



HOUSE OF REPRESENTATIVES FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Thursday, 16 March, 2017

1. The House met at 11.12 a.m. Mr Speaker read the Prayers.
2. **Votes and Proceedings**
Mr Speaker announced that he had examined and approved the *Votes and Proceedings* of Wednesday, 15 March, 2017.

The Votes and Proceedings was adopted by unanimous consent.

3. **Announcement**
Visitors in the Gallery:
Mr Speaker recognized the presence of the following visitors:
 - (i) Staff and Students of *The UKP Standard Schools Limited*, Kubwa, Abuja; and
 - (ii) Staff and Students of *Triple Values Academy*, Bwari, Abuja.
4. **Petitions**
 - (i) A petition from Kenneth Soronnel Ukonu, on behalf of the Volunteers Forum of Nigeria Security and Civil Defence Corps (NSCDC), Oyo State, on the failure of Management of NSCDC, to absorb volunteer workers into the service after commencement of the NSCDC Act, was presented and laid by Hon. Olatoye Temitope Sugar (*Lagelu/Akinyele Federal Constituency*);
 - (ii) Petitions from the following persons were presented and laid by Hon. Ali Isa JC (*Balanga/Biliri Federal Constituency*):
 - (a) James Budebo and 6 others, on the allocation of their lands without compensation by the Federal Capital Territory Administration;
 - (b) Ibrahim Sulaiman Yusuf, on behalf of the Nigerian Arewa Foundation, on alleged illicit conduct of the Chairman, National Hajj Commission;
 - (c) Uma Emele Ibe, on the acquisition and abandonment of the defunct Power Holding Company of Nigeria Staff Clinic, Enugu State, by the Nigerian Electricity Management Service Agency (NEMSA);

- (d) Alhaji Alih, on his dismissal from service by the Public Complaints Commission;
- (e) Iyoha Iyoke & Co. (Barristers and Solicitors), on behalf of Ambrose O. Imien, on his dismissal from service by the Federal Capital Territory Development Authority;
- (iii) A petition from John Setome Wusu & Co. (Barristers and Solicitors), on behalf of 82 Aggrieved Workers of Nigeria French Language Village, Badagry, Lagos State on their disengagement from service by the management, was presented and laid by Hon. Bamgbose Joseph H. (*Badagry Federal Constituency*);
- (iv) Petitions from the following persons were presented and laid by Hon. Anayo Edwin (*Ezza-North/Ishielu Federal Constituency*):
 - (a) E. Nwabueze Ukaegbu & Co. (Solicitors), on behalf of Abdullahi Yellow, on alleged threat to his life by Alhaji Kimba and 1 other;
 - (b) Kola Ayinla & Co. (Attorneys), on behalf of Ibrahim A. Debal, on the failure of the Nigerian Prisons Service to comply with the Resolution of the House of Representatives of Wednesday, 28 February, 2007;
 - (c) T. J. Alamene and 7 others, on behalf of South - Western Bassan Coastal Block, on the non execution of coastal link road to Apoi Creek in Southern Ijaw Local Government Area, Bayelsa State through Amasoma to Yenagoa and Foropa Seashore pavement road since 2008 by Niger Delta Development Commission (NDDC); and
 - (d) D. W. Wuku & Co. (Legal Practitioners), on behalf of Comrade Nyenye K. Mathias, on the threat to his life and non-payment of arrears due to him by Nigeria Agip Oil Company Limited.

Petitions referred to the Committee on Public Petitions.

5. **A Bill for an Act to Amend the Public Procurement Act, 2007 by adding a new member to the council, amending the procedure for appointing the Director General of the Bureau and extending the application of the Act to Defence Procurement and for Other Matters Connected Therewith (HB. 475) — Third Reading**

Motion made and Question proposed, "That a Bill for an Act to Amend the Public Procurement Act, 2007 by adding a new member to the council, amending the procedure for appointing the Director General of the Bureau and extending the application of the Act to Defence Procurement and for Other Matters Connected Therewith (HB. 475) be now read the Third Time" (*Hon. Jibril Umar Buba — Deputy House Leader*).

Agreed to.

Bill read the Third Time, and passed.

6. **A Bill for an Act to Provide for the Establishment of the National Centre for Research and Production of Snake Vaccines in Nigeria and for Other Related Matters (HB. 898) — Second Reading**

Motion made and Question proposed, "That a Bill for an Act to Provide for the Establishment of the National Centre for Research and Production of Snake Vaccines in Nigeria and for Other Related Matters (HB. 898)" (*Hon. Golu Timothy — Paskshin/Kanke/Kanam Federal Constituency and 1 other*).

Debate:

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

Bill read the Second Time.

Bill referred to the Committee on Healthcare Services.

7. A Bill for an Act to Repeal the Nigerian Customs Service Board Act, Cap. N100, Laws of the Federation of Nigeria, 2004 and Re-enact the Nigerian Customs Service Commission to be charged with the Responsibility for Administration of the Nigerian Customs Service and for Other Matters Connected Therewith (HB. 938) — *Second Reading*

Motion made and Question proposed. "That a Bill for an Act to Repeal the Nigerian Customs Service Board Act, Cap. N100, Laws of the Federation of Nigeria, 2004 and Re-enact the Nigerian Customs Service Commission to be charged with the Responsibility for Administration of the Nigerian Customs Service and for Other Matters Connected Therewith (HB. 938) be now read a Second Time" (*Hon. Jerry Alagbaoso — Orlu/Orsu/Oru East Federal Constituency and 5 others*).

Debate.

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

Bill read the Second Time.

Bill referred to the Committee on Customs and Excise.

8. A Bill for an Act to Provide for the Establishment of a Special Crimes Court as a Superior Court of Record to Allow for Speedy Trials of Certain Offences, Including Economic and Financial Crimes, Terrorism, Money Laundering and Corruption and for Other Related Matters (HB. 897) — *Second Reading*

Order read; deferred by leave of the House.

9. Reconsideration of Outstanding Bills from the Preceding Assembly (Order Twelve, Rule 16 of the Standing Orders)
Nigerian Automotive Industry Development Plan (Fiscal Incentives and Assurances) Bill, 2017 (HB. 896):

Motion made and Question proposed;

The House:

Notes that pursuant to Order Twelve, Rule 16 of the Standing Orders of the House, Bills passed by the preceding Assembly and forwarded to the Senate for concurrence for which no concurrence was made or negatived, or passed by the Senate and forwarded to the House for which no concurrence was made or negatived or which were passed by the National Assembly and forwarded to the President for assent but for which assent or withholding thereof was not communicated before the end of the tenure of the Assembly, the House may resolve that such Bills, upon being re-gazetted or clean copies circulated, be re-considered in the Committee of the Whole without being commenced *de-novo*;

Also notes that the aforementioned Bill was passed by the preceding Assembly and forwarded to the President for assent but for which assent or withholding thereof was not communicated before the end of the tenure of the last Assembly;

Aware that the Bill has been re-gazetted and read for the first time accordingly;

Resolves to:

Commit the Bill to the Committee of Whole for consideration (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

Agreed to.

Bill recommitted to the Committee of the Whole, pursuant to Order Twelve, Rule 16 .

10. Need for Control of Erosion in Idah/Igalamela-Odolu/Ibaji/Ofu Federal Constituency

Motion made and Question proposed:

The House:

Aware that erosion is a natural occurrence that affects habitation and other economic activities and makes the people living within its area of occurrence to always live in fear;

Notes that most of the roads in Angwa, New GRA and Iyogbo areas of Idah LGA, Ajaka town in Igalamela - Odolu LGA, Umomi town in Ofu LGA and OdoIchalla, Onyedega in Ibaji LGA of Kogi State have been destroyed by erosion;

Also notes that accessibility to localities within the constituency has been made difficult as a result of the erosion which is washing away farm lands, thus leading to a reduction of arable land in the constituency and also hampering the movement of farm produce from the farms to the cities, having destroyed the road network;

Concerned that the federal government has not hearkened to the pleas of the people to control the erosion menace which is threatening to cut off the Federal road linking Idah to Anyigba at a point in Umomi;

Resolves to:

- (i) urge the National Emergency Management Agency (NEMA) to send relief materials to the affected communities;
- (ii) also urge the Nigerian Erosion and Watershed Management Project (NEWMAP) to take urgent steps to control the erosion in order to prevent further washing away of houses, roads and farmlands; and
- (iii) mandate the Committees on Environment and Habitat, and Legislative Compliance to ensure compliance (*Hon. Emmanuel M. Egwu — Idah/Igalamela/Ibaji/Ofu Federal Constituency*).

Agreed to.

(HR. 97/2017).

Motion referred to the Committees on Environment and Habitat, and Legislative Compliance, pursuant to Order Eight, Rule 9 (5).

11. Call for Rehabilitation of Isara-Ago-Iwoye-Ijebu Igbo-Ogedengbe-OrileOwu-Ife-Sekona Road, (Ogun State Border)

Motion made and Question proposed:

The House:

Notes that Isara - Ago-Iwoye -Ijebu - Igbo - Ogedengbe - OrileOwu - Ife - Sekona Road links many communities in Ogun and Osun States with other parts of the country;

Also notes that for five (5) years now, the road has been in a very deplorable condition with many failed portions thereon as a result of lack of maintenance which causes a lot of vehicular breakdowns and serious physical discomfort for commuters;

Further notes that in the same period of time, no vegetation control exercise, which ought to be carried out twice in a year on the road, being a federal road, had been effected thereon, hence it is now overgrown with weeds, thereby becoming almost unmotorable;

Aware that the road serves as an important alternative relief route for travelers from Lagos to Abuja, particularly at the peak period of traffic hold up on the Lagos - Ibadan Express Road;

Also aware that the road is very strategic for the movement of farm produce as people of the area are predominantly farmers producing, on a large scale, crops like cocoa, kolanuts, palm produce and plantain;

Concerned that the deplorable state of the road has led to many fatal accidents which had claimed lives of travelers and it is also providing opportunities for kidnappers and armed robbers to attack and rob travelers;

Cognizant that the rehabilitation of the road will ease movement of travelers and agricultural produce across the South West zone and Nigeria at large, save lives and eliminate incessant armed robbery attacks on the road;

Resolves to:

- (i) urge the Federal Roads Maintenance Agency (FERMA) to, as a matter of urgency, rehabilitate the failed portions of Isara-Ago Iwoye-Ijebu Igbo-Ogedengbe-Ife-Sekona Road (Osun State Border) to help in protecting lives of road users and encourage farmers to boost agriculture, thereby creating employment in the area;
- (ii) also urge the Agency to carry out vegetation control exercise to avoid the sides of the road becoming bushy; and
- (iii) mandate the Committee on Federal Roads Maintenance Agency (FERMA) to ensure implementation (*Hon. Adekoya Adesegun Abdel - Majid — Ijebu North/Ijebu East/Ogun Waterside Federal Constituency*).

Agreed to.

(HR. 98/2017).

Motion referred to the Committee on Federal Roads Maintenance Agency (FERMA), pursuant to Order Eight, Rule 9 (5).

12. Call for Completion of the Benin-Adu-Umagbae-Egba-Osasimwinoba-Akure Road

Order read; deferred by leave of the House.

13. Need for Reform and Relocation of Kano Prison from Kurmawa

Motion made and Question proposed;

The House:

Recalls that Kano Prison, located at Kurmawa and which was built in 1910 as an Emirate penal institution using mud blocks, is now overcrowded with over one thousand (1,000) inmates instead of the six hundred and ninety (690) inmates capacity it was proposed to house;

Notes that the only functional borehole in the prison was constructed by my humble-self in 2015, and there is a complete absence of infrastructural facilities/amenities, given rise to widespread diseases and infections among inmates in the event of an outbreak of any disease, hence the pressing need for reform;

Also notes that the prison, which is located at the centre of Kano city, does not have enough space for any form of expansion, and its location constitutes a security threat as well as posing developmental challenges;

Also recalls that the Government of former Governor Rabi'u Musa Kwankwaso attempted to relocate the prison to Jangaza but the effort failed;

Resolves to:

- (i) mandate the Committee on Interior to liaise with the Federal Ministry of Interior and the Nigerian Prisons Service to work out modalities for the relocation of Kano Prison from Kurmawa to a more suitable location and undertake a comprehensive reform of the Prisons; and
- (ii) also mandate the Committees on Legislative Compliance to ensure implementation and report back within six (6) weeks for further legislative action (*Hon. Danburam Abubakar Nuhu — Kano Municipal Federal Constituency*).

