS Fund.

The UPS Fund Board may make regulations on the contributions to be made by licensees under this Bill to the UPS Fund and any other matter related to or incidental to the UPS Fund and operation of the UPS Fund (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that Clause 70 stands part of the Bill— Agreed to.

PART XXII — MISCELLANEOUS

Clause 71: Repeal of Cap. N127, LFN, 2004.

- (1) The Nigerian Postal Service Act, Cap N127 Laws of the Federation of Nigeria, 2004 is hereby repealed.
- (2) Without prejudice to the provisions of the Interpretation Act, nothing in this Bill shall invalidate or otherwise prejudicially affect anything done or purported to be done under the repealed Act.
- (3) Notwithstanding the repeal of the Nigerian Postal Service Act Cap N127 LFN 2004, there shall be vested in the Public Postal Operator from the commencement of this Bill and without any further assurance, all assets, funds, resources and other movable or immovable property which immediately before the commencement of this Bill were vested in the Nigerian Postal Service (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that Clause 71 stands part of the Bill— Agreed to.

Clause 72: Interpretation.

In this Bill:

"access" means making available postal facilities and services from one licensee to another for the purposes of providing services and access to physical infrastructure, including but not limited to buildings (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

"Agreement" means an agreement, whether formal or informal, oral or written, express or implied (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

"interception" means interception by the Commission or Postal Operator permitted under this Bill (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

"cargo" means any goods transported by air, sea etc. and in this Bill "express cargo or courier items" refer to time sensitive goods conveyed by means of transportation, including road, sea, air (Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency).

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

"Commission" means the Nigerian Postal Commission established under section 26 of this Bill (Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency).

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

"consumer" means any person who uses a postal service (Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency).

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

"Courier/Express Service" means door-to-door, time-sensitive and secured service (Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency).

Question that the meaning of the words "Courier/Express Service" be as defined in the interpretation to this Bill— Agreed to.

"Licensee" means a person who holds a licence granted under this Bill (Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency).

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

"Minister" means the Minister for the time being charged with the responsibility for postal services (Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency).

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

"category of licence" means a licence for any person to operate specified postal services and may include conditions to which the conduct of the service shall be subject (Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency).

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

"President" means the President of the Federal Republic of Nigeria (Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency).

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

"Reserved Postal Service" means postal services within the exclusive power of the public postal operator under section 11 of this Bill (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

"Service" except where the context otherwise requires, means applications, content, network or facilities services or any combination of these services (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

"Cross subsidisation " means the practice of using surplus revenues generated from one product or service to support another service which is priced at a rate that is less than full compensation (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

"equipment" means any equipment or apparatus used or intended to be used for postal purposes and that is part of or connected to or comprises postal system (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

"false pretence" has the meaning assigned to it under the Administration of Criminal Justice Act, 2015 (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

"fictitious or counterfeit postage stamp" means any facsimile or imitation or representation whether on paper or otherwise, of any stamp or stamped impression, for denoting any rate of postage in any part of Nigeria (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that the meaning of the words "fictitious or counterfeit postage stamp" be as defined in the interpretation to this Bill— Agreed to.

"intercept" means the rural or other acquisition of the contents of any postal article (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

"lawful authority" means the official procedure as it relates to dealing in postal services (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

"letter" means a communication in writing which is directed to a specific person or address or relates to the personal, private or business affairs of an individual or any employer and includes a packet containing such communication and electronic mail (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

"license" means an authorization granted by the Commission to an operator for the provision of postal services (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

"logistic services" means services which include haulage, conveyance, dispatch or delivery of items or goods weighing not less than 50kg (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

"Mandatory Postal Services" means postal services that are required to be provided by the Public Postal Operator under Section 13 of this Bill (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that the meaning of the words "Mandatory Postal Services" be as defined in the interpretation to this Bill— Agreed to.

"Ministry" means the Federal Ministry for the time being charged with the responsibility of postal service, Courier/Express Service (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

"monitoring" refers to the function of comprehensive and continuous review of the operations and adequacy of postal networks, facilities and service and the reasonableness of charges imposed for services (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

"operator" means a person that operates postal services and/or Courier/Express Services or a postal services provider in accordance with this Bill (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

"person" includes natural and artificial person such as a body corporate or partnership and where an individual is required to represent a corporate body or partnership in any circumstance pursuant to this Bill its subsidiary legislation, it shall be sufficient if in the case of:

- (a) corporate body, it is represented by its competent officer; and
- (b) partnership, it is represented by a partner in the partnership or a competent employee of the partnership (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

"Stamp" means any label, stamp or stamp impression for denoting any rate of postage payable in respect of postal articles and includes adhesive stamps, electronic stamps and stamps printed, embossed, or otherwise indicated on any envelope, wrapper, postcard, documents, receipts or other articles whether such stamp is issued by the public postal operator or by the Government of any foreign country (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

"postal articles" include any letter, postcard, newspaper, book, document, pamphlet, patent or sample packet, parcel or package or other article whatsoever transmissible through postal operators (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

"postal facilities" include a house, building, premises, room, vehicles, vessel carriage or place used for the purpose of providing postal service and every letter box, post office provided by the public postal operator for the receipt of postal articles (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

"postal industry" means the sector of the economy where postal/courier/express services are being carried out (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

"postal matter" includes a letter, stamp, postal order, money order, mail bag, seal or any other postal item (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

"PPP" means Public Private Partnership (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

"Private Postal Operator" means any postal operator other than the Public Postal Operator (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that the meaning of the words "Private Postal Operator" be as defined in the interpretation to this Bill— Agreed to.

"Public Postal Operator" means the Nigeria Postal Service designated for the provision of universal service under Section 2(1) of this Bill (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that the meaning of the words "Public Postal Operator" be as defined in the interpretation to this Bill— Agreed to.

"Postal Sector" means operators in the Postal Industry providing either or and both postal services and Courier/Express Services (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

"Transactions" means delivery of goods, including parcels, documents, merchandise and cargo (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

"UPS Fund Board" means the Board established under section 65 of this Bill (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

"UPS Fund" means Universal Postal Service Fund (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

"UPU" means the Universal Postal Union (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

"Unlicensed Postal Operator" means a person who operates a postal service without being licensed under this Bill (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that the meaning of the words "Unlicensed Postal Operator" be as defined in the interpretation to this Bill— Agreed to.

Question that Clause 72 stands part of the Bill— Agreed to.

Clause 73: Short Title.

This Bill may be cited as the Nigeria Postal Services Bill, 2019 (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that Clause 73 stands part of the Bill— Agreed to.

SCHEDULES**FIRST SCHEDULE****Section 3(4)****SUPPLEMENTARY PROVISIONS RELATING TO THE PUBLIC POSTAL OPERATOR***Proceedings of the Board of the Public Postal Operator*

1. (1) The Board shall meet for the conduct of its business at such time, place and on such day as the chairman may appoint, but shall meet not more than four times in a year.
- (2) The chairman may, at any time and shall, at the request in writing of not less than five members summon a meeting of the Board.
- (3) Particulars of the business to be transacted at any meeting shall be circulated to members, with the notice of the meeting of the Board.
- (4) Every question put before the Board at a meeting shall be decided by a majority of the votes of the members present and voting.
- (5) Four members of the Board shall form a quorum at any meeting of the Board.
- (6) The chairman shall preside at all meetings of the Board and in the absence of the Chairman; the alternate Chairman shall preside at that meeting.
- (7) The chairman shall at any meeting, have a vote and in the case of an equality of votes, may exercise a casting vote.
- (8) Subject to the provisions of this Bill, the Board may make standing orders with respect to the holding of meetings, the nature of notice to be given, the proceedings thereto, the keeping of minutes of such proceedings and the custody and

Committees

2. (1) The Board may appoint one or more committees to advise it on the exercise and performance of its functions under this Bill.
- (2) Every committee shall consist of —
 - (a) a chairman, who shall be appointed by the Board from among the members of the Board;
 - (b) not more than five persons (who may or may not be members of the Board), so however that any non-member of the Board co-opted to serve on any committee shall enjoy all the rights and privileges of a member except the right to vote and be counted towards a quorum.
- (3) In this paragraph, "chairman" means the chairman of a committee.

Miscellaneous

3. (1) Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not be required to be under seal, may be entered into or executed on behalf of the Board by any person generally or specifically authorised in that behalf by the Board.
- (2) Any member of the Board or of a committee thereof, who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Board or a committee thereof, shall forthwith disclose his interest to the Board or the Committee, as the case may be, and shall not vote on any question relating to such contract or arrangement.
4. (1) The common seal of the Board shall not be used or affixed to any document, except in pursuance of a resolution duly passed at a properly constituted meeting of the Board and recorded in the minutes of the meeting.
- (2) The fixing of the seal of the Board shall be authenticated by the signature of the chairman or some other members authorised generally or specifically by the Board, to act for that purpose.
- (3) A document purporting to be a document duly executed under the seal of the Board shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

SECOND SCHEDULE

Section 27(5)

SUPPLEMENTARY PROVISIONS RELATING TO THE COMMISSION

Proceedings of the Commission

1. Subject to the provisions of this Bill, the Board may make standing orders regulating its proceedings or that of any of its Committees.
2. The Chairman shall preside at every meeting of the Board and in his absence, the Director General shall preside at the meeting and in the absence of the Chairman and Director General, the members present at that meeting shall appoint one of their members to preside at the meeting.
3. The quorum for any meeting of the Board shall be a simple majority of the members for the meantime constituting the Board.
4. The Board shall meet to transact its business pursuant to this Bill whenever it is summoned by the Chairman and if so required by notice given to him by not less than four other members of the Board specifying, amongst others, an agenda for the meeting, the Chairman shall summon a meeting of the Board that shall be held within fourteen days from the date on which the notice is served on him to discuss the items specified in the notice; provided that the Board shall for the purposes of this Bill meet not less than four times in each calendar year.

5. A member of the Board who directly or indirectly has an interest of a personal nature (including but not limited to financial interests in any matter being deliberated upon by the Board, or is personally interested in any contract made or proposed to be made by the Commission, shall so soon after the facts of the matter of his interests have come to his knowledge disclose his interest and the nature thereof at a meeting of the Board.
6. A disclosure under sub-paragraph 5 of this paragraph shall be recorded in the minutes of meetings of the Board and the member concerned:
 - (a) shall not, after the disclosure, take part in any deliberation or decision of the Board or vote on the matter; and
 - (b) shall be excluded for the purpose of constituting a quorum at any meeting of the Board for any deliberation or decision, with regard to the subject matter in respect of which his interest is so disclosed.

