



HOUSE OF REPRESENTATIVES FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Thursday, 25 April, 2019

1. The House met at 11.14 a.m. Mr Speaker read the Prayers.
2. **Votes and Proceedings**
Mr Speaker announced that he had examined and approved the *Votes and Proceedings* of Wednesday, 24 April, 2019.

The Votes and Proceedings was adopted by unanimous consent.

3. **Announcement**

- (a) **Bereavement:**

By leave of the House, Hon. Olabode Ayorinde (*Owo/Ose Federal Constituency*), announced the death of His Imperial Majesty, Oba (Dr.) Folagbade David Victor Olateru Olagbegi III, The Olowo of Owo Kingdom, which occurred on Wednesday, 17 April, 2019 at the age of 77. In his tribute, he stated that the Late Oba Olateru Olagbegi was an accomplished gentleman who contributed greatly to the development of the legal profession and indeed Nigeria. As a teacher in the Nigerian Law School, he was fondly called "the Great O.O." due to his positive impact on the trained legion of Lawyers who are today occupying eminent positions in the Bar, the Bench and in politics. He also stated that the late Imperial Majesty was a distinguished gentleman with many honours worthy of recognition. His death is a great loss to the people of Owo Kingdom and the entire Ondo State. He prayed the House to observe a minute silence in honour of the deceased.

Mr Deputy Speaker described the late Monarch as a product of a great family that contributed immensely to the development of Yoruba land and indeed Nigeria. Other Hon. Members took turn to eulogize the deceased.

Mr Speaker remarked that the deceased no doubt was a great legal mind who had deposited part of his greatness in many people that passed through his tutelage. He stated that "the late Great O. O." will forever be remembered.

A minute silence observed in honour of the deceased.

- (b) *Ad-hoc Committee to Investigate the Circumstances that led to the Loss of Revenue on Deep Off-Shore Contracts and Determine the Actual Loss to the Government of Nigeria (HR. 21/04/2019):*

Mr Speaker announced membership of the *Ad-hoc Committee* as follows:

(1)	Hon. Victor Nwokolo	—	Chairman
(2)	Hon. Ossai Nicholas Ossai	—	Member
(3)	Hon. Aminu Suleiman	—	Member
(4)	Hon. Nkem-Abonta Uzoma	—	Member
(5)	Hon. Beni Lar	—	Member
(6)	Hon. Segun Ogunwuyi	—	Member
(7)	Hon. Tajudeen Abbas	—	Member
(8)	Hon. Asabe Vilita Bashir	—	Member
(9)	Hon. Ishaku Shekarau	—	Member
(10)	Hon. Darlington Nwokocha	—	Member

4. Petitions

- (i) A petition from Members of Growth and Empowerment programme (GEM) Participants Forum, on the alleged non-disbursement of their take-off grant by the Price Waterhouse Coopers Limited (PWC), was presented and laid by Hon. Mark Terseer Gbillah (Gwer East/Gwer West *Federal Constituency*); and
- (ii) A petition from Comrade Solomon Atodo, on behalf of Members of Empowerment for Unemployed Youth Initiative, on the need to investigate xenophobic acts and heinous killings of Nigerians living in South Africa, was presented and laid by Hon. Agbonayinma Johnson Ehiozuwa (*Egor/Ikpoba/Okha Federal Constituency*).

Petitions referred to the Committee on Public Petitions.

5. Matter of Urgent Public Importance (Standing Order Eight, Rule 4)

Need to Investigate Un-remitted Stamp Duties to the Federation Account:

Hon. Goni Bukar Lawan (*Bursari/Gaidam/Yunusari Federal Constituency*) introduced the matter and prayed the House to:

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

- (b) suspend Order Eight, Rule 4 (3) to allow debate on the matter forthwith.

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

Question that the House do suspend Order Eight, Rule 4 (3) to enable it debate the matter forthwith — Agreed to.

Need to Investigate Un-remitted Stamp Duties to the Federation Account:

The House:

Notes that Stamp Duties are statutory taxes levied on legal instruments including cheques, receipts, military commissions, licences and land transaction documents;

Aware that a few years ago, banks were collecting stamp duties from account holders (both company and private accounts):

Also aware that while the deductible amount per bank account seems small, it cumulatively adds up to huge amount of money which must be subjected to the full condition of disclosure and transparency;

Alarmed at the complicit irregularity by which public institutions including the Central Bank of Nigeria (CBN), Nigeria Interbank Settlement System (NIBSS), Nigeria Postal Services (NIPOST) among others, have over time failed to remit stamp duty taxes amounting to trillions of Naira into the federation account;

Also notes that NIPOST entered into an agreement in 2014 to collect stamp duties, and, armed with the masters service agreement with NIPOST, the School of Banking Honours (SBH) approached the Central Bank of Nigeria for authorization to engage Deposit Money Banks (DMBs) and other qualified Stamp Duties collection agents and the CBN) gave required approval;

Concerned that all efforts by Civil Society Organizations to get details of remittance of funds realized from Stamp Duty Taxes in compliance with the freedom of information Act were not successful;

Disturbed that the remitted stamp duties would have been used to pay salaries, provide infrastructure and finance economic development in the country or at least should have generated some interest where the funds are domiciled in the commercial banks;

Worried that the non-remittance of the Stamp Duty Taxes is a clear violation of Treasury Single Account (TSA) policy as the funds are hidden in commercial banks instead of remittance to the TSA;

Resolves to:

Set up an *Ad-hoc* Committee to investigate the non-remittance of trillions of Naira into the Federation Account and report back within four (4) weeks (*Hon. Goni Bukar Lawan — Bursari/Gaidam/Yunusari Federal Constituency*).

Debate.

Agreed to.

The House:

Noted that Stamp Duties are statutory taxes levied on legal instruments including cheques, receipts, military commissions, licences and land transaction documents;

Aware that a few years ago, banks were collecting stamp duties from account holders (both company and private accounts):

Also aware that while the deductible amount per bank account seems small, it cumulatively adds up to huge amount of money which must be subjected to the full condition of disclosure and transparency;

Alarmed at the complicit irregularity by which public institutions including the Central Bank of Nigeria (CBN), Nigeria Interbank Settlement System (NIBSS), Nigeria Postal Services (NIPOST) among others, have over time failed to remit stamp duty taxes amounting to trillions of Naira into the federation account;

Also noted that NIPOST entered into an agreement in 2014 to collect stamp duties, and, armed with the masters service agreement with NIPOST, the School of Banking Honours (SBH) approached the Central Bank of Nigeria for authorization to engage Deposit Money Banks (DMBs) and other qualified Stamp Duties collection agents and the CBN) gave required approval;

Concerned that all efforts by Civil Society Organizations to get details of remittance of funds realized from Stamp Duty Taxes in compliance with the freedom of information Act were not successful;

Disturbed that the remitted stamp duties would have been used to pay salaries, provide infrastructure and finance economic development in the country or at least should have generated some interest where the funds are domiciled in the commercial banks;

Worried that the non-remittance of the Stamp Duty Taxes is a clear violation of Treasury Single Account (TSA) policy as the funds are hidden in commercial banks instead of remittance to the TSA;

Resolved to:

Set up an *Ad-hoc* Committee to investigate the non-remittance of trillions of Naira into the Federation Account and report back within four (4) weeks (**HR. 23/04/2019**).

6. Presentation of Bill

Chartered Institute of Forensic and Investigative Professionals of Nigeria (Establishment) Bill, 2019 (HB. 1621) was read the First Time.

7. Presentation of Reports

(i) Committee on Delegated Legislations:

Motion made and Question proposed, "That the House do receive the Report of the Committee on Delegated Legislations on the National Tobacco Regulations, 2019" (*Hon. Simon Yakubu Arabo — Kauru Federal Constituency*).

Agreed to.

Report laid.

(ii) Report of the Conference Committee on the Reviewed Conditions of Service in the National Assembly Service:

Motion made and Question proposed, "That the House do receive the Report of the Conference Committee on the Reviewed Conditions of Service in the National Assembly Service" (*Hon. Simon Yakubu Arabo — Kauru Federal Constituency*).

Ordered: Members of the Conference Committee on the Reviewed Conditions of Service in the National Assembly Service to meet with the Hon. Speaker on the report.

(iii) Committee on Public Petitions:

Petitions by Edward Ngani Jim:

Motion made and Question proposed, "That the House do receive the Report of the Committee on Public Petitions on the petition by Mr. Edward Ngani Jim against Former National Electricity Power Authority (NEPA) now Transmission Company of Nigeria (TCN) on the Illegal and Premature Retirement of Edward Ngani" (*Hon. Uzoma Nkem-Abonta — Ukwu East/Ukwu West Federal Constituency*).

Agreed to.

Report laid.

(iv) Committee on Public Petitions:

Petition by Rijawa Resources Nigeria Limited:

Motion made and Question proposed, "That the House do receive the Report of the Committee on Public Petitions on the Petition by Rijawa Resources Nigeria Limited against the Minister of Federal Capital Territory on the alleged revocation of their plot of land at Kurudu" (*Hon. Uzoma Nkem-Abonta — Ukwu East/Ukwu West Federal Constituency*).

Agreed to.

Report laid.

8. **A Bill for an Act to Repeal the Raw Materials Research and Development Council Act, Cap. R3 Laws of the Federation of Nigeria, 2004 and Enact the Raw Materials Research and Development Council Bill; and for Related Matters (HB. 1220) — Second Reading**

Motion made and Question proposed, "That a Bill for an Act to Repeal the Raw Materials Research and Development Council Act, Cap. R3 Laws of the Federation of Nigeria, 2004 and Enact the Raw Materials Research and Development Council Bill; and for Related Matters (HB. 1220) be now read a Second Time" (*Hon. Ahmed Idris — Deputy House Leader*).

Debate.

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

Bill read the Second Time.

Bill referred to the Committee of the Whole.

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

Motion made and Question proposed, "That a Bill for an Act to Establish the Federal Institute for Industrial Research to Conduct Industrial Research for the Development of Micro Small, Medium and Large Industries amid at Rapid Industrialization and Socio-Economic Development of Nigeria; and for Related Matters (HB. 1221) be now read a Second Time" (*Hon. Ahmed Idris — Deputy House Leader*).

Debate.

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

Bill read the Second Time.

Bill referred to the Committee of the Whole.

10. **Extension of Time for the Ad-hoc Committee to Investigate the Non-Remittance of Funds to the Federation Account by the Nigerian National Petroleum Corporation from January 2018 to Date**

Motion made and Question proposed:

The House:

Recalls that on 10 July, 2018 the House debated a motion on the need to investigate the Non-Remittance of Funds to the Federation Account by the Nigeria National Petroleum Corporation (NNPC) from January 2018 to date and resolved to investigate the matter;

Further recalls that an Ad-hoc Committee was constituted on 11 July, 2018 to investigate the allegation;

Notes that in the course of the investigation, the Committee invited all agencies that have direct and ancillary roles to play in the process of revenue collection, remittance and audit of the collected revenue;

Worried that the agencies deliberately refused to appear before the Committee and when attempts were made to invoke legislative sanctions, the agencies adopted delay tactics to frustrate and blackmail the Committee;

Also notes that requests for documents were not honored by the agencies and further attempts by the Committee to obtain sensitive information through other agencies were blocked or sabotaged;

Observes that the deliberate attempts to undermine the Legislative Arm of Government particularly, the House of Representatives has directly and indirectly undermined the constitutional principle of separation of powers and checks and balances;

Concerned that if urgent steps are not taken to investigate the allegation that necessitated the constitution of the Committee, it may lead to serious abuse and deliberate constitutional breaches in our polity;

Resolves to:

Extend the time for the *Ad-hoc* Committee by two (2) weeks to enable it conclude its investigation and present its report (*Hon. Chukwuka Onyema — Ogbaru Federal Constituency*).

Debate.

Agreed to.

11. Discharge of the Committee on Federal Capital Territory from Referral on a Bill, Pursuant to Order Seventeen, Rule 3 (1) (g) of the Standing Orders of the House of Representatives

Motion made and Question proposed:

The House:

Notes that the undermentioned Bill was read the Second time in 2018 and referred to Committee on Federal Capital Territory for further legislative actions:

<i>S/No.</i>	<i>Title of Bill</i>	<i>Date</i>	<i>Committee</i>
1.	Abuja Geographic Information Systems Agency Bill, 2016 (HB. 639)	10/7/2018	Federal Capital Territory

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

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

Resolves to:

Discharge the Committee on the Federal Capital Territory of the above mentioned Bill and commit same to the Committee of the Whole for consideration (*Hon. Olabode Ayorinde — Owo/Ose Federal Constituency*).

Agreed to.

12. Consideration of Reports

(i) *A Bill for an Act to Establish the Nigerian Independent Warehouse Regulatory Agency; and for Related Matters (HB. 116) (Committee of the Whole):*

Motion made and Question proposed, "That the House do consider the Report on a Bill for an Act to Establish the Nigerian Independent Warehouse Regulatory Agency; and for Related Matters (HB. 116) and approve the recommendations therein" (*Hon. Olabode Ayorinde — Owo/Ose Federal Constituency*).

Agreed to.

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

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

**A BILL FOR AN ACT TO ESTABLISH THE NIGERIAN INDEPENDENT
WAREHOUSE REGULATORY AGENCY AND OTHER RELATED MATTERS**

**PART I — ESTABLISHMENT OF THE NIGERIAN INDEPENDENT
WAREHOUSE REGULATORY AGENCY AND ITS GOVERNING BOARD**

- Clause 1: Establishment of the Nigerian Independent Warehouse Regulatory Agency.**
- (1) There is established a body to be known as the Nigerian Independent Warehouse Regulatory Agency (in this Bill referred to as "the Agency").
 - (2) The Agency:
 - (a) is a body corporate with perpetual succession and a common seal; and
 - (b) may sue or be sued in its corporate name (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

- Clause 2: Establishment of the Governing Board.**
- (1) There is established for the Agency, a Governing Board (in this Bill referred to as 'the Board') with overall responsibility for the control of the management of the affairs of the Agency.
 - (2) The Board shall consist of:
 - (a) a Chairman;
 - (b) the Registrar-General of the Agency;
 - (c) a representative of each of the following, not below the rank of an Assistant Director:
 - (i) the Federal Ministry of Trade and Investment,
 - (ii) the Federal Ministry of Agriculture and Rural Development,
 - (iii) the Federal Ministry of Finance,
 - (iv) the Federal Ministry of Justice,
 - (v) the Central Bank of Nigeria,
 - (vi) the Securities and Exchange Commission;
 - (d) two representatives of Association of Farmers in Nigeria;

- (e) a representative of "Manufacturers Association of Nigeria;
 - (f) a representative of National Insurance Commission;
 - (g) a representative of Bankers Committee of Nigeria;
 - (h) one representative of the Federation of Commodities Association of Nigeria;
 - (i) a representative of the Warehouse Operators of Nigeria.
- (3) The members of the Board referred to in subsection (2), paragraphs (a) and (b) of this section shall be appointed by the President on the recommendation of the Minister and shall be persons of proven integrity with cognate experience and qualifications of not less than ten years in the relevant fields.
- (4) The appointment of Chairman and members of the Board shall be on part time basis except the Registrar General whose appointment shall be on full time (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 3: Tenure.

The Chairman and other members of the Board, not being an *ex-officio* member, shall hold Office for a term of four years and may be re-appointed for another term of four years and no more (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 4: Cessation.

- (1) The provision of section 3 of this Bill notwithstanding, a member of the Board shall cease to hold office as a member if:
- (a) he resigns his appointment as a member of the Board by notice under his hand addressed to the President through the Minister;
 - (b) he becomes of unsound mind;
 - (c) he becomes bankrupt or makes a compromise with his creditors;
 - (d) he is convicted of a felony or of an offence involving dishonesty or corruption;
 - (e) he becomes incapable of carrying on the functions of his office either arising from an infirmity of mind or body;
 - (f) he has been found guilty of contravening the Code of Conduct for public officers or of gross misconduct in relation to his duties;
 - (g) in the case of a person possessing a professional qualification, is disqualified by a competent authority;
 - (h) in the case of a person who becomes a member by virtue of the office he occupies, he ceases to hold such office; and

- (i) the President is satisfied that it is not in the interest of the Agency or the public for the person to continue in office.
- (2) Where a vacancy occurs in the membership of the Board, it shall be filled by the appointment of a successor to hold office for the remainder of the term of office of his predecessor, so as to represent the same interest as his predecessor (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 5: Remuneration and Allowances.

The Members of the Board shall be paid such remuneration and allowances as maybe prescribed by the Revenue Mobilization Allocation and Fiscal Commission from time to time (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

PART II — POWERS AND FUNCTIONS OF THE BOARD OF THE AGENCY

Clause 6: Powers of the Board.

The Board has powers to:

- (a) formulate the general policy guidelines for the Agency;
- (b) supervise the management of the property, funds and income of the Agency and other concerns and affairs of the Agency;
- (c) issue operational guidelines for the administrative structure of the Agency;
- (d) ensure the implementation of the Performance Management System in the Agency;
- (e) employ and determine the terms and conditions of the employees of the Agency; and
- (f) do such other things as are necessary in the carrying out of its responsibilities under this Bill (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 7: Functions of the Agency.