Agreed to.

(HR. 99/2017).

Motion referred to the Committees on Interior, and Legislative Compliance, pursuant to Order Eight, Rule 9 (5).

14. Need to Investigate the Failure of the Nigerian Customs Service to Auction Confiscated Goods
Motion made and Question proposed;

The House:

Recalls that in 2015, the Nigerian Customs Service banned the auction sale of goods seized by the Service and legally forfeited to the Federal Government;

Notes that since the imposition of the ban, there has not been any form of auction sale by the Service and this has ultimately resulted in the proliferation of seized goods at the various formations of the Nigerian Customs Service;

Observes that top on the list of goods seized are vehicles, trucks, containers of assorted household goods, clothing materials, consumables, etc. and a large number of these goods have been gazetted and forfeited to the Federal Government on the orders of various courts in the country;

Also notes with dismay that most of those goods, especially the vehicles with Duty Paid Valve (DPV) worth over ₦6 billion, are rapidly dilapidating and depreciating in value and have naturally become habitats for reptiles, termites and even birds;

Concerned that the Customs Service will eventually spend huge amounts of money in disposing of them, when it ought to have generated huge revenues for the Government by auctioning them before they weathered away;

Also recalls that sometime in 2015 following the ban on auctioning of seized goods, the Service announced a plan to set up an auction sale website where interested Nigerians can access available goods and bid for them in order to ensure transparency in the auction process;

Regrets that the Service failed to set up the website and has also failed to auction goods in its custody, thereby willingly denying the Federal Government of resources worth over ₦1 trillion which ought to accrue to it from the auctioning of those goods;

Resolves to:

Mandate the Committee on Customs and Excise to investigate the matter with a view to determining what informed the decision to ban the auction sale of seized goods and whether the decision has truly caused the country any financial loss and report back within eight (8) weeks for further legislative action (*Hon. Prestige Ossy — Aba North/Aba South Federal Constituency*).

Debate.

Agreed to.

The House:

Recalled that in 2015, the Nigerian Customs Service banned the auction sale of goods seized by the Service and legally forfeited to the Federal Government;

Noted that since the imposition of the ban, there has not been any form of auction sale by the Service and this has ultimately resulted in the proliferation of seized goods at the various formations of the Nigerian Customs Service;

Observed that top on the list of goods seized are vehicles, trucks, containers of assorted household goods, clothing materials, consumables, etc. and a large number of these goods have been gazetted and forfeited to the Federal Government on the orders of various courts in the country;

Also noted with dismay that most of those goods, especially the vehicles with Duty Paid Value (DPV) worth over ₦6 billion, are rapidly dilapidating and depreciating in value and have naturally become habitats for reptiles, termites and even birds;

Concerned that the Customs Service will eventually spend huge amounts of money in disposing of them, when it ought to have generated huge revenues for the Government by auctioning them before they weathered away;

Also recalled that sometime in 2015 following the ban on auctioning of seized goods, the Service announced a plan to set up an auction sale website where interested Nigerians can access available goods and bid for them in order to ensure transparency in the auction process;

Regretted that the Service failed to set up the website and has also failed to auction goods in its custody, thereby willingly denying the Federal Government of resources worth over ₦1 trillion which ought to accrue to it from the auctioning of those goods;

Resolved to:

Mandate the Committee on Customs and Excise to investigate the matter with a view to determining what informed the decision to ban the auction sale of seized goods and whether the decision has truly caused the country any financial loss and report back within eight (8) weeks for further legislative action (*IIR. 100/2017*).

15. Call for an Investigative Hearing into the Affairs of the National Automotive Council of Nigeria

Order read; deferred by leave of the House.

16. **Need to Investigate the Operational Activities of Telecommunications Equipment and Service Companies/Vendors in Nigeria**
Motion made and Question proposed;

The House:

Notes the existence of multinational telecommunications equipment and services companies/vendors in Nigeria who have been involved in the business of providing telephone services since 1960 but with the introduction of the Global System for Mobile Communications (GSM), have become major vendors of equipment to such operators and the entire telephony sector;

Aware of the lucrative nature of the telecommunications sector which rakes in profits in billions of United States Dollars annually;

Concerned that despite these enormous profits coupled with the conducive business environment in the country, there are several allegations against these companies including casualization and maltreatment of Nigerian workers, outsourcing of local jobs leading to capital flight, disparity in emoluments and rejection of Nigerians as understudies to expatriates in violation of the Local Content Act;

Also concerned about further allegations of tax evasions, abuse of expatriate quota as well as fraudulent swelling of Nigerian quota by inclusion of citizens of Economic Community of West African States (ECOWAS) Member-States who require no work permit and non-ECOWAS nationals with falsified work permits;

Disturbed about a recent report in the Punch Newspaper and other tabloids of the sacking of over 160 Nigerians and the transferring of their jobs to Indian nationals;

Also disturbed that despite their long years of operations in the country, there is hardly any physical or tangible asset such as factory or industrial unit of any of these companies in Nigeria;

Resolves to:

Set up an *Ad-hoc* Committee to investigate the operational activities of telecommunications equipment and services companies/vendors in Nigeria with a view to:

- (i) determining whether there are irregularities in the employment status and conditions of Nigerians viz-a-viz their foreign counterparts, both in Nigeria and Overseas;
- (ii) evaluating their administrative/operational procedures;
- (iii) assessing their tax compliance status; and
- (iv) ascertaining the parameters and procedures used by Nigerian Communications Commission and the Central Bank of Nigeria in approving funds transfers from these companies, and report back in four (4) weeks for further legislative action (*Hon. Abubakar Amuda-Kannike Garba — Ilorin East/Ilorin South Federal Constituency*).

Debate.

Agreed to.

The House:

Noted the existence of multinational telecommunications equipment and services companies/vendors in Nigeria who have been involved in the business of providing telephone services since 1960 but with the introduction of the Global System for Mobile Communications (GSM), have become major vendors of equipment to such operators and the entire telephony sector;

Aware of the lucrative nature of the telecommunications sector which rakes in profits in billions of United States Dollars annually;

Concerned that despite these enormous profits coupled with the conducive business environment in the country, there are several allegations against these companies including casualization and maltreatment of Nigerian workers, outsourcing of local jobs leading to capital flight, disparity in emoluments and rejection of Nigerians as understudies to expatriates in violation of the Local Content Act;

Also concerned about further allegations of tax evasions, abuse of expatriate quota as well as fraudulent swelling of Nigerian quota by inclusion of citizens of Economic Community of West African States (ECOWAS) Member-States who require no work permit and non-ECOWAS nationals with falsified work permits;

Disturbed about a recent report in the Punch Newspaper and other tabloids of the sacking of over 160 Nigerians and the transferring of their jobs to Indian nationals;

Also disturbed that despite their long years of operations in the country, there is hardly any physical or tangible asset such as factory or industrial unit of any of these companies in Nigeria;

Resolved to:

Set up an *Ad-hoc* Committee to investigate the operational activities of telecommunications equipment and services companies/vendors in Nigeria with a view to:

- (i) determining whether there are irregularities in the employment status and conditions of Nigerians viz-a-viz their foreign counterparts, both in Nigeria and Overseas;
- (ii) evaluating their administrative/operational procedures;
- (iii) assessing their tax compliance status; and
- (iv) ascertaining the parameters and procedures used by Nigerian Communications Commission and the Central Bank of Nigeria in approving funds transfers from these companies, and report back in four (4) weeks for further legislative action (**HR. 101/2017**).

17. **Current Impasse in the National Rural Telephony Programme (NRTP)**

Motion made and Question proposed;

The House:

Notes the completion of Phase I of the National Rural Telephony Programme (NRTP) which was accomplished with a loan of \$200 million from the China Exim Bank;

Also notes that despite the ₦300 million counterpart funding paid by the Federal Government for Phase II of the Programme, the Chinese Government is yet to release its own part of the funds for the Phase II project;

Concerned that despite the fact that the capital and interests have been repaid on the \$200 million loan for Phase I and a further ₦300 million paid as counterpart funds for Phase II, the National Rural Telephony Programme remains uncompleted;

Also concerned that the facilities and deployed technology may have become outdated given the advent of the Global System for Mobile Communications (GSM);

Resolves to:

- (i) urge that the Investment must not go to waste and the Phase 1 of the Programme should be put to use as soon as possible with a view to averting further liabilities;
- (ii) also urge for a continuation of the broad-based stakeholders interactive session and that detailed proposals from various stakeholders be distilled to provide for an acceptable resolution of the current impasse in the National Rural Telephony Programme for the betterment of the nation;
- (iii) mandate the Committee on Rural Development to ensure implementation, including ensuring that the counterpart funds already paid for Phase II should be optimally utilized in the "Change Order" proposed in light of present difficulties and report back within eight (8) weeks for further legislative action (*Hon. Oladipupo O. Adebute — Ikenne /Sagamu/Remo North Federal Constituency*).

Debate.

Agreed to.

The House:

Noted the completion of Phase I of the National Rural Telephony Programme (NRTP) which was accomplished with a loan of \$200 million from the China Exim Bank;

Also noted that despite the ₦300 million counterpart funding paid by the Federal Government for Phase II of the Programme, the Chinese Government is yet to release its own part of the funds for the Phase II project;

Concerned that despite the fact that the capital and interests have been repaid on the \$200 million loan for Phase I and a further ₦300 million paid as counterpart funds for Phase II, the National Rural Telephony Programme remains uncompleted;

Also concerned that the facilities and deployed technology may have become outdated given the advent of the Global System for Mobile Communications (GSM);

Resolved to:

- (i) urge that the Investment must not go to waste and the Phase 1 of the Programme should be put to use as soon as possible with a view to averting further liabilities;
- (ii) also urge for a continuation of the broad-based stakeholders interactive session and that detailed proposals from various stakeholders be distilled to provide for an acceptable resolution of the current impasse in the National Rural Telephony Programme for the betterment of the nation;
- (iii) mandate the Committee on Rural Development to ensure implementation, including ensuring that the counterpart funds already paid for Phase II should be optimally utilized in the "Change Order" proposed in light of present difficulties and report back within eight (8) weeks for further legislative action (**HR. 102/2017**).

18 Consideration of Reports**(i) Committee on Commerce:**

Motion made and Question proposed, "That the House do consider the Report of the Committee on Commerce on a Bill for an Act to Provide for Secured Transactions, Registration and Regulation of Security Interests in Movable Assets and for Other Related Matters (HB. 147) and approve the recommendations therein" (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

Question agreed to.

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

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

**A BILL FOR AN ACT TO PROVIDE FOR SECURED TRANSACTIONS,
REGISTRATION AND REGULATION OF SECURITY INTEREST IN
MOVABLE ASSETS AND FOR RELATED MATTERS**

PART I — OBJECTIVES AND SCOPE

Committee Recommendation:

Clause 1: Objectives.

The objectives of this Bill are to:

- (a) enhance financial inclusion in Nigeria;
- (b) stimulate responsible lending to micro, small and medium enterprises;
- (c) facilitate access to credit secured with movable assets;
- (d) facilitate perfection of Security Interests in movable assets;
- (e) facilitate realization of Security Interests in movable assets; and
- (f) establish a Collateral Registry and provide for its operations (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Committee Recommendation:

Clause 2: Scope.

(1) This Bill shall apply to:

- (a) all Security Interests in movable assets created by an agreement that secures payment or the performance of an obligation,
- (b) a person who is a Creditor, Borrower or Grantor under this Bill; and
- (c) every Public Registry established by any Act of the National Assembly to coordinate or ware house or oversee transactions in movable assets in Nigeria shall be operated in a manner that creates automated interface between such a registry and the National Collateral Registry, with a purpose to ensuring and guaranteeing that

the registry is made accessible through, by, and from the National Collateral Registry.

- (2) This Bill shall not apply to:
 - (a) any right of set-off;
 - (b) the creation or transfer of an Interest in land other than account receivables; and
 - (c) any interest created by a transfer, assignment or mortgage in movable property governed by a law for which a registry has been established with regards to ships and aircrafts.
- (3) Nothing in this Bill shall prevent the creation of security interest in the form of charges by companies registered under the CAMA (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

PART II — SECURITY INTERESTS

Committee Recommendation:

Clause 3: Creation of Security Interest.