Committees

7.
 - (1) Subject to its standing orders, the Board may appoint such number of standing or ad hoc Committees as it thinks fit to consider and or on any matter with which the Commission is concerned.
 - (2) A Committee appointed under subparagraph (1) of this paragraph shall consist of such number of persons, who may not necessarily be members of the Board, provided that the appointment of a non-Board member as a Committee member shall be subject to such terms and conditions as the Board may determine.
 - (3) The quorum of any Committee set up by the Board shall be as may be determined from time to time by the Board.
 - (4) A decision of a Committee of the Board shall be of no effect until it is confirmed by the Board.

Miscellaneous

8.
 - (1) The fixing of the seal of the Commission shall be authenticated by the signature of the Secretary and that of the Chairman or any other member of the Board generally or specifically authorised by the Board to act for that purpose.
 - (2) Any 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 Commission, by any person generally or specially authorised by the Board to act for that purpose.
 - (3) Any document purporting to be a contract, instrument or other document duly signed or sealed on behalf of the Commission shall be received in evidence and shall, unless the contrary is proved, be presumed without further proof to have been so signed or sealed.
 - (4) Subject to the provisions of this Bill, the validity of any proceedings of the Board or of any of its Committees shall not be affected by:
 - (a) any vacancy in the membership of the Board or Committee;
 - (b) any defect in the appointment of a member of the Board or Committee; or

- (c) reason that any person not entitled to do so took part in the proceedings of the Board or Committee.
- (5) A member of the Board or Board's Committee shall not be personally liable for any act or omission done or made in good faith while engaged on the business of the Commission (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

THIRD SCHEDULE

Sections 27(8)

CONFLICT OF INTEREST

1. Subject to the provisions of this Schedule, a member of the Board or staff of the Commission shall not have a direct or indirect financial interest or investment in any Nigerian postal company throughout the tenure of his office or his employment with the Commission.
2. Subject to paragraphs 3 and 4 of this Schedule, a member of the Board or staff of the Commission shall on an annual basis present a written declaration affirming the non-existence of any such interest as is specified in paragraph 1 of the Schedule and shall pledge to disclose and inform the Board of any such relationship or interest that arises or is likely to arise during his tenure or employment with the Commission.
3. Members of the Board and staff of the Commission as at the commencement date of this Bill shall be entitled to a maximum of six months from the said commencement date within which to divest themselves of their direct or indirect financial interests or investment in any Nigerian postal company, if any.
4. All newly appointed members of the Board and staff of the Commission shall after the commencement of this Bill be entitled to a maximum of six months from their respective dates of appointments within which they may divest themselves of their direct or indirect financial interests or investments in any Nigerian postal company, if any.
5. Each member of the Board and staff of the Commission shall declare on appointment or at the commencement of employment and annually thereafter, for as long as he serves the Commission, any interest or investment that he:
 - (a) knowingly has; or
 - (b) knows any member of his immediate family to have in any aspect of the Nigerian postal industry.
6. If any member of the Board or staff of the Commission contravenes the provisions of paragraphs 1 and 2 of this Schedule or gives false information under paragraphs 5 of this Schedule, he shall on conviction be liable to a fine not exceeding ₦100,000.00 or imprisonment not exceeding 1 year or both.
7. Subject to paragraph 8 of this Schedule, the Board may, from time to time, waive the application of the provisions specified in paragraphs 1 and 2 of this Schedule to any member of the Board or staff of the Commission if the Board determines that the financial interest of the member of the Board or staff of the Commission is not of a material nature or is minimal.

8. The Board, in determining whether or not the interest of a member of the Board or staff of the Commission is not of a material nature will consider factors including but not limited to the following:
- (a) the revenues, investments, profits and managerial efforts of the company or other entity in regard to its postal activities compared with other aspects of the company's or such entity's businesses;
 - (b) the extent to which the Commission regulates and oversees the activity of such company or entity;
 - (c) the degree to which the economic interests of such company or other entity may be affected by an action of the Commission; and
 - (d) the perceptions held or likely to be held by the public regarding the relevant holding or interest and issues at stake.
9. The Board may at any time review and reverse its determination under paragraph 7 of this Schedule and direct the application of the prohibitions contained in these provisions.
10. In any case in which the Board exercises the waiver authority or the review thereof as specified in paragraphs 7 and 8 of this Schedule, the Board shall so soon thereafter publish the details thereof and such publication shall include information regarding the identity of the person who has been granted the waiver or whose waiver grant has been reviewed, the position held by such person and the nature of the financial interest which is the subject of the waiver or the review thereof.
11. For the purposes of this Schedule:
- (a) "Company" includes partnerships;
 - (b) "Immediate family" means a person's spouse and children who are under the age of 18 years (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Explanatory Memorandum:

(This note does not form part of the above Bill but is intended to explain its purport)

This Bill repeals the Nigerian Postal Service Act, Cap. N127, Laws of the Federation of Nigeria, 2004, and enacts the Nigerian Postal Commission Act to provide for the Establishment of the Nigerian Postal Commission, the introduction of private sector participation in the provision of postal services and the regulation of the postal sector and for other matters connected therewith (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Agreed to.

Long Title:

A Bill for an Act to Repeal the Nigerian Postal Service Act, Cap. N127 LFN, 2004, and Establish the Nigeria Postal Commission to Make Comprehensive Provisions for the Development and Regulation of Postal Services and for Other Related Matters (HB. 1563) (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in Committee of the Whole considered the Report of the Conference Committee on a Bill for an Act to Repeal the Nigerian Postal Service Act, Cap. N127, LFN, 2004 and Establish the Nigeria Postal Commission to make Comprehensive Provisions for the Development and Regulation of Postal Services; and for Related Matters and adopted the Conference Committee Report.

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

- (iv) **A Bill for an Act to Provide for the Establishment of Federal University of Health Science, Otukpo; and for Related Matters (HB 1535) (Committee of the Whole):**

Motion made and Question proposed, "That the House do consider the Report on a Bill for an Act to Provide for Establishment of Federal University of Health Science, Otukpo; and for Related Matters (HB 1535)" (Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency).

Agreed to.

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

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

A BILL FOR AN ACT TO PROVIDE FOR ESTABLISHMENT OF FEDERAL UNIVERSITY OF HEALTH SCIENCE, OTUKPO; AND FOR RELATED MATTERS (HB. 1535)

Committee Recommendation:

Clause 1: Separation of Campus of Health Sciences.

- (1) As from 18th February, 2014, the College of Health Sciences, Otukpo Campus listed in paragraph (a) of this subsection shall be separated from the Federal University of Agriculture, Makurdi, as follows, that is — the College of Health Sciences, Otukpo Campus, from the Federal University of Agriculture, Makurdi.
- (2) The campus of Health Sciences so separated under subsection (1) of this section shall be known and referred to by the name specified herein, that is — College of Health Sciences, Otukpo Campus, as the Federal University of Health Sciences, Otukpo (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Committee Recommendation:

Clause 2: Establishment and Objects of the Federal University of Health Sciences.

- (1) There is hereby established the Federal University of Health Sciences, Otukpo, Benue State.
- (2) The University shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name and shall have power to acquire, hold and dispose of movable properties.

- (3) By this enactment, the College of Health Sciences, Federal University of Agriculture, Makurdi, Otukpo, Campus ceases to exist and is subsumed by the Federal University of Health Sciences, Otukpo
- (4) The general objects/purposes of the University shall be to —
 - (a) encourage the advancement of learning and to hold out to all persons without distinction of race, creed, sex or political conviction, the opportunity of acquiring a higher education in Medicine and other Health Sciences
 - (b) develop and offer academic and professional programs leading to the award of diplomas, first degrees, postgraduate research and higher degrees with emphasis on planning, adaptive, technical, maintenance, developmental and productive skills in the field of Medicine, biomedical engineering, scientific, and allied professional disciplines relating to health resources with the aim of producing socially mature persons with capacity not only to understand, use and adapt existing technologies in the health industry, but also to improve on those disciplines and develop new ones, and to contribute to the scientific transformation of medical and other health practices in Nigeria;
 - (c) act as agents and catalysts, through postgraduate training, research and innovation for the effective and economic utilization, exploitation and conservation of Nigeria's natural, economic and human resources;
 - (d) offer to the general population, as a form of public service, the results of training and research in medicine and allied disciplines and to foster the practical application of those results;
 - (e) establish appropriate relationships with other national institutions involved in training, research and development of healthcare;
 - (f) identify the health problems and needs of Nigeria and to find solutions to them within the context of overall national development;
 - (g) provide and promote sound basic scientific training as a foundation for the development of medicine and allied disciplines, taking into account indigenous culture, the need to enhance national unity, the need to vastly increase the practical content of student training, and adequate preparation of graduates for self-employment in medicine and allied professions;
 - (h) promote and emphasize teaching, research and extension of health knowledge, including health extension services and outreach programs, in-service training, continuing education, and adaptive research;
 - (i) offer academic programs in relation to the training of manpower for medicine and allied profession in Nigeria;
 - (j) organize research relevant to training of manpower and health technology;

- (k) organize extension services and outreach programs for technology transfer;
 - (l) establish institutional linkages in order to foster collaboration and integration of training, research, and extension activities; and
 - (m) undertake any other Activities appropriate for a University of Health Sciences.
- (5) The University has the mandate to —
- (i) teach and train high caliber health-care professionals;
 - (ii) provide healthcare services and consultancy;
 - (iii) conduct research and participate in extension, outreach and community services;
 - (iv) operate various schools and specialties that offer exemplary training and quality research in health care;
 - (v) facilitate the acquisition of knowledge and skills in different specialties for effective and efficient management of health care;
 - (vi) provide solution to the lack and the inequitable distribution of health professionals serving rural communities;
 - (vii) train clinically, competent and socially conscious health workers who will stay and serve in depressed and undeserved communities especially in the rural areas of Nigeria;
 - (viii) develop a training model for the training of community oriented health workers that could be replicated in other areas of Nigeria;
 - (ix) facilitate collaboration and enhancement of health sciences research and education endeavors;
 - (x) advance the national and international reputation as the premier university for health sciences education and research in Nigeria;
 - (xi) advise and report regularly to the Federal Ministry of Education on all matters relevant to the health sciences sector and its education and research programs;
 - (xii) work collectively on common health academic issues and their implementation;
 - (xiii) provide management support for education and research across the health sciences sector;
 - (xiv) promote inter-professional education across all health professional programs and optimize the resources to do so; and
 - (xv) ensure that the health sciences sector is adequately and appropriately represented at all levels of University governance (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Committee Recommendation:

Clause 3: Composition of the University.