(1) The functions of the Agency are to:

- (a) license Warehouses in accordance with the provision of this Bill;
- (b) regulate the operations of licensed Warehouse Operators under this Bill;
- (c) classify licensed Warehouses into categories;
- (d) certify licensed Warehouses operators including Warehouse Inspectors, Samplers, Graders and Weightiest;
- (e) provide requisite training for licensed certified Warehouse Operators and persons employed in licensed Warehouses;

- (f) promote awareness and use of Warehouse Receipts;
 - (g) hold regular consultations with Warehouse Operators in the development of appropriate policy on Warehouse operations under this Bill and build consensus on policy issues and measures;
 - (h) promote and co-ordinate inflow of credit and grants to the sector and establish linkages that will attract investment from other countries;
 - (i) publish periodically the names and addresses of licensed Warehouses and provide classification of their licenses;
 - (j) publish the results of investigations made on any matter pertaining to Warehouse operations;
 - (k) ensure that licensed Warehouses maintain prescribed acceptable minimum standards of storage and operations;
 - (l) promote the trade ability of Warehouse Receipts;
 - (m) create electronic linkages between the Warehouse Receipts Registry and existing commodity exchanges;
 - (n) provide advice and support on regulation of weights and under the Weights and Measures Act in collaboration with the responsible Agencies;
 - (o) in consultation with the Standards Organization of Nigeria, develop and implement quality standards to enable appropriate value to be placed on each agricultural product by-product for storage act license warehouse;
 - (p) regularly advise Federal and State Governments on policies and programs to promote the effective use of Warehouse Receipts framework, including mechanisms to support establishment of agro product processing centres in proximity to licensed Warehouses;
 - (q) in consultation with the Minister, develop and implement a program to support the setting up of processing centres and increased capacity for processing of stored agricultural products by licensed Warehouse Operators; and
 - (r) carry out such other activities as are necessary for the effective discharge of all or any of the functions of the Agency under this Bill.
- (2) For the purpose of carrying out the functions listed in subsection (1) of this section, the Agency has powers to:
- (a) enter into and investigate activities and operations in licensed Warehouses;
 - (b) examine directly or through licensed Agents the operations, books, and accounts of licensed Warehouses to ensure that their operations are in conformity with prescribed minimum standard, with respect to weighing and codification of commodities;

- (c) suspend, revoke or terminate (as the case may be) the operations of the licensed Warehouse following an investigation into the operations of a Warehouse Operator after affording the licensed holder the opportunity of being heard; and
- (d) take steps to ensure the attendance of witnesses and production of records and information in carrying out an investigation into a Warehouse operation (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

PART III — STAFF OF THE AGENCY

Clause 8: Staff of the Agency.

- (1) The Registrar-General of the Agency shall be appointed by the President on the recommendation of the Minister.
- (2) The Registrar-General is the Chief Executive Officer of the Agency.
- (3) The Registrar-General is responsible for the management of the funds, property and business of the Agency and for the day to day administration, organization and control of the staff of the Agency.
- (4) The Registrar-General, at such intervals as the Board may determine, is responsible for keeping the Board informed of the business of the Agency.
- (5) The Registrar General shall hold office for a term of four years and may be reappointed for another term of four year and no more (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 9: Appointment of Secretary.

- (1) The Secretary of the Agency shall be appointed by the Board on such terms and conditions as the Board may determine provided that such person to be appointed shall qualify to serve in such capacity under the company and allied matters act.
- (2) The Secretary is responsible for:
 - (a) issuing notices of meetings of the Board;
 - (b) keeping records of proceedings of the Board;
 - (c) keeping records of all the activities of the Agency; and
 - (d) superintending over the management of the affairs of the Central Registry (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 10: Other Staff.

- (1) The Board shall appoint from time to time such other staff as may be required for the purpose of the efficient performance of the functions of the Agency.

- (2) The conditions of service of the staff of the Agency with respect to remuneration, pension, or other benefits on retirement or termination of the officers shall be as provided for in the Public Service of the Federation.
- (3) The Board may, on inception, take staff on secondment from other departments of government that possess related skills and experience needed to achieve the objectives of the Agency.
- (4) The Board may delegate any of its powers of appointment under this section to the Registrar-General, subject to such terms and conditions as the Board may determine (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 11: Service in the Agency to be Pensionable.

- (1) Service in the Agency shall be pensionable and subject to the Pension Reform Act.
- (2) Nothing in this section shall preclude the appointment of a person to any office on terms which preclude the grant of pension in respect of that office (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 12: Engagement of Experts.

- (1) The Agency may engage the services of experts and consultants for purpose of carrying out any of its function where special competence expertise are required.
- (2) Experts or consultants engaged by virtue of the provision of this section may be paid such fees and allowances and afforded such facilities as the Agency, with the approval of the Board, may determine (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

PART IV — LICENSING PROCEDURE

Clause 13: Licensing procedure.

- (1) A person shall not operate a commercial Warehouse without a valid license issued by the Agency.
- (2) The Agency may, upon application in the prescribed form, issue to a Warehouse keeper a license for the operation of a commercial Warehouse in accordance with the provisions this Bill.
- (3) In issuing a license under subsection (2) of this section, the Agency shall satisfy itself that:
 - (a) the Warehouse is suitable for the proper storage of the particular goods for which a license is required;
 - (b) the Warehouse keeper meets the conditions for eligibility to operate a licensed Warehouse of the kind applied for as may be prescribed in regulations issued pursuant to this Bill; and

- (c) the Warehouse keeper agrees, as a condition to the granting of the license, to comply with and abide by the provisions of regulations made pursuant to this Bill (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 14: Regulations.

- (1) The Agency may by regulations provide for a transitional period, not exceeding two years for all existing commercial Warehouse Operators to fully comply with and bring their operations in line with the provisions of this Bill.
- (2) Where an existing Warehouse Operator referred to in subsection (1) of this section continues to receive and warehouse commodities or designated good, without a license after a period of six months from the date specified in regulations made by the Agency such commercial Warehouse Operator must conspicuously display a notice, in the form and manner prescribed in regulations that it is neither bonded nor licensed (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 15: Application for License.

- (1) A person requiring a license under this Bill may apply to the Agency in the manner prescribed in regulations made pursuant to this Bill.
- (2) The Agency shall, before granting a license:
- (a) inspect or authorize the inspection of the Warehouse in respect of which a license is applied for, to determine the suitability of the Warehouse for the storage of the particular goods for which the license is required; and
- (b) publish the application in two national newspapers requesting for objections in accordance with rules prescribed in regulations made pursuant to this Bill.
- (3) The Agency shall, upon being satisfied that a Warehouse is suitable for the storage of the goods in the license classification and fulfillment of all other conditions grant a Warehouse license to the applicant in the classification applied for upon payment of the prescribed fees.
- (4) The applicant shall thereafter annually pay the prescribed fee to the Agency on or before each anniversary of the granting of the license.
- (5) Every Warehouse Operator shall display the license issued by the Agency in a conspicuous place at the entrance of the Warehouse or at any other place on the premises during working hours as regulations may prescribe (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 16: Validity of the License.

The validity of a license shall be twelve months or such other periods, not exceeding three years, as the Agency may from time to time determine and renewable on terms and conditions as may be specified in the regulations (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 17: Qualification for Issuance of the License.

- (1) A license shall not be issued by the Agency unless the applicant has satisfied all of the conditions prescribed in this Bill and regulations made pursuant to this Bill in respect of the type and category of license applied for.
- (2) Prior to issuing a license under this Part, the Agency shall ensure that:
 - (a) the applicant is in possession of a Warehouse, whether as a lessee or owner;
 - (b) in the case of a lease, regulations shall prescribe the minimum lease period;
 - (c) upon inspection, the Warehouse is suitable for warehousing of the category of goods or products with all required appurtenances;
 - (d) the devices for safe storage of the goods or products in respect of the particular class of license applied for are available;
 - (e) the applicant's director or manager or its principal officers have requisite experience and track record for Warehouse operations and has not been convicted by a court of competent jurisdiction or indicted in any disciplinary proceedings on allegations of criminal action involving dishonesty or financial impropriety and professional misconduct in the last preceding seven years;
 - (f) the Warehouse and the goods or products to be kept therein are fully insured in respect of fire, theft and burglary or any other damage;
 - (g) the applicant is financially capable of conducting the business of warehousing; and
 - (h) the applicant or Warehouse Operator gives the requisite undertaking to abide by all conditions for grant of the license and to comply fully with regulations issued under this Bill (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 18: Execution of a Bond.

- (1) A Warehouse Operator applying for a license to operate a Warehouse shall, as a condition for the granting of the license, execute and submit to the Agency, for filing, a bond in the form and substance acceptable to the Agency to secure the faithful performance of the applicant's obligations as a Warehouse Operator.

- (2) Where the Agency determines that a previously approved bond is, or for any cause is or has become insufficient, it may require an additional bond or bonds to be given by the Warehouse Operator concerned, conforming with the requirements of this section, and, unless the additional bond is given within the time fixed by a written demand for it by the Agency, the license of the Warehouse Operator may be suspended or revoked by the Agency (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 19: Breach of Bond Obligation.

A person injured by the breach of any obligation in respect of which a bond is given, under section 18 of this Bill, is entitled to sue in person on the bond in court, to recover the damages sustained by the breach (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 20: Designation of a Warehouse.

- (1) Upon the filling and the approval by the agency of a bond in compliance with the requirements of the Act, for the operation of a licensed warehouse, the warehouse may be designated as a licensed warehouse.
- (2) Save as provided under this Bill, a warehouse shall not be designated as a licensed warehouse unless a license has been issued as stated under section 25 of this Bill.
- (3) An individual who contravenes the provision of sub section 2 of this section commits an offence and liable on conviction to a term of imprisonment of not less than three years or a fine of Three Million Naira or to both.
- (4) A body corporate who contravenes the provision of section (2) of this section commit an offence and liable on conviction to a fine of Ten Million Naira (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 21: Insurance of a Warehouse.

- (1) A Commercial Warehouse Operator shall be obliged to ensure its warehouse structure and facilities for its own benefit.
- (2) A depositor of commodities or goods in a commercial warehouse above a value stipulated by the Agency in the rules shall at the point of deposit in a licensed warehouse, do one of the following:
- (a) provide evidence of at least an all risk insurance coverage for the commodity or goods deposited;
- (b) request the Warehouse Operator to insure the commodities or goods deposited on its behalf and at its cost; or
- (c) give written undertaking to secure insurance of the goods deposited in its name and in its favour.

- (3) The requirement for depositor insurance shall not in any way reduce the warehouse Operators duty of care over commodities or goods deposited in the warehouse (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 22: Conditions to Operate Warehouse.

- (1) An applicant for a license to operate a Warehouse under this Bill, shall as a condition for the grant, file or cause to be filed with the Agency the name or list of commodities of goods proposed to be warehoused and a copy of the proposed schedule of charges as a Warehouse Operator.
- (2) A licensed Warehouse Operator shall not make a change in the charges unless a notice of the change and its reasons have been filed and approved by the Agency.
- (3) Where the Agency receives a proposal for change of charges, it shall afford the Warehouse Operator an opportunity to give reasons for the requested changes within one month of the receipt of the request and grant or refuse approval not later than two months from the date of the request.
- (4) A refusal for the request for fee variation by the Agency shall be in writing addressed to the applicant containing all reasons for the refusal.
- (5) A person aggrieved by the decision of the Agency on any matter relating to change of charges under this section may appeal to the Board (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 23: Revocation of a License.

- (1) The Agency may revoke, suspend, or refuse to grant a license as considered appropriate after granting to the Warehouse Operator the opportunity of being heard on the matter for any violation of the provisions of this Bill.
- (2) A person aggrieved with the decision or action taken by the Agency in subsection (1) of this section may appeal to the Board.
- (3) Where a license is revoked, suspended or has expired, the Warehouse Operator shall terminate, in the manner prescribed by the Agency, all arrangements covering the receiving, storing, shipping, conditioning, or handling of commodities in the Warehouse covered by the license.
- (4) Without prejudice to the provision of subsection (3) of this section, the Warehouse Operator shall be permitted, under the direction or supervision of the Agency to deliver commodities previously received either to the holders of Warehouse Receipts or to other bonded Warehouses.
- (5) During the period of suspension of a license, the Warehouse Operator may, under the direction or supervision of the Agency, operate the Warehouse and may only receive commodities for storage, conditioning, shipping, or handling during the term of such suspension as may be prescribed in regulations made by the Agency.

- (6) The Agency shall by regulations prescribe procedures for the renewal of licenses prior to their expiration (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 24: Appointment of Inspectors.

- (1) The Agency may appoint or otherwise authorize persons or groups of persons as inspectors ("Warehouse Inspectors").
- (2) The Agency shall prescribe in the regulations qualifications of persons to be appointed as a Warehouse Inspectors.
- (3) A Warehouse Inspector appointed pursuant to the provisions of this Bill has powers to inspect premises and goods kept in a Warehouse to ensure that a Warehouse Operator observes the provisions of this Bill and its regulations and the terms and conditions contained in a license issued by the Agency under this Bill.
- (4) A Warehouse Inspector or any other person with written authorization may at any reasonable time during the day, enter into a Warehouse premises for the purpose of ensuring that the provisions of this Bill and its regulations are adhered to (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 25: Information of Warehouse.

The Agency shall ensure that:

- (a) reliable data containing the identity of Warehouse owners, Warehouse Operators, licensed inspectors, reports of inspection of Warehouses as and a list of all revoked licenses are made available, on request, by any person or furnished periodically to the public;
- (b) its audited accounts and annual performance reports are made public;
- (c) in carrying out its operations under this Bill, it is guided by the principles of accountability and transparency; and
- (d) it holds regular stakeholder consultations on its operations, policy and application of its Rules and Regulations (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

PART V — WAREHOUSE RECEIPTS

Clause 26: Warehouse Receipts.

A Warehouse Receipt shall only be issued by a Warehouse Operator duly authorized and licensed to do so under this Bill (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 27: Proof of Propriety rights in the goods.

- (1) A Warehouse Receipt drawn and issued by a Warehouse Operator shall be prima facie proof of the holder having proprietary rights in the goods.
- (2) A person acquires proprietary rights in the goods, in relation to a Warehouse Receipt, if that person is entitled to the ownership of the goods:
 - (a) in return for a binding commitment to extend credit or for extension of an immediately available credit, whether or not drawn;
 - (b) as security for or in total or partial satisfaction of a pre-existing claim;
 - (c) by accepting delivery under a pre-existing contract for purchase;
 - (d) in return for any consideration sufficient to support a pre-existing contract (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 28: Power to Print Warehouse Receipt.

- (1) A Warehouse Receipt shall only be printed by the Agency or at its order and shall be in the form prescribed by the Agency in regulations made pursuant to this Bill.
- (2) A Warehouse Receipt shall be supplied exclusively to licensed Warehouse Operators by the Agency.
- (3) A Warehouse Receipt shall bear such security features as may be prescribed in regulations made by the Agency (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 29: Contents of a Warehouse Receipt.

- (1) The Warehouse Receipt shall contain:
 - (a) the name of the Warehouse Operator;
 - (b) the location of the Warehouse where the goods are stored;
 - (c) the date of issue of the receipt;
 - (d) the consecutive number of the receipt;
 - (e) a statement as to whether the goods received shall be delivered to the bearer or another person named or order;
 - (f) the rate of storage charges;
 - (g) a description of goods and packages containing the goods, showing the quantity, numbers or weights of the goods inside their packages or any other fuller description as the Agency may, from time to time, prescribe in regulations;

- (h) the grade or class of commodity received and the standard description according to the official classification of the commodity made pursuant to any subsisting law and rules in force, except where the receipt conspicuously embodies a bold imprint that it is not negotiable;
 - (i) the statement of amount of advances made or liabilities incurred for which the Warehouse Operator claims a lien or any arising contingent liabilities, and if the precise amount of those advances made or for those liabilities incurred is, at the time of the issue of the receipt, unknown to the Warehouse Operator or to the agent of the Warehouse Operator, a statement of the fact that advances have been made or liabilities are incurred and disclosing the purpose or nature of such liabilities;
 - (j) if the goods are to be packed, processed, substituted or otherwise transformed whilst in the Warehouse, a statement to that effect and a description of the nature, size and quantity of what shall be the product of the packing, processing or transformation;
 - (k) the expiry date of the goods, if any or any other information of the nature of the goods which does not impair the Warehouse Operator's obligation to deliver on the duty of care of the Warehouse Operator;
 - (l) provision for endorsement of transfer by negotiation or charges on value of goods;
 - (m) signature of the Warehouse Operator; and
 - (n) any other information as the Agency may from time to time prescribe in regulations.
- (2) A Warehouse Operator shall be liable to the person injured by information contained in a Warehouse Receipt, for damages caused by the omission of any term required to be included in the Warehouse Receipt under this Bill.
 - (3) A Warehouse Operator may insert in receipts any other terms and conditions which are not contrary to the provisions of this Bill or its regulations or which are not ordinarily void (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 30: Warehouse Receipt "Negotiable Instrument".