- (1) Security Interest is created by a Security Agreement between a Grantor and Creditor.
- (2) The Security Interest in any asset acquired by a Grantor after the coming into force of the Security Agreement shall take effect without further consent or any other act of the Grantor at the moment the Grantor acquires such asset where:
 - (a) the asset falls under the Collateral description in the Security Agreement; and
 - (b) the Security Agreement provides that the Security Interest extends to the Grantor's present and future assets (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Committee Recommendation:

Clause 4: Grantor's rights in the Collateral.

- (1) A Security Interest shall be created to the extent of the rights that the Grantor has in the Collateral.
- (2) A transfer of Account Receivable or Security Interest in an Account Receivable by a Grantor is effective —
 - (a) between the Grantor and the Creditor; and
 - (b) against the account debtor of the Account Receivable notwithstanding any agreement limiting the account debtor's right to create a Security Interest in or assign its Account Receivable.

- (3) Creation of a security interest in any movable asset is effective notwithstanding any agreement limiting the grantor's right to create such security interest (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Committee Recommendation:

Clause 5: Content of a Security Agreement.

A Security Agreement shall:

- (a) reflect the intention of the Grantor and Creditor to create a Security Interest;
- (b) identify the Grantor and Creditor;
- (c) describe the secured obligation including the maximum amount for which the Security Interest is enforceable;
- (d) describe the Collateral adequately;
- (e) indicate the tenor of the obligation secured; and
- (f) confirm the agreement by parties to submit to Arbitration, as first recourse in a situation that any civil dispute arises (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Committee Recommendation:

Clause 6: Description of Collateral in a Security Agreement

- (1) A description of Collateral is adequate if it is accompanied with —
 - (a) item, kind, type or category, year of manufacture or any other description that can identify the Collateral; or
 - (b) a statement that a Security Interest is taken in all the present and future assets of the Grantor; and
 - (c) for the purpose of section 6 (i) (a) and (b) above, a description of the insurance cover on the collateral.
- (2) A Security Interest shall extend to the identifiable or traceable proceeds of a Collateral, whether or not the Security Agreement contains a description of the proceeds (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Committee Recommendation:

Clause 7: Continuation of a Security Interest.

- (1) A security interest shall automatically continue in the identifiable or traceable proceeds of the collateral, whether or not the security agreement contains a description of the proceeds.
- (2) A security interest created in tangible property before they were commingled in a mass or product continues in the mass or product (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Committee Recommendation:

Clause 8: Perfection of Security Interest.

- (1) A Security Interest is perfected when a Financing Statement in respect of that Security Interest has been registered in the Collateral Registry established under this Bill.
- (2) For the purposes of this Bill, a Secured Creditor may take possession of the Collateral but mere possession does not perfect the security interest (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Committee Recommendation:

Clause 9: Perfection of Security Interest in Proceeds.

- (1) A security interest in any proceeds of the collateral is perfected automatically without any further action by the grantor or the creditor when the proceeds arise or are acquired if:
 - (a) the proceeds are described in the Financing Statement; or
 - (b) the proceeds are in the form of money, accounts receivables, negotiable instruments or bank accounts.
- (2) If the proceeds are not of the kind covered in the preceding sub section, the security interest will remain perfected if the Creditor registers an amendment adding a description of the asset that is proceeds within 15 days after they arose (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

PART III — NATIONAL COLLATERAL REGISTRY

Committee Recommendation:

Clause 10: Establishment of the National Collateral Registry.

- (1) There is established in the Central Bank, a registry to be known as the National Collateral Registry (in this Bill referred to as "the Collateral Registry").
- (2) The Governor of the Central Bank of Nigeria shall appoint the Registrar and such other staff as may be required for the attainment of the objectives of this Bill.
- (3) The Registrar shall supervise and administer the operations of the Collateral Registry (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Committee Recommendation:

Clause 11: Functions of the Collateral Registry.

The Collateral Registry shall —

- (a) receive, register and store information about Security Interests in movable assets;

- (b) provide access to persons who may seek information on Security Interests from the Collateral Registry; and
- (c) perform such other functions as may be prescribed by Regulations made under this Bill (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

PART IV — REGISTRATION OF FINANCING STATEMENTS

Committee Recommendation:

Clause 12: Procedure for registration of a Financing Statement.

- (1) A Financing Statement may be registered by or on behalf of a creditor at any time with the consent of the grantor as required under this Bill.
- (2) A Financing Statement is registered when a unique registration number, date and time are assigned to it by the Collateral Registry.
- (3) The Collateral Registry shall, after a Financing Statement has been registered, issue a Confirmation Statement to the Creditor who files the Financing Statement for registration (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Committee Recommendation:

Clause 13: Consent to Register a Financing Statement.

- (1) Registration of an initial financing statement is ineffective unless the Grantor consented to it in writing.
- (2) A security agreement in accordance with Section 4 is sufficient to constitute consent by the Grantor for the registration of an initial or amendment financing statement covering the collateral described therein.
- (3) The Grantor may give consent in writing to register a financing statement prior to the conclusion of a security agreement.
- (4) Registration of an Amendment Financing Statement is ineffective unless consented to by the Grantor in writing if the Amendment Financing Statement:
 - (a) adds a description of new collateral; or
 - (b) adds a new Grantor unless the new Grantor is a transferee of the collateral already described in the registration (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Committee Recommendation:

Clause 14: Contents of a Financing Statement.

- (1) A creditor shall provide in a Financing Statement the following information:
 - (a) Grantor type description: individual, micro, small or large business;

- (b) in the case of a Company, Co-operative or registered Business Name, the unique identification number which shall be the Corporate Affairs Commission registration number or other registration number issued by the appropriate authority for registering these types of debtors;
 - (c) in the case of an individual, the unique identification number derived from approved biometric based identification, gender, name, address including telephone and date of birth;
 - (d) the name and address of the creditor or its representative;
 - (e) a description of the collateral;
 - (f) the maximum amount for which the secured obligation may be enforced;
 - (g) the period of time for which the registration is to be effective, and
 - (h) such other information as the Registrar may consider necessary.
- (2) A financing statement may in addition also identify a Borrower according to the preceding sub section even if that person has not created a security interest.
- (3) If there is more than one grantor or creditor, the required information must be entered in the designated field separately for each grantor or creditor.
- (4) If the grantor is an individual who is neither a citizen nor a resident of Nigeria, the secured creditor shall enter the debtor's name and unique identification number that appear on the Grantor's passport issued by a Foreign Government or any other document as the Central Bank of Nigeria may prescribe from time to time.
- (5) A confirmation that parties have agreed to submit themselves to the mediation and Arbitration mechanism empowered under this Bill, as first recourse, in a situation that any civil dispute arises (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Committee Recommendation:

Clause 15: Description of Collateral.

- (1) The Financing Statement must include a description of the collateral that reasonably allows its identification.
- (2) A description of collateral is sufficient if the collateral is described by:
 - (a) item, kind, type or category; or
 - (b) a statement that a security interest is taken in all of the Grantor's present and after-acquired property; or
 - (c) any other description that reasonably identifies the collateral.

- (3) If a financing statement covers serial-numbered goods it must contain information of the serial number, in addition to the information as defined in subsection (2) above.
- (4) Serial-numbered goods that are held as inventory need not be described by a serial number. A description of serial-numbered goods held as inventory is sufficient if it satisfies the requirements of subsection (2) (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Committee Recommendation:

Clause 16: Error in a Financing Statement.

- (1) Subject to Section 10 of this Bill, a registered Financing Statement shall be ineffective if there is an error in:
 - (a) the unique identification number of the Grantor; or
 - (b) the serial number of the Collateral that causes the registration not to be retrieved in a search.
- (2) Where a registered Financing Statement contains information on multiple Grantors or Collaterals, an error in —
 - (a) the unique identification number of the Grantor shall render the registration ineffective only with respect to that Grantor; or
 - (b) the serial number of a Collateral shall render the registered Financing Statement ineffective only with respect to the Collateral identified by such serial number (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Committee Recommendation:

Clause 17: Consequences of Other Errors in the Registration.

- (1) An error in —
 - (a) the name or address of the Grantor; or
 - (b) the maximum amount for which the security interest may be enforced; or
 - (c) the name or address of the creditor does not render the registered Financing Statement ineffective.
- (2) An error in the collateral description other than in the serial number may render the registered Financing Statement ineffective with respect to that collateral if the error seriously misleads the searcher.
- (3) An incorrect description of some collateral shall not render the registered Financing Statement ineffective with respect to other collateral sufficiently described.
- (4) An error in other information does not render the registered Financing Statement ineffective (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Committee Recommendation:

Clause 18: Duration of a Registered Financing Statement.

- (1) The registered Financing Statement shall be valid until—
 - (a) the expiration of the term specified in the Financing Statement; or
 - (b) its cancellation, whichever comes first.
- (2) Duration of a registered Financing Statement may be renewed or extended by an amendment of the Financing Statement before its expiration.
- (3) No information shall be deleted from the Registry, whether or not an Amendment Financing Statement cancelling the registered Financing Statement has been registered.
- (4) An expired registered Financing Statement shall be maintained in the Registry and searchable by the public for 6 months following its expiration after which it shall be kept in the archive.
- (5) A cancelled or expired registered Financing Statement shall be identified as such in a search (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Committee Recommendation:

Clause 19: Amendment of a registered Financing Statement.

- (1) A registered Financing Statement may be amended by a Creditor upon the registration of an Amendment Financing Statement.
- (2) An amendment to a registered Financing Statement that adds a Collateral or a new Grantor is effective as to the added Collateral or the added Grantor only from the date and time when the Amendment Financing Statement is registered.
- (3) An amendment to a registered Financing Statement shall be in accordance with Regulations made under this Bill (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Committee Recommendation:

Clause 20: Unauthorised Transfer of a Collateral.

- Where a collateral described in a registered Financing Statement is transferred and the secured creditor registers an Amendment Financing Statement adding the transferee as a new grantor within 15 days after the Secured Creditor becomes aware of the transfer, the security interest shall retain its perfection and priority (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Committee Recommendation:

Clause 21: Cancellation of a registered Financing Statement.

- (1) A registered Financing Statement may be cancelled upon the filing of a Cancellation Statement by a Creditor.

- (2) A Creditor shall file a Cancellation Statement within 15 working days of receiving a request for cancellation from the Grantor or the Borrower only where:
 - (a) all obligations under the Security Agreement have been performed; and
 - (b) there is no commitment to make future advances.
- (3) The Cancellation Statement shall include —
 - (a) the registration number of the initial Financing Statement to which the Cancellation Statement relates;
 - (b) identification of the Creditor authorising the cancellation; and
 - (c) such other information as may be prescribed by Regulations made under this Bill
- (4) Where a Creditor fails to comply with the request of the Borrower or the Grantor, either the Borrower or the Grantor may appeal to the Registrar showing cause as to why the registered Financing Statement should be cancelled.
- (5) The Registrar shall give notice of the appeal referred to in subsection (4) of this section to the Creditor before taking a decision on the appeal.
- (6) The Creditor shall have a right to respond within 7 days of the receipt of the notice of appeal.
- (7) The decision of the Registrar on the request shall be final and he shall give effect to his decision (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Committee Recommendation:

Clause 22: Search of Information in the Registry.