- (1) The University shall consist of —
 - (a) Chancellor;
 - (b) Pro-Chancellor and a Council;
 - (c) Vice-Chancellor and a Senate;
 - (d) Deputy Vice-Chancellor (s);
 - (e) a body to be called Congregation;
 - (f) a body to be called Convocation;
 - (g) campuses and colleges of the University;
 - (h) schools, institutes and other teaching and research units;
 - (i) persons holding the offices constituted by the First Schedule to this Bill other than those mentioned in paragraph (a) to (d) of this subsection;
 - (j) all graduates and undergraduates of the University; and
 - (k) all other persons who are members of the University in accordance with provisions made by statute in that behalf.
- (2) The First Schedule to this Bill shall have effect with respect to the principal officers of each University therein mentioned. [FIRST SCHEDULE]
- (3) Subject to section 6 of this Bill, provision shall be made by statute with respect to the constitution of the following bodies, namely the Council, the Senate, Congregation and Convocation (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Committee Recommendation:

Clause 4: Powers of the University and their Exercise.

- (1) For the carrying out of its objects as specified in section 2 of this Bill, the University shall have power —
 - (a) to establish such campuses, colleges, institutes, schools, extra-mural departments and other teaching and research units within the University as may, from time to time, be deemed necessary or desirable, subject to the approval of the National Universities Commission;
 - (b) to institute professorships, readerships or associate professorships, and other posts and offices and to make appointments thereto;

- (c) to institute and award fellowships, scholarships, exhibitions, bursaries, medals, prizes and other titles, distinctions, awards and other forms of assistance;
- (d) to provide for the discipline and welfare of members of the University;
- (e) to hold examinations and grant degrees, diplomas, certificates and other distinctions to persons who have pursued a course of study approved by the University and have satisfied such other requirements as the University may lay down;
- (f) to grant honorary degrees, fellowships or academic titles;
- (g) to demand and receive from any student or any other person attending the University for the purpose of instruction such fees as the University may, from time to time, determine subject to the overall directives of the Minister;
- (h) subject to section 23 of this Bill, to acquire, hold, grant, charge or otherwise deal with or dispose of movable and immovable property wherever situate;
- (i) to accept gifts, legacies and donations, but without obligation to accept the same for a particular purpose unless it approves the terms and conditions attaching thereto;
- (j) to enter into contracts, establish trusts, act as trustee, solely or jointly with any other person, and employ and act through agents;
- (k) to erect, provide, equip and maintain libraries, laboratories; lecture halls, halls of residence, refectories, sports grounds, playing fields and other buildings or things necessary or suitable or convenient for any of the objects of the University;
- (l) to hold public lectures and to undertake printing, publishing and book-selling;
- (m) subject to any limitations on conditions imposed by statute, to invest any money appertaining to the University by way of endowment, not being immediately required for current expenditure, in any investments or securities or the purchase or improvement of land, with power from time to time to vary any such investments and to deposit any money for the time being not invested with any bank on deposit or current account;
- (n) to borrow, whether on interest or not if need be upon the security of any or all of the property, movable or immovable, of the University, such moneys as the Council may, from time to time, in its discretion find it necessary or expedient to borrow or to guarantee any loan, advances or credit facilities;
- (o) to do anything which it is authorized or required by this Bill or by statute to do; and

- (p) to do all such acts or things, incidental to the foregoing powers, as may advance the objects of the University.
- (2) Subject to the provisions of this Bill and of the statutes and without prejudice to section 9 (2) of this Bill, the powers conferred on the University by subsection (1) of this section shall be exercisable on behalf of the University by the Council or by the Senate or in any other manner, which may be authorized by statute.
- (3) The power of the University to establish further campuses and colleges within the University shall be exercisable by statute and not otherwise (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Committee Recommendation:

Clause 5: Functions of the Chancellor.

- (1) The Chancellor shall, in relation to the University, take precedence before all other members of the University and when he is present shall preside at all meetings of Convocation held for conferring degrees certificates and other awards of the universities.
- (2) Every proposal to confer an honorary degree shall be subject to the confirmation of the Chancellor.
- (3) The Chancellor shall exercise such other powers and perform such other duties as may be conferred or imposed on him by this Bill or the statutes (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Committee Recommendation:

Clause 6: Functions of the Pro-Chancellor.

- (1) The Pro-Chancellor shall, in relation to the University, take precedence before all other members of the University, except the Chancellor and except the Vice-Chancellor when acting as chairman of Congregation or Convocation and the Pro-Chancellor shall, when he is present, be the chairman at all meetings of the Council.
- (2) Subject to the provisions of this Bill, the Pro-Chancellor shall hold office for a period of four years beginning with the date of his appointment (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Committee Recommendation:

Clause 7: Composition of the Council.

The Council of each University shall consist of —

- (a) the Pro-Chancellor;
- (b) the Vice-Chancellor;

- (c) the Deputy Vice-Chancellor (s);
- (d) one person from the Ministry responsible for education;
- (e) four persons representing a variety of interests and broadly representative of the whole Federation to be appointed by the President
- (f) four persons appointed by the Senate from among its members;
- (g) two persons appointed by the Congregation from among its members;
- (h) one person appointed by Convocation from among its members (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Committee Recommendation:

Clause 8: Functions of the Council and its Finance and General Purposes Committee.

- (1) Subject to the provisions of this Bill relating to the Visitor, the Council shall be the governing body of each University and shall be charged with the general control and superintendence of the policy, finance and property of the University.
- (2) There shall be a committee of the Council to be known as the Finance and General Purposes Committee, which shall, subject to the directions of the Council, exercise control over the property and expenditure of the University and perform such other functions of the Council as the Council may, from time to time, delegate to it.
- (3) Provision shall be made by statute with respect to the constitution of the Finance and General Purposes Committee.
- (4) The Council shall ensure that proper accounts of the University are kept and that the accounts of the University are audited annually by an independent firm of auditors approved by the Council, and that an annual report shall be published by the University together with certified copies of the said accounts as audited.
- (5) Subject to this Bill and the statutes, the Council and the Finance and General Purposes Committee may each make rules for regulating their own procedure.
- (6) Rules made under subsection (5) of this section by the Finance and General Purposes Committee shall not come into force unless approved by the Council; and in so far and to the extent that any rules so made by that Committee conflict with any directions given by the Council (whether before or after the coming into force of the rules in question), the direction of the Council shall prevail.
- (7) There shall be paid to the members of the Council, the Finance and General Purposes Committee respectively and of any other committee set up by the Council an allowance in respect of travelling and other reasonable expenses, at such rates as may, from time to time, be fixed by the Minister.

- (8) The Council shall meet as and when necessary for the performance of its functions under this Bill and shall meet at least three times in every year.
- (9) If requested in writing by any five members of the Council the chairman shall within 28 days after the receipt of such request call a meeting of the Council.
- (10) Any request made under subsection (9) of this section shall specify the business to be considered at the meeting and a business not so specified shall not be transacted at the meeting (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Committee Recommendation:

Clause 9: Functions of the Senate.

- (1) Subject to section 8 of this Bill and subsections (3) and (4) of this section and to the provisions of this Bill relating to the Visitor, it shall be the general function of the Senate to organize and control the teaching by the University, the admission (where no other enactment provides to the contrary, of students) and the discipline of students, and to promote research at the University.
- (2) Without prejudice to the generality of subsection (1) of this section and subject as there mentioned, it shall in particular be the function of the Senate to make provision for —
 - (a) the establishment and organization and control of campuses, colleges, schools, institutes and other teaching and research units of the University and allocation of responsibility for different branches of learning;
 - (b) the organization and control of courses of study in the University and of the examinations held in conjunction with those courses, including the appointment of examiners, both internal and external;
 - (c) the award of degrees, and such other qualifications as may be prescribed, in connection with examinations held as aforesaid;
 - (d) the making of recommendations to the Council with respect to the award to any person of an honorary fellowship or degree or the title of professor emeritus;
 - (e) the establishment, organization and control of halls of residence and similar institutions at the University;
 - (f) the supervision of the welfare of students at the University and the regulation of their conduct;
 - (g) the granting of fellowships, scholarships, prizes and similar awards in so far as the awards are within the control of the University; and
 - (h) determining what description of dress shall be academic dress for the purposes of the University, and regulating the use of academic dress.

- (3) The Senate shall not establish any new campus, college, school, department, institute or other teaching and research units of the University without the approval of the Council.
- (4) Subject to this Bill and statutes, the Senate may make regulations for the purpose of exercising any function conferred on it either by the foregoing provisions of this section or otherwise or for the purpose of making provisions for any matter for which provision by regulations is authorized or required by this Bill or by statute.
- (5) Regulations shall provide that at least one of the persons appointed as the examiners at each final or professional examination held in conjunction with any course of study at the University, as may be prescribed by the Senate from time to time, is not a teacher at the University but is a teacher of the branch of learning to which the course relates at some other university of high repute or a person engaged in practicing the profession in a reputable organization or institution.
- (6) Subject to a right of appeal to the Council from a decision of the Senate under this subsection, the Senate may deprive any person of any degree, diploma or other award of the University which has been conferred upon him if after due enquiry he is shown to have been guilty of dishonourable or scandalous conduct in gaining admission into the University or obtaining that award (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Committee Recommendation:

Clause 10: Functions of the Vice-Chancellor.

- (1) The Vice-Chancellor shall, in relation to each University, take precedence before all other members of the University, except the Chancellor, and any other person for the time being acting as chairman of the Council.
- (2) Subject to sections 8, 9, and 15 of this Bill, the Vice-Chancellor shall have the general function, in addition to any other functions conferred on him by this Bill or otherwise, of directing the activities of the University and shall be the chief executive and academic officer of the University and ex-officio chairman of the Senate (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Committee Recommendation:

Clause 11: Transfer of Property to the Federal University of Health Sciences.

- (1) All property held by or on behalf of the University shall, by virtue of this subsection and without further assurance, vest in the University and be held by it for the purposes of the University.
- (2) The Federal University of Agriculture, Makurdi, Otukpo Campus shall cease to exist and the Federal University of Agriculture, Makurdi, Act and, subject to the this subsection, any instruments in force by virtue of that Act, shall cease to have effect.

- (3) The provisions of the Second Schedule to this Bill shall have effect with respect to matters arising from the transfer of property by this section and with respect to the other matters mentioned in that Schedule (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Committee Recommendation:

Clause 12: Powers of the University to make Statutes.

- (1) Subject to this Bill, the University may make statutes for any of the following purposes, that is to say —
- (a) making provision with respect to the composition and constitution of any authority of the University;
 - (b) specifying and regulating the powers and duties of any authority of the University and regulating any other matter connected with the University or any of its authorities;
 - (c) regulating the admission of students (where no other enactment provides to the contrary), and their discipline and welfare;
 - (d) determining whether any particular matter is to be treated as an academic or non-academic matter for the purposes of this Bill and of any statute, regulation or other instrument made there under;
 - (e) making provision for any other matter for which provision by statute is authorized or required by this Bill.
- (2) Subject to section 28 (6) of this Bill, the Interpretation Bill shall apply in relation to any statute made under this section as it applies to a subsidiary instrument within the meaning of section 29 (1) of that Bill.
- (3) The statute contained in the Second Schedule to this Bill shall be deemed to have come into force on the commencement of this section of this Bill and shall be deemed to have been made under this section by each University.
- (4) The power to make statutes conferred by this section shall not be prejudiced or limited in any way by reason of the inclusion or omission of any matter in or from the statute contained in the Second Schedule to this Bill or any subsequent statute (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Committee Recommendation:

Clause 13: Mode of Exercising Power to make Statutes.