- (1) A Warehouse Receipt marked on its face as negotiable and issued to the bearer or to the order of a named person shall be known as a "Negotiable Warehouse Receipt" and be transferable by endorsement and delivery.
- (2) Words shall not be inserted into a Negotiable Warehouse Receipt capable of rendering such receipt non-negotiable.
- (3) The Board may prescribe in the regulations the procedure and limits of negotiation of a Negotiable Warehouse Receipt (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 31: Warehouse Receipt market "Non-Negotiable Instrument".

A Warehouse Receipt marked on its face as "Non-Negotiable" and issued to a named person shall be treated as a "Non-Negotiable Warehouse Receipt" and be transferable only by assignment and delivery (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 32: Effect of alteration on the Warehouse Receipt.

An alteration to a Warehouse Receipt shall be regarded as:

- (a) immaterial if the alteration does not affect the prior proprietary rights of the holder or convey a false information or misrepresentation;
- (b) authorized when made with an implied or direct permission or connivance of the Warehouse Operator and which renders a Warehouse Operator and the perpetrator liable under the provisions of this Bill; or
- (c) unauthorized when made without fraudulent intent, and made without an implied or direct permission or connivance of the Warehouse Operator and which renders the Warehouse Operator liable according to the terms of the Receipt (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 33: Warehouse Receipt without alteration.

- (1) A purchaser of a Warehouse Receipt for value without notice of alteration shall acquire the same proprietary rights against the Warehouse Operator which the purchaser would have acquired if the receipt had not been altered at the time of purchase.
- (2) A purchaser of a Warehouse Receipt shall be regarded to have had notice of alteration, if before the purchase of the Warehouse receipt, the purchaser or his agent took part or influenced the alteration of the Warehouse Receipt.
- (3) A purchaser of an altered Warehouse Receipt who has been found or could reasonably be imputed with possession of notice of alteration commits an offence under this Bill and liable to be prosecuted against under this Bill in the same way and manner as the Warehouse Operator (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 34: Loss or destruction of Warehouse Receipt.

- (1) Any loss, theft or destruction of the Warehouse Receipt shall be reported by the holder of the warehouse Receipt to the Warehouse Operator who shall immediately report the loss to the Agency through the Central Registry.
- (2) If a negotiable Warehouse Receipt has been lost, stolen or destroyed, a duplicate may be issued by the Warehouse Operator provided that the request of the holder is accompanied by:
 - (a) a police report of the loss, theft or destruction of the receipt;
 - (b) an affidavit of loss, theft or destruction duly sworn to in a court of law;

- (c) notice of loss, theft or destruction filed at the Central Registry in the format stipulated by regulations;
 - (d) proper and reliable identification; and
 - (e) payment of reasonable costs of the operator to be stipulated on the face of the receipt.
- (3) The Board may, by order publish in requirements for the issuance of duplicate Receipts.
- (4) An appeal relating to the issuance or otherwise of a duplicate receipt shall be made to the Agency.
- (5) A Warehouse Operator shall not deliver goods which are subject of a loss or missing Warehouse Receipt except with prior notification to the Central Registry and issuance of a duplicate receipt in respect of the goods concerned.
- (6) A person who fraudulently obtained using an original Warehouse Receipt which has been reported missing or a Warehouse Receipt in respect of which a duplicate receipt has been issued commits an offence and liable on conviction to five years imprisonment without an option of fine.
- (7) A person who after endorsing and delivering a Warehouse Receipt to another fraudulently reports it missing and obtains a duplicate Receipt commits an offence and liable on conviction to five years imprisonment without an option of fine (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

- Clause 35:**
- (1) A Warehouse Receipt upon the face of which the word 'duplicate' is plainly placed shall be a representation and warranty by the Warehouse Operator that such Warehouse Receipt:
 - (a) is an accurate copy of the original receipt; and
 - (b) has the same rights as the original receipt issued and outstanding at the date of issue of the duplicate.
 - (2) A duplicate receipt issued shall have the same standing as the original and shall not impose upon the Warehouse Operator any less or additional liability (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

- Clause 36:** All Warehouse Receipts on commodities financed by banks shall be traded on a commodity exchange (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

PART VI — RIGHTS AND OBLIGATIONS OF A WAREHOUSE OPERATOR

Clause 37: Rights and obligations of a Warehouse operator.

A licensed Warehouse Operator may be considered for pioneer status in accordance with the provision of the Nigerian Investments Promotion Commission Act (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

- Clause 38:**
- (1) Except as provided under this Bill or any regulations made from time to time by the Agency, a Warehouse Operator shall deliver stored goods upon demand made by the holder of the Warehouse Receipt or depositor, if the holder or depositor:
 - (a) makes full payments for the Warehouse Operator's charges for storage and other services relating to the goods;
 - (b) signs relevant documents proving the delivery of the goods; and
 - (c) satisfies the Warehouse Operator of the identity of the individual taking possession of goods or where payment in lieu of lien has not been made, after deducting the exact quantity of the goods, value of which at open market value as at that date, is equal to accrued lien due to the Warehouse Operator, plus ancillary costs if any.
 - (2) A Warehouse Operator shall not issue negotiable Warehouse Receipts for goods in respect of which the Warehouse Operator, its Directors or its staff have interest except it has obtained a license in that regard permitting the Warehouse Operator to trade in goods which he warehouses.
 - (3) A Warehouse Operator shall not trade in goods which it is licensed to store, except as may be permitted by regulations made by the Agency.
 - (4) Where a Warehouse Operator by regulation is permitted to trade in its own goods, and in fulfilling any additional condition for grant of the license, the Warehouse Operator must ensure that:
 - (a) there is a clear separation of the goods owned by it from other goods it is licensed to store;
 - (b) there are clear and transparent records available to show the demarcation of the goods;
 - (c) it issues receipt in respect of its goods indicating that the goods belong to it;
 - (d) it adheres to such other conditions as the Agency may from time to time impose by regulations (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

- Clause 39:**
- (1) Subject to section 43 of this Bill, a Warehouse Operator shall deliver the goods in accordance with the demand by a Warehouse Receipt holder or, as the case may be, the depositor.

- (2) Where a Warehouse Operator refuses to deliver the goods as demanded by the holder or depositor of a Warehouse Receipt the burden shall be upon the Warehouse Operator to establish the existence of any lawful excuse for the refusal.
- (3) Where a Warehouse Operator refuses to deliver the goods as demanded by the depositor or holder of a Warehouse Receipt because of the reason that the Warehouse Receipt was altered, the holder or depositor who had notice of alteration shall be prevented from making further demands based on any proprietary rights in the Warehouse Receipt than those provided on the altered Warehouse Receipt (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 40: Subject to the provisions of sections 42 and 43 of this Bill, a Warehouse Operator shall deliver goods only after being satisfied that:

- (a) the person receiving the goods is lawfully entitled to the possession of the goods; and
- (b) by the terms indicated in the Warehouse Receipt issued for particular goods, that person is entitled to delivery, either by himself or on his written authorization, to another person (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

- Clause 41:**
- (1) A Warehouse Operator shall not deliver the goods if, prior to delivery, he receives information or otherwise becomes aware that a person to whom delivery is about to be made is not legally entitled to the delivery.
 - (2) A Warehouse Operator who:
 - (a) is informed that the person who claims delivery of the goods is not in fact lawfully entitled to the possession of the goods;
 - (b) ignores the information not to make delivery of the goods, under paragraph (a) of this subsection; and
 - (c) had information or knowledge that the delivery about to be made was to a person not lawfully entitled to the possession of the goods, and proceed to deliver the goods; shall be liable for conversion to all persons having proprietary rights in or in the possession of the goods in the exact market value of the goods wrongfully delivered and on conviction to a term of five years imprisonment (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 42: The Warehouse Operator shall not be liable for failure to deliver the goods to the depositor, or owner of the goods, or to a holder of a Warehouse Receipt given for the goods at the time of the deposit of the goods, even if such receipt is negotiable, in a situation where goods have been lawfully sold or disposed of:

- (a) because of their perishable or hazardous nature; or

- (b) to satisfy the Warehouse Operator's lien, provided that in each case the Warehouse Operator shall have given prior notice of sale to the owner or holder of the Warehouse Receipt and shall pay over to the owner sale proceeds in excess of his due lien (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

- Clause 43:**
- (1) Except as otherwise provided in this Bill, where a Warehouse Operator delivers goods for which he had issued a negotiable receipt, he shall retrieve and cancel the receipt.
- (2) Where a Warehouse Operator fails to retrieve or cancel the receipt as provided for under subsection (1) of this section, and a third party purchaser without notice acquires title to the receipt, the Warehouse Operator shall remain liable for the market value of the goods.
- (3) A Warehouse Operator who delivers goods for which he had issued a negotiable receipt, but fraudulently failed to retrieve and cancel the receipt, commits an offence and is liable on conviction to imprisonment for a term of two years and in addition shall pay the exact market value of the goods (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

- Clause 44:**
- (1) Except as otherwise provided in this Bill, where a Warehouse Operator delivers part of the goods for which he had issued a negotiable Warehouse Receipt he shall:
- (a) retrieve and cancel that receipt and issue a new receipt for the remaining goods; or
- (b) endorse conspicuously on the receipt the number or quantity of the goods and packages delivered.
- (2) Upon cancellation or endorsement of a Warehouse Receipt as provided in Subsection (1) of this section, a Warehouse Operator shall immediately register the cancellation or endorsement with the Central Registry.
- (3) A Warehouse Operator who fails to comply with the provisions of subsection (1) of this section, commits an offence and is liable on conviction to imprisonment for a term of three years and in addition liable to pay the market value of the goods not delivered.
- (4) Where a receipt is not retrieved or cancelled as provided under subsection (1) of this section and the purchaser acquires title to the receipt before or after the delivery of any portion of the goods, the Warehouse Operator shall remain liable (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 45: A Warehouse Operator who fails to comply with the provisions of section 35 of this Bill is liable for failure to deliver goods to a person who acquires in good faith, a lost, stolen or destroyed Warehouse Receipt without notice that a duplicate receipt has been issued or goods already delivered and liable on conviction to imprisonment for a term of not less than one year (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 46:

- (1) A Warehouse Operator shall take all necessary precautions to ensure that the delivery of goods is made to a person who has lawfully obtained a Warehouse Receipt.
- (2) A Warehouse Operator's title or right to the possession of goods shall only be derived:
 - (a) directly or indirectly from a transfer made by a depositor at the time of or subsequent to deposit of goods; or
 - (b) by a Warehouse Operator lien on the goods.
- (3) Unless the title or right to possession of the goods by a Warehouse Operator is obtained in accordance with provisions of subsection (2) Of this section no title or right to possession of goods shall exonerate the Warehouse Operator from liability for refusing to deliver the goods according to the terms indicated on the Warehouse Receipt (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 47: Subject to the provisions of subsection (2) of section 46 of this Bill, a Warehouse Operator shall be liable to the holder of a Warehouse Receipt for the goods named in the Receipt not being in existence or by failure of the goods delivered not corresponding with the description in the Warehouse Receipt subject only to changes that may occur in the goods, over time when stored in accordance with the conditions specified in this Bill or by regulations made pursuant to this Bill (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 48: A Warehouse Operator shall register in favour of a depositor of goods in the Central Registry every Warehouse Receipt issued by the Warehouse Operator at a fee to be approved by the Agency (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 49:

- (1) Except for unavoidable damages or deterioration associated with the nature and type of the goods and mode of storage provided under this Bill and regulations made pursuant to this Bill, a Warehouse Operator is liable for damages for loss of, or injury to the goods caused by the Warehouse Operator's failure to exercise due and reasonable care as circumstances may demand.

- (2) The provision of subsection (1) of this section notwithstanding, the owner of the goods is required to disclose to the Warehouse Operator any peculiarity associated with the goods to be stored (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

- Clause 50:**
- (1) Unless as may otherwise be prescribed in regulations issued by the Agency, a Warehouse Operator shall keep separate the goods covered by each receipt for ease of identification and delivery of the goods.
- (2) Where packing, processing, substitution or other transformation of goods are authorized by the depositor, the transformed products of those goods shall also be kept separate as required at all times.
- (3) Fungible goods mixed together under subsection (2) of this section, are owned in common by the persons entitled to them and the Warehouse Operator is severally liable to each owner for that owner's share.
- (4) Where as a result of over-issue of receipt, a mass of fungible goods is insufficient to meet all the receipts that the Warehouse Operator has issued against the goods, the persons entitled include all holders to whom over issued receipts have been issued, duly negotiated or otherwise transferred and delivered by the Warehouse Operator who shall cause an endorsement to be made on such receipt in the ratio of the quantity and quality of goods represented in each of the receipt.
- (5) A Warehouse Operator may only commingle commodities stored in its Warehouse subject to rules and regulations made from time to time by the Agency regulating commingling of particular goods or classes of goods (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

- Clause 51:**
- (1) Subject to regulations made from time to time by the Agency, a Warehouse Operator's lien on goods deposited or the proceed of such goods shall derive from all:
- (a) lawful charges for storage and preservation of goods;
- (b) lawful claims for money advanced, interest, insurance, transportation, labour, weighing, and other charges and expenses in relation to such goods;
- (c) reasonable charges and expenses incurred for notice and advertisements of sale; and
- (d) sale of the goods where there is default in satisfying the Warehouse Operator's lien.
- (2) The term "Warehouse Operator's Lien" used in subsection (1) of this section is the right of a Warehouse Operator to recoup fees and charges for services rendered or supplied or repayment of sums advanced in accordance with the provisions of subsection (1) of this section and the term "right of lien" shall be construed accordingly (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 52: A Warehouse Operator's Lien may be enforced subject to the provisions of section 51 of this Bill:

- (a) against all goods, whenever deposited, belonging to the person who is liable as debtor for the claims in regard to which the lien is asserted; and
- (b) against the established interest of the depositor in any other goods deposited with the Warehouse Operator, whether or not deposited by the debtor himself, provided that such exercise of lien shall only be to the extent and value of the established Debtors interest in these other goods (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 53: A Warehouse Operator shall lose the right to the lien upon the goods by:

- (a) surrendering possession of the goods; or
- (b) refusing to deliver the goods upon demand made in accordance with the provisions of this Bill (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 54: Where a negotiable receipt is issued for goods, the Warehouse Operator shall have no lien on goods except for charges for storage, processing or such other endorsements on the face of the receipt as may be prescribed by regulations made under this Bill provided that no lien shall be exercised against a third party purchaser for value over any sums or liabilities not expressed on the face of a negotiable receipt (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 55: A Warehouse Operator who has a valid lien against the person demanding the goods may refuse to deliver the goods until the lien is satisfied (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 56: Other remedies available under the law that a creditor may have against a debtor for the collection from a depositor of all charges and advances which the depositor has expressly or impliedly contracted with a creditor, shall also be available to a Warehouse Operator notwithstanding the Warehouse Operator's Lien on the goods (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 57: A Warehouse Operator's lien may be satisfied by:

- (a) the sale of a portion of the deposited goods in satisfaction of the lien and any costs associated with the sale at the prevailing market price;
- (b) other remedies allowed by law for the enforcement of a lien against personal property; or

- (c) any other action for recovery of the Warehouse Operator's claim (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

- Clause 58:** (1) Where the goods are:
- (i) perishable in nature;
 - (ii) likely to deteriorate in value;
 - (iii) in a state of foul odour;
 - (iv) corrosive and leaking;
 - (v) highly inflammable or explosive; and
 - (vi) likely to cause injury to life and other property, the Warehouse Operator shall give notice to the owner or to the person in whose name the goods are stored as is reasonable and possible under the circumstances, and where the person fails to comply with the notice to remove the goods from the Warehouse, within the time so specified, the Warehouse Operator may sell the goods with or without advertising and satisfy any lien he may have on the goods.
- (2) If after reasonable efforts have been made, the Warehouse Operator is unable to sell the goods, the Warehouse Operator may dispose of the goods in any lawful manner, and shall incur no liability by reason of such disposal (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

PART VII — NEGOTIATION AND TRANSFER OF WAREHOUSE RECEIPTS

- Clause 59:** (1) A negotiable Warehouse Receipt is negotiated by its endorsement by the transferor and delivery to the transferee and registration of the interest transferred at the Central Registry, provided that the non-registration of the transferred interest shall not at any time give any advantage to the transferor of the interest except otherwise expressly provided by regulations.
- (2) Registration of a notice of transfer of interest shall be a notice to the whole world of the transfer.
- (3) A negotiable Warehouse Receipt is duly negotiated when negotiated as provided in subsection (1) of this section to another person in good faith and for value (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

- Clause 60:** (1) A Warehouse Receipt holder acquires after negotiation as provided under this Bill:
- (a) title to the Warehouse Receipt;