- (1) A person may conduct a search in the Registry for information provided in registered Financing Statements according to criteria set in (3).
- (2) A person who conducts a search pursuant to sub-section (1) of this Section shall be entitled to a search result upon payment of such fees as may be prescribed by Regulations made under this Bill.
- (3) The criteria for search under this Section shall be —
 - (a) the unique biometric-based identifier of the Grantor,
 - (b) the serial number of the collateral, or;
 - (c) such other criterion as may be prescribed by Regulations (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

PART V — PRIORITY OF A SECURITY INTEREST

Committee Recommendation:**Clause 23: Priority of Security Interests.**

The priority between perfected Security Interests in the same Collateral shall be determined by the order of registration (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Committee Recommendation:**Clause 24: Same priority for original Collateral, proceeds and advances.**

- (1) Subject to Section 9, the priority of a Security Interest in a Collateral and the proceeds derived from the Collateral shall be the same.
- (3) A security interest shall have the same priority in respect of all secured obligations and advances, whether existing or future (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Committee Recommendation:**Clause 25: Transfer does not affect priority.**

- (1) A Secured Creditor may transfer a secured obligation notwithstanding any agreement with the Grantor or the Borrower limiting the right to transfer the secured obligation and without having to obtain consent of the Grantor or the Borrower.
- (2) A Security Interest that is transferred shall have the same priority as it had at the time of the transfer.
- (3) Transfer of a Security Interest perfected by registration is valid without registering an Amendment Financing Statement in the Registry (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Committee Recommendation:**Clause 26: Voluntary subordination of priority.**

- (1) A Creditor may enter into an agreement to subordinate its priority in favour of any other claimant.
- (2) Subordination is effective without registering an Amendment Financing Statement in the Registry.
- (3) An agreement to subordinate shall not adversely affect the rights of a person that is not a party to the agreement (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Committee Recommendation:**Clause 27: Priority of Purchase Money Security Interest and its proceeds.**

A Purchase Money Security Interest in a Collateral or its proceeds shall have priority over a non-Purchase Money Security Interest in the same Collateral created by the

same Grantor if the Purchase Money Security Interest in the Collateral or its proceeds is perfected when the Grantor obtained possession of the Collateral (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Committee Recommendation:

Clause 28: Priority of Security Interests in processed or co-mingled goods.

- (1) A perfected Security Interest in goods that subsequently become part of a product or mass shall continue as a perfected Security Interest in the product or mass if the goods are so manufactured, processed, assembled or co-mingled that their identity is lost in the product or mass.
- (2) If more than one Security Interest is perfected in the goods before they become part of a product or mass, the Security Interests rank equally in proportion to the value of the goods at the time they became part of the product or mass (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Committee Recommendation:

Clause 29: Priority with Respect to Receipt of Funds or Cash.

- (1) A Financial Institution's right of set-off shall have priority over a perfected Security Interest that extends to a deposit account.
- (2) A transferee of funds from a deposit account or cash other than from a deposit account takes the funds or cash free of a Security Interest unless the transferee acts in collusion with the Grantor or the Borrower in violating the rights of the Creditor.
- (3) A Transferee of cash for the purpose of this section does not include a mere bailee (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Committee Recommendation:

Clause 30: Priority of holders of liens.

A lien arising out of materials or services provided in the ordinary course of business in respect of goods that are subject to a Security Interest shall have priority over that Security Interest (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Committee Recommendation:

Clause 31: Priority of holders of negotiable instruments and title documents.

A holder of a negotiable instrument or title document shall have priority over a perfected Security Interest in the negotiable instrument or the title document where the holder:

- (a) gave value;
- (b) acquired the negotiable instrument or the title document without knowledge that the transaction is in breach of the Security Agreement to which the Security Interest relates; and

- (c) took possession of the negotiable instrument or the title document (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Committee Recommendation:

Clause 32: Rights of a buyer or lessee of goods.

- (1) A buyer or lessee who acquires goods for value and receives possession of the goods shall take the goods free of an unperfected Security Interest.
- (2) A buyer of goods sold in the ordinary course of business of the seller and a lessee of goods leased in the ordinary course of business of the lessor shall take the goods free of a Security Interest created by the seller or lessor unless the buyer or lessee knows that the sale or the lease constitutes a breach of the Security Agreement under which the Security Interest was created (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Committee Recommendation:

Clause 33: Rights and Priority of Assignee.

- (1) The rights of an assignee of an Account Receivable shall be subject to:
 - (a) the terms of the contract between the account debtor and the assignor and any defense or claim arising from the contract; and
 - (b) any other defense or claim of the account debtor against the assignor, including a defense by way of a right of set-off that accrues before the account debtor receives notification of the assignment.
- (2) Subsection (1) of this section shall not apply if the account debtor has made an enforceable agreement not to assert any right to claims arising out of the contract.
- (3) Priority between competing assignees is determined according to the time of registration in the Registry irrespective of the time when the account debtor receives a notification of the assignment (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Committee Recommendation:

Clause 34: Priority of Judgment Creditor.

- (1) Notwithstanding the provisions of the Sherriff and Civil Process Act, Cap. S6, LFN, 2004, a perfected security interest has priority over the rights of an unsecured creditor that has obtained a judgement or an order of attachment, unless the judgement creditor, before the security interest is perfected —
 - (a) registers a financing statement
 - (b) seizes the collateral; or
 - (c) serves a notice of its claim on the third party holding property for the debtor.

- (2) The priority of the security interest extends to credit disbursed by the creditor:
 - (a) before the expiry of thirty (30) days after the judgment creditor notified the creditor that it had taken the steps referred to in subsection (1); or
 - (b) pursuant to an irrevocable commitment in a fixed amount without any limitation if the commitment was made before the judgment creditor notified the creditor (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

PART VI — RIGHTS AND DUTIES OF A GRANTOR, BORROWER AND CREDITOR

Committee Recommendation:

Clause 35: Good faith and Commercial Reasonableness.

- (1) All rights and duties that arise under this Bill shall be exercised and discharged in good faith and in accordance with reasonable commercial standards.
- (2) A person does not act in bad faith merely because he acts with knowledge of the security interest of some other person, unless he knows that his actions would violate rights of the other person.
- (3) A person in possession of an encumbered asset shall preserve the asset from damage, impairment and loss, excluding fair wear and tear having regard to the nature of the asset (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Committee Recommendation:

Clause 36: Entitlement to damages.

Where a person fails to discharge a duty or obligation imposed by this Bill, the person to whom the duty or obligation is owed shall have a right to recover damages for any loss or damage (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Committee Recommendation:

Clause 37: Creditor to provide Confirmation Statement to the Grantor and the Borrower.

- (1) A Creditor shall, not later than 15 working days after the day on which the Confirmation Statement of the registration was received, provide the Grantor and the Borrower a copy of the Confirmation Statement.
- (2) The Confirmation Statement may be sent in the same manner prescribed for giving notices under Section 42 (2) of this Bill (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Committee Recommendation:**Clause 38: Provision of certain information by a Creditor.**

- (1) A Grantor or Borrower may request the Creditor to make available to any person, at an address specified by the Grantor or the Borrower, any or all of the following —
 - (a) a summary of the Security Agreement;
 - (b) a statement in writing, of the amount of the indebtedness and the terms of payment of the indebtedness;
 - (c) an itemised list of the Collateral, unless the Security Interest covers all the movable assets of the Grantor; or
 - (d) a statement of account indicating the amount needed to fully satisfy the secured obligation.
- (2) Where a Creditor no longer has an Interest in the obligation secured or Collateral covered by the registration, the Creditor shall disclose, the name and address of the immediate successor in Interest or transferee and the latest successor in Interest or transferee, if known.
- (3) A Creditor shall comply with the request in sub-section (1) of this section within 10 working days of its receipt.
- (4) A Creditor may only charge the Grantor or the Borrower the reasonable costs for providing the information and the Grantor or the Borrower shall be entitled to one response free of charge every 6 months (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

PART VII — REALISATION OF SECURITY INTERESTS**Committee Recommendation:****Clause 39: Scope of the application of this part.**

- (1) In case of default, a Creditor may —
 - (a) exercise his rights under this Bill and in the Security Agreement; or
 - (b) resort to any appropriate judicial remedy.
- (2) An operating lessor may enforce its rights under the Agreement or any other law governing the operating lease.
- (3) A holder of Purchase Money Security Interest may enforce its rights under this Bill or any other law governing its rights.
- (4) An outright transferee of Account Receivable may enforce its rights under an agreement or any other law governing the transaction.
- (5) The remedies available under this Part are in addition to those available under the Companies and Allied Matters Act, including the right to appoint a receiver (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

*Committee Recommendation:***Clause 40: Repossession of Collateral.**

- (1) In case of default by a Borrower, a Creditor shall give the Borrower and the Grantor a notice of the default and intention to repossess the Collateral.
- (2) The notice referred to in subsection (1) of this section may be delivered by:
 - (a) hand;
 - (b) courier service;
 - (c) electronic mail;
 - (d) registered mail; or
 - (e) any other means agreed to under the Security Agreement.
- (3) The Creditor may, 10 days after sending the notice of default —
 - (a) take possession of the Collateral; or
 - (b) without taking possession, render the Collateral inoperative.
- (4) A Creditor may repossess a Collateral under this Bill —
 - (a) pursuant to judicial process; or
 - (b) without judicial process, if the Grantor consented to relinquishing possession without a court order in the Security Agreement.
- (5) In the case of repossession without judicial process, a Creditor may request for assistance from the Nigeria Police having authority within the location of the collateral.
- (6) The Nigeria Police shall provide assistance for the peaceable repossession of the collateral, upon presentation by the creditor of a copy of the relevant Security Agreement and duly certified Confirmation Statement.
- (7) A Creditor may require a Grantor to assemble the Collateral and make it available at a designated place (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

*Mediation and Dispute Resolution**Committee Recommendation:***Clause 41: Establishment of the Mediation and Dispute Resolution Panel.**

- (1) There is established under this Bill the Mediation and Dispute Resolution Panel.
- (2) The Panel shall serve as the first Resource for mediation and settlement over any civil dispute which may arise between the Creditor and the Grantor in the course implementing this Bill.
- (3) The Governor shall issue Guidelines that will set out the modalities and regulate the functioning of the Panel.

Provided, that in exercising the power granted in (3) of this Section, the Governor shall ensure that three (3) persons shall constitute the membership of any Panel set up to arbitrate on any civil dispute under this Bill (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Committee Recommendation:

Clause 42: Creditor may render Collateral Inoperative.

A Creditor may render a Collateral inoperative if the Collateral is of a kind that cannot be easily moved from the Grantor's premises or is of a kind for which adequate storage facilities are not easily available (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Committee Recommendation:

Clause 43: Creditor may collect Account Receivable.

- (1) A Creditor may collect and apply an Account Receivable, money or a negotiable instrument taken as Collateral to the satisfaction of the obligation secured by the Security Interest if the Grantor or the Borrower is in default.
- (2) The secured creditor may notify the account debtor and collect payment even prior to default (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Committee Recommendation:

Clause 44: Creditor may dispose of a Collateral.

- (1) A Creditor may dispose of a Collateral by sale, lease, license or other form of disposal in its present condition or following any commercially reasonable preparation or processing.
- (2) A Creditor may sell a Collateral in an auction, public tender, private sale or any other method provided for in the Security Agreement.
- (3) In exercising the power of sale, a Creditor shall obtain a reasonable price available at the time of the sale or disposal.
- (4) A Creditor may dispose of a Collateral on the Grantor's premises provided that it shall not cause any person in possession of the premises, other than the Grantor, any serious inconvenience (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Committee Recommendation:

Clause 45: Notice of Sale of Collateral.

- (1) A Creditor who intends to sell a Collateral shall not less than 10 working days before selling the Collateral, send notice in the manner stipulated in section 41 (2) of this Bill to the following —
 - (a) the Borrower;
 - (b) the Grantor; and

- (c) any other Creditor who has registered a Financing Statement in respect of the Collateral before the Creditor repossessed the Collateral.
- (2) Subsection (1) of this section shall not apply where —
 - (a) the Collateral may perish within 10 working days of the repossession;
 - (b) the Creditor believes on reasonable grounds that the Collateral will decline substantially in value if it is not disposed of immediately;
 - (c) the cost of care and storage of the Collateral is disproportionately large in relation to its value; or
 - (d) the Collateral consists of Inventory or Farm Products (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Committee Recommendation:

Clause 46: Discharge of subordinate Security Interests.

If the Collateral has been sold under this Part, all Security Interests in the Collateral that are subordinate to the Security Interest of the Creditor who sold the Collateral shall be discharged (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Committee Recommendation:

Clause 47: Creditor to give statement of account.

A Creditor shall, within 15 working days after the sale of a Collateral, give to the persons entitled to receive a notice of sale, a statement of account in writing, stating the:

- (a) amount realized from the sale;
- (b) amount of the costs of the sale; and
- (c) balance due to the Grantor or to the Creditor, as the case may be (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Committee Recommendation:

Clause 48: Distribution of proceeds of sale.

- (1) A Creditor who has sold a Collateral, shall, before applying the amount realized from the sale towards the satisfaction of the debt or other obligation secured by the Security Interest, apply the proceeds of the sale towards the reasonable costs and expenses of the sale, and to the extent provided for in an agreement other reasonable expenses.
- (2) The Creditor shall pay the following persons any surplus accrued from the sale in the following order —
 - (a) creditors who have a subordinate Security Interest perfected by registration, in the order of their priority; and

- (b) the Grantor.
- (3) A Creditor may pay the surplus into the Court if there is a dispute as to who is entitled to receive payment pending a resolution of the matter.
- (4) A Borrower remains liable for any outstanding financial liabilities (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Committee Recommendation:

Clause 49: Right to redeem the Collateral.