- (1) The power of the University to make statutes shall be exercised in accordance with the provisions of this section and not otherwise.
- (2) A proposed statute shall not become law unless it has been approved —
- (a) at a meeting of the Senate, by the votes of not less than two thirds of the members present and voting; and

- (b) at a meeting of the Council, by the votes of not less than two thirds of the members present and voting.
- (3) A proposed statute may originate either in the Senate or in the Council, and may be approved as required by subsection (2) of this section by either one of those bodies before the other.
- (4) A statute which makes provision for or alters the composition or constitution of the Council, the Senate or any other authority of the University shall not come into operation unless it has been approved by the President in consultation with the National Universities Commission.
- (5) For the purposes of section 1 (2) of the Interpretation Bill a statute shall be treated as being made on the date on which it is duly approved by the Council after having been approved by the Senate, as the case may be or, in the case of a statute falling within sub- section (4) of this section, on the date on which it is approved by the President.
- (6) In the event of any doubt or dispute arising at any time —
- (a) as to the meaning of any provision of a statute; or
- (b) as to whether any matter is for the purpose of this Bill an academic matter as they relate to such doubt or dispute, the matter may be referred to the Visitor, who shall take such advice and make such decision therein as he shall think fit.
- (7) The decision of the Visitor on any matter referred to him under subsection (6) of this section shall be final and binding upon the authorities, staff and students of the University and where any question as to the meaning of any provision of a statute has been decided by the Visitor under that subsection, the question as to the meaning of that provision shall not be entertained by any court of law in Nigeria.
- (8) Nothing in subsection (7) of this section shall affect any power of a court of competent jurisdiction to determine whether any provision of a statute is wholly or partially void as being ultra vires or as being inconsistent with the Constitution of the Federal Republic of Nigeria, 1999 (as amended) *Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Committee Recommendation:

Clause 14: Proof of Statutes.

A statute may be proved in any court by the production of a copy thereto bearing affixed to it a certificate purporting to be signed by the Vice Chancellor or the Secretary to the Council to the effect that the copy is a true copy of a statute of the University (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Committee Recommendation:

Clause 15: The Visitor.

- (1) The President shall be the Visitor of the University.

- (2) The Visitor shall as often as the circumstances may require, not being less than once every five years, conduct a visitation of the University or direct that such a visitation be conducted by such person or persons as the Visitor may deem fit and in respect of any of the affairs of the University.
- (3) It shall be duty of the bodies and persons comprising the University to make available to the Visitor and to any other person conducting a visitation in pursuance of this section, such facilities and assistance as he or they may reasonably require for the purposes of a visitation (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Committee Recommendation:

Clause 16: Removal of certain Members of Council.

- (1) If it appears to the Council that a member of the Council (other than the Pro-Chancellor or the Vice-Chancellor) should be removed from office on the ground of misconduct or inability to perform the functions of his office or employment, the Council shall make a recommendation to that effect through the Minister to the President after making such enquiry, if any, as may be considered appropriate, and if the President approves the recommendation he may direct the removal of the person in question from office.
- (2) It shall be the duty of the Minister to use his best endeavor to cause a copy of the instrument embodying a direction under subsection (1) of this section to be served as soon as reasonably practicable on the person to whom it relates (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Committee Recommendation:

Clause 17: Removal and Discipline of Academic, Administrative and Professional Staff.

- (1) If it appears to the Council that there are reasons for believing that any person employed as a member of the academic, administrative or professional staff of the University, other than Vice-Chancellor, should be removed from his office or employment on the ground of misconduct or of inability to perform the functions of his office or employment, the Council shall —
 - (a) give notice of those reasons to the person in question; afford him an opportunity of making representations in person on the matter;
 - (b) appoint a Staff Disciplinary Committee;
 - (c) and if the Council, after considering the report of the Staff Disciplinary Committee, is satisfied that the person in question should be removed as aforesaid, the Council may so remove him by an instrument in writing signed on the directions of the Council.
- (2) The Vice-Chancellor may, in case of misconduct by a member of staff, which in the opinion of the Vice-Chancellor is prejudicial to the interests of the University, suspend such member and any such suspension shall forthwith be reported to the Council.

- (3) For good cause, any member of staff may be suspended from his duties or his appointment may be terminated by the Council; and for the purposes of this subsection "good cause" means —
- (a) conviction for any offence which the Council considers to be such as to render the person concerned unfit for the discharge of the functions of his office; or
 - (b) any physical or mental incapacity which the Council, after obtaining medical advice, considers to be such as to render the person concerned unfit to continue to hold his office; or
 - (c) conduct of a scandalous or other disgraceful nature which the Council considers to be such as to render the person concerned unfit to continue to hold his office;
 - (d) conduct which the Council considers to be such as to constitute failure or in-ability of the person concerned to discharge the functions of his office or to comply with terms and conditions of his service; and
 - (e) conduct which the Council considers to be generally of such nature as to render the continued appointment or service of the person concerned prejudicial or detrimental to the interest of the University.
- (4) Any person suspended pursuant to subsection (2) or (3) of this section shall be on half pay and the Council shall before the expiration of a period of three months after the date of such suspension consider the case against that person and come to a decision as to —
- (a) whether to continue such person's suspension and if so on what terms (including the proportion of his emoluments to be paid to him);
 - (b) whether to re-instate such person in which case the Council shall restore his full emoluments with effect from the date of suspension;
 - (c) whether to terminate the appointment of the person concerned in which case such person shall not be entitled to the proportion of his emoluments withheld during the period of suspension; and
 - (d) whether to take such lesser disciplinary action against such person (including the restoration of such proportion of his emoluments as might have been withheld) as the Council may determine.
- (5) In any case where the Council, pursuant to this section, decides to continue a person's suspension or decides to take further disciplinary action against a person, the Council shall before the expiration of a period of three months from such decision come to a final determination in respect of the case concerning any such person.
- (6) It shall be the duty of the person by whom an instrument of removal is signed in pursuance of subsection (1) of this section to use his best endeavor to cause a copy of the instrument to be served as soon as reasonably practicable on the person to whom it relates.

- (7) Nothing in the foregoing provisions of this section shall —
- (a) apply to any directive given by the Visitor in consequence of any visitation; or
 - (b) prevent the Council from making regulations for the discipline of other categories of workers of the University as may be prescribed (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Committee Recommendation:

Clause 18: Procedures for Staff Discipline.

- (1) The Vice-Chancellor or Senate shall constitute an Investigation Panel to determine whether or not a prima facie case has been established against any member of staff.
- (2) The Investigation Panel shall include the President or the chairman of the union to which the staff being investigated belongs.
- (3) The Vice-Chancellor shall constitute a Staff Disciplinary Committee, which shall consist of such members of the Senate as he may determine, to consider the report of the Investigating Panel.
- (4) The report and recommendation of the Staff Disciplinary Committee shall be forwarded to the Council for consideration and decision (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Committee Recommendation:

Clause 19: Appointment of External Examiners.

Subject to the provision of regulations made in pursuance of this Bill, the Vice Chancellor may on the recommendation of the Senate, appoint on appropriate person as external examiner (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Committee Recommendation:

Clause 20: Removal of Examiners.

- (1) If on the recommendation of the Senate, it appears to the Vice-Chancellor that a person appointed as an examiner for any examination of the University ought to be re- moved from his office or appointment, then except in such cases as may be prescribed, the Vice-Chancellor may, after affording the examiner an opportunity of making representations in person on the matter to the Vice-Chancellor, remove the examiner from the office or appointment by an instrument in writing signed by the Vice-Chancellor.
- (2) Subject to the provisions of regulations made in pursuance of section 9 (5) of this Bill, the Vice-Chancellor may, on the recommendation of the Senate, appoint an appropriate person as examiner in place of the examiner removed in pursuance of subsection (1) of this section.

- (3) It shall be duty of the Vice-Chancellor to sign an instrument of removal in pursuance of this section, to use his best endeavor to cause a copy of this instrument to be served as soon as is reasonably practicable on the person to whom it relates (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Committee Recommendation:

Clause 21: Discipline of Students.

- (1) Subject to the provisions of this section, where it appears to the Vice-Chancellor that any student of the University has been guilty of misconduct, the Vice-Chancellor may, in consultation with the Senate and, without prejudice to any other disciplinary power conferred on him by statute or regulations, direct that:
- (a) the student shall not, during such period as may be specified in the direction, participate in such activities of the University, or make use of such facilities of the University, as may be so specified; or
 - (b) the activities of the student shall, during such period as may be specified in the direction, be restricted in such manner as may be so specified; or
 - (c) the student be rusticated for such period as may be specified in the direction; or
 - (d) the student be expelled from the University.
- (2) Where a direction is given under subsection (1) (c) or (d) of this section in respect of any student, that student may, within the prescribed period and in the prescribed manner, appeal to the Council; and where such an appeal is brought, the Council shall after causing such inquiry to be made in the matter as the Council considers just, confirm or set aside the direction or modify it in such manner as the Council thinks fit.
- (3) The fact that an appeal from a direction is brought in pursuance of subsection (2) of this section shall not affect the operation of the direction while the appeal is pending.
- (4) The Vice-Chancellor may delegate his powers under this section to a Disciplinary Committee consisting of such members of the University as he may nominate.
- (5) Nothing in this section shall be construed as preventing the restriction or termination of a student's activities at the University otherwise than on the ground of misconduct.
- (6) Without prejudice to the provision of subsection (1) of this section, nothing shall prevent the Vice-Chancellor from taking an immediate disciplinary action against a student where he deems fit, and report thereafter to the Senate.
- (7) It is hereby declared that a direction under subsection (1) (a) of this section may be combined with a direction under subsection (1) (b) of this section.

- (8) No staff or student shall resort to a law court without proof of having exhausted the integral avenues for settling disputes or grievances or for seeking redress.
- (9) The Visitor shall be the final arbiter on staff and student discipline, and his decision shall not be contestable in any court of law in Nigeria.
- (10) Nothing in this subsection shall affect any power of a court of competent jurisdiction to enforce the fundamental right of any aggrieved citizen as enshrined in the Constitution of the Federal Republic of Nigeria 1999 (as amended) (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Committee Recommendation:

Clause 22: Exclusion of Discrimination on Account of Race, Religion, Etc.