- (b) title to the goods, including, to the extent that such activities are authorized by the depositor and noted on the Warehouse Receipt, the packed, processed, substituted or otherwise transformed goods of the depositor;
 - (c) all rights accruing under the law of agency or estoppel, including rights to goods delivered to the Warehouse Operator after the Warehouse Receipt was issued;
 - (d) the obligation of the Warehouse Operator to hold or deliver the goods according to the terms of the Warehouse Receipt and any related storage agreement fee; and
 - (e) liability to pay outstanding storage charges, advances and fees endorsed on the Warehouse Receipt.
- (2) Title and rights acquired under subsection (1) of this section are not defeated by the surrender of the goods by the Warehouse Operator.
- (3) Except where a Warehouse Receipt was originally issued upon delivery of the goods by a person who had no power to dispose of the goods, a lien shall not attach by virtue of any judicial process to goods in the possession of a Warehouse Operator for which negotiable Warehouse Receipt is outstanding, unless the receipt is first surrendered to the Warehouse Operator or its negotiation is enjoined by court order, and the Warehouse Operator shall not be compelled to deliver the goods in accordance with any judicial process until the receipt is surrendered to the Warehouse Operator or made a subject of litigation before a court of competent jurisdiction or arbitral tribunal.
- (4) A person who purchases a Warehouse Receipt for value without notice of the judicial or arbitral process takes the goods free of the lien imposed by the judicial arbitral process without removing the liability of the transfer or to any claim against him in that respect (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

- Clause 61:
- (1) A Warehouse Receipt once issued creates a charge on the goods deposited at the Warehouse.
 - (2) A Warehouse Receipt does not confer any right in goods against a person who before the issue of the receipt had a legal interest or perfected security interest in such goods and who neither delivered nor entrusted the goods or any bill of lading, Warehouse Receipt delivery order or other document of title covering the goods to the depositor with actual or apparent authority to ship, store, pack, process, transform or sell the goods; nor acquiesced in the procurement by the depositor or his or her nominee of any Warehouse Receipt or other document of title covering the goods.
 - (3) A buyer in the ordinary course of business of fungible goods sold and delivered by a Warehouse Operator who is also in the business of buying and selling such goods, takes free of any claim under a Warehouse Receipt even though it has been duly negotiated (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

- Clause 62:
- (1) A transferee of a negotiable Warehouse Receipt who has taken the Warehouse Receipt by purchase, delivery and or registration acquires the title and rights which the transferor had or had actual authority to convey.
 - (2) In the case of a non-negotiable Warehouse Receipt, it shall not be registrable or tradable on a commodity exchange and is only transferable with prior notice in writing to the Warehouse Operator that issued it, the endorsement of both the transferee and the Warehouse Operator on the face of it and delivery to the transferee.
 - (3) A Warehouse Operator shall not issue a negotiable Warehouse Receipt in respect of goods already covered by a non-negotiable receipt except the non-negotiable receipt has been retrieved and cancelled (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

- Clause 63:
- (1) A transferee of a duly negotiated Warehouse Receipt, shall acquire against the transferor, the title to the goods.
 - (2) The title acquired by the transferee shall be subject to the terms of the agreement with the transferor.
 - (3) The court may order a Warehouse Receipt to be transferred where it is proved that there was an agreement to that effect between the transferor and the transferee (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

- Clause 64:
- (1) The transferee of a negotiable Warehouse Receipt for value and in good faith shall have the right to compel the transferor of such receipt to endorse the receipt in a case where the endorsement is essential for registration of the transferred interest.
 - (2) All negotiable Warehouse Receipts transferred shall be endorsed and the endorsed interest registered at the Central Registry.
 - (3) The endorsement, delivery or registration of a Warehouse Receipt in good faith shall not make the transferee liable for any default or fraudulent acts on the receipt occasioned by the Warehouse Operator or previous endorsers (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

- Clause 65:
- (1) The negotiation of transfer by delivery, endorsement and registration of new interest in the Warehouse Receipt for value, shall be an adequate proof or warranty for a third party purchaser for value without notice that the person who negotiates, transfers, delivers and in the case of non-negotiable warehouse receipts assigns that Warehouse Receipt does so because:
 - (a) the receipt is genuine; and
 - (b) has a legal right to negotiate, transfer or deliver the Warehouse Receipt.

- (2) The transfer of goods in a contract between the parties relating to a Warehouse Receipt implies that the goods involved are merchantable and fit for that particular purpose.
- (3) Warranty shall not be implied in respect of other liabilities endorsed on the Warehouse Receipt (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

PART VIII — ESTABLISHMENT OF THE CENTRAL REGISTRY

Clause 66: There is established a Central Registry for Warehouse Receipts (in this Bill referred to as "the Central Registry") which shall be operated by the Agency and located in the Federal Capital Territory, Abuja (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

- Clause 67:**
- (1) The Secretary to the Agency shall be the Registrar of the Central Registry and responsible for registering Warehouse Receipts or any transaction relating to a Warehouse Receipt issued under this Bill.
 - (2) The Agency may, with the approval of the Board, appoint a deputy Registrar and other officers to assist the Registrar in the discharge of its duties under this Bill, provided that both the Registrar and the deputy Registrar shall be legal practitioners of not less than ten years post call experience (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

- Clause 68:**
- (1) The Registrar shall receive and register Warehouse Receipts issued under this Bill and register any cancellation, modification, or endorsement to the Warehouse Receipts and do all such other things as the Board or the Agency may from time to time direct.
 - (2) A Warehouse Operator issuing a negotiable Warehouse Receipt shall at the cost or fee prescribed by the Agency cause the Warehouse Receipt to be registered at the Central Registry.
 - (3) An original duplicate copy of a Warehouse Receipt delivered by a Warehouse Operator to the Registrar for registration or otherwise may be registered in the manner prescribed by regulations (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

- Clause 69:**
- (1) A Warehouse Receipt issued in accordance with the provisions of this Bill shall be delivered to the Registrar for registration within fourteen days of issuance and transfer of interest shall be registered subject to regulations by the Agency within three working days of delivery and endorsement.
 - (2) A Certificate of Registration signed by the Registrar shall be conclusive evidence of registration of interest in a Warehouse Receipt (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

- Clause 70:**
- (1) The Registrar shall maintain a Register containing in a consecutive or chronological order all transactions carried on at the Central Registry.
 - (2) Provision shall be made at the Central Registry for on-line operations.
 - (3) The Agency may by regulations prescribe the modalities for on-line transactions at the Central Registry (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

- Clause 71:** The Agency shall make such regulations and rules as are necessary for the day to day operations of the Central Registry (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

PART IX — RESOLUTION OF DISPUTES

- Clause 72:**
- (1) Where a dispute exists relating to a Warehouse Receipt transaction exists between the depositor and Warehouse Operator, such dispute shall, first be referred to the Agency for settlement.
 - (2) In the settlement of a dispute the Agency may, afford the parties to such dispute, an informal hearing, to determine if a real dispute exists.
 - (3) Where the Agency is not able to resolve a dispute it shall refer the dispute to the Arbitral Panel (referred to in section 73 of this Bill) within twenty-one days of receipt of the notice of dispute (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

- Clause 73:**
- (1) For the purpose of resolving disputes under this Part, an Arbitral Panel shall be set up by the Agency in accordance with the provisions of the Arbitration and Conciliation Act Cap 18 Laws of the Federation of Nigeria, 2004.
 - (2) The Arbitral Panel shall determine any dispute referred to it by any of the party to the dispute or the Agency.
 - (3) The Arbitral Panel shall conclude hearing on a matter referred to it and deliver a decision within Ninety (90) days from the date of referral (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

- Clause 74:** If more than one person claims title to goods covered or purported to be covered by a Warehouse Receipt, the Warehouse Operator is permitted to delay the delivery until the Warehouse Operator has ascertained the validity, within a reasonable time, of the adverse claims or to bring an action to compel all claimants to interplead including compelling the interpleader, either in defending an action for non-delivery of the goods, or by original action, whichever is appropriate (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

Question that Clause 74 stands part of the Bill — Agreed to.

PART X — OFFENCES AND PENALTIES

- Clause 75:** (1) A person, who, after the commencement of this Bill and the expiration of the designated period under section 14 of this Bill, operates a commercial Warehouse without obtaining a license as required under this Bill, commits an offence and liable on conviction to a term of imprisonment not exceeding five years, or to a fine not below Three Million Naira or to both.
- (2) A person who continues to operate a commercial Warehouse after the suspension or revocation of its operating license in accordance with the provisions of this Bill commits an offence and liable on conviction to a term of imprisonment not exceeding five years or to a fine not exceeding Two Million Naira or to both (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

Question that Clause 75 stands part of the Bill — Agreed to.

- Clause 76:** A Warehouse Operator, its employee, agent, or servant who issues or aids in the issuance of a receipt knowing that the goods for which such receipt is issued have not been received by the Warehouse Operator, or are not under his direct control at the time of issuing such receipt, commits an offence and liable on conviction to a term of imprisonment not exceeding five years or to a fine not exceeding Five Million Naira or to both (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

Question that Clause 76 stands part of the Bill — Agreed to.

- Clause 77:** A Warehouse Operator, its employee, agent or servant who fraudulently issues or aids in the fraudulent issuance of a receipt for goods knowing that the receipt contains a false statement, commits an offence and liable on conviction to imprisonment for a term not exceeding three years or to a fine of not less than One Million Naira or to both (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

Question that Clause 77 stands part of the Bill — Agreed to.

- Clause 78:** (1) A Warehouse Operator, its employee, agent, or servant, who issues or aids in the issuance of a duplicate or additional negotiable receipt for the same goods or any part thereof which is outstanding an uncanceled, without plainly placing on the face of the Warehouse Receipt the word "Duplicate" commits an offence and liable on conviction to imprisonment for a term not exceeding five years or to a fine of not less than One Million Naira or to both fine and imprisonment.
- (2) The provision of this section shall not apply where a duplicate of a Warehouse Receipt is issued in accordance with the provisions of this Bill (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

Question that Clause 78 stands part of the Bill — Agreed to.

- Clause 79:** (1) Where there are deposited with or held by a Warehouse Operator goods of which he or his agent or servants are employees, owners without appropriate licensing, either solely or jointly or in common with others then such Warehouse Operator, his employees, agents or servants who, aware of this

ownership and issues or aids in issuing a negotiable receipt for such goods without the license to do so, commits an offence and shall on conviction be liable to a term not exceeding three years or to a fine not below five million Naira or to both.

- (2) A Warehouse Operator licensed to trade in goods which he stores, who fails to comply with the terms and conditions of such license shall be liable to a fine of the sum imposed by the Agency and revocation for its license to operate a commercial warehouse or such other conditions as the Agency may impose (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

Question that Clause 79 stands part of the Bill — Agreed to.

Clause 80: A Warehouse Operator, or any of its employee, agent or servant who delivers goods out of the possession of such Warehouse Operator, knowing that a negotiable receipt the negotiation of which would transfer the right to the possession of such receipt is outstanding and uncanceled, without obtaining possession of that Warehouse Receipt at or before the time of such delivery, and cancelling same, shall be liable to imprisonment for a term not exceeding two years, or to a fine of not less than five hundred thousand Naira or to both (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

Question that Clause 80 stands part of the Bill — Agreed to.

Clause 81: A person who:

- (a) deposits goods to which he has no title, or upon which there is a lien or mortgage;
- (b) takes for such goods a negotiable receipt which he afterwards negotiates for value with intent to deceive and without disclosing his want of title or the existence of lien or mortgage; commits an offence and liable on conviction to imprisonment for a term not exceeding seven years or to a fine not exceeding Five Million Naira or to both fine and imprisonment (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

Question that Clause 81 stands part of the Bill — Agreed to.

Clause 82: A person who obstructs a Warehouse Inspector or any other authorized person in the exercise of the power conferred upon him by this Bill or who neglects or refuses to produce to a Warehouse Inspector or any other authorized person, any goods, documents, book of accounts or other such records, commits an offence and liable on conviction to imprisonment for three months or to a fine not exceeding Five Hundred Thousand Naira (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

Question that Clause 82 stands part of the Bill — Agreed to.

Clause 83: A person who falsifies, tampers with or in any way alters a registered document, interest or records of the Central Registry commits an offence and liable on conviction to imprisonment for a term not exceeding seven years or to a fine of not less than Five Million Naira or to both fine and imprisonment (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

Question that Clause 83 stands part of the Bill — Agreed to.

Clause 84: A person who aids or abets the commission of an offence under this Bill commits an offence and is liable on conviction to imprisonment for a term of three years or a fine in the same amount as prescribed for the offence or to both fine and imprisonment (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

Question that Clause 84 stands part of the Bill — Agreed to.

Clause 85: A person who contravenes any of the provisions of this Bill, to which no specific penalty is provided shall be liable on conviction for every such offence to imprisonment for a term not exceeding two years or to a fine not below One Million Naira or to both (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

Question that Clause 85 stands part of the Bill — Agreed to.

PART XI — FINANCIAL PROVISIONS

Clause 86: The funds of the Agency shall consist of:

- (a) such sums of money as may be appropriated by the National Assembly;
- (b) moneys borrowed by the Agency;
- (c) moneys derived from the sale of Warehouse Receipt books; and
- (d) any other monies, gift or grants received by or donated or made available to the agency for the purpose of performing its functions by this Bill (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

Question that Clause 86 stands part of the Bill — Agreed to.

Clause 87: The Agency shall perform its functions in accordance with sound and internationally accepted financial principles (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

Question that Clause 87 stands part of the Bill — Agreed to.

Clause 88: The Agency shall open and maintain such bank accounts as are necessary for the performance of its functions in accordance with extant rules and regulations of the Federal Government (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

Question that Clause 88 stands part of the Bill — Agreed to.

Clause 89: The Agency may, with the approval of the Board, borrow such sums of moneys as may be required for the efficient discharge of its functions under this Bill (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

Question that Clause 89 stands part of the Bill — Agreed to.

Clause 90: (1) The Director-General shall, not later than four months before the end of each financial year, prepare and submit to the Board for approval, estimates of income and expenditure of the Agency for the next following financial year and may, at any time before the end of each financial year, prepare and submit to the Board for approval any estimate supplementary to the estimates of the current year.

- (2) No expenditure shall be made out of the funds of the Agency unless that expenditure is part of the expenditure approved by the Board under the estimates for the financial year in which that expenditure is to be made or in estimates supplementary to that year's estimates.
- (3) Such estimates as approved under subsection 1 of this section shall be presented to the National Assembly for annual budgetary appropriation (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

Question that Clause 90 stands part of the Bill — Agreed to.

- Clause 91:**
- (1) The Board shall ensure that the Agency keeps proper accounts and records of its transactions and affairs.
 - (2) The Board shall also ensure that:
 - (a) all monies received by the Agency are properly accounted for;
 - (b) all payments of monies are correctly made and properly authorized; and
 - (c) adequate control is maintained over the Agency's property and its expenditure.
 - (3) The Board shall cause to be prepared for each financial year, and not later than three months after the close of the financial year, a statement of accounts which shall include a report on the performance of the Agency during that financial year, comprising of a balance sheet, a profit and loss account and application of funds statement (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

Question that Clause 91 stands part of the Bill — Agreed to.

- Clause 92:**
- (1) The accounts of the Agency shall, in respect of each financial year, be audited by the Auditor General of the Federation or by an auditor appointed by the Auditor General of the Federation.
 - (2) The Board shall ensure that within four months after the close of each financial year, the statement of accounts referred to in subsection (3) of section 93 of this Bill is submitted for auditing.
 - (3) The Auditor General of the Federation or any auditor appointed by the Auditor General of the Federation shall have access to all books of accounts, vouchers and other financial records of the Agency and is entitled to any information and explanation required in connection with such books, vouchers or records.
 - (4) The Auditor General of the Federation shall, within two months after the receipt of the statement of accounts referred to in subsection (2) of this section, audit the accounts and deliver to the Board the audited account together with the Auditor's report.

- (5) The Board, shall as soon as possible upon receiving the audited account deliver to the Minister a copy of the audited accounts together with the auditor's report referred to in subsection (4) of this section and cause the audited account and report to be published in two national daily newspapers (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

Question that Clause 92 stands part of the Bill — Agreed to.

- Clause 93:** (1) The financial year of the Agency shall be in accordance with the Financial Year Act or in accordance with any other legislation passed by the National Assembly for that purpose.
- (2) Except that the first financial year of the Agency may be a shorter period commencing on the date on which the Agency is established and ending as nearly as close as is possible to the financial year end for that particular year, but not later than four months thereof, but if established any time from October in any year the first financial year end shall be the financial year end for the next year (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

Question that Clause 93 stands part of the Bill — Agreed to.

- Clause 94:** The Board shall not later than three months after the end of a financial year ensure that it prepares and widely publishes an annual performance report containing and reflecting an assessment of the Agency's performance of its goals for the year, complaints received and dealt with and such other issues as the Minister may from time to time direct the Board to report to the public (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

Question that Clause 94 stands part of the Bill — Agreed to.

- Clause 95:** The Agency shall cause to be prepared and submit to the Board within three months after the end of each financial year, an annual report on the activities and operations of the Agency for that financial year (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

- Clause 96:** The Minister may issue directives of a general nature or relating generally to particular matters, but not any particular individual person or to any particular case, with regard to the exercise by the Agency of its functions (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

Question that Clause 96 stands part of the Bill — Agreed to.