- (1) At any time before a Creditor sells the Collateral, the Borrower, Grantor, or other Creditor may redeem the Collateral by —
- (a) fulfillment of all the obligations secured by the Collateral; and
- (b) payment of any other reasonable expenses incurred by the Creditor.
- (2) A Grantor's right to redeem the Collateral shall have priority over any other person's right of redemption (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Committee Recommendation:

Clause 50: Reinstatement of Security Agreement.

- (1) At any time before a Creditor sells the Collateral, a Borrower may reinstate the Security Agreement by —
- (a) paying the sums owed;
- (b) remedying any other default; and
- (c) paying a sum equal to the reasonable expenses incurred by the Creditor.
- (2) Unless otherwise agreed, a Borrower shall not be entitled to reinstate a Security Agreement more than twice in each year (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

PART VIII — APPLICABLE LAW AND CONFLICT OF LAW

Committee Recommendation:

Clause 51: Applicable Law.

- (1) The law applicable to the creation, perfection and priority of a security interest in tangible property when the tangible asset is located in Nigeria is this Bill.
- (2) If the tangible asset is of a type ordinarily used in more than one country, this Bill applies if the Grantor is located in Nigeria.
- (3) The law applicable to the creation, perfection and priority of a security interest in an intangible asset when the Grantor is located in Nigeria is this Bill.

- (4) The law applicable to the creation, perfection and priority of security interest in proceeds is the law applicable to the creation, perfection and priority of the security interest in the original collateral from which the proceeds arose.
- (5) The law applicable to issues relating to the enforcement of a security interest in tangible goods is the law of the state where enforcement takes place.
- (6) The law applicable to issues relating to the enforcement of a security interest in intangible assets is the law of the state where the Grantor is located (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Committee Recommendation:

Clause 52: Law Governing the Security Agreement.

The law applicable to the mutual rights and obligations of the grantor, the borrower and the secured party arising from their security agreement is the law chosen by the parties and, in the absence of a choice of law, the law governing the security agreement (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Committee Recommendation:

Clause 53: Insolvency Proceedings.

The commencement of insolvency proceedings under the relevant insolvency laws does not displace the conflict of laws provisions that determine the law applicable to the creation, perfection, priority and enforcement of a security interest (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Committee Recommendation:

Clause 54: Stamp Duties Act.

The provisions of the Stamp Duties Act shall not apply to any secured transactions subject under this Bill (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Committee Recommendation:

Clause 55: General.

- (1) For the purposes of this Bill, the grantor is located in Nigeria if it has a place of business in Nigeria.
- (2) If the grantor does not have a place of business, reference is to be made to the habitual residence of the grantor.
- (3) The location of the property or of the grantor shall be determined, for creation purposes, at the time of the creation of the security interest and, for perfection and priority purposes, at the time the issue arises (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Committee Recommendation:**Clause 56: Jurisdiction.**

Any action or proceeding as between parties arising out of a transaction governed by this Bill shall be actionable in a court within any State of the Federation vested with jurisdiction to entertain commercial borrower and lender claims provided that nothing in this section shall derogate from the exclusive jurisdiction vested in the Federal High Court under the Constitution of The Federal Republic of Nigeria (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

PART IX — MISCELLANEOUS

Committee Recommendation:**Clause 57: Fees and Charges.**

The Registrar shall fix, impose and review such fees and other charges for services of the Registry as may be specified by Regulations made under this Bill (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Committee Recommendation:**Clause 58: Offences and Penalties.**

- (1) A person who, being required to supply information for the registration, amendment or cancellation of a Financing Statement under this Bill, knowingly provides a false or misleading information to the Registry, commits an offence and is liable on conviction to —
 - (a) a term of imprisonment for 1 year or a fine of ₦100,000.00, or both; and in addition, where he has by his conduct benefitted financially, shall fully indemnify the Registry and the person affected by his conduct;
 - (b) in the case of a corporation, partnership or other entity:
 - (i) the Court may impose the penalty referred to in paragraph (a) of this sub-section on every officer of the corporation, partnership or entity found to have facilitated or to have been personally responsible for the offence; and
 - (ii) the corporation, partnership or entity shall be liable to a fine of ₦1,000,000.00.
- (2) If a grantor against whom a financing statement has been registered sells or otherwise disposes the asset to a third party without disclosing the fact of encumbrance commits an offence and is liable on conviction-
 - (a) to a term of imprisonment of 1 year or a fine of ₦100,000.00, or both;
 - (b) where the offender has by his conduct benefitted financially, he shall, in addition to the fine and term of imprisonment specified in paragraph (a) of this subsection, fully indemnify the Registry and the person affected by his conduct.

- (3) In this section, "False or misleading information" means the entry of information of facts required to assure the public of the truth and accuracy of the information by a person who knew that the entry is false in any material particular or is recklessly neglectful of the duty to ensure the truth or accuracy of the information supplied by that person (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Committee Recommendation:

Clause 59: Criminal Jurisdiction.

All offences under this Bill may be tried by a court of competent jurisdiction in the place where the offence is alleged to have been committed (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Committee Recommendation:

Clause 60: Grievance Procedure.

A person aggrieved by any decision or action of the Registry may, within 60 working days of the decision, give notice to the Registry addressed to the Registrar, to address the grievance and if no response or satisfactory response is obtained within 30 working days, the aggrieved person may appeal to the Court for judicial determination (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Committee Recommendation:

Clause 61: Rules and Guidelines.

The Registrar may from time to time make Rules and issue guidelines for the proper administration of the Registry (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Committee Recommendation:

Clause 62: Transitional provisions.

- (1) Security interests in movable assets created before the coming into effect of this Bill shall continue to remain valid and effective on the terms and conditions agreed to by the Grantor and Creditor.
- (2) Security interests in movable assets created by a Grantor under the Regulations, No.1, 2015 shall continue to remain valid and effective and be deemed to have been entered into under this Bill if the transaction is still current and subsisting upon the coming into effect of this Bill.
- (3) Transactions creating security interests referred to in subsections (2) of this section, shall be valid only for a period of 180 days after the commencement of this Bill, unless financing statements in respect of those transactions are registered and brought into compliance with the provisions of this Bill before the expiration of the period (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Committee Recommendation:**Clause 63: Interpretation.****(1) In this Bill:**

"Account Receivable" means a right to receive value arising from an obligation owed by an account debtor to the grantor including book debts but excluding a negotiable instrument (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

"Amendment Financing Statement" means a form in which information is entered to update the initial financing statement (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

"Borrower" means a person to whom credit is extended with a financial obligation to repay under a Security Agreement (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

"Central Bank" means Central Bank of Nigeria (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

"Registrar" means the Registrar of the Collateral Registry (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

"Collateral" means movable property, whether tangible or intangible, that is subject to a Security Interest (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

"Confirmation Statement" means a certificate issued by the Collateral Registry confirming the Registration Number, date and time of a registration (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

"Consumer Goods" means goods that the debtor uses or intends to use primarily for personal, family or household purpose (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

"Creditor" refers to the person granting a facility on the back of a security interest created under this Bill (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

"Equipment" means machinery or other capital goods used in the operation of the grantor's business (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

"Farm Products" include —

- (a) crops grown, growing, or to be grown;
- (b) fish stocks;
- (c) livestock, poultry and their unborn offspring;
- (d) seeds, fertilizers, manure and supplies used or produced in a farming operation; and
- (e) products of crops and livestock in their unprocessed states (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

"Financial Institution" means banks, body association or group of persons, whether corporate or incorporate which carries on the business of investment and securities, a discount house, insurance institutions, debt factorization and convention firms, bureau de change, finance company, primary mortgage institutions, money brokerage firm whose principal business includes factoring, project financing, equipment leasing, debt administration, fund management, private ledger service, investment management, local purchase order, financing export finance, project consultancy, financial consultancy, pension funds management and such other business as the Central Bank, or other appropriate regulatory authorities may from time to time designate (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

"Finance Lease" means a lease which transfers ownership of the asset to the lessee at the end of the lease term (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

"Financing Statement" means the prescribed forms on which information is provided to effect a registration under this Bill or any regulation made hereunder (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

"Goods" means tangible movable property and include farm products, inventory, equipment, consumer goods, trees that have been severed and oil, gas or minerals that have been extracted (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

"Governor" means Governor of Central Bank of Nigeria (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

"Grantor" means a person that has rights in the collateral, and includes a grantor of any type of security interest in the form of a charge, chattel mortgage, pledge or lien in movable property (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

"Initial Financing Statement" means Financing Statement in the prescribed form that a person originally submits to the Collateral Registry for registration (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

"Initial Financing Statement Registration Number" means the number assigned to the initial financing statement by the Collateral Registry on its registration that is permanently associated with such financing statement (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

Question that the meaning of the words "Initial Financing Statement Registration Number" be as defined in the interpretation to this Bill — Agreed to.

"Inventory" means goods that are —

- (a) held for sale or lease in the ordinary course of business; and
- (b) raw materials or work in progress (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

"Movable Assets" means tangible or intangible property other than real property (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

"Operating Lease" means an agreement between two parties whereby the lessor allows the lessee to use its asset for a specific period of time in exchange for periodic fees (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

"Proceeds" means identifiable or traceable movable asset received as a result of sale, other disposition, collection, lease or license of the collateral, including natural fruits, distributions, insurance payments and claims arising from defects in, damage to or loss of collateral (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

"Purchase Money Security Interest" means —

- (a) a right in collateral taken or retained by the seller to secure all or part of its purchase price;
- (b) a right taken by a person who provides credit to enable the grantor to acquire the collateral if such credit is in fact so used; and
- (c) a right of a financial lessor (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

"Registration" means the processing of a Financing Statement to bring it in compliance with the requirements of this Bill (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

"Registry" means the Collateral Registry established under this Bill (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

"Security Agreement" means an agreement in any form and howsoever entitled entered into between the grantor and creditor that creates a security interest under this Bill (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

"Security Interest" means a property right in collateral that is created by agreement and secures payment or other performance of an obligation, regardless of whether the parties have denominated it as a security interest but it does not include a personal right against a guarantor or other person liable for the performance of the secured obligation (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

"Serial-numbered Goods" means movable property that have a serial or identification number permanently marked on or attached to its body frame by the manufacturer limited to motor vehicles, planes, and boats that are not held as inventory (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

Question that the meaning of the words "Serial-numbered Goods" be as defined in the interpretation to this Bill — Agreed to.

"Serial Number" means an identification number marked or attached to the body frame of a movable property by the manufacturer (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

- (2) For the purposes of this Bill, the determination of whether goods are consumer goods, equipment, farm products or Inventory is to be made at the time when the Security Agreement is concluded and the Creditor may rely on the representations of the Grantor as to the intended use (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Committee Recommendation:

Clause 64: Short Title.

This Bill may be cited as the Secured Transactions in Movable Assets Bill, 2017 (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Long Title:

A Bill for an Act to Provide for Secured Transactions, Registration and Regulation of Security Interest in Movable Assets and for Related Matters (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in Committee of the Whole considered the Report of the Committee on Commerce on a Bill for an Act to Provide for Secured Transactions, Registration and Regulation of Security Interests in Movable Assets and for Other Related Matters (HB. 147) and approved Clauses 1 - 64 and the Long Title of the Bill.

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

(ii) **Committee on Health Institutions:**

Motion made and Question proposed, "That the House do consider the Report of the Committee on Health Institutions on a Bill for an Act to Establish the Federal College of Medical Laboratory Science, Jos and to Provide for Courses Leading to the Award of Degrees, Fellowships, Diplomas and Certificates in Medical Laboratory Science, Biomedical Science, Other Related Courses and for Other Matters Connected Therewith (HB. 39) and approve the recommendations therein" (Hon. Betty Apiafi — Ahoada East/Abua/Odual Federal Constituency).

Question agreed to.