- (1) No person shall be required to satisfy the requirements as to any of the following matters, that is to say, race (including ethnic grounding), sex, place of birth or family origin, or religious or political persuasion, as a condition of becoming or continuing to be a student at the University, the holder of any degree of the University or of any appointment or employment at the University or a member of anybody established by virtue of this Bill; and no person shall be subjected to any disadvantage or accorded any advantage in relation to the University, by reference to any of those matters.
- (2) Nothing in subsection (1) of this section shall be construed as preventing the University from imposing any disability or restriction on any of the aforementioned persons where such person willfully refuses or fails on grounds of religious belief to undertake any duty generally and uniformly imposed on all such persons or any group of them which duty, having regard to its nature and the special circumstance pertaining thereto, is in the opinion of the University reasonably justifiable in the national interest (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Committee Recommendation:

Clause 23: Restriction on Disposal of Land by University.

Without prejudice to the provisions of the Land Use Act, the University shall not dispose of or charge any land or an interest in any land (including any land transferred to the University by this Bill) except either with the prior written consent either general or special, of the President:

Provided that such consent shall not be required in the case of any lease or tenancy at a rack-rent for a term not exceeding 21 years or lease or tenancy to a member of the University for residential purposes (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

*Committee Recommendation:***Clause 24: Quorum and Procedure of Bodies Established by this Bill.**

Except as may be otherwise provided by statute or by regulations, the quorum and procedure of any body of persons established by this Bill shall be as determined by that body (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

*Committee Recommendation:***Clause 25: Appointment of Committees, etc.**

- (1) Anybody of persons established by this Bill shall, without prejudice to the generality of the powers of that body, have power to appoint committees, which need not consist exclusively of members of that body and to authorize a committee established by it to —
 - (a) exercise, on its behalf, such of its functions as it may determine;
 - (b) co-opt members, and may direct whether or not co-opted members (if any) shall be entitled to vote in that committee.
- (2) Any two or more such bodies may arrange for the holding of joint meetings of those bodies or for the appointment of committees consisting of members of those bodies or any of them and either of dealing with it or of reporting on it to those bodies or any of them.
- (3) Except as may be otherwise provided by statute or by regulations, the quorum and procedure of a committee established or meeting held in pursuance of this section shall be such as may be determined by the body or bodies which have decided to establish the committee or hold the meeting.
- (4) Nothing in the foregoing provisions of this section shall be construed as enabling —
 - (a) statutes to be made otherwise than in accordance with section 13 of this Bill; or
 - (b) the Senate to empower any other body to make regulations or to award degrees or other qualifications.
- (5) The Pro-Chancellor and the Vice-Chancellor shall be members of every committee of which the members are wholly or partly appointed by the Council (other than a committee appointed to inquire into the conduct of any officer in question); and the Vice-Chancellor shall be a member of the Council and the Vice-Chancellor shall be a member of every committee of which the members are wholly or partly appointed by the Senate (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

*Committee Recommendation:***Clause 26: Retiring Age of Academic Staff of the University.**

- (1) Notwithstanding anything to the contrary in the Pensions Act, the compulsory retiring age of an academic staff of a University shall be 65 years except for those in the professorial cadre which is 70 years.

- (2) A law or rule requiring a person to retire from the public service after serving for 35 years shall not apply to an academic staff of the University (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Committee Recommendation:

Clause 27: Special Provisions relating to Pension of Professors.

A person who retires as a professor having served —

- (a) an academic staff who retires as a professor in a recognized University shall be entitled to pension at a rate equivalent to his annual salary provided that the professor has served continuously in a recognized University up to retirement age.
- (b) Notwithstanding subsection (1), where the professor has not served up to retirement age he shall be entitled to the rate of pension mentioned under subsection (1) provided that he has served a minimum of 20 years as professor in a recognized University.
- (c) where an academic joins a Nigerian University as a professor, such a professor shall have served continuously for at least 20 years in a recognized University (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Committee Recommendation:

Clause 28: Miscellaneous Administrative Provisions.

- (1) The seal of each University shall be such as may be determined by the Council and approved by the Chancellor, and the affixing of the seal shall be authenticated by any member of the Council and by the Vice-Chancellor, secretary to the Council or any other person authorized by statute.
- (2) Any document purporting to be a document executed under the seal of the University shall be received in evidence and shall, unless the contrary is proved, be presumed to be so executed.
- (3) Any contract or instrument, which if made or 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 University by any person generally or specifically authorized to do so by the Council.
- (4) The validity of any proceedings of any body established in pursuance of this Bill shall not be affected by any vacancy in the membership of the body, or by any defect in the appointment of a member of the body or by reason that any person not entitled to do proceedings.
- (5) Any member of any such body who has a personal interest in any matter proposed to be considered by that body shall forthwith disclose his interest to the body and shall not vote on any question relating to that matter.
- (6) Nothing in section 12 of the Interpretation Bill (which provides for the application in relation to subordinate legislation of certain incidental provisions) shall apply to statutes or regulations made in pursuance of this Bill.

- (7) The power conferred by this Bill on anybody to make statutes or regulations shall include power to revoke or vary any statute (including the statute contained in the Second Schedule of this Bill) or any regulation by a subsequent statute, or, as the case may be, by a subsequent regulation and statute and regulations may make different provisions in reaction to different circumstances. [SECOND SCHEDULE]
- (8) No stamp duty or other duty shall be payable in respect of any transfer of property to the University by virtue of any provision of this Bill.
- (9) Any notice or other instrument authorized to be served by virtue of this Bill may, without prejudice to any other mode of service, be served by post (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Committee Recommendation:

Clause 29: Interpretation.

- (1) In this Bill, unless the context otherwise requires —

"campus" means any campus which may be established by the University (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

"college" means any college which may be established by the University (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

"Council" means the Council established by this Bill for the University (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

"graduate" means a person on whom a degree, (other than an honorary degree) has been conferred by the University (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

"Minister" means the Minister charged with responsibility for education (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

"notice" means notice in writing (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

"office" does not include the Visitor (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

"prescribed" means prescribed by statutes or regulations (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

"professor" means a person designated as a professor of the University in accordance with provisions made in that behalf by statute or regulations (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

"property" includes rights, liabilities and obligations (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

"regulations" means regulations made by the Senate or the Council (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

"Senate" means the Senate of the University established pursuant to section 3 (1) (c) of this Bill (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

"statute" means a statute made by the University under section 12 of this Bill and in accordance with the provisions of section 13 of this Bill (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

"the statutes" means all such statutes as are in force from time to time *Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

"teacher" means a person holding a full-time appointment as a member of the teaching or research staff of the University *Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

"undergraduate" means a person in status pupillariat the University other than —

- (a) a graduate; and
- (b) a person of such description as may be prescribed for the purposes of this definition *Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

"University" means Federal University of Health Sciences Otukpo *Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

"Visitor" means the President of the Federal Republic of Nigeria *Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

- (2) It is hereby declared that where in any provisions of this Bill it is laid down that proposals are to be submitted or a recommendation is to be made by one authority to another through one or more intermediate authorities, it shall be the duty of every such intermediate authority to forward any proposals or recommendations received by it in pursuance of that provision to the appropriate authority, but any such intermediate authority may, if it thinks fit, forward therewith its own comments thereon (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

*Committee Recommendation:***Clause 30: Short Title.**

This Bill may be cited as the Federal University of Health Sciences, Otuipo (Establishment, etc.) Bill, 2018 (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

SCHEDULES**FIRST SCHEDULE**

[Section 2 (2).]

PRINCIPAL OFFICERS OF THE UNIVERSITY*The Chancellor*

1. (1) The Chancellor shall be appointed by the President of Nigeria.
- (2) The Chancellor shall hold office at the pleasure of the President.
- (3) If it appears to the Visitor that the Chancellor should be removed from his/her office on the ground of misconduct or of inability to perform the functions of his office, the Visitor may by notice in the Federal Gazette remove the Chancellor from office.

The Pro-Chancellor

2. (1) The Pro-Chancellor shall be appointed or removed by the President.
- (2) Subject to the provisions of this Bill, the Pro-Chancellor shall hold office for a period of four years beginning with the date of his/her appointment.

The Vice-Chancellor

3. (1) There shall be a Vice-Chancellor of the University who shall be appointed by the President in accordance with the provisions of this paragraph.
- (2) Where a vacancy occurs in the post of a Vice-Chancellor, the Council shall —
 - (a) advertise the vacancy in a reputable journal or a widely read newspaper in Nigeria, specifying —
 - (i) the qualities of the persons who may apply for the post; and
 - (ii) the terms and conditions of service applicable to the post, and thereafter draw up a short list of suitable candidates for the post for consideration;
 - (b) constitute a search team consisting of —
 - (i) a member of the Council, who is not a member of the Senate, as chairman;
 - (ii) two members of the Senate who are not members of the Council, one of whom shall be a professor;

- (iii) two members of Congregation who are not members of the Council, one of whom shall be a professor, to identify and nominate for consideration, suitable persons who are not likely to apply for the post on their own volition because they feel that it is not proper to do so.
- (3) A joint Council and Senate Selection Board consisting of —
 - (a) the Pro-Chancellor, as chairman;
 - (b) two members of the Council, not being members of the Senate;
 - (c) two members of the Senate who are professors, but who were not members of the Search Team, shall consider the candidates and persons on the short list drawn up under subparagraph (2) of this paragraph through an examination of their curriculum vitae and interaction with them, and recommend to the Council suitable candidates for further consideration.
- (4) The Council shall select and appoint as Vice Chancellor one from among the candidates recommended to it under subparagraph (3) of this paragraph and inform the visitors.
- (5) The Vice Chancellor shall hold office for a single term of five years only on such terms and conditions as may be specified in his letter of appointment.
- (6) The Vice-Chancellor shall be removed from office by the Governing Council on the ground of gross misconduct or inability to discharge the functions of his office as result of the infirmity of the body or mind at the initiative of the Council, Senate or Congregation after due process.
- (7) When the proposal for the removal of Vice Chancellor is made, the Council shall constitute a joint committee of Council and Senate consisting of —
 - (i) three members of council of whom one shall be Chairman of the Committee; and
 - (ii) two members of Senate, provided that where the ground for removal is infirmity of the body or mind, the Council shall seek appropriate medical opinion.
- (8) The Committee shall conduct investigation made into the allegations made against the Vice Chancellor and shall report its findings to the Council.
- (9) The Council may where the allegations are proved, remove the Vice Chancellor or apply any other disciplinary action it may deem fit and notify the visitor accordingly provided that a Vice Chancellor who is removed shall have a right of appeal to the visitor.

Deputy Vice-Chancellors

- 4. (1) There shall be for the University such number of Deputy Vice-Chancellors as the Council may, from time to time, deem necessary for the proper administration of the University.