PART XII — MISCELLANEOUS PROVISIONS

- Clause 97:** The revocation or termination of a license pursuant to the provisions of this Bill shall not affect the validity of receipts issued under the license, and the Warehouse Operator shall continue to comply with the provision of this Bill with regard to receipts validly issued (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

Question that Clause 97 stands part of the Bill — Agreed to.

- Clause 98:**
- (1) Subject to regulations issued from time to time by the Agency, a Warehouse Operator shall subject to other provisions of this Bill, ensure that goods in its custody are at all times insured against all common perils such as but not limited to loss by fraud, theft, fire, employee infidelity, disasters including drought, flooding, sabotage, internal explosion, windstorm and any other disasters or perils and such other perils as the Agency may determine by regulations made under this Bill.
 - (2) A Warehouse Operator shall keep exposed in a conspicuous place in the Warehouse, a notice in bold letters stating briefly the conditions under which the goods are insured under this Bill.
 - (3) A Warehouse Operator shall take prompt steps as may be necessary and proper to collect any money which becomes due under a contract of insurance entered into by the Warehouse Operator for the purpose of fulfilling the insurance and bonding requirements under this Bill, and shall as soon as the money is collected, promptly pay any person entitled to receive the money.
 - (4) A Warehouse Operator shall where appropriate for the purpose of fulfilling the insurance and bonding requirements under this Bill, pay premiums, permit inspections and make reports as may be required under the terms of its contracts with insurance and bonding companies (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

Question that Clause 98 stands part of the Bill — Agreed to.

- Clause 99:** The Agency or its appointed agent may inspect any licensed Warehouse with a view to investigating and ascertaining the:
- (a) storage facilities in the Warehouse;
 - (b) classification of goods;
 - (c) weighing arrangement;
 - (d) certification of goods; and
 - (e) compliance with the provisions of this Bill (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

Question that Clause 99 stands part of the Bill — Agreed to.

- Clause 100:**
- (1) The Board may, by notice publish in the Gazette classify a licensed Warehouse in accordance with its:
 - (a) single or group of commodities which it is licensed to store;
 - (b) ownership;
 - (c) location;
 - (d) surroundings;
 - (e) capacity;
 - (f) conditions or other qualities; and

(g) such other classification as the Board may from time to time prescribe.

(2) The Board may prescribe different types of licenses that may be issued relating to different classes of Warehouses with a view to maintaining standards (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

Question that Clause 100 stands part of the Bill — Agreed to.

Clause 101: The Agency shall, in consultation with the Board, by notice publish in the Gazette, prescribe the fees to be charged in respect of:

- (a) examination and inspection of Warehouses;
- (b) licenses issued under the Act;
- (c) renewal of licenses;
- (d) issue of negotiable Warehouse Receipt books; and
- (e) carrying out and performing such other functions conferred on it under this Bill or by regulations made pursuant to this Bill (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

Question that Clause 101 stands part of the Bill — Agreed to.

Clause 102: A member of the Board or any employee or other person performing any function of the Agency under the direction of the Board shall not be personally liable for any civil proceedings or for any act or omission carried out in good faith, in accordance with the law, rules and regulations and in the regular performance of his or her functions (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

Question that Clause 102 stands part of the Bill — Agreed to.

Clause 103: (1) The Board may make regulations generally for the carrying out of the provisions and purposes of this Bill and may, in particular make regulations:

- (a) prescribing the procedures and limits of negotiation of a negotiable Warehouse Receipt;
- (b) prescribing a standard format of a Warehouse Receipt;
- (c) determining the standards or requirements for allowing a Warehouse Operator to sell or dispose of goods, which are perishable or hazardous;
- (d) determining the manner of keeping depositors goods in a Warehouse;
- (e) determining goods which may be mixed in the Warehouse receipt;
- (f) prescribing ways of recovering the Warehouse Operator's Lien by sale of goods;
- (g) prescribing conditions for the registration of the Warehouse;

- (h) prescribing conditions that may be inscribed on the Warehouse license;
 - (i) prescribing Warehouse registration and license application procedure;
 - (j) prescribing Warehouse registration and license appeal procedure;
 - (k) prescribing the qualifications of the employees that may be employed by a Warehouse Operator;
 - (l) prescribing procedure for dispute resolution pursuant to this Bill; and
 - (m) allowing Warehouse Operators to trade in goods they are licensed to store and prescribing detailed and strict conditions for such trade if and when allowed.
- (2) Regulations made pursuant to subsection (1) shall be published in the Official Gazette (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

Question that Clause 103 stands part of the Bill — Agreed to.

Clause 104: Interpretation.

In this Bill, unless the context otherwise requires:

"Agency" means the Nigerian Independent Warehouse Regulatory Agency established under section 1 of this Bill (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

"appropriate authority" or Minister means the Minister in charge of trade and investment (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

"Arbitral Panel or Panel" means the panel established under section 73 (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

"Board" means the governing board of the Agency established under section 2 of this Bill (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

"bond", has the meaning ascribed to it by section 18 of this Bill (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

"Central Registry" means the Central Registry established under section 66 of this Bill (Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency).

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

"commodity" under this Bill includes raw, conditioned, agricultural produce, solid minerals or products in liquid or gaseous form and such other goods as the Agency shall from time to time, following a viability study and after stakeholder consultation with approval of the Minister designate as commodities for storage in commercial Warehouse (Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency).

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

"commingle" means the storage of commodities by class, under circumstances other than identity preserved (Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency).

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

"conditioning" include the process of drying and cleaning of commodities (Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency).

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

"Court" means the Federal High Court (Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency).

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

"depositor" means any person who deposits a commodity in a Warehouse for storage, handling, or shipment, or who is the owner or legal holder of an outstanding Warehouse Receipt or who is lawfully entitled to possession of the commodity (Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency).

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

"delivery" means voluntary transfer of possession from one person to another (Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency).

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

"fungible goods" means goods of which any unit, from its nature or by mercantile custom, treated as equivalent of any other unit (Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency).

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

"goods" for the purposes of this Bill shall mean commodities (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

"holder" means a person who is in possession of a Warehouse Receipt whether negotiable or non- negotiable, and who has proprietary interest in the goods (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

"identity preserved" means the handling of a commodity in such a manner that guarantees the return of the actual quality and quantity of the commodity to the depositor (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

"license" means a license issued under this Bill and includes any renewals and amendments of the license except where the context otherwise requires (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

"licensed Warehouse" means any Warehouse for which the Agency, subject to other terms and requirements of the Act, has issued a license (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

"Minister" means the Minister responsible for trade and investment (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

"order" means an order by endorsement on the Warehouse receipt (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

"person" means any individual, corporation, two or more persons having a joint or common interest, or other legal or commercial entity (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

"prescribe" means prescribe in the regulations; President' means the President of the Federal Republic of Nigeria (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

"revocation" means the permanent removal of a Warehouse Operator's license by the Agency pursuant to the powers conferred on it under this Bill (Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency).

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

"suspension" means the temporary removal of a license actuated by any action or measure taken pursuant to the provisions of this Bill (Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency).

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

"Warehouse" or "commercial Warehouse" under this Bill mean any building, structure or other protected enclosure approved by the Agency to be used or useable, for the storage or conditioning of commodities or buildings used for storage purposes or including operation of a Warehouse which issue or purport to issue Warehouse receipt (Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency).

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

"Warehouse Operator" means a person registered under this Bill engaged in the business of operating a Warehouse for receiving, storing, shipping or handling of commodities for compensation and includes the agent or employee the scope of whose actual or apparent authority renders such person to exercise rights or become liable under the Act; and includes directors and shareholders of a limited liability company licensed under this Bill; and (Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency).

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

"Warehouse Receipt" means a document of title to specific goods of a certain quality and quantity stored in a licensed, bonded and named Warehouse which may be negotiable or non- negotiable (Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency).

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

Question that Clause 104 stands part of the Bill — Agreed to.

Clause 105: Citation.

This Bill may be cited as the Warehouse Receipts and Other Related Matters Bill, 2019 (Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency).

Question that Clause 105 stands part of the Bill — Agreed to.

SCHEDULE

MEETINGS OF THE BOARD

Convening Meetings

1. (1) The Chairman shall convene the first meeting of the Board as soon as is practicable after the appointment and inauguration of the Board and thereafter the Board shall meet for the transaction of business at times and places that may be decided upon by the Board but the Board shall meet once every three months.
- (2) The Chairman or, in the absence of the Chairman, a member of the Board appointed by the Board to act as Chairman may from time to time call a special meeting of the Board, or shall call a special meeting upon a written request by a majority of the members of the Board.
- (3) The Chairman shall preside at all meetings of the Board and in his or her absence, the members present may appoint a member from amongst themselves to preside at that meeting.

Quorum

2. The quorum at a meeting shall be seven members.

Decision Making

3. Questions proposed at a meeting of the Board shall be decided by a majority of votes of members present and if there is equality of votes, the person presiding shall have a casting vote in addition to his deliberative vote.

Disclosure of Interest

4. (1) A member of the Board who has any pecuniary interest in a matter being considered or about to be considered by the Board shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest to the Board.
- (2) A disclosure of interest under subparagraph (1) of this paragraph shall be recorded in the minutes of the meeting of the Board and the member making the disclosure shall not, unless the Board otherwise determines in respect of that matter:
 - (a) be present during any deliberation on the matter by the Board; and
 - (b) take part in the decision making of the Board on the matter.
- (3) For the purpose of the making of a decision by the Board under subparagraph (2) of this paragraph the member who has made the disclosure shall not:
 - (a) be present during the deliberations of the Board for the making of that determination; and
 - (b) influence any other member or take part in the making of the determination by the Board.

Co-option of Persons to Meetings of the Board

5. (1) The Board may co-opt any person to any meeting of the Board to assist it on any matter if the Board is satisfied that such person's qualifications and experience are likely to benefit the Board.
- (2) A person co-opted to assist the Board under subparagraph (1) of this paragraph is entitled to take part in the proceedings of the Board at the meeting concerning the matter in connection with which he or she is co-opted, but is not entitled to vote or take part in other proceedings of the Board.

Minutes of Meetings

6. (1) The Board shall cause the minutes of its meetings to be recorded and kept and the minutes of each meeting shall be reviewed and adopted by the Board at the next meeting and signed by the Chairman of the meeting.
- (2) The Chairman of the Board shall submit to the Minister a copy of the minutes of each meeting as soon as the minutes have been reviewed and adopted.

Board to Regulate its Own Procedure

7. Subject to the provisions of this Schedule, the Board may regulate its own proceedings.

Seal of the Agency

8. (1) The Common seal of the Agency shall be such device and in such form as the Board may determine and shall be authenticated by the signatures of the Director-General and the Secretary.
- (2) In the absence of the Director-General, the person performing the functions of the Director-General shall sign.
- (3) The signature of the Director-General shall be independent of the signing by any other person as a witness.
- (4) Every document purporting to be an instrument issued by the Agency and to be sealed with the seal of the Agency authenticated in the manner prescribed in subparagraphs (2) and (3) of this paragraph shall be received in evidence and be deemed to be such an instrument without further proof unless the contrary is shown.
- (5) The seal of the Agency shall be kept in the custody of the Secretary (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Long Title:

A Bill for an Act to Establish the Nigerian Independent Warehouse Regulatory Agency and Other Related Matters (HB. 116) (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in Committee of the Whole considered the Report on a Bill for an Act to Establish the Nigerian Independent Warehouse Regulatory Agency; and for Related Matters (HB. 116) and approved Clauses 1 - 105, 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.

- (ii) *A Bill for an Act to Provide for the Suppression of Piracy and Other Maritime Offences, give effect to the Provisions of the United Nations Convention on the Law of the SEA (UNCLOS), 1982, the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA) 1988 and its Protocols; and for Related Matters (HB. 1571) (Committee of the Whole):*

Motion made and Question proposed, "That the House do consider the Report on a Bill for an Act to Provide for the Suppression of Piracy and Other Maritime Offences, give effect to the Provisions of the United Nations Convention on the Law of the SEA (UNCLOS), 1982, the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA) 1988 and its Protocols; and for Related Matters (HB. 1571) and approve the recommendations therein" (Hon. Olabode Ayorinde — Owo/Ose Federal Constituency).

Agreed to.

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

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

A BILL FOR AN ACT TO PROVIDE FOR THE SUPPRESSION OF PIRACY
AND OTHER MARITIME OFFENCES, GIVE EFFECT TO THE PROVISIONS OF THE
UNITED NATIONS CONVENTION ON THE LAW OF THE SEA (UNCLOS), 1982 THE
CONVENTION FOR THE SUPPRESSION OF UNLAWFUL ACTS AGAINST THE
SAFETY OF MARITIME NAVIGATION (SUA) 1988 AND IT'S PROTOCOLS,
AND FOR RELATED MATTERS (HB. 1571)

PART I — ACTS OF PIRACY AND PROSECUTION OF MARITIME OFFENCES**Clause 1: Objectives of this Bill.**

The objective of this Bill is to prevent and suppress piracy, armed robbery and any other unlawful act against a ship, aircraft and any other maritime craft, howsoever propelled, including fixed or floating platform (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 2: Application of this Bill.

(1) This Bill applies to any person on board a —

- (a) ship or aircraft navigating in, on or above the territorial and internal waters of Nigeria or on or above international waters; or
- (b) fixed or floating platform in, on or above the territorial and internal waters of Nigeria or on or above international water.

- (2) This Bill applies, in the following circumstances, to a person, ship, aircraft in on or above international water in —
- (a) relation to Piracy; and
 - (b) the case of any' other offence under this Bill, where the —
 - (i) offender or alleged offender is found outside Nigeria but is in the territory of a State Party to the SUA Convention or any other similar Convention to which Nigeria is a Party, and
 - (ii) offence has been committed on board a ship or vessel flying the flag of a Party to the SUA Convention.
- (3) Where a state of armed conflict exists to which Nigeria is either a Neutral Party or is a Party to the armed conflict and the conflict has a maritime aspect involving Nigeria, the Laws of Armed Conflict shall apply in addition to the provisions of this Bill.
- (4) Where during such conflict, any of the provisions of this Bill is inconsistent with the Law of Armed Conflict, then the Law of Armed Conflict shall have priority and the provisions of this Bill shall be applied in a manner to make them compliant with the Law of Armed Conflict (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 3: Acts of piracy.

Piracy consists of any —

- (a) illegal act of violence, act of detention, or any act of depredation, committed for private ends by the crew or any passenger of a private ship or private aircraft and directed —
 - (i) in International Waters against another ship or aircraft or against a person or property on board the ship or aircraft, or
 - (ii) against a ship, aircraft, person or property in a place outside the jurisdiction of any State;
- (b) act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft; and
- (c) act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b) of this section (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 4: Maritime offences and unlawful acts at sea.

A maritime offence includes armed robbery at sea and any other act, other than piracy under this Bill, committed by any person or group of persons where that person or group of persons or their sponsors unlawfully within the Nigerian Maritime Zone or Nigerian Jurisdiction —

- (a) seizes or exercises control over any ship, aircraft, fixed or floating platform or cargo by force or threat or any other form of intimidation;
- (b) performs any act of violence against a person on board a ship, an aircraft or a fixed or floating platform If that act is likely to endanger the safe navigation of the ship or aircraft or the safety of the fixed or floating platform;
- (c) destroys a ship or an aircraft or causes damage to a ship or an aircraft or to its cargo which is likely to endanger the safe navigation of the ship or aircraft or destroys a fixed or floating platform or causes damage to it, which may likely endanger its safety;
- (d) places or causes to be placed on a ship, an aircraft, or a fixed or floating platform by any means whatsoever, a device or substance which is likely to destroy the ship or aircraft or cause damage to the ship or aircraft or its cargo or which endangers or is likely to endanger the safe navigation of the ship or aircraft;
- (e) destroys or damages any maritime navigational facility or seriously interferes with its operation, if any such act is likely to endanger the safe navigation of a ship or an aircraft or the safety of a fixed or floating platform; ,
- (f) communicates information which he knows to be false, thereby endangering the safe navigation of a ship or an aircraft or the safety of a fixed or floating platform;
- (g) receives, whether or not as a bank or other financial institution, or demands ransom or any other monetary payment in respect of or in connection with piracy or any other maritime offence or unlawful act under this Bill;
- (h) falsely pretends to have suffered or become a victim of piracy, any maritime offence or unlawful act under this Bill, whether or not the false pretence is for the purpose of demanding or receiving ransom or other monetary payment;
- (i) when the purpose of the act, by its nature or context, is to intimidate a population, or to compel whether a Local, State or the Federal Government in Nigeria or an international organisation, to do or abstain from doing any act;
- (j) uses against or on a ship, an aircraft or a fixed or floating platform or discharges from a ship, an aircraft or a fixed or floating platform any explosive, radioactive material or BRCN weapon in a manner that causes or is likely to cause death or serious injury or damage;
- (k) discharges or allows to escape, from a ship, an aircraft or a fixed or floating platform, oil, petroleum products, liquefied natural gas, or any other hazardous or noxious substance in a quantity or concentration that causes or is likely to cause death or serious injury or damage;
- (l) uses a ship or an aircraft in a manner that causes death or serious injury or damage;

- (m) threatens, with or without a condition, whether as to ransom or otherwise, aimed at compelling a physical or juridical 'person to do or refrain from doing any act or to commit any of the unlawful acts specified in this section, if that threat is likely to endanger the safe navigation of a ship or an aircraft or the safety of a ship or a fixed or floating platform; or
- (n) transports on board a ship or an aircraft —
 - (i) any explosive or radioactive material, knowing that it is intended to be used as a threat or to cause death or serious injury or damage for the purpose of intimidating a population or compelling a Local, State or the Federal Government or an international organisation to do or abstain from doing any act;
 - (ii) any BRCN weapon, knowing it to be a BRCN weapon as defined in this Bill; or any source material, special fissionable material, equipment or material especially designed or prepared for the processing, use or production of special fissionable material, knowing that it is intended to. be used in a nuclear explosive activity or any other nuclear activity not under safeguards to an International Atomic Energy Agency comprehensive safeguards agreement, and
 - (iii) any equipment, material software or related technology that significantly contributes to the design, manufacture or delivery of a BRCN weapon, with the intention that it will be used for such purpose; provided that it shall not be an offence under this Bill, if any item is transported to and from the territory of or under the control of a State Party to the Treaty on the Non-Proliferation of Nuclear Weapons, where the resulting transfer, receipt or the holding of such items is not contrary to the State Party's obligations under that Treaty;
- (o) transports another person on board a ship or aircraft knowing that the person committed an act that constitutes an offence defined as piracy or unlawful act under this Bill or intending to assist that person to evade criminal prosecution;
- (p) injures or kills any person in connection with the commission of any of the offences specified in this section or seizes, detains and threatens to kill, injure or continue to detain another person taken hostage in order to compel a third party namely a State or an international organisation or a natural or juridical person or a group of persons, to abstain from doing any act as an explicit or implicit condition for the release of the hostage;
- (q) attempts to commit, or participates as an accomplice in, or organises or directs others to commit an act specified in this section or contributes to the commission of one or more of the offences specified in this section by a group of persons acting with a common purpose of intentionally and with the aim of furthering the criminal activity or criminal purpose of the group, where such activity or purpose involves the commission of the offence; and
- (r) receives by any means directly or indirectly, or either keeps or transfers sells or aids in. concealing' or in disposing of any money, cargo or property, ransom or proceeds of piracy or an unlawful act, whether or not used to carry out any offence under this Bill, and does not immediately after such receipt or collection, report same to the relevant authority (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 5: Trial of offences.