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

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

A BILL FOR AN ACT TO ESTABLISH THE FEDERAL SCHOOL OF MEDICAL LABORATORY TECHNOLOGY (SCIENCE), JOS AND TO PROVIDE FOR COURSES LEADING TO THE AWARD OF DIPLOMAS AND CERTIFICATES IN MEDICAL LABORATORY TECHNOLOGY AND OTHER RELATED COURSES AND FOR RELATED MATTERS

PART I

Committee Recommendation:

Clause 1: Establishment of the School of Medical Laboratory Science, Jos.

- (1) There is hereby established a Federal School of Medical Laboratory Science, Jos (in this Bill referred to as "the School") which shall have the functions and powers conferred on it by this Bill.
- (2) The School shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name (*Hon. Betty Apiafi — Ahoada East/Abua/Odual Federal Constituency*).

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

Committee Recommendation:

Clause 2: Constitution of the board.

The School shall consist of:

- (a) a Governing Board
- (b) an Academic Board
- (c) a Body to be called Congregation
- (d) a Body to be called Convocation (*Hon. Betty Apiafi — Ahoada East/Abua/Odual Federal Constituency*).

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

Committee Recommendation:**Clause 3: Establishment and composition of the governing Council of the School.**

- (1) There is also established for the School the Governing Council of the Federal School of Medical Laboratory Science (in this Bill referred to as "the Council").
- (2) The Council shall consist of:
 - (a) a Chairman who is a Fellow of Medical Laboratory Science Council of Nigeria and shall be appointed by the President.
 - (b) a representative of each of the following Federal Ministries:
 - (i) Health,
 - (ii) Education;
 - (c) a representative of the Association of Medical Laboratory Scientist of Nigeria.
 - (d) two persons, at least one of whom shall be a woman, selected on their personal merit based on their contribution either to the development of Medical Laboratory Science or their special interest in Medical Science education;
 - (e) the Provost of the School; and
 - (f) a representative of the Academic Board of the School.

Schedule.

- (3) The Supplementary Provisions set out in the Schedule to this Bill shall have effect with respect to the proceedings of the Council and other matters contained therein (*Hon. Betty Apiafi — Ahoada East/Abua/Odual Federal Constituency*).

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

Committee Recommendation:**Clause 4: Tenure Office of Members of Council**

- (1) A member of the Council (other than an *ex-officio* member) shall hold Office for a term of three (3) years and subject to subsection (2) of this Section shall be eligible for re-appointment for a further period of three (3) years and no more.
- (2) A member of Council other than an *ex-officio* member may by notice address to the Council resign his appointment.
- (3) The Ministry may, in writing with the approval of the President remove any member of the Council if he is satisfied that it is not in the interest of the School that the member concerned should continue in office.
- (4) Member of the Council other than *ex-officio* member shall be paid such remuneration and allowances as may from time to time be determined by the President (*Hon. Betty Apiafi — Ahoada East/Abua/Odual Federal Constituency*).

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

PART II

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

The function of the School shall be to:

- (a) provide courses of instruction, training and research in:
 - (i) Medical Laboratory Science,
 - (ii) such other fields of applied learning relevant to the needs of the development of Nigeria in the areas of Medical Laboratory Science courses; and for research in the development and adaption of techniques as the Council may from time to time determine;
- (b) produce technical, professional and such other skilled personnel normally required for Medical Laboratory Science,
- (c) arrange Conferences, Seminars and Study groups relevant to the fields of learning specified in subsection (a) above:
- (d) perform such other functions as in the opinion of the Council may serve to promote the objective of the School (*Hon. Betty Apiafi — Ahoada East/Abua/Odual Federal Constituency*).

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

*Committee Recommendation:***Clause 6: Functions of the Council.**

- (1) Subject to the provisions of this Bill, the Council shall be the Governing Body of the School and shall control the general management of the affairs of the School and in particular, the control of the property and finances; and shall also have power to do anything which in its opinion is calculated to facilitate carrying out the activities of the School and promote its best interests;
- (2) The Council may acquire and hold such movable or immovable property as may be necessary or expedient for carrying into effect the provisions of this Bill and for the same purpose may sell, lease, mortgage or otherwise alienate or dispose of any property so acquired;
- (3) The Council may enter into such contract as may be necessary or expedient for carrying into effect the provisions of this Bill (*Hon. Betty Apiafi — Ahoada East/Abua/Odual Federal Constituency*).

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

*Committee Recommendation:***Clause 7: Powers of the School**

The School shall have power to:

- (a) award Diplomas and Certificate for courses provided by it under section 5 of this Bill;
- (b) enter into such contracts as may be necessary or expedient for carrying into effect the provisions of this Bill;

- (c) acquire, hold, lease, sell, mortgage or otherwise alienate or dispose of any property, movable or immovable;
- (d) invest its funds in such manner and to such extent as it may think necessary or expedient;
- (e) establish and maintain a library, comprising such books, journals, records, reports and other publications and information systems as may be required for the discharge of the functions conferred on the School by this Bill;
- (f) accept gifts of land, money or other property upon such terms and conditions, if any, as may be specified by the person or organization making the gift. Provided that the School shall not accept any gifts if the terms and conditions attached there to are inconsistent with its functions under this Bill (*Hon. Betty Apiafi — Ahoada East/Abua/Odual Federal Constituency*).

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

Committee Recommendation:

Clause 8. Directives by the Minister.

The Minister may give the Council Directives of a General Character or relating generally to matters of Policy with regard to the exercise by the Council of functions under this Bill and it shall be the duty of the Council to comply with such directives (*Hon. Betty Apiafi — Ahoada East/Abua/Odual Federal Constituency*).

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

PART III

Committee Recommendation:

Clause 9: Appointment of the Provost of the School.

- (1) There shall be a Provost for the School (in this Bill referred to as "the Provost") who shall be a Fellow of Medical Laboratory Science Council of Nigeria and shall be appointed by the Board from a list supplied to it by the Academic Board, of three persons of high academic standing, proven administrative ability and good character, and on such terms and conditions of service as stipulated in his letter of appointment.
- (2) The Provost shall be the Chief Academic and Administrative Officer of the School (*Hon. Betty Apiafi — Ahoada East/Abua/Odual Federal Constituency*).

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

Committee Recommendation:

Clause 10: Qualification for the post of Provost.

A person to be appointed Provost shall possess:

- (a) a Post Graduate Degree in Medical Laboratory Science with evidence of publications in the relevant fields;
- (b) appropriate professional qualifications in Medical Laboratory Science and be registered with the Medical Laboratory Science Council of Nigeria.
- (c) not less than 10 years cognate experience in the field of Medical Laboratory Science (*Hon. Betty Apiafi — Ahoada East/Abua/Odual Federal Constituency*).

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

Committee Recommendation:

Clause 11: Duties of the Provost.

The Provost shall be responsible for:

- (a) the day to day administration of the School;
- (b) the exercise of general authority over the employees of the School; and
- (c) the discipline of the students in the School (*Hon. Betty Apiafi — Ahoada East/Abua/Odual Federal Constituency*).

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

Committee Recommendation:

Clause 12: Tenure of the Office Provost.

The Provost shall hold office for a period of four (4) years and shall be re-appointed for a further period of four (4) years and no more (*Hon. Betty Apiafi — Ahoada East/Abua/Odual Federal Constituency*).

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

Committee Recommendation:

Clause 13: Terms and conditions of Office of the Provost.

The Provost shall hold office on such terms and conditions as may be determined by the Minister and set out in his letter of appointment (*Hon. Betty Apiafi — Ahoada East/Abua/Odual Federal Constituency*).

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

Committee Recommendation:

Clause 14: Vacancy of Office of Provost.

Where the post of the Provost is vacant, the Council shall:

- (a) advertises the vacancy in a reputable journal and widely read newspaper in Nigeria specifying:
 - (i) the qualities of a person who may apply for the position;
 - (ii) the terms and conditions of service applicable to the post and thereafter, draw up a short list of suitable candidates for consideration;
- (b) a Joint Committee of the Council and the Academic Board consisting of:
 - (i) the Chairman of the Council,
 - (ii) two members of the Council not being members of the Academic Board and not below the rank of Chief Lecturer shall be considered the candidates on the short list drawn up under subsection (a) (ii) of this section through an examination of their curriculum vitae and interaction with them and recommend to the Council qualified candidates for its consideration (*Hon. Betty Apiafi — Ahoada East/Abua/Odual Federal Constituency*).

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

Committee Recommendation:**Clause 15: Registrar of the School.**

- (1) There shall be a Registrar for the School who shall be responsible to the Provost for the day-to-day administration of the College and shall perform such other duties as the Council, or as the case may be, the Provost may from time to time require him to do.
- (2) The Registrar shall be the Secretary to the Council, the Academic Board and any Committee of the Council and shall attend all the meetings of those bodies unless excused for good cause or reason by the Chairman of the Council.
- (3) Where the Registrar is absent for a meeting of the Council, the Chairman of the Council may, after consultation with the Provost, appoint a suitable person to act as secretary for any particular meeting of the Council.
- (4) The Secretary to the Council or a person appointed to act under subsection (3) of this section shall not be entitled to vote on any question before the Council or be counted towards a quorum unless such a person is so entitled as a member of the Council (*Hon. Betty Apiafi — Ahoada East/Abua/Odual Federal Constituency*).

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

Committee Recommendation:**Clause 16: Tenure of Office of the Registrar.**

- (1) A Registrar:
 - (a) shall hold office for a period of four years effective from the date of his appointment and on such terms and conditions as may be specified in the letter of his appointment; and
 - (b) may be re-appointed for one further period of four years and no more
- (2) Where on the commencement of this Bill, a Registrar has held office:
 - (a) for four (4) years or less, he shall be deemed to be serving his first term of office and may be re-appointed for a further term of four years.
 - (b) for more than four (4) years but less than eight (8) years, he shall complete the maximum period of eight (8) years and thereafter relinquish his position and be assigned other duties in the School;
 - (c) for eight (8) years or more, the Council may allow him to serve as Registrar for a further period of one year only and thereafter he shall relinquish his post and be assigned other duties in the School (*Hon. Betty Apiafi — Ahoada East/Abua/Odual Federal Constituency*).

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

Committee Recommendation:**Clause 17: Appointment of the Deputy Provosts.**

- (1) There shall be for the School two (2) Deputy Provosts who shall assist the Provost in the discharge of his functions as follows: -

- (i) Deputy Provost I — Administration;
 - (ii) Deputy Provost II — Academics.
- (2) Each Deputy Provost shall be a person of high Academic and moral standing and manifest administrative experience, and shall be appointed by the Council on the recommendation of the Provost.
- (3) The Council shall appoint the Deputy Provost from among the Chief Lecturers in the School in one of the following ways:
 - (a) from a list of three candidates, in order of preference, submitted by the Provost, or
 - (b) on the recommendation of the Selection Board constituted for the School.
- (4) The Selection Board referred to in subsection (3) (b) of this section shall consist of:
 - (i) the Chairman of the Council;
 - (ii) the Provost;
 - (iii) two members of the Council not being members of the Academic Board;
 - (iv) two members of the Academic Board; andmake such inquiries as it deems fit before making the recommendation required under subsection (3) (b).
- (5) The Deputy Provosts shall:
 - (a) assist the Provost in the performance of his functions;
 - (b) act (in the case of the Deputy Provost I) in the place of the Provost when the post of the Provost is vacant or if the Provost is, for any reason, absent or unable to perform his functions as Provost; and
 - (c) perform such other functions as the Provost or the Council may from time to time, assign to them;
- (6) A Deputy Provost:
 - (a) shall hold office for a period of four (4) 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 four years and no more (*Hon. Betty Apiafi — Ahoada East/Abua/Odual Federal Constituency*).