- (2) Where a vacancy occurs in the post of Deputy Vice-Chancellor, the Vice-Chancellor shall forward to the Senate a list of two candidates for each post of Deputy Vice-Chancellor that is vacant.
- (3) The Senate shall select for each vacant post one candidate from each list forwarded to it under subparagraph (2) of this paragraph and forward his name to the Council for confirmation.
- (4) A Deputy Vice-Chancellor shall —
 - (a) assist the Vice-Chancellor in the performance of his functions;
 - (b) act in the place of the Vice-Chancellor when the post of the Vice-Chancellor is vacant or if the Vice-Chancellor is, for any reason, absent or unable to perform his functions as Vice-Chancellor; and
 - (c) perform such other functions as the Vice-Chancellor or the Council may, from time to time, assign to him.
- (5) A Deputy Vice-Chancellor —
 - (a) shall hold office for a period of two years beginning from the effective date of his appointment and on such terms and conditions as may be specified in his letter of appointment; and
 - (b) may be re-appointed for one further period of two years and no more.
- (6) The Deputy Vice-Chancellor(s) may be removed from office by the Council, acting on the recommendation of the Vice-Chancellor and Senate.
- (7) Good Cause for the purpose of the inability of this subparagraph means gross misconduct or the inability to discharge the functions of his office arising from infirmity of the body or mind.

Office of the Registrar

5. (1) There shall be for the University a Registrar, who shall be the chief administrative officer of the University and shall be responsible to the Vice-Chancellor for the day-to-day administrative work of the University except as regards matters for which the Bursar is responsible in accordance with paragraph 6 (2) of this Schedule.
- (2) The person holding the office of the Registrar shall by virtue of that office be secretary to the Council, the Senate, Congregation and Convocation.

Other principal officers of the University

6. (1) There shall be for each University the following principal officers, in addition to the Registrar, that is —
 - (a) the Bursar; and
 - (b) the University Librarian, who shall be appointed by the Council on the recommendation of the Selection Board constituted under paragraph 8 of this Schedule.

- (2) The Bursar shall be the chief financial officer of the University and be responsible to the Vice-Chancellor for the day-to-day administration and control of the financial affairs of the University.
- (3) The University Librarian shall be responsible to the Vice-Chancellor for the administration of the university library and the co-ordination of the library services in the University and its campuses, colleges, faculties, schools, departments, institutes and other teaching or research units.
- (4) Any question as to the scope of the responsibilities of the aforesaid officers shall be determined by the Vice-Chancellor.
- (5) The Registrar, Bursar and Librarian shall hold office for a single term of five years only beginning from the effective date of his appointment and on such terms and conditions as may be specified in his letter of appointment.
- (6) Notwithstanding subparagraph (5) of this paragraph, the Council may, upon satisfactory performance, extend the tenure of the Registrar, Bursar or Librarian for a further period of one year only and thereafter the Registrar, Bursar or Librarian shall relinquish his post and be assigned to other duties in the university, not that the numbering of the subparagraphs may change depending on the arrangement of the main paragraph.

Selection Board for other principal officers

7. (1) There shall be, for the University, a Selection Board for the appointment of principal officers, other than the Vice-Chancellor or Deputy Vice-Chancellor, which shall consist of —
 - (a) the Pro-Chancellor, as chairman;
 - (b) the Vice-Chancellor;
 - (c) four members of the Council not being members of the Senate; and
 - (d) two members of the Senate.
- (2) The functions, procedure and other matters relating to the Selection Board constituted under sub-paragraph (1) of this paragraph shall be as the Council may, from time to time, determine.
- (3) The Registrar, Bursar and Librarian shall hold office for such period and on such terms as to the emoluments of their offices and otherwise as may be specified in their letters of appointment.

Resignation and re-appointment

8. (1) Any officer mentioned in the foregoing provisions of this Schedule may resign his office —
 - (a) in the case of the Chancellor, by notice to the President; and
 - (b) in any other case, by notice to the Council and the Council shall immediately notify the Minister in the case of the Vice-Chancellor.

- (2) Subject to paragraphs 4 and 5 of this Schedule, a person who has ceased to hold an office so mentioned otherwise than by removal for misconduct shall be eligible for re-appointment to that office (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

SECOND SCHEDULE

TRANSITIONAL PROVISIONS

Section 11 (3)

TRANSITIONAL PROVISIONS AS TO PROPERTY, FUNCTIONS, ETC.

Transfer of Property to the University

1. Without prejudice to the generality of Section 11 (1) of this Bill :
 - (a) the reference in the subsection to property held by the provisional Council and the University shall include a reference to the right to receive and give a good discharge for any grants or contributions which may have been voted or promised to the provisional Council and the University; and
 - (b) all outstanding debts and liabilities of the provisional Council shall become debts and liabilities of the University established by this Bill.
2.
 - (1) All agreements, contracts, deeds and other instruments to which the provisional Council was a party shall, so far as possible and subject to any necessary modifications, have effect as if the University established by this Bill had been a party to it in place of the provisional Council.
 - (2) Documents not falling within sub-paragraph (1) above, including enactments, which refer whether specially or generally to the provisional Council shall be construed in accordance with that subparagraph so far as applicable.
 - (3) Any legal proceedings or application to any authority pending by or against the provisional Council may be continued by or against the University established by this Bill.

Registration of Transfers

3.
 - (1) If the law in force at the place where any property transferred by this Bill is situated provides for the registration of transfers 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 of any other matter) apply, with the necessary modifications to the transfer of the property in question.
 - (2) It shall be the duty of the body to which any property is transferred by this Bill to furnish the necessary particulars of the transfer to the proper officer of the registration authority, and of that officer to register the transfer accordingly.
4.
 - (1) The first meeting of the Council shall be convened by the Pro-Chancellor on such date and in such manner as he may determine.

- (2) The persons who were members of the provisional Council shall be deemed to constitute the Council until the date when the Council set up under the Third Schedule to this Bill must have been duly constituted.
 - (3) The first meetings of the Senate as constituted by this Bill shall be convened by the Vice-Chancellor on such date and in such manner as he may determine.
 - (4) The persons who were members of the Senate immediately before the coming into force of this Bill shall be deemed to constitute the Senate of the University until the date when the Senate as set up under the Third Schedule of this Bill must have been duly constituted.
 - (5) Subject to any regulations which may be made by the Senate after the date on which this Bill is made, the faculties, faculty boards and students of the University immediately before the coming into force of this Bill shall on that day become faculties, faculty boards and students of the University as established by this Bill.
 - (6) Persons who were deans or associate deans of faculties or members of faculty boards shall continue to be deans or associate deans or become members of the corresponding faculty boards, until new appointment are made in pursuance of the Statutes under this Bill.
5. Any person who was a member of the staff of the University as established or was otherwise employed by the provisional Council shall be employed at the University on such designation, status and functions which correspond as nearly as possible to those which pertained to him as a member of that staff or as such an employee.
 6. Questions as to the scope of the responsibilities of the aforesaid officers shall be determined by the Vice-Chancellor (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

THIRD SCHEDULE

[Section 9 (2).]

UNIVERSITY OF HEALTH SCIENCES STATUTE NO.1

ARRANGEMENT OF ARTICLES

Articles:

1. The Council.
2. The Finance and General Purposes Committee.
3. The Senate.
4. Congregation.
5. Convocation.
6. Division of colleges.
7. College Board.
8. Appointments and Promotions Committees.
9. Dean of college.
10. Deputy Dean of college.
11. Director of institute or center.
12. Head of department.
13. Selection of certain principal officers.
14. Creation of academics posts.

15. Appointment of academic staff.
16. Funding of the University.
17. Health University Co-ordination Agency.
18. Interpretation.
19. Citation.

The Council

1. (1) The composition of the Council shall be as provided in section 7 of this Bill.
- (2) Any member of the Council holding office otherwise than in pursuance of section 7 (a), (b), (c) or (d) of this Bill may, by notice to the Council, resign his office.
- (3) A member of the Council holding office otherwise than in pursuance of section 7 (a), (b), (c) or (d) of this Bill shall, unless he previously vacates it, vacate that office on the expiration of the period of four years beginning with effect from 1 August in the year in which he was appointed.
- (4) Where a member of the Council holding office otherwise than in pursuance of section 7 (a), (b), (c) or (d) of this Bill vacates before the expiration of the period aforesaid, the body or person by whom he was appointed may appoint a successor to hold office for the residue of the term of his predecessor.
- (5) A person ceasing to hold office as a member of the Council otherwise than by removal for misconduct shall be eligible for re-appointment for only one further period of four years.
- (6) The quorum of the Council shall be five, at least one of whom shall be a member appointed pursuant to section 7 (d), (e), or (h) of this Bill.
- (7) If the Pro-Chancellor is not present at a meeting of the Council, such other member of the Council present at the meeting as the Council may appoint as respects that meeting, shall be the chairman at that meeting, and subject to sections 5 and 6 of this Bill and the foregoing provisions, the Council may regulate its own procedure.
- (8) Where the Council desires to obtain advice with respect to any particular matter, it may co-opt not more than two persons for that purpose and the persons co-opted may take part in the deliberations of the Council at any meeting but shall not be entitled to vote.

The Finance and General Purposes Committee

2. (1) The Finance and General Purposes Committee of the Council shall consist of —
 - (a) the Pro-Chancellor, who shall be the chairman of the Committee at any meeting at which he is present;
 - (b) the Vice-Chancellor and Deputy Vice-Chancellors;
 - (c) six other members of the Council appointed by the Council, two of whom shall be selected from among the three members of the Council appointed by the Senate and one member appointed to the Council by Congregation;
 - (d) the Permanent Secretary of the Federal Ministry of Education or, in his absence, such member of his Ministry as he may designate to represent him.

- (2) The quorum of the Committee shall be five.
- (3) Subject to any directions given by the Council, the Committee may regulate its own procedure.