- (1) Subject to the provisions of the Constitution and the Administration of Criminal Justice Act that relates to the powers of prosecution by the Attorney-General of the Federation, prosecution of all offences under this Bill shall be undertaken by —
 - (a) the Attorney-General of the Federation;
 - (b) any Law Officer so designated from the Attorney-General of the Federation's office; or
 - (c) the Agency, with the consent of the Attorney-General of the Federation.
- (2) The Federal High Court of Nigeria shall, to the exclusion of all other Courts, have jurisdiction to hear and determine any matter under this Bill.
- (3) The Court may try any of the offences under this Bill, where it is committed —
 - (a) against or on board a ship registered in Nigeria or flying the Nigerian flag at the time the offence was committed;
 - (b) against or on board a fixed or floating platform located on the Continental-Shelf of Nigeria;
 - (c) against a Citizen of Nigeria;
 - (d) in Nigerian territory including its territorial waters;
 - (e) by a Nigerian citizen; or
 - (f) in the case of piracy, against any ship or aircraft outside the territorial waters of Nigeria or in international waters (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 6: Additional bases of assuming jurisdiction.

- (1) In addition to the jurisdiction conferred under Section 5 of this Bill, proceedings may be commenced against a person for an offence under this Bill, where the alleged offence —
 - (a) was committed on board a ship —
 - (i) on, or scheduled to engage in an international voyage; or
 - (ii) in the international sea or internal waters of a foreign country; and
 - (b) had a Nigerian element or an UNCLOS or SUA Convention element or involves several elements part of which relate to Nigeria.

- (2) For the purposes of this section, an offence under this Bill has a Nigerian element where the —
- (a) ship concerned is a Nigerian ship;
 - (b) offence was committed against a citizen of Nigeria; or
 - (c) alleged offender is a citizen of Nigeria.
- (3) For the purposes of this section, an offence under this Bill has SUA Convention element where any of the following circumstances apply —
- (a) the ship-concerned is a ship flying the flag of a State Party to the SUA Convention;
 - (b) the ship concerned was in the territorial sea or internal waters of a Party to the SUA Convention;
 - (c) the alleged offender is a national of a State Party to the SUA Convention;
 - (d) the alleged offender is stateless and habitually resident in a SUA Convention State;
 - (e) during the commission of the alleged offence, a national of a Party to the SUA Convention was seized, threatened, injured or killed; and
 - (f) the alleged offence was committed in an attempt to compel a Party to the SUA Convention to do or to abstain from doing any act.
- (4) For the purposes of this section, an offence under this Bill has an UNCLOS element where any of the offences committed relates to the offences created or provided for by UNCLOS (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 7: Seizure of vessels or aircraft used for maritime offences.

- (1) A member of the relevant authority may seize —
- (a) a ship or aircraft that is reasonably believed to be a pirate-controlled ship or aircraft, or other vessel associated with an offence under this Bill; or
 - (b) anything that appears to be connected with the commission of an offence under this Bill.
- (2) A seizure may be effected —
- (a) anywhere in Nigeria;
 - (b) in, on or above international waters; or
 - (c) in, on or above a place beyond the Jurisdiction of any country.

- (3) In international waters, or in any other place outside the jurisdiction of Nigeria's territorial waters, any pirate ship or aircraft taken by pirates and that is under their control and the property and cargo on board shall be seized and the persons or pirates onboard arrested and prosecuted subject to the rights of third parties acting in good faith.
- (4) The acts stated in this section shall only be undertaken and effected by a ship or aircraft of the relevant authority clearly marked and identifiable as being on Government service and authorised to that effect (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 8: Arrest, Custody and Preliminary Inquiry into the facts of the Offences.

- (1) Where a person is arrested on reasonable suspicion of having committed any offence under this Bill, the relevant law enforcement or authorised official may direct that the person arrested be detained in custody for a reasonable period of time from his arrest.
- (2) The person referred to in subsection (1) of this section shall either be taken into custody or other measures shall be taken against him in order to ensure his presence for such time as may be necessary to enable any criminal or extradition proceedings be instituted against him.
- (3) Notwithstanding subsections (1) and (2) of this section, a preliminary inquiry shall be made into the facts of the offence; provided that the offender or alleged offender shall be entitled to —
 - (a) communicate without delay with the nearest appropriate representative of his country or a country which is otherwise entitled to establish such communication, or if he is a Stateless person, the country in which he has his habitual residence; and
 - (b) be visited by a representative of his country or the country in which he habitually resides if he is stateless.
- (4) The rights conferred by subsection 3 of this section shall be exercised in accordance with the Constitution and other relevant laws (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 9: Notification of custody, detention and report of findings of preliminary inquiry.

- (1) The court may, pursuant to an *ex-parte* application, grant an order for the detention of a suspect arrested under this Bill for a period not exceeding 90 days subject to renewal for a similar period until the conclusion of the investigation and detention is dispensed with.
- (2) Any law enforcement or authorised official may use reasonable force as may be necessary for the exercise of the powers conferred by subsection (1) of this section.
- (3) Any person found in any premises, place or conveyance, may be detained by the relevant law enforcement or authorised official until the completion of the search or investigation under this Bill.

- (5) Where an alleged offender has been taken into custody within Nigeria's jurisdiction, the Agency shall —
- (a) notify any State Party to the SUA Convention that has established jurisdiction over the alleged offender in custody in accordance with section 6 of this Bill or has an interest in him on circumstances warranting his detention; and
 - (b) promptly give a report of its preliminary findings or inquiry as to whether jurisdiction is intended to be exercised or not (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

PART II — OFFENCES/PUNISHMENTS, FORFEITURE AND RESTITUTION

Clause 10: Offences by persons and ships.

Notwithstanding anything contained in any other Act, any person who commits or attempts to commit, facilitates, aids, abets, conspires, or participates in —

- (a) an act of Piracy; or
- (b) any maritime offence or unlawful act under this Bill, shall be liable, on conviction, to any penalty or punishment as provided for under this Bill (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 11: Exclusion of certain acts.

It shall not be an offence under this Bill to transport —

- (a) an item or material which is of any source material, special fissionable material, or equipment or material especially designed or prepared for the processing, use or production of special fissionable material, knowing that it is intended to be used; or
- (b) any equipment, material, software or related technology that significantly contributes to the design, manufacture or delivery of a BRCN weapon, which relates to nuclear weapon or other nuclear explosive device, intended to be used for the purpose specified in paragraph (a) of this section, provided that it is intended to be used in a nuclear explosive activity or any other nuclear activity not under any of the safeguards pursuant to an International Atomic Energy Agency comprehensive safeguards agreement, where such item, material or equipment is transported to or from the territory of, or is otherwise transported under the control of a State party to the Treaty on the Non-Proliferation of Nuclear Weapons where the —
 - (i) resulting transfer or receipt, including internal by Nigeria, of the item or material is not contrary to Nigeria's or a State Party's obligations under the Treaty on the Non-Proliferation of Nuclear Weapons; and

- (ii) item or material is intended for the delivery system of a nuclear weapon or other nuclear explosive device of Nigeria or State Party to the Treaty on the Non-Proliferation of Nuclear Weapons, and the holding of such weapon or device is not contrary to Nigeria's or such State Party's obligations under the Treaty (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 12: Punishments for piracy, maritime offences and other unlawful acts.

- (1) Any person who commits an act of piracy, armed robbery at sea or any other unlawful act under this Bill, whether or not he was armed with a firearm or other weapon during the commission of the offence, shall be liable on conviction to life imprisonment and to a fine of not more than ₦50,000,000, in addition to the restitution to the owner or forfeiture to the Federal Government of Nigeria of whatever the person has obtained or gained from the commission of the crime.
- (2) Where any person —
 - (a) commits a maritime offence, armed robbery at sea or unlawful act apart from piracy, depending on the nature and severity of the maritime offence and during the commission of the offence was in possession of or had under his control any firearm, explosive, or BRCN weapon, shall be liable on conviction to not less than 15 years imprisonment, in addition to and without prejudice to the restitution to the owner or forfeiture to the Federal Government of Nigeria of whatever property or gains he has obtained from the maritime offence or unlawful act; and
 - (b) referred to in subsection (1) of this section, causes —
 - (i) grievous bodily harm to another person during the commission of an offence under this Bill, or was in the company of any person who caused grievous bodily harm to any person during the commission of an offence under this Bill, shall be liable on conviction to not less than 15 years imprisonment, in addition to and without prejudice to the restitution to the owner or forfeiture to the Federal Government of Nigeria of whatever property or gains he has obtained from the piracy or unlawful act, and
 - (ii) the death of any person shall, on conviction be liable to life imprisonment without the possibility of parole, in addition to and without prejudice to the restitution to the owner or forfeiture to the Federal Government of Nigeria of whatever property or gains he has obtained from the piracy or unlawful act.
- (3) Any body corporate or entity that commits an offence of —
 - (a) piracy, shall be liable on conviction to a fine of not less than ₦500,000,000 and each of its directors or principal officers or any person responsible for its management and control, shall be liable to a fine of not less than ₦100,000,000 and imprisonment for not less

than 15 years each in addition to the restitution to the owner or forfeiture to the Federal Government of Nigeria of whatever property or gains it has, or such officers have, obtained from the piracy;

- (b) any other maritime offence or unlawful act as defined under this Bill, shall be liable on conviction to a fine of not less than ₦350,000,000 and each of its directors or principal officers or any person responsible for its management and control shall be liable to a fine of not less than ₦100,000,000 each and imprisonment for not less than 12 years each, in addition to the restitution to the owner or forfeiture to the Federal Government of whatever property or gains it has or such officers have obtained from the maritime offence or the unlawful act;
- (c) a pirate ship, aircraft or property seized or forfeited due to an act of piracy shall be subject to the rights of third parties acting in good faith; provided that where the seizure of a ship or an aircraft on suspicion of piracy has been effected without reasonable grounds, the relevant authority deploying the law enforcement or authorised official making the seizure shall be liable to pay damages to the party whose aircraft, ship or property was illegally seized, for any loss or damage caused by the seizure or forfeiture;
- (d) any Commander, or crew member of a government ship or aircraft, or any officer of a relevant authority, who —
 - (i) aids, abets, or counsels the commission of any offence under this Bill;
 - (ii) threatens to commit an offence under this Bill; or
 - (iii) who becomes an accessory after the fact to an offence under this Bill,

commits an offence under this Bill and shall be liable on conviction to not less than 15 years imprisonment, in addition to the restitution to the owner or forfeiture to the Federal Government whatever the person has obtained or gained from the commission of the crime; and

- (e) any owner, Master, crew member, seafarer, passenger or person who allows or permits any ship, aircraft, fixed or floating platform, cargo or other property or place occupied by him or which he has control or possession of, to be used for the purpose of keeping an owner, master, crew member, seafarer or person kidnapped or to be kidnapped, abducted or taken hostage on board a ship, commits an offence and shall on conviction be liable on conviction to not less than 21 years imprisonment and a fine of not less than ₦250,000,000 (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 13: Punishment for attempted piracy, maritime offences and other unlawful acts.

(1) Any person who attempts to commit —

- (a) any act of piracy shall be liable on conviction to not less than 12 years imprisonment and to a fine of not less than ₦100,000,000;

- (b) a maritime offence or any other unlawful act shall on conviction be liable to 10 years imprisonment and to a fine of not less than ₦75,000,000;
- (c) where any person referred to in subsection (1) of this section —
 - (i) was during the commission of the offence in possession of or had under his control any firearm, explosive, or BRCN weapon, he shall on conviction be liable to not less than 5 years imprisonment and to a fine of not less than ₦100,000,000,
 - (ii) causes grievous bodily harm to any person during the commission of an offence under this Bill, or acted in company of any person who caused grievous bodily harm to any person during the commission of an offence under this Bill, the person shall on conviction be liable to not less than 15 years imprisonment and to a fine of not less than ₦150,000,000;
- (c) intentionally causes the death of any person shall on conviction, be liable to life imprisonment and to a fine of not less than ₦250,000,000, in addition to the restitution to the owner or forfeiture to the Federal Government of whatever property or gains obtained from the act;
- (d) any person who —
 - (i) carries out any act intended to aid, abet, conspire, counselor procure the commission of any maritime offence as defined under this Bill, or threatens to commit any such act, or
 - (ii) becomes an accessory after the fact to any maritime offence or any other unlawful act commits an offence under this Bill and shall be liable on conviction to not less than 12 years imprisonment and to a fine of not less than ₦75,000,000; and
- (e) nothing in this Bill shall preclude the taking of civil action by an aggrieved person against any person that is convicted under this Bill in the case of loss or damage to property or loss of life or injury that the convicted person caused in connection with an incident of piracy or unlawful act (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 14: Wilful destruction of evidence.

Any person who wilfully sells, destroys, materially alters or otherwise disposes of any substance, equipment or property seized pursuant to investigation and intended for criminal prosecution under this Bill save by an order of the Court with jurisdiction to adjudicate on the offences under this Bill, commits an offence and, shall, on conviction, be sentenced to a term of not less than 12 years imprisonment and restitution for the value of any property destroyed or altered (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 15: Obstruction.

(1) Any person who —

- (a) obstructs any law enforcement or authorised official in the exercise of any of the powers or duties conferred or imposed on the law enforcement or authorised official under this Bill; or
- (b) fails to comply with any lawful enquiry or requirement made by any law enforcement or authorised official in accordance with the provisions of this Bill, commits an offence and is liable on conviction to imprisonment of not less than 10 years and a fine of not less than ₦5,000,000.

(2) In this section, obstruction includes —

- (a) willfully or knowingly participating in, or having knowledge of and failing to report, the destruction, mutilation, concealment, substitution, falsification, alteration, false representation, written or orally, of any statement, document, electronic device, telecommunication device or message, or physical object with the intent to 'impede, divert, stall, destroy, or influence the activities of any prosecutor, law enforcement or authorised official in the exercise of any of the powers or duties conferred upon them under this Bill;
- (b) acts in a manner which represents an intention, suspicion, or attempt to carry out any of the instances in sub-section (1) of this section;
- (c) the use of corruption, written or oral threat of force or assault, acts of coercion, to affect the proper process of investigation and the due administration of justice by any suspect against prosecutors, law enforcement or authorised officials in the exercise of any of the powers or duties conferred by this Bill;
- (d) the refusal to act or speak, to provide aid, assistance, or evidence to a prosecutor or law enforcement or authorised official in the exercise of any of the powers or duties conferred by this Bill; and
- (e) the intention or physical attempt, orally or in writing of any law enforcement or authorised official, prosecutors, judges, elected officers, government official, civil or public servant, member of the armed forces or any joint task force operating under this Bill, to tamper with or suppress evidence or act in any manner mentioned in paragraphs (a), (b), (c), and (d) of this sub section in order to affect an investigation, process of justice, record keeping or the activities of any prosecutor or law enforcement or authorised official in the exercise of the powers or duties conferred by this Bill (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

PART III — INCIDENT REPORTING AND EVIDENCE PRESERVATION

Clause 16: Reporting of incidents of piracy, maritime offences and other unlawful acts.