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

*Committee Recommendation:***Clause 18: Other Principal Officers of the School.**

- (1) There shall be for the School the following other Principal Officers in addition to the Registrar, that is: -
 - (a) the Bursar;
 - (b) the School Librarian;
 - (c) the Director of Works Services;
 - (d) the Director of Medical and Health Services; who shall be appointed by the Council on the recommendation of the Selection Board constituted under section 17 (3) (b) of this Bill.
- (2) The Bursar shall be the Chief Financial Officer of the School and shall be responsible to the Provost for the day to day administration and control of the financial affairs of the School.
- (3) The School Librarian shall be responsible to the Provost for the administration of the School Library and the co-ordination of the library Services in the teaching units of the School.
- (4) The Director of Works Services shall be responsible to the Provost for the maintenance of the School buildings, minor works, transport and the supervision of the School's constructions projects.
- (5) The Director of Medical and Health Services shall be responsible to the Provost for the supervision of the Medical and Health Services and facilities of the School.
- (6)
 - (a) The Principal Officers mentioned in subsection (1) of this section, shall hold office for a period of four (4) years in the first instance and on such terms and conditions as may be specified in his letter of appointment.
 - (b) May be re-appointed for a further period of four (4) years and no more.
 - (c) Any question as to the scope of the responsibilities of the aforesaid Officers shall be determined by the Provost.
- (7) Where on the commencement of this Bill, a Bursar, Librarian, Director of Works Services and Director of Medical and Health Services has held office:
 - (a) for four (4) years or less, he shall be deemed to be serving his first term of office and may be re-appointed for a further term of four (4) years
 - (b) for more than four (4) years but less than eight (8) years he, shall complete the maximum period of eight years (8) and thereafter relinquish his post and be assigned other duties in the School;
 - (c) for eight (8) years or more, he shall relinquish his post and be assigned to other duties in the School (*Hon. Betty Apiafi — Ahoada East/Abua/Odual Federal Constituency*).

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

Committee Recommendation:

Clause 19: Resignation of Appointment by Principal Officers.

Principal Officer may resign his appointment:

- (a) in the case of the Provost, by notice to the Council who shall forward it to the President;
- (b) in any other case, by notice to the Provost who shall forward it to the Council (*Hon. Betty Apiafi — Ahoada East/Abua/Odual Federal Constituency*).

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

Committee Recommendation:

Clause 20: Appointment of other employees of the School.

- (1) The Council may appoint such other persons to be employees of the School as the Council may determine to assist the Provost and the Principal Officers of the School in the performance of their functions under this Bill.
- (2) The power to appoint all other Staff of the School apart from the Provost and the Principal Officers shall be exercised:
 - (a) in the case of a Senior Staff, by the Council on the Recommendation of the Senior Staff Appointments and Promotions Committee set up under the provision of paragraph 2 (2) (a) of the Schedule to this Bill;
 - (b) in the case of a Junior Staff, by the Provost on the Recommendation of the Junior Staff Appointments and Promotions Committee set up under paragraph 2 (2) (b) of the Schedule to this Bill.
- (3) The remuneration of staff of the School shall be determined by the Council with the approval of the Minister (*Hon. Betty Apiafi — Ahoada East/Abua/Odual Federal Constituency*).

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

Committee Recommendation:

Clause 21: Staff Regulations and Conditions of Service.

- (1) The Council may, subject to the provisions of this Bill, make Staff regulations relating generally to the conditions of service of the staff of the School and without prejudice to the generality of the foregoing, such regulations may provide for:
 - (a) the appointment, promotion and discipline of employees of the School;
 - (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 Public Officers in the university system shall be applicable, with such modifications as may be necessary, to employees of the School; and

- (c) the rates of remunerations, scales of salary, contract conditions, super-annuations arrangements and other conditions of service of members of the Academic, Administrative and Technical staff shall be determined from time to time by the Council.
- (2) The Provost/CEO and other Academic staff shall retire on attainment of 65 years of age, while Non-Academic staff shall retire on attainment of 60 years of age as applicable to other Training/Research Institutions
- (3) Staff regulations made under subsection (1) of this section shall not have effect until approved by the Minister and when so approved, the regulations need not be published in the gazette but the Council shall cause them to be brought to the notice of all affected persons in such manner as it may, from time to time, determine (*Hon. Betty Apiafi — Ahoada East/Abua/Odual Federal Constituency*).

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

Committee Recommendation:

Clause 22: Establishment of Academic Board for the school.

- (1) There shall be established for the School a Board to be known as the Academic Board which shall consist of the following members:
 - (a) the Provost of the School as the Chairman;
 - (b) the Deputy Provosts of the School;
 - (c) all Heads of Departments;
 - (d) the Librarian; and
 - (e) not more than two members of the Academic Staff other than Heads of Departments who may be appointed by the Academic Board.
- (2) The Academic Board shall be responsible for:
 - (a) the Direction and Management of Academic matters of the School including the regulation of admission of students, the award of certificates in Medical Laboratory Technology (Science), based on agreed quota by NUC and MLSCN, scholarships, prizes and other Academic distinctions;
 - (b) presenting to the Council of such periodic reports on such Academic matters as the Academic Board may think fit or as the Council may from time to time direct; and
 - (c) the discharge of any other functions which the Council may delegate to it (*Hon. Betty Apiafi — Ahoada East/Abua/Odual Federal Constituency*).

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

Committee Recommendation:**Clause 23: Removal of the Provost from Office.**

Where it appears to the Council that the Provost should be removed from office on the grounds of misconduct (on conviction from a court of competent jurisdiction and or panel of inquiry if not challenged in court) or inability to perform the functions of his office, the Council shall make a recommendation to that effect to the President and if the President, after making such inquiries as he considers necessary, approves the recommendation, the President shall in writing, declare the office of the Provost vacant (*Hon. Betty Apiafi — Ahoada East/Abua/Odual Federal Constituency*).

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

Committee Recommendation:**Clause 24: Removal of Staff of the School from Office.**

(1) Where it appears to the Council that there are reasons for believing that any person employed as a member of the Academic Staff, Administrative or Technical staff of the School other than the Provost, should be removed from office on the ground of misconduct or inability to perform the functions of his office the Council shall:

- (a) give notice of those reasons to the person in question,
- (b) afford him an opportunity of making representations in person on the matter to the Council; and
- (c) if he or any three members of the Council so request within the period of one month beginning with the date of the notice, make arrangements:
 - (i) if he is an Academic Staff, for a joint committee of the Council and the Academic Board to investigate the matter and report to the Council;
 - (ii) for a Committee of the Council to investigate the matter, where it relates to any other member of staff of the School and report to the Council; and
 - (iii) for the person in question to be afforded an opportunity of appearing and making presentations before the Investigation Committee with respect to the matter. And if the Council after considering the report of the Investigating 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 Provost may, in the case of misconduct by a member of staff which in the opinion of the Provost is prejudicial to the interests of the School, suspend such member and any such suspension shall forthwith be reported to the Council.

(3) A member of staff may be suspended from office for good cause, or his appointment may be terminated by the Council. For the purpose of this Subsection, "good cause" means:

- (a) any physical or mental incapacity which the Council, after obtaining advice from a panel of two (2) Medical Experts constituted by the Council, considers to be such as to render the person concerned unfit for the discharge of the functions of his office;
 - (b) any physical or mental incapacity which the Council, after obtaining medical advice from a panel of two (2) Medical Experts constituted by the Council, considers to be such as to render the person concerned unfit to continue to hold his office;
 - (c) conduct of a scandalous or 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 inability of the person concerned to discharge the functions of his Office or to comply with the terms and conditions of service.
- (4) Any person suspended pursuant to subsection (2) or (3) of this Section, shall be placed on half pay and the Council shall before the expiration of the three months after the date of such suspension considers 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 the emoluments to be paid to him);
 - (b) whether to reinstate such person, in which case the Council shall restore his full emoluments to him with effect from the date of suspension;
 - (c) whether to terminate the appointment of the person in question, in which case such a person, will not be entitled to the proportion of his emoluments withheld during the period of suspension;
 - (d) whether to take such lesser disciplinary action against such person (including the restoration of such proportion of his emoluments that might have been withheld) as the Council may determine, and 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.
- (5) It shall be the duty of the person by whom an instrument of removal is signed in pursuance of subsection (1) above to use his best endeavors to cause a copy of the instrument to be served as soon as reasonably practicable on the person to whom it relates.
- (6) Nothing in the foregoing provisions of this section shall prevent the Council from making such regulations for the discipline of other categories of staff and workers of the School as it may think fit (*Hon. Betty Apiafi — Ahoada East/Abua/Odual Federal Constituency*).

*Committee Recommendation:*Clause 25: **Discipline of Students.**

- (1) The Council may make rules providing for the Provost to conduct enquiries into alleged acts of misconduct (including lack of discipline) by students and such rules may make different provisions for different circumstances.
- (2) The rules shall provide for the procedure and rules of evidence to be followed at enquiries under this section.
- (3) Subject to the provisions of this section, where it appears to the Provost that any student of the School has been guilty of misconduct, the Provost may without prejudice to any other disciplinary powers conferred on him by this Bill or regulations, made hereunder direct:
 - (a) that the student shall not, during such period as may be specified in the Direction, participate in such activities of the School or make use of such facilities of the School as he may specify;
 - (b) that the activities of the students shall during such period as may be specified in the Direction, be restricted in such manner as may be so specified;
 - (c) that the student be suspended for such period as may be specified in the Directions: and
 - (d) that the student be expelled from the School.
- (4) Where the post of the Provost is vacant or where the Provost refuses to apply any disciplinary measures the Council may either directly or through some other staff apply such disciplinary actions as are specified in subsection (1) of this section to any student of the School who is considered guilty of misconduct.
- (5) Where a Direction is given under subsection (3) (c) or (d) above in respect of any student, the student may, within a period of twenty one (21) days from the date of the letter communicating the decision to him appeal from the Direction 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 either confirm or set aside the Direction or modify it in such manner as the Council may think fit.
- (6) The fact that an appeal from a Direction is pending pursuant to subsection (5) of these sections shall not affect the operation of the Direction while the appeal is pending.
- (7) The Provost may delegate his powers under this section to a Disciplinary Committee of such members of the School as he may nominate.
- (8) Nothing in this section shall be construed as terminating a student's activity(ies) at the School except on the ground of misconduct.
- (9) It is hereby declared that the Direction under subsection (3) (a) of this section may be combined with a Direction under subsection (3) (b) of this section.

- (10) In all cases under this section, the decision of the Governing Council shall be final (*Hon. Betty Apiafi — Ahoada East/Abua/Odual Federal Constituency*).

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

Committee Recommendation:

Clause 26: Financial provisions.

- (1) The Council shall keep proper records and accounts of its activities and shall cause to be prepared not later than 1st October in each financial year an estimate of its revenue and expenditure for the ensuing financial year and when prepared the estimates shall be submitted to the Minister for approval.
- (2) At the end of each financial year but not later than 30th June, the Council shall cause to be prepared a statement of its income and expenditure during the previous financial year. The statement referred to in subsection (2) above shall, when certified by the Provost, be audited by a Firm of Auditors appointed by the Council from a list of four (4) Firms in accordance with the guidelines supplied by the Auditor General of the Federation and shall be published in the Annual Report of the School (*Hon. Betty Apiafi — Ahoada East/Abua/Odual Federal Constituency*).

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

Committee Recommendation:

Clause 27: Establishment of Fund for the School.

- (1) The School shall establish and maintains a fund from which shall be defrayed all expenditure incurred by the School in the performance of its functions under this Bill.
- (2) The funds of the School shall include:
 - (a) such sums as may, from time to time, be granted to the School by the Federal Government of Nigeria;
 - (b) fees charged and payable to the School by the students
 - (c) any other amount, charged or dues recoverable by the College;
 - (d) revenue from time to time accruing to the School by way of Subvention, grants-in-aid, endowment or otherwise;
 - (e) interest on investments; and
 - (f) donations and legacies accruing to the School from any source, for the general or special purpose, of the School (*Hon. Betty Apiafi — Ahoada East/Abua/Odual Federal Constituency*).

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

Committee Recommendation:

Clause 28: Donations for particular purposes.

- (1) Donations of money to be applied to any particular purpose shall be placed to the credit of a Special Reserve Account approved by the Council until such time as they may be expended in fulfillment of such purpose.

- (2) The Council shall not be obliged to accept a donation for a particular purpose unless it approves of the terms and condition attached to such donation (*Hon. Betty Apiafi — Ahoada East/Abua/Odual Federal Constituency*).

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

Committee Recommendation:

Clause 29: Payment into Bank.

All sums of money received on account of the School shall be paid into such bank as may be approved for the credit of the School's general current or deposit account (*Hon. Betty Apiafi — Ahoada East/Abua/Odual Federal Constituency*).

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

Committee Recommendation:

Clause 30: Annual Report.

The Council shall on or before 31st December in each year prepare and submit to the President through the Minister a report of its activities during the preceding financial year and shall include in the report, the audited accounts of the School in respect of that financial year and the Auditor's comments on the account (*Hon. Betty Apiafi — Ahoada East/Abua/Odual Federal Constituency*).