The Senate

3. (1) The Senate shall consist of —
 - (a) the Vice-Chancellor who shall be the chairman;
 - (b) the Deputy Vice-Chancellor(s);
 - (c) all Professor of the University;
 - (d) all Deans, Provost and Directors of academic units of the University;
 - (e) all Heads of academic Departments, Units and Research institutes of the University; and
 - (f) University Librarian;
- (2) The Vice-Chancellor shall be the chairman at all meetings of the Senate when he is present; and in his absence any of the Deputy Vice-Chancellors present at the meeting as the Senate may appoint for that meeting shall be chairman at the meeting.
- (3) The quorum of the Senate shall be one quarter (or the nearest whole number less than one quarter) and subject to paragraph 2 of this article, the Senate may regulate its own procedure.
- (4) An elected member may, by notice to the Senate, resign his office.
- (5) Subject to paragraph (7) of this article, there shall be elections for the selection of elected members, which shall be in the prescribed manner on such day in the month of May or June in each year as the Vice-Chancellor may, from time to time, determine.
- (6) An elected member shall hold office for the period of two years beginning with 1 August in the year of his election, and may be a candidate at any election held in pursuance of paragraph (5) of this article in the year in which his period of office expires, so however that no person shall be such a candidate if at the end of his current period of office he will hold office as an elected member for a continuous period of six years or would have so held office if he had not resigned it.
- (7) No election held in pursuance of this article in any year if the number specified in the certificate given in pursuance of paragraph (10) of this article does not exceed by more than one the figure which is thrice the number of those elected members holding office on the date of the certificate who do not vacate office during that year in pursuance of paragraph (6) of this article.
- (8) For the avoidance of doubt it is hereby declared that no person shall be precluded from continuing in or taking office as an elected member by reason only of a reduction in the total of non-elected members occurring on or after 30 April in any year in which he is to continue in or take office as an elected member.

- (9) If so requested in writing by any fifteen members of the Senate, the Vice-Chancellor, or in his absence, any of the Deputy Vice-Chancellors duly appointed by him, shall convene a meeting of the Senate to be held not later than the tenth day following that on which the request was received.
- (10) In this article "total of non-elected members" means as respects any year, such number as may be certified by the Vice-Chancellor on 30 April of that year to be the number of persons holding office as members of the Senate on that day otherwise than as elected members.

Congregation

- 4. (1) Congregation shall consist of —
 - (a) the Vice-Chancellor and the Deputy Vice-Chancellors;
 - (b) the full-time members of the academic staff;
 - (c) the Registrar;
 - (d) the Bursar;
 - (e) the Librarian;
 - (f) the Director of Works;
 - (g) the Director of Academic Planning;
 - (h) the Director of Physical Planning;
 - (i) the Director of Health Services; and
 - (j) every member of the administrative staff who holds a degree other than an honorary degree of any university recognized for the purposes of this statute by the Vice-Chancellor.
- (2) Subject to sections 5 and 6 of the Bill, the Vice-Chancellor shall be the chairman at all meetings of Congregation when he is present; and in his absence any of the Deputy Vice-Chancellors present at the meeting as Congregation may appoint for that meeting, shall be the chairman at the meeting.
- (3) The quorum of Congregation shall be one third (or the whole number nearest to one third) of the total numbers of Congregation or fifty, whichever is less.
- (4) A certificate signed by the Vice-Chancellor specifying —
 - (a) the total number of members of Congregation for the purposes of any particular meeting or meetings of Congregation; or
 - (b) the names of the persons who are members of Congregation during a particular shall be conclusive evidence of that number or as the case may be, of the names of those persons.
- (5) Subject to the foregoing provision of this article, Congregation may regulate its own procedure.

- (6) Congregation shall be entitled to express by resolution or otherwise its opinion on all matters affecting the interest and welfare of the University and shall have such other functions in addition to the function of electing a member of the Council, as may be provided by statute or regulations.

Convocation

5. (1) Convocation shall consist of —
- (a) the officers of the University mentioned in the First Schedule to the Bill;
 - (b) all teachers within the meaning of the Bill;
 - (c) all other persons whose names are registered in accordance with paragraph (2) of this article.
- (2) A person shall be entitled to have his name registered as a member of Convocation if —
- (a) he/she is either a graduate of the University or a person satisfying such requirements as may be prescribed for the purposes of this paragraph; and
 - (b) he/she applies for the registration of his name in the prescribed manner and pays the prescribed fees.
- (3) Regulations shall provide for the establishment and maintenance of a register for the purposes of this paragraph and subject to paragraph (4) of this article may provide for the payment from time to time of further fees by persons whose names are on the register and for any person who fails to pay those fees.
- (4) The person responsible for maintaining the register shall, without the payment of any fees, ensure that the names of all persons who are for the time being members of Convocation by virtue of paragraph(1) (a) or (b) of this article are entered and retained on the register.
- (5) A person who reasonably claims that he is entitled to have his name on the register shall be entitled on demand to inspect the register or a copy of the register at the principal offices of the University at all reasonable times.
- (6) The register shall, unless the contrary is proved, be sufficient evidence that any persons named therein is, and that any person not named therein is not, a member of Convocation; but for the purpose of ascertaining whether a particular person was such a member on a particular date, any entries in and deletions from the register made on or after that date shall be disregarded.
- (7) The quorum of Convocation shall be fifty or one third (or the whole number nearest to one third) of the total number of members of Convocation, whichever is less.
- (8) Subject to section 5 of this Bill, the Chancellor shall be the chairman at all meetings of Convocation when he is present, and in his absence the Vice-Chancellor shall be the chair- man at the meeting.
- (9) Convocation shall have such other functions, in addition to the functions of appointing a member of the Council, as may be provided by statute or regulations.

Division of colleges

6. Each college shall be divided into such number of branches as may be prescribed.

College Boards

7. (1) There shall be established in respect of each college a College Board, which, subject to provisions of this statute, and subject to the directions of the Vice-Chancellor, shall —
- (a) regulate the teaching and study of, and the conduct of examinations connected with the subjects assigned to the college;
 - (b) deal with any other matter assigned to it by statute or by the Vice-Chancellor or by the Senate; and
 - (c) advise the Vice-Chancellor or the Senate on any matter referred to it by the Vice-Chancellor or the Senate.
- (2) Each College Board shall consist of —
- (a) the Vice-Chancellor;
 - (b) the Deputy Vice-Chancellor;
 - (c) the Dean;
 - (d) the persons severally in charge of the departments of the college;
 - (e) such of the teachers assigned to the college and having the prescribed qualifications as the Board may determine; and to any provisions of this article and to any provision made by regulations in that behalf, the Board may regulate its own procedure.
 - (f) such persons whether or not members of the University as the Board may determine with the general or special approval of the Senate.
- (3) The quorum of the Board shall be six members or one quarter, (whichever is greater), of the members for the time being of the Board; and subject to the provisions of this statute.

Appointments and Promotions Committee

8. (1) There shall be an Appointments and Promotions Committee of the Council which shall ultimately be responsible for all appointments, promotions and discipline of all categories of senior staff in the University, under the chairmanship of the Vice-Chancellor.
- (2) The Committee shall operate where necessary through the Senate or Selection Board or ad- hoc Committees and its recommendations shall be subject to the approval of the Council.

Dean of college

9. (1) The Dean of a college shall be a professor appointed by the Appointments and Promotions Committee and such Dean shall hold office for a term of three years, and shall be eligible for re-appointment for another term of three years after which he may not be re-appointed again until two years have elapsed.
- (2) The Dean shall be the chairman at all meetings of the College Board when he is present and shall be a member of all committees and other boards appointed by the College.
- (3) The Dean of a college shall exercise general superintendence over the academic and administrative affairs of the college and it shall be the function of the Dean to present to Convocation or for the conferment of degrees on persons of the University at examinations held in the branches of learning for which responsibility is allocated to that college.
- (4) There shall be a committee to be known as the Committee of Deans consisting of all Deans of the colleges and that Committee shall advise the Vice-Chancellor on all academic matters and on particular matters referred to the University Council.

Deputy Dean of college

10. (1) There shall be a Deputy Dean of college who shall be appointed by the Senate on the recommendation of the Dean.
- (2) The Deputy Dean shall be appointed for two years in the first instance and may be re-appointed for a further period of two years after which he shall not be entitled to re-appointment until after two years.

Director of Institute or Centre

11. (1) The Director of an Institute or of a Centre shall be appointed by the Appointments and Promotions Committee for academic staff, and such Director shall hold office for a period of three years and shall be eligible for re-appointment for another term of three years after which he may not be appointed again until two years have elapsed.
- (2) The Director of an Institute or Centre shall exercise general superintendence over the affairs of the Institute or Centre.

Head of Department

12. (1) The Head of a Department shall be appointed by the Vice-Chancellor and such Head shall hold office for a period of three years and shall be eligible for re-appointment for another term of three years after which he may not be appointed again until two years have elapsed.
- (2) The Head of a Department shall exercise general superintendence over the academic and administrative affairs of the department.

Creation of academic posts

13. Recommendations for the creation of posts other than those mentioned in article 10 of this statute shall be made by Senate to the Council through the Finance and General Purposes Committee.

Appointment of academic staff

14. (1) Subject to the Bill and the statutes, the filling of vacancies in academic posts (including newly created ones) shall be the responsibility of the Senate.
- (2) For the purpose of filling such vacancies, the Senate shall set up suitable selection boards to select and make appointments on its behalf.
- (3) For appointments to professorships, associate professorships or readerships or equivalent posts, a board of selection (with power to appoint) shall consist of —
- (a) the Vice-Chancellor;
 - (b) if the post is tenable at a college, or is within a school comprised in a college, the Provost of that college;
 - (c) if the post is within a faculty, school, institute or other teaching unit of the University, the Dean of that teaching unit;
 - (d) two members appointed by the Council;
 - (e) four members of the Senate appointed by the Senate, at least two of whom shall, if the post is tenable at a college, be senior members of the staff of the college;
 - (f) such other persons as the Senate may from time to time appoint.
- (4) Subject to paragraph (5) of this Article, for appointments to associate professorships, readerships, senior lectureships and other academic posts, a selection board (with power to appoint) shall consist of —
- (a) the Vice-Chancellor;
 - (b) if the post is tenable at a college, or is within a school comprised in a college, the Provost of that college;
 - (c) if the post is within a faculty, school, institute or other teaching unit of the University, the Dean of that teaching unit;
 - (d) four members of the Senate appointed by the Senate, at least two of whom shall, if the post is tenable at a college, be members of the staff of the college; and
 - (e) such other persons as the Senate may from time to time appoint.
- (5) Where an appointment falling within paragraph (4) above is tenable at a college, the Senate may authorize the college to set up a selection board therefore (with power to appoint); but every selection board set up in pursuance of this paragraph shall include the Vice-Chancellor and shall also include at least two members of the Senate, nominated by the Senate, who are not members of the academic staff of the college.
- (6) A college shall have power to make appointments to academic posts within the college below the level of associate professor or reader.

- (7) For the purpose of exercising the power conferred by paragraph (6) above, the college shall set up suitable selection boards to select and make appointments on its behalf.
- (8) Every selection board set up in pursuance of paragraph (7) of this article shall include the Vice-Chancellor and shall also include at least two members of the Senate, nominated by the Senate, who are not members of the academic staff of the college.
- (9) All appointments to senior library posts shall be made in the same way as equivalent appointments in the academic staff; and for all such posts, other than that of librarian, the librarian shall be a member of the selection board.
- (10) Boards of selection may interview candidates directly or consider the reports of assessors or specialist interviewing panels.