- (1) Any incident, which may constitute an offence under this Bill shall be reported by any of the following persons or entities, provided the person or the entity has knowledge of the incident —
 - (a) the Master;
 - (b) the ship-owner or manager;
 - (c) the crew representative;
 - (d) the cargo representative;
 - (e) the insurers;
 - (f) the relevant authority; and
 - (g) any other person having knowledge of the incident.
- (2) The report shall be —
 - (a) made without delay to the relevant authority after having the knowledge of the incident; and
 - (b) sent to the Agency in the form provided for by the Agency.
- (3) Any of the persons listed in subsection (1) of this section may file a joint report or forward with a comment on the report the occurrence made by another listed person or entity.
- (4) The Agency shall make and send a report of the circumstances concerning, each incident or offence, the action taken and measures taken in relation to the offender or alleged offender and the result of any extradition proceedings or other legal proceedings or prosecution of the offender or alleged offender without delay and in the required formats, to the Secretary-General of the International Maritime Organisation (IMO).
- (5) Where a person has information, which he knows or believes, will be of material assistance in —
 - (a) preventing the commission by any person or an organisation of an act of piracy or maritime offences or other unlawful act under this Bill, or
 - (b) securing the apprehension, prosecution or conviction of another person for an offence under this Bill, but fails to disclose such information to any law enforcement or relevant authority as soon as reasonably practicable, such a person commits, an offence under this Bill and shall be liable on conviction to a fine of not less than ₦5,000,0000.
- (6) Notwithstanding subsection (5) of this section, a person shall not be liable in respect of any information disclosed to a legal practitioner based on his belief or suspicion, which he obtained in privileged circumstances.

- (7) For the purpose of subsection (6) of this section, information is obtained by a legal practitioner in privileged circumstances, where it is disclosed to him by-
- (a) his client in connection with the provisions of legal advice, not being a disclosure with a view to furthering a criminal purpose; or
 - (b) any person for the purpose of actual or contemplated legal proceeding and not with a view to furthering a criminal purpose
(*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 17: Coordination of maritime activities.

- (1) The Minister shall provide support to the relevant authority to prevent and combat piracy, maritime offences and any other unlawful acts prohibited by this Bill.
- (2) The Agency shall under the supervision of the Minister, be the coordinating body for all maritime activities under this Bill and shall —
 - (a) ensure the effective formulation and implementation of a comprehensive maritime strategy;
 - (b) collaborate with the Navy to build capacity for the effective discharge of all relevant security, intelligence and law enforcement under this Bill or any other law on maritime offences in Nigeria; and
 - (c) do any other act as may be necessary for the implementation this Bill.
- (3) The law enforcement and security agencies shall be responsible for the gathering of intelligence, patrolling the waters and investigating the offences provided for under this Bill.
- (4) In addition to subsection (3) of this section, the law enforcement agencies shall have power to —
 - (a) enforce the provisions of this Bill;
 - (b) adopt any measure to prevent and combat maritime crime within Nigeria's territory;
 - (c) facilitate the detection and investigation of maritime offences and other unlawful acts;
 - (d) establish, maintain and secure domestic, regional and international communication to facilitate the rapid exchange of information concerning maritime crime;
 - (e) conduct research with the aim of improving preventive measures to efficiently and effectively combat maritime offences and other unlawful acts; and

- (f) partner with any other maritime stakeholder, West African neighbours, and other Nigerian maritime stakeholders to provide the necessary education, support, information, awareness and sensitization towards the prevention and elimination of maritime offences and other unlawful acts.
- (5) Subject to the provision of this Bill, any of the law enforcement agencies shall have the power to —
- (a) investigate, whether any person or entity has directly or indirectly committed an offence or is about to commit an offence or has been involved in the commission of an offence under this Bill or any other law;
 - (b) execute a search warrant as granted by the courts authorising any of its officials or any other law enforcement officials to enter into any vessel, aircraft, tanker, premises or conveyance for the purpose of conducting searches in furtherance of its functions under this Bill or under any other law;
 - (c) investigate, arrest and provide evidence for the prosecution of any maritime offender or any other maritime law;
 - (d) seize, freeze or maintain custody of any maritime offender's property or fund for the purpose of investigation, prosecution or recovery of any property or fund, which the law enforcement and security agencies reasonably believe to have been involved in the preparation of maritime crime activities in Nigeria or outside Nigeria;
 - (e) seal up any premises upon reasonable suspicion that the premises is being used or involved in connection with maritime crime;
 - (f) adopt measures to identify, trace, freeze, seize maritime crime properties as required by the law and seek for the confiscation of proceeds derived from a maritime offence whether situate within or outside Nigeria;
 - (g) request or demand for, and obtain from any person, agency or organisation, information, including any report or data that maybe relevant to its functions; and
 - (h) appoint an expert or a professional, where necessary, to execute the powers required in furtherance to its functions under this Bill.
- (6) The law enforcement agencies may initiate, develop or improve on specific training programmes for its officers charged with the responsibility for the prevention, detection investigation, elimination and prosecution of maritime crime in Nigeria (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 18: Power to enter agreements, arrangements, etc.

The Agency may enter into cooperation agreements or arrangements with any national or international body, other intelligence, law enforcement or security agencies or organisations, which in its opinion, will facilitate the discharge of its functions under this Bill (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 19: Piracy and Maritime Offences Fund.

- (1) The Agency shall, under the supervision of the Minister, establish and maintain a Fund to be known as the Piracy and Maritime Offences Fund (hereinafter referred to as "the Fund").
- (2) The Fund shall be used for the implementation of this Bill.
- (3) There shall be paid and credited to the Fund-
 - (a) such monies as may in each year be approved by the Federal Government for the implementation of the Act;
 - (b) gifts, financial contributions by beneficiaries of the services of the maritime law enforcement agencies' duties under this Bill;
 - (c) 35% of the proceeds of the sales of any property seized and anything forfeited under this Bill including instruments used in the commission of crimes and of criminal activity under this Bill;
 - (d) contribution from the maritime fund under the Nigerian Maritime Administration and Safety Agency Act 2007; and
 - (e) contribution from the Cabotage Vessel Financing Fund under the Coastal and Inland Shipping (Cabotage) Act, 2003.
- (4) The Agency shall keep proper accounts in the form which conforms with accepted standards of its receipts, payments, assets and liabilities concerning the performance of its duties under this Bill and shall submit the accounts annually for auditing by a qualified auditor in accordance with the guidelines of the Auditor General for the Federation (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

PART IV — MISCELLANEOUS**Clause 20: Power to make Regulations and Guidelines.**

- (1) The Minister may make or cause to be made by the Agency, Regulations or Guidelines for the implementation of any of the provisions of this Bill.
- (2) The Regulations or Guidelines made pursuant to this Bill shall not have effect and come into force until published in the Federal Government official Gazette (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 21: Consequential amendment.

Any provision of any existing Act or its subsidiary legislation with respect to piracy or any unlawful act that overlaps with or that is inconsistent or is in conflict with any of the provisions of this Bill is repealed with effect from the commencement of this Bill if it relates to any matter under this Bill or shall be read in conformity with the provisions of this Bill (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 22: Interpretation.

In this Bill, unless the context otherwise requires —

"Agency" means the Nigerian Maritime Administration and Safety Agency established under the Nigerian Maritime Administration and Safety Agency Act, 2007 (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

"Aircraft" means an airplane, helicopter, or other machine capable of flight (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

"Armed Robbery at Sea" includes any illegal act of violence or detention or any act of depredation or threat thereof other than an act of piracy, directed against a ship or an aircraft or against persons or property onboard such a ship or an aircraft, committed within the Nigerian internal waters and territorial waters; and for the purpose of criminalization and punishment, all acts of armed robbery at sea are deemed to be included within the meaning of "Unlawful Act" in this Bill (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

Question that the meaning of the words "Armed Robbery at Sea" be as defined in the interpretation to this Bill — Agreed to.

"Bank" has the same meaning as defined in section 66 of the Banks and Other Financial Institutions Act, 2004 (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

"BRCN Weapon" means Biological Radiological Chemical Nuclear Weapon and it includes —

- (a) a biological weapon which, is microbial or any other biological agent, or a toxin whatever its origin or method of production, of types and in quantities that have no justification for prophylactic protective or any other, peaceful purpose; or a weapon, equipment or any means of delivery designed to use the agent or toxin for a hostile purpose or in armed conflict;
- (b) chemical weapons, which is together or separately toxic chemicals and their precursors, except where intended for —

- (i) industrial, agricultural, research, medical, pharmaceutical or other peaceful purposes,
 - (ii) protective purposes, particularly purposes' that are directly related to protection against toxic chemicals and to protection against chemical weapons,
 - (iii) military purposes not connected with the use of chemical weapons and not dependent on the use of the toxic properties of chemicals as a method of warfare, and
 - (iv) "law enforcement" including domestic riot control purposes, where the types and quantities are consistent with such purposes;
- (c) munitions and devices specifically designed to cause death or other harm through the toxic properties of those toxic properties of those toxic chemicals specified in paragraph (b) of this section, which may be released as a result of the employment of such munitions and devices;
- (d) any equipment specifically designed for use directly in connection with the employment of munitions and devices specified in paragraph (c) of this section; and
- (e) nuclear weapons and other nuclear explosive devices (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

"Constitution" means the Constitution of the Federal Republic of Nigeria, 1999 (as amended) (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

"Cargo" includes any substance or article, livestock; mineral, ware, crude oil, petroleum products, property and merchandise of any' description and any container-or other item used to contain any substance or article or property carried onboard a ship but excluding Crew's personal effects (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

"Court" means the Federal High Court of Nigeria (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

"Crew members" in relation to a ship means the Captain or Master and all other persons actually employed or engaged in the working or service of any ship (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

"Exclusive Economic Zone (EEZ)" means the area immediately adjacent to the Territorial Sea of Nigeria and extending 200nm from the baselines that establish the inner edge of the Territorial Sea of Nigeria (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

Question that the meaning of the words "Exclusive Economic Zone (EEZ)" be as defined in the interpretation to this Bill — Agreed to.

"Floating platform" means any type of floating oil production or oil storage facility including Floating Production Storage and Offloading system or platform, Floating Storage and Offloading system or platform or Floating Storage Unit, Tension-leg platforms, Spar platforms, Normally Unmanned Installations (or toadstools) and Satellite Platforms (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

"Firearm" means a barreled weapon from which any shot, bullet or other projectile can be discharged and that is capable of causing serious bodily injury or death to a person, and includes any frame or receiver of such a barreled weapon and anything that can be adapted for use as a firearm (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

"Fixed platform" means any artificial island, installation or structure permanently attached to the seabed for the purpose of exploration or exploitation of resources or for other economic purposes (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

"Government vessel" means a ship owned or operated by a State and used only on government non-commercial service (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

"Grievous harm" means any harm which amounts to a maim or dangerous harm as defined in this section, or which seriously or permanently injures health) or which is likely to so injure health, or which extends to permanent disfigurement or to any permanent or serious injury to any external or internal organ, member, or sense, mans or animals. This includes all such chemicals, regardless of their origin or of their method of production and whether or not they are produced in facilities, in munitions or elsewhere; and (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

"Warship" means a ship belonging to the armed forces of a State bearing the external marks distinguishing such ships of its nationality, under the command of an officer

duly commissioned by the government of the State and whose name appears in the appropriate service list or its equivalent, and manned by a crew which is under regular armed forces discipline (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

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

Clause 23: Citation.

This Bill may be cited as the Suppression of Piracy and other Maritime Offences Bill, 2019 (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Explanatory Memorandum:

This Bill seeks to provide for the Suppression of Piracy and other Maritime Offences, give effect to the provisions of the United Nations Convention on the law of the sea (UNCLOS), 1982 the Convention for the Suppression of unlawful Acts against the safety of Maritime navigation (SUA) 1988 and it's protocols (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

Agreed to.

Long Title:

A Bill for an Act to Provide for the Suppression of Piracy and Other Maritime Offences, Give Effect to the Provisions of the United Nations Convention on the Law of the Sea (UNCLOS), 1982 the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA) 1988 and It's Protocols, and for Related Matters (HB. 1571) (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in Committee of the Whole considered the Report on a Bill for an Act to Provide for the Suppression of Piracy and Other Maritime Offences, give effect to the Provisions of the United Nations Convention on the Law of the SEA, (UNCLOS) 1982, the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA) 1988 and its Protocols; and for Related Matters (HB. 1571) and approved Clauses 1 - 23, the Explanatory Memorandum, and the Long Title of the Bill.

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

- (iii) *A Bill for an Act to Establish the Counselling Practitioners Council of Nigeria to Conduct Qualifying Examinations, Regulate the Counselling Profession; and for Related Matters (HB. 1603) (Committee of the Whole):*

Motion made and Question proposed, "That the House do consider the Report on a Bill for an Act to Establish the Counselling Practitioners Council of Nigeria to Conduct Qualifying Examinations, Regulate the Counselling Profession; and for Related Matters (HB. 1603) and approve the recommendations therein" (Hon. Ahmed Idris — Deputy House Leader).

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 COUNSELLING PRACTITIONERS
COUNCIL OF NIGERIA TO CONDUCT QUALIFYING EXAMINATIONS, REGULATE
THE COUNSELLING PROFESSION AND OTHER RELATED MATTERS (HB. 1603)**

PART I — ESTABLISHMENT OF THE COUNSELLING PRACTITIONERS COUNCIL OF NIGERIA

Clause 1: Establishment of the Council.

- (1) There is established a body to be known as the Counselling Practitioners Council of Nigeria (in this Bill referred to as "the Council").
- (2) The Council:
 - (a) shall be a body corporate with perpetual succession and a common seal kept in its custody;
 - (b) may sue or be sued in its corporate name.
- (3) The Council may acquire, hold or dispose of any movable or immovable property for the purpose of its functions under this Bill (*Hon. Ahmed Idris — Deputy House Leader*).

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

Clause 2: Functions/Duties of the Council.

The Council shall be charged with the general duty of:

- (a) advancing the science of Counselling;
- (b) determining the standards of knowledge and skill to be attained by persons seeking to become registered members of the Counselling Profession (in this Bill referred to as "the Profession") and reviewing those standards, from time to time as circumstances may require;
- (c) establishing and maintaining in accordance with the provisions of this Bill, a register of certified members of the Profession and the publication of the list of such members from time to time;
- (d) preparing and reviewing from time to time, a statement as to the Members of the Council code of conduct which the Council considers desirable for the practice of the Profession;
- (e) promoting the highest standard of competence, practice and conduct among members of the Profession;
- (f) regulating and controlling the practice of the Profession in all its respects and ramifications;

- (g) promoting, regulating and controlling training, continuing education and scientific research, which the Council considers necessary for the practice of the Profession;
- (h) publishing and disseminating scientific, educational, informative and professional literature of the Profession;
- (i) encouraging the establishment of Counselling units in schools, hospitals, government Ministries, Departments and Agencies, and other organizations; and
- (j) performing such other functions as may be required of the Council under this Bill (*Hon. Ahmed Idris — Deputy House Leader*).

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

Clause 3: The Governing Board of the Council.

- (1) There is established for the Council, a Governing Board (in this Bill referred to as "the Board") which shall be charged with the responsibility for policy making, administration and general management of the Council.
- (2) The Board shall consist of the following members:
 - (a) the President and Vice President of the Council;
 - (b) the Registrar;
 - (c) one person to be nominated by the Minister, charged with the responsibility of matters, relating to Counselling (in this bill referred to as "the Minister") to represent the Ministry;
 - (d) six persons with professional backgrounds that have a counselling bias, to be appointed by the Minister to represent each geopolitical zone of Nigeria, no two of them shall come from the same State;
 - (e) six persons appointed by the Counselling Association of Nigeria (CASSON); and
 - (f) two persons to represent the universities offering courses leading to approved qualification in Guidance and Counselling or Counselling Psychology: no university referred to, in this paragraph shall have more than one representative at a time.
- (3) The provisions of the First Schedule to this Bill shall have effect with respect to the qualification and tenure of office of members of the Council, powers and procedure of the Council and other matters therein mentioned (*Hon. Ahmed Idris — Deputy House Leader*).

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

PART II — FINANCIAL PROVISIONS

Clause 4: Funds of the Institute.

- (1) The Board shall establish and maintain a fund for the Council, the management and control of which shall be in the hands of the Board.