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

Miscellaneous and supplemental

Committee Recommendation:

Clause 31: Power to make bye-laws.

- (1) The Council may make bye-laws relating to any matter within its competence under this Bill other than matters for which provision is to be made by standing orders pursuant to paragraph (6) of the schedule to this Bill.
- (2) All such bye-laws shall be in writing and shall come into force when sealed with the seal of the Council unless some other date for their commencement is prescribed therein.
- (3) Nothing in subsection (2) above shall make it obligatory for the Council to publish any of the said bye-laws in the Gazette but the Governing Council shall bring such bye-laws to the notice of all affected persons (*Hon. Betty Apiafi — Ahoada East/Abua/Odual Federal Constituency*).

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

Committee Recommendation:

Clause 32: Exclusion or Discrimination on Account of Race, religion, etc.

No person shall be required to satisfy requirements as to any of the following matters, that is to say, race (including ethnic grouping), sex, of place of birth, family origin, religious or political persuasion as a condition for becoming or continuing to be a student at the School or as a holder of any certificate of the School or any appointment or employment at the School, or a member of any Body established by virtue of this Bill; and no person shall be subjected to any disadvantage or accorded any advantage in relation to the School by reference to any of the aforementioned matters. Provided that nothing in this section shall be construed as preventing the School from imposing any disability or restriction on any person(s) where such person willfully refuses or falls on grounds of religious belief to undertake any duty

generally and uniformly imposed on all such person(s) or any group of them which duty, having regard to its nature and the special circumstance pertaining thereto is, in the opinion of the School, reasonably justifiable in the national interest (*Hon. Betty Apiafi — Ahoada East/Abua/Odual Federal Constituency*).

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

Committee Recommendation:

Clause 33: Vesting of all assets and liabilities of the dissolved Federal School of Medical Laboratory Technology.

- (1) By virtue of this Bill, all property (movable and immoveable) held by or on behalf of the School shall, as from the commencement of this Bill, vest in the School.
- (2) Upon the commencement of this Bill:
 - (a) all rights, interest, obligations and liabilities of the School existing immediately before the commencement of this Bill under any contract or instrument; or at law or in equity, apart from any contract or instrument, shall, by virtue of this Bill, be assigned to and vested in the School;
 - (b) any such contract or instrument as is mentioned in subparagraph (a) above shall be of the force and effect against or in favor of the college and shall be enforced fully and effectively as if the School had been named therein or had been a party thereto; and
 - (c) the School shall be subject to all the obligations and liabilities to which the School was subject to immediately before the commencement of this Bill and all other persons shall, as from the commencement of this Bill, have the same rights, power and remedies against the School as they had against the School immediately before the said commencement.
- (3) If immediately before the commencement of this Bill a person was a member or an employee of the School that person shall by virtue of this Bill become a member or an employee of the School.
- (4) Any proceeding or cause of action pending or existing before the commencement of this Bill by or against the School may be commenced continued or enforced by or against the School as it might have been against the School if this Bill had not been made (*Hon. Betty Apiafi — Ahoada East/Abua/Odual Federal Constituency*).

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

Committee Recommendation:

Clause 33: Interpretation.
In this Bill:

"Academic Board" means the board established under section 22 of this Bill (*Hon. Betty Apiafi — Ahoada East/Abua/Odual Federal Constituency*).

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

"Senior Staff Appointments and Promotions Committee" means a body by that name established under paragraph 2 (2) (a) of the schedule to this Bill (*Hon. Betty Apiafi — Ahoada East/Abua/Odual Federal Constituency*).

Question that the meaning of the words "Senior Staff Appointments and Promotions Committee" be as defined in the interpretation to this Bill — Agreed to.

"Junior Staff Appointments and Promotions Committee" means a body by that name set up under paragraph 2 (2) (b) of the schedule to this Bill (*Hon. Betty Apiafi — Ahoada East/Abua/Odual Federal Constituency*).

Question that the meaning of the words "Junior Staff Appointments and Promotions Committee" be as defined in the interpretation to this Bill — Agreed to.

"Minister" means the Federal Minister charged with responsibility for matters relating to Health (*Hon. Betty Apiafi — Ahoada East/Abua/Odual Federal Constituency*).

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

"Registrar" means the Registrar of the School appointed under section 15 (1) of this Bill (*Hon. Betty Apiafi — Ahoada East/Abua/Odual Federal Constituency*).

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

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

Committee Recommendation:

Clause 35: Citation.

This Bill may be cited as the Federal School of Medical Laboratory Technology (Science) Bill, 2017 (*Hon. Betty Apiafi — Ahoada East/Abua/Odual Federal Constituency*).

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

SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

1. The Council may act notwithstanding any vacancy in its membership or the absence of any member or that a person not entitled to do so take part in its proceedings.

Committees

2. (1) The Council may appoint one or more Committees to which it may delegate any of its functions.
- (2) Without prejudice to the generality of sub-paragraph (1) of this schedule, the Council shall appoint the following Committees that are:
 - (a) the Senior Staff Appointments and Promotions Committee which shall:
 - (i) consist of a Chairman and four (4) members who shall be appointed by the Council, and four (4) other members who shall be appointed by the Provost from members of the Senior Staff of the School;

- (ii) be charged with the responsibility of making recommendations to the Council on the appointment and promotion of the Academic and Senior Staff of the School and have a quorum of five (5) members; and if the Chairman of the Committee is absent from any meeting of the Committee, the members present shall elect one of their members to act as Chairman for that particular meeting;
- (b) the Junior Staff Appointments and Promotions Committee which shall consist of a Chairman and four (4) other members to be appointed by the Provost and shall have the powers set out in sections 20 (2) (b) of this Bill.
- (c) the Committee on Students' Affairs which shall consist of the following members:
 - (i) a Chairman who shall be appointed by the Provost from among the Senior Employees of the School;
 - (ii) one member of the Council;
 - (iii) two members of the Academic Staff of the School;
 - (iv) four (4) students of the School;
- (d) the Committee on Student's Affairs shall be charged with the duty of:
 - (i) considering any matter which relates to the welfare of students;
 - (ii) any other matter referred to it by either the Council or students of the School;
- (e) any matter which the students refer to the Council shall be referred to the Committee on Students' Affairs in the first instance.
- (3) No decision of a Committee shall have effect unless same is confirmed by the Council.

Proceedings of the Council

- 3. (1) The Council shall meet for the conduct of business at such times as the Chairman of the Council may appoint but the meeting of the Council shall hold not less than twice in a year.
- (2) The Chairman of the Council may at any time and shall at the request in writing of not less than five (5) members of the Council summon a meeting of the Council.
- (3) Particulars of the business to be transacted by the Council shall be circulated to Members with the Notice of the Meeting at least two weeks before the date of the meeting.
- 4. (1) Where the Council desires to obtain the advice of any person on any particular matter, it may co-opt such person as a member for a meeting whether or not expressly convened for the purpose of considering the particular matter but no co-opted member shall be entitled to vote or considered as part of the Quorum.
- (2) Every question put before the Council at a meeting shall be decided by a simple majority of the members present and voting.

- (3) Seven members shall form a quorum at any meeting of the Council.
- (4) The Chairman shall, at any Meeting of the Council, have a vote and in the case of an equality of votes, may cast a deciding vote.
5. The Council may make standing orders with respect to holding meetings, the nature of notices to be given, the proceeding there upon, the keeping of minutes of such proceedings and the custody and production for inspection of such minutes.
6. Where the Chairman of the Council is absent from a meeting of the Council, the members present shall elect one (1) of their members to act as Chairman for the purposes of that meeting.

Miscellaneous

7. Any contract or instrument which if entered into by a person not being a body corporate would not be required to be under seal may in like manner be entered into or executed on behalf of the Council by any person generally or specifically authorized by it for that purpose.
8.
 - (1) The Common Seal of the Council shall not be used or affixed to any document except in pursuance of a resolution duly passed at a properly constituted meeting of the Council and recorded in the Minutes of such Meeting.
 - (2) The fixing of the Seal of the Council shall be authenticated by the signature of the Chairman of the Council and some other member authorized generally or specifically by the Council to act for that purpose.
 - (3) Any document purporting to be a document duly executed under the Seal of the Council shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.
9. Any member of the Council or a Committee thereof who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Council or a Committee. There of shall forthwith disclose his interest to the Council and shall not vote on any question relating to such contract or arrangement (*Hon. Betty Apiafi — Ahoada East/Abua/Odual Federal Constituency*).

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

Long Title:

A Bill for an Act to Establish the Federal School of Medical Laboratory Technology (Science), Jos and to Provide for Courses Leading to the Award of Diplomas and Certificates in Medical Laboratory Technology and Other Related Courses and for Related Matters (*Hon. Betty Apiafi — Ahoada East/Abua/Odual Federal Constituency*).

Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in Committee of the Whole considered the Report of the Committee on Health Institutions on a Bill for an Act to Establish the Federal College of Medical Laboratory Science, Jos and to Provide for Courses Leading to the Award of Degrees, Fellowships, Diplomas and Certificates in Medical Laboratory Science, Biomedical Science, Other Related Courses and for Other Matters Connected Therewith (HB. 39) and approved Clauses 1 - 35, the Schedule, and the Long Title of the Bill.

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

(iii) Committee on Federal Capital Territory:

Motion made and Question proposed, "That the House do consider the Report of the Committee on Federal Capital Territory on the Investigation into the alleged irregularities surrounding the Centenary City Project (IIR.08/2016) and approve the recommendations therein" (Hon. Herman Hembe — Konshisha/Vandekiya Federal Constituency).

Question agreed to.

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

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

Recommendation (i):

"That all the Statutory Rights of Occupancy purportedly revoked by the former FCT Minister, Senator Bala Mohammed in respect of the area covered by the Centenary City should be restored back to the original owners" (Hon. Herman Hembe — Konshisha/Vandekiya Federal Constituency).

Amendment Proposed:

Leave out Recommendation (i) (Hon. Linus Okorie — Ivo/Ohaozara/Onicha Federal Constituency).

Question that the amendment be made — Negatived.

Recommendation (ii):

"That the Right of Occupancy and Certificate of Occupancy purportedly granted to the Centenary City Plc by the former FCT Minister, Senator Bala Mohammed on 10 April, 2014 should be withdrawn by the present FCT Minister, Mohammed Musa Bello" (Hon. Herman Hembe — Konshisha/Vandekiya Federal Constituency).

Amendment Proposed:

Leave out Recommendation (ii) (Hon. Linus Okorie — Ivo/Ohaozara/Onicha Federal Constituency).

Question that the amendment be made — Negatived.

Recommendation (iii):

"That the President of the Federal Republic of Nigeria should direct the Managing Director of the Nigerian Export Processing Zone Authority through the Minister for Industry, Trade and Investment to revoke the Certificate of Free Trade Zone granted to the Centenary City Plc and the company should be deregistered as a Free Zone Entity (FZE)" (Hon. Herman Hembe — Konshisha/Vandekiya Federal Constituency).

Agreed to.

Recommendation (iv):

"That the relevant law enforcement agencies, including but not limited to the Code of Conduct Bureau and the Economic and Financial Crimes Commission, should investigate the role of the parties involved in the promotion/selection of Centenary City Plc as investors; and their roles in the management of the Centenary City Project. The promoters include the former SGF; the former FCT Minister: Ms Boma Ozobia and Mr Paul Oki" (Hon. Herman Hembe — Konshisha/Vandekiya Federal Constituency).

Amendment Proposed:

In Recommendation (iv), immediately after the name "Mr Paul Oki", insert the words "should be proceeded against in the High Court to recover all public funds wasted as a result of their alleged misuse of office and malfeasance in office" (*Hon. Atunwa Rasak — Ilorin West/Asa Federal Constituency*).

Question that the amendment be made — Agreed to.

Question that Recommendation (iv) as amended, stand part of the Report — Agreed to.

Chairman to report proceeding.

(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 Federal Capital Territory on the Investigation into the alleged irregularities surrounding the Centenary City Project (HR.08/2016) and approved Recommendations (i) - (iii), and approved Recommendation (iv) as amended.

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

19. Adjournment

That the House do adjourn till Tuesday, 21 March, 2017 at 11.00 a.m. (Hon. Jibril Umar Buba — Deputy House Leader).

The House adjourned accordingly at 3.07 p.m.

Yakubu Dogara
Speaker