Appointment of administrative and technical staff

15. (1) The administrative and technical staff of the University, other than principal officers, shall be appointed by the council or on its behalf by the Vice-Chancellor or the Registrar in accordance with any delegation of powers made by the Council in that behalf.
- (2) Administrative and technical staff of a college, other than principal officers, shall be appointed by the board of governors of the college or by the Provost or secretary of the college in accordance with any delegation of powers made by the court in that behalf.
- (3) In the case of administrative or technical staff who have close and important contracts with the academic staff, there shall be Senate or (in the case of a college) academic board participation in the process of selection.

Interpretation

16. In this Statute, the expression "the Bill" means the Federal University of Health Sciences Bill and any expression defined in the Bill has the same meaning in this Statute (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai 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 Federal University of Health Sciences, Otukpo, Benue State (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in Committee of the Whole considered the Report on a Bill for an Act to Provide for Establishment of Federal University of Health Science, Otukpo; and for Related Matters (HB 1535) and approved Clauses 1 - 30, 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.

- (v) *A Bill for an Act to Abolish and Prohibit Dichotomy and Discrimination between First Degrees and Higher National Diplomas in the same Profession; and for Related Matters (HB. 798) (Committee of the Whole):*

Motion made and Question proposed, "That the House do consider the Report on a Bill for an Act to Abolish and Prohibit Dichotomy and Discrimination between First Degrees and Higher National Diplomas in the same Profession; and for Related Matters (HB. 798)" (Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency).

Agreed to.

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

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

A BILL FOR AN ACT TO ABOLISH AND PROHIBIT DICHOTOMY AND DISCRIMINATION BETWEEN FIRST DEGREES AND HIGHER NATIONAL DIPLOMAS IN THE SAME PROFESSION; AND FOR RELATED MATTERS (HB. 798)

- Clause 1:**
- (a) First Degrees and Higher National Diplomas in the same profession and or field shall be deemed and treated as exact equivalent graduate certificates;
 - (b) All forms of discrimination and or dichotomy between First Degrees and the Higher National Diplomas in the same profession or field in any form whatsoever is hereby abolished;
 - (c) All forms of discrimination and or dichotomy between First Degrees and Higher National Diplomas in the same profession or field in any form whatsoever is hereby prohibited;
 - (d) Accordingly, no person, entity (body or corporate) in whatsoever name called shall discriminate and or undertake any action in any form whatsoever which is construed as and or intended to give any preferential treatment in favour and or against holders of First Degree or Higher National Diploma in the same field or profession (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Amendment Proposed:

In Subclause (a), line 2, immediately after the words "treated as", leave out the word "exact", (*Hon. Mohammad Sani Abdu— Alkeleri/Kirfi Federal Constituency*).

Question that the amendment be made — Agreed to.

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

Clause 2: Contravention of this Law by a corporate entity and or an individual is an offence punishable on conviction:

- (a) to a fine not exceeding ₦5,000,000.00 (Five Million Naira) to the staff found guilty in the case of a corporate entity;
- (b) to a fine not exceeding ₦1,000,000.00 (One Million Naira) or imprisonment not exceeding 5 years or both, in the case of an individual (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 3: This Bill shall be applicable to both the Public Service and the Private sector where graduates are employed in the same profession or field (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 4: Holders of First Degrees and Higher National Diplomas in the same profession or field shall be given equal treatment and opportunity in career placements, career progressions, admission to further studies and in any other form whatsoever in consideration of status as graduates of Nigerian Tertiary Institutions of Higher Learning (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Amendment Proposed:

Leave out the provision of Clause 4 (*Hon. Mohammad Sani Abdu— Alkeleri/Kirfi Federal Constituency*).

Question that the amendment be made — Agreed to.

Clause 5: Citation.

This Bill may be cited as the First Degree and Higher National Diploma Dichotomy and Discrimination (Abolition and Prohibition) Bill, 2019 (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Explanatory Memorandum:

This Bill seeks to abolish and prohibit discrimination of any form whatsoever between First Degree and Higher National Diploma in the same profession or field in Nigeria (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Agreed to.

Long Title:

A Bill for an Act to Abolish and Prohibit Dichotomy and Discrimination Between First Degrees and Higher National Diplomas in the Same Profession/Field and for Related Matters (HB. 798) (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in Committee of the Whole considered the Report on a Bill for an Act to Abolish and Prohibit Dichotomy and Discrimination between First Degrees and Higher National Diplomas in the same Profession; and for Related Matters (HB. 798) and approved Clauses 1 - 3, rejected Clause 4, approved Clause 5, 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.

- (vi) **Committee on Agricultural Production and Services:**
Motion made and Question proposed, "That the House do consider the Report of the Committee on Agricultural Production and Services on a Bill for an Act to Prohibit the Killing and Exportation of Donkeys or their Carcasses or Derivatives out of Nigeria given their Depletion in Numbers; the Threat of Extinction, and other Aesthetic, Ecological, Historical, Recreational, and Scientific Values to the Nigerian Nation and its People in order to Preserve them for use particularly in Transportation; and for Related Matters (HB. 1306) and approve the recommendations therein" (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

Agreed to.

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

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

A BILL FOR AN ACT TO PROHIBIT THE KILLING OF DONKEYS IN NIGERIA AND THE EXPORTATION OF DONKEYS OR ITS CARCASSES OR DERIVATIVES OUT OF NIGERIA GIVEN THEIR DEPLETION IN NUMBERS; THE THREAT OF EXTINCTION; AND THEIR AESTHETIC, ECOLOGICAL, EDUCATIONAL, HISTORICAL, RECREATIONAL, AND SCIENTIFIC VALUE TO THE NIGERIAN NATION AND ITS PEOPLE AND IN ORDER TO PRESERVE THEM FOR USE PARTICULARLY IN RURAL TRANSPORTATION AND FOR RELATED MATTERS (HB. 1306)

Committee Recommendation:

Clause 1: Prohibition of Exportation of Donkeys, Carcass, body parts, etc.
Notwithstanding anything contained in the Customs Excise Tariff, etc. (Consolidation) Act or in any Act or other enactment (including any statutory instrument or order), it shall be absolutely prohibited to export out of Nigeria a donkey or its carcass or its body parts (including skins) or any product or derivative of a donkey (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

Amendment Proposed:

In line 3, immediately after words "it shall be" *leave out* the word "absolutely" (and where ever it appears) (*Hon. Mohammad Sani Abdu— Alkeleri/Kirfi Federal Constituency*).

Question that the amendment be made — Agreed to.

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

Committee Recommendation:

Clause 2: Prohibition of Killing of Donkeys, etc.
It shall be absolutely unlawful to:

- (a) knowingly slaughter or kill a donkey by any means whatsoever; or
- (b) knowingly ship, transport, move, deliver, receive, possess, purchase, sell, or donate a donkey to be slaughtered for human consumption or for food for other animals; or

- (c) knowingly ship, transport, move, deliver, receive, possess, purchase, sell, or donate donkey parts for human consumption or for food for other animals (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Committee Recommendation:

Clause 3: Handling of a Carcass Lying in a Public Place.

For public health reasons, the carcass of a donkey lying in a public place may be cremated under the supervision of public health authorities (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Committee Recommendation:

Clause 4: Offences, Penalty, etc.

- (1) Any person who commits an offence under sections 1 and 2 of this Bill shall be liable on conviction to imprisonment for ten (10) years.
- (2) Where a corporate body or an association of persons commits an offence under this Bill, the chief executive, leader, head, or director of such a corporate body or association of persons shall become personally liable for the penalty prescribed in subsection (1).
- (3) In addition to the penalty specified in subsection (1) of this section —
 - (a) the goods the export of which is prohibited under this Bill, as well as any vehicle, vessel, aircraft or other thing whatsoever used in connection with the exportation or vehicle, tools, devices, structure or building used in connection with slaughtering or killing a donkey shall be forfeited to the Federal Government;
 - (b) any customs officer or other person who aids, counsels, procures, or conspires with any person to commit an offence under this section, shall be guilty of an offence and liable on conviction to the same punishment as prescribed for the offence under subsection (1) of this section (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Committee Recommendation:

Clause 5: Jurisdiction of the Federal High Court.

Any offence committed under this Bill shall be triable by the Federal High Court (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Committee Recommendation:**Clause 6: Interpretation.**

In this Bill —

"public place" means an indoor or outdoor area (including any highway, wharf, street, bridge, thoroughfare, any foreshore or any beach or open space, stadium, any place of public resort or of entertainment, whether privately or publicly owned, to which the public have any access by right or by invitation, expressed or implied, whether by payment of money or not, and also includes all land and land covered with water contiguous to a public place (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*)).

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

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

Committee Recommendation:**Clause 7: Citation.**

This Bill may be cited as Donkey Export and Killing (Prohibition) Bill, 2019 (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Explanatory Memorandum:

This Bill seeks to prohibit the killing of donkeys in Nigeria and the exportation of donkeys or its carcasses or derivatives out of Nigeria given their depletion in numbers; the threat of extinction; and their aesthetic, ecological, educational, historical, recreational, and scientific value to the Nigerian nation and its people and in order to preserve them for use particularly in rural transportation (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

Agreed to.

Long Title:

A Bill for an Act to Prohibit the Killing of Donkeys in Nigeria and the Exportation of Donkeys or its Carcasses or Derivatives Out of Nigeria Given Their Depletion in Numbers; the Threat of Extinction; and Their Aesthetic, Ecological, Educational, Historical, Recreational, and Scientific Value to the Nigerian Nation and its People and in Order to Preserve Them for Use Particularly in Rural Transportation and for Related Matters (HB. 1306) (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

Amendment Proposed:

In line 4, immediately after the word "and", *leave out* the words "in order to preserve them for" (*Hon. Mojeed Alabi Olujimmi — Ede North/Ede South/Egbedore/Ejigbo Federal Constituency*).

Question that the amendment be made — Agreed to.

Question that the Long Title as amended, stands part of the Bill — Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in Committee of the Whole considered the Report of the Committee on Agricultural Production and Services on a Bill for an Act to Prohibit the Killing and Exportation of Donkeys or their Carcasses or Derivatives out of Nigeria given their Depletion in Numbers; the Threat of Extinction, and other Aesthetic, Ecological, Historical, Recreational, and Scientific Values to the Nigerian Nation and its People in order to Preserve them for use particularly in Transportation; and for Related Matters (HB. 1306) and approved Clauses 1 and 2 as amended, approved Clauses 3 - 6, approved Clause 7 as amended, 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.

12. **Adjournment**

That the House do adjourn till Tuesday, 21 May, 2019 at 11.00 a.m. (Hon. Ahmed Idris — Deputy House Leader).

The House adjourned accordingly at 3: 33 p.m.

Yussuff Sulaimon Lasun
Deputy Speaker