- (2) There shall be paid into the fund of the Council:
 - (a) all fees and other moneys payable to the Council in pursuance of this Bill; and
 - (b) such moneys as may be payable to the Council whether in the course of the discharge of its functions or not.
- (3) There shall be paid out of the fund of the Council, established under section 1 (1) of this section:
 - (a) the remuneration and allowances of the Registrar and other employees of the Council;
 - (b) such reasonable travelling and subsistence allowance of members of the Council in respect of the time spent on the business of the Council as the Council may approve;
 - (c) any other expenses approved and incurred by the Council in the discharge of its functions under this Bill.
- (4) The Council may invest moneys in the Fund in any security created or issued by or on behalf of the Government of the Federation or in any other securities in Nigeria approved by the Board.
- (5) The Council shall keep proper accounts on behalf of the Board in respect of each financial year and proper records in relation to those accounts, and the Board shall cause the accounts to be audited by an Auditor, approved for that purpose and when the accounts is audited, the Auditor's report shall be submitted to the Members of the Board, for approval at a meeting of the Board (*Hon. Ahmed Idris — Deputy House Leader*).

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

PART III — THE REGISTRAR AND THE REGISTER

Clause 5: Appointment of the Registrar, etc., and Preparation of Registers.

- (1) The Council shall appoint a fit and proper person to be Registrar for the purpose of this Bill.
- (2) The Registrar:
 - (a) shall hold office for a term of four (4) years; and
 - (b) subject to satisfactory performance, be eligible for re-appointment for a further term of four (4) years and no more.
- (3) The Registrar shall prepare and maintain in accordance with the rules made by the Council under this section, a register of Professional Counsellors (in this Bill referred to as "the Register").
- (4) The Register shall contain the names, addresses, approved qualifications and such other particulars as may be specified by the Council, of all persons who are entitled, in accordance with the provisions of the Bill, to be registered as Professional Counsellors and who apply in the specified manner, to be so registered.

- (5) The Register shall consist of two parts of which one shall be in respect of fully registered persons and the other in respect of provisionally registered persons.
- (6) Subject to the provision of this section, the Council shall make rules with respect to the formal keeping of the register and the making of entries therein, and in particular:
 - (a) regulating the making of applications for registration and providing for the evidence to be produced in support of an application;
 - (b) providing for the notification to the Registrar, by the person to whom the registered particulars relate, of any change in those particulars;
 - (c) authorizing a registered person to have any qualification which is registered in relation to his name in addition to or, as he may elect in substitution for any other qualification so registered as either a corrected edition of the register or a list of alteration made to the register since it was last printed; and
 - (d) specifying anything failing to be specified under the provisions of this section.
- (7) The Registrar shall:
 - (a) correct, in accordance with the Council's direction, any entry in the register, which the Council directs him to correct as being in the Council's entry, which was incorrectly made;
 - (b) make, from time to time, any necessary alteration to the registered particulars of registered persons;
 - (c) remove from the relevant part of the register, the name of any registered person who has died, or as the case may be, has ceased to be entitled to be registered.
- (8) If the Registrar:
 - (a) sends by post to any registered person a letter addressed to him at his address on the register enquiring whether the registered particulars relating to him are correct and receives no reply to the letter within the period of six months from the date of posting it; and
 - (b) upon the expiration of that period, sends in like manner to the person in question, a second similar letter and receives no reply to that letter within three months from the date of posting it, the Registrar may remove the particulars relating of the person in question from the relevant part of the register.
- (9) The Council may for any reason, which seems to be sufficient, direct the Registrar to restore to the appropriate part of the register any particular removed there from under this subsection (*Hon. Ahmed Idris — Deputy House Leader*).

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

Clause 6: Publication of the Register.

- (1) The Registrar shall:
- (a) cause a list of persons whose name and qualifications are indicated in the register to be printed, published and put on sale to members of the public not later than two years from the beginning from the year in which the Bill comes into force;
 - (b) in each year after that in which a register is first published under paragraph (a) of this subsection, cause to be printed, published and put on sale as either a corrected edition of the register or a list of alterations made to the register since it was last printed; and
 - (c) cause a print of each edition of the register and of each list of correction to be deposited at the principal office of the Council, and the Council shall keep the register and list so deposited open at all reasonable times for inspection by members of the public.
- (2) A document purporting to be a print of an edition of a register published under this section by authority of the Registrar in the current year, or documents purporting to be prints of an edition of a register so published in a previous year and a list of corrections to that edition so published in the current year, shall without prejudice to any other mode of proof, be admissible in any proceeding as evidence that a person specified in the document, or the documents read together, as being fully or provisionally registered, is so registered, and that any person not so specified is not so registered (*Hon. Ahmed Idris — Deputy House Leader*).

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

PART IV — REGISTRATION**Clause 7: Registration.**

- (1) Subject to the provision of this Bill and to rules made under section 6, a person shall not be entitled to be fully registered under this Bill as a Professional Counsellor, unless:
- (a) he has attended a course of training approved by the Council under section 9 of this Bill;
 - (b) he holds a Bachelor's degree in Guidance and Counselling or Counselling Psychology with a minimum of two years experience in counselling practice, or a Graduate degree (Masters) in Guidance and Counselling or Counselling Psychology with a minimum of one year experience in counselling practice;
 - (c) he has passed the Professional practice competence examination conducted by the Association and moderated by the Council; and
 - (d) he is a certified member of the Association.
- (2) An Applicant for registration under this Bill shall, in addition to the evidence of qualification, satisfy the Council that:
- (a) he is of good character;

- (b) he has attained the age of twenty-one years;
 - (c) he has not been convicted in Nigeria or elsewhere of an offence involving fraud or dishonesty;
- (3) A fully registered Professional Counsellor shall be entitled to a seal from the Council but any seal presented in pursuant of this subsection may be withdrawn by the Council from such a member on:
 - (a) his ceasing to become a registered member;
 - (b) being convicted of an offence under this Bill;
 - (c) disciplinary grounds and his ceasing to become a member of the Association.
- (4) The Council may in its discretion, provisionally accept a qualification produced in respect of an application for registration under this section, or direct that the application be renewed within such period as may be specified in the direction.
- (5) The Council shall from time to time, publish in the Federal Gazette, particulars of the qualification accepted for registration under this Bill.
- (6) The Council may, impose further conditions for the purpose of any registration under this Bill but such conditions shall not come into force until published in the Federal Gazette (*Hon. Ahmed Idris — Deputy House Leader*).

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

Clause 8: Approval of Qualifications and Training Institutions.

- (1) Subject to subsection (2) of this section, the Council may approve for the purpose of section 7 of this Bill:
 - (a) any course of training which is intended for persons who are seeking to become, or are already qualified as, Professional Counsellors;
 - (b) any institution, either in Nigeria or elsewhere which the Council on the recommendations of the Association considers properly organized and equipped for conducting the whole or any part of a course of training approved by the Council under this section;
 - (c) any qualification, which as a result of examination taken in conjunction with a course of training approved by the Council under this section, is granted to candidates reaching a standard at the examination, indicating, in the opinion of the Council that they have sufficient knowledge and skills to practice Counselling as a Profession, otherwise as a principle.
- (2) The Council shall from time to time publish in the Federal Gazette a list of qualifications in the Profession of Professional Counsellors approved by it and the Council shall not approve for the purposes of subsection (1) qualifications granted by an institution unless the qualifications have been so published by the Council.

- (3) The Council, shall, on the recommendation of the Association, withdraw any approval given under this section in respect of any course, qualifications or institution, but before withdrawing such as approval the Council shall:
- (a) give notice that it proposes to do so to each person in Nigeria appearing to the Council to be a person by whom the course is conducted or the qualification is granted or the institution is controlled, as the case may be;
 - (b) give such a person an opportunity of making to the Council, representations with regard to the proposal in pursuance of paragraph (b) of this subsection.
- (4) As respects any period during which the approval of the Council under this section for a course, qualification or institution is withdrawn, the course qualification or institution shall not be treated as approved under this section but the withdrawal of such an approval shall not prejudice the registration or eligibility for registration of any person who by virtue of the approval was registered or eligible for registration immediately before the approval was withdrawn.
- (5) The giving or withdrawal of an approval under this section, shall have the effect from such date, either before or after the execution of the instrument signifying the giving or withdrawal of the approval, as the Council may specify in the instrument, and the Council shall:
- (a) as soon as possible publish a copy of every such instrument in the Federal Gazette and supervision instructions and examination leading to approved qualifications;
 - (b) not later than 7 days before its publication as aforesaid, send a copy of the instrument to the Minister (*Hon. Ahmed Idris — Deputy House Leader*).

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

Clause 9: Supervision.

- (1) The Board shall keep itself informed of the nature of the instruction given at the approved institutions to persons sent for approved course of training and the examinations as a result or which approved qualification are granted.
- (2) For the purposes of performing its functions, the Board shall appoint persons, either from its own members or from outside, to visit the approved institutions, monitor their examinations and thereafter make recommendations to the Board.
- (3) The Board shall determine and make recommendations to the Council as to:
 - (a) the competence of the instructors;
 - (b) the adequacy of the instruction given to persons attending approved courses at the institutions visited;
 - (c) the adequacy and quality of the examination conducted; and

- (d) any other matter relating to the institution or examination on which the Board may either generally or in a particular case, request the persons appointed pursuant to subsection (2) of this section to report.
- (4) Any person appointed by the Board for the purpose mentioned in this section, shall not interface with the giving of any instruction or the holding of any examination.
- (5) On receiving a report made in pursuance of this section, the Board shall, as soon as may be possible, send a copy of the report to the person appearing to the Board to be in charge of the institution or responsible for the examinations to which the report relates, requesting that person to make observations on the report to the Council within such period as may be specified in the request, not less than one month, beginning with the date of the request (*Hon. Ahmed Idris — Deputy House Leader*).

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

Clause 10: Persons deemed to practice as Professional Counsellors.

- (1) Any person who:
 - (a) has been approved and endorsed by the Council as a "Foundation Member", this includes all persons present at the preliminary inaugural meetings of the Association held on November 15, 1975; June 17 and 18, 1976, and all persons who though absent, expressed the desire to be members at those times; or
 - (b) holds the accepted qualification or its equivalent, obtained ten years before the commencement of this Bill and satisfies the conditions mentioned in section 7 (2), would be exempted from taking the professional practice competence examination, but issued the certificate of professional competence after payment of the prescribed fees to enable him register fully as a Professional Counsellor, provided that the Council is satisfied that he has acquired adequate professional practice experience as a Professional Counsellor to deserve the exemption.
- (2) A person shall be issued a Certificate of Professional Competence if:
 - (a) during his employment after qualification, have acquired practical experience under the personal supervision and guidance of one or more fully registered Counsellors for the period of two years; and
 - (b) the manner in which he carried out the duties of his employment and his conduct during the period of his employment, are satisfactory.
- (3) The employer, being a fully registered Counsellor supervising the work of persons employed with a view to obtaining a certificate of professional competence, shall ensure that the persons are given opportunities of acquiring the practical experience for the purposes of subsection (2) (a).
- (4) The Registrar shall, as soon as practicable, after the entry in the register of any person's name, or after the removal of such name from the register, give notice in writing to the institution of the entry or removal, as the case may be, together with all the particulars relevant thereto (*Hon. Ahmed Idris — Deputy House Leader*).

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

PART V — PROFESSIONAL DISCIPLINE

Clause 11: Establishment of Disciplinary Tribunal and Investigative Panel.

- (1) There is established the Counsellors Investigative Panel (in this Bill referred to as "the Panel") charged with the duties of:
 - (a) conducting a preliminary investigation into any case where it is alleged that a person registered has misbehaved in his capacity as a Professional Counsellor, or should for any other reason be the subject of proceedings before the Tribunal; and
 - (b) deciding whether the case shall be referred to the Tribunal.
- (2) The Panel shall be appointed by the Council and shall consist of seven members.
- (3) There is established the Counsellors Disciplinary Tribunal (in this Bill referred to as "the Tribunal") charged with the duty of considering and determining any case referred to it by the Council.
- (4) The Tribunal shall consist of the President of the Council and 11 other members, appointed by the Council of which at least, four shall be members of the Council, holding office by virtue of section 3 (2) (e) or where the number of those members is for the time being less than four of those members (*Hon. Ahmed Idris — Deputy House Leader*).

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

Clause 12: Professional Misconduct.

- (1) The provisions of the second schedule to this Bill shall, so far as applicable to the Tribunal and the Panel respectively, have effect with respect to those bodies:
- (2) Where :
 - (a) a person fully registered or provisionally registered under this Bill is judged by the Tribunal to be guilty of infamous misconduct in any Professional respect;
 - (b) such a person is convicted of any offence in Nigeria or elsewhere by any Court having power to impose imprisonment (whether or not such offence is punishable with imprisonment), which in the opinion of the Tribunal is incompatible with the status of the Professional Counsellor; or
 - (c) the Tribunal is satisfied that the name of any person has been fraudulently registered, the Tribunal may, if it thinks fit, give a direction reprimanding that person or ordering the Registrar to strike his name off the relevant part of the register.
- (3) The Tribunal may, if it thinks fit, defer or further defer its decision as to the giving of a direction under subsection (1) of this section, until a subsequent meeting of the Tribunal, but:

- (a) no decision shall be deferred under this subsection for a period exceeding two years in the aggregate; and
 - (b) no person shall be a member of the Tribunal for the purpose or reaching a decision which has been deferred or further deferred, unless he was present as member of the Tribunal when the decision was deferred or further deferred.
- (4) For the purpose of subsection (1) of this section, a person shall not be treated as convicted, unless the conviction stands at a time when no appeal or further appeal is pending or may (without extension of time) be brought in connection with the conviction.
- (5) When the Tribunal gives a direction under subsection (1) of this section, it shall cause notice of the direction to be served on the person to whom it relates.
- (6) A person to whom such a direction relates may at any time within twenty-eight days from the date of service on him of the notice of the direction, appeal against the direction to the Court of Appeal, and the Tribunal may appear as respondent to the appeal and for the purpose of enabling directions to be given as to the cost of the appeal and of proceedings before the Tribunal, shall be deemed to be a party thereto whether or not it appears to the hearing of the appeal.
- (7) A direction of the Tribunal under subsection (1) of this section shall take effect:
 - (a) where no appeal under this section is brought against the direction within the time for the appeal, on the expiration of that time;
 - (b) where an appeal is brought and is withdrawn or struck out for want of diligent prosecution, on the withdrawal or striking out of the appeal; and
 - (c) where an appeal is brought and is not withdrawn or struck out if and when the appeal is dismissed.
- (8) A person whose name is removed from the register in pursuance of a direction of the Tribunal under this section, shall not be entitled to be registered again, except in pursuance of a direction in that behalf given by the Tribunal on the application of that person, and a direction under this section of the removal of a person's name from the register may prohibit an application under this subsection by that person until the expiration of such period from the date of the direction, and where he has duly made such an application, from the date of his last application, as may be specified in the direction (*Hon. Ahmed Idris — Deputy House Leader*).

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

PART V — MISCELLANEOUS AND GENERAL

Clause 13: Registration of Temporary Practitioners.

- (1) Where a person satisfies the Council that he:

- (a) has been selected for employment for a specified period in a capacity in which a person registered as a Counsellor under this Bill is qualified to be employed and that he is or intends to be in Nigeria temporarily for the purpose of serving for that period in the employment in question;
 - (b) holds a qualification or has passed the necessary examination;
 - (c) obtained some qualification granted outside Nigeria which is for the time being accepted by the Council as respects the capacity in which if employed, he is to serve, the Council may, if it thinks fit, give a direction that he shall be temporarily registered as a Counsellor;
- (2) The temporary registration of a person shall continue while he is in employment as is mentioned in subsection (1) (a) of this section and shall cease at the end of the period of the employment specified to the Council under this section or the prior determination of the employment whichever occurs.
- (3) Nothing in subsection (2) shall preclude the Council from giving a further direction under subsection (1) of this section in respect or specified period, whose commencement coincides with the termination or prior determination of another employment;
- (4) A person who is temporarily registered shall, in relation to his employment and to things done or omitted to be done in the course of that employment, be deemed to be fully registered, but in relation to all matters, he shall be treated as not so registered.
- (5) In case of doubt as to whether a person's employment has been terminated, the decision of the Council shall be conclusive for the purpose of subsection (2) of this section.
- (6) The Registrar, as directed from time to time by the Council, shall remove from the register, the name of any person ceasing to be entitled to the benefit of this section (*Hon. Ahmed Idris — Deputy House Leader*).

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

Clause 14: Offences and Penalties.

- (1) A person, not being a registered Professional Counsellor, who:
 - (a) for or in expectation of reward, practices or holds himself out to practice as such; or
 - (b) without reasonable excuse takes or uses any name, title addition or description, implying that he is authorized by law to practice as a registered Counsellor,shall be guilty of an offence under this Bill.
- (2) A person who, for the purpose of procuring the registration of any name, qualification or other matter:
 - (a) makes a statement which he believes to be false; or

- (b) recklessly makes a statement which is false;
commits an offence under this Bill.
- (3) A Registrar or any other person employed by the Council who, wilfully makes any falsification in any matter relating to the register, commits an offence under this Bill.
- (4) Any person who contravenes subsections (1), (2), (3) or any section for which no punishment is provided under this Bill is liable on conviction:
- (a) to a fine not exceeding ₦200,000.00 or imprisonment for a term not exceeding Two years or to both; and
- (b) where the offence is a continuous one, to a further fine, not exceeding ₦30,000 for each and every day the offence continues.
- (5) Where an offence under this section is committed by a body corporate, is proved to have been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary, or any person purporting to act in any such capacity he as well as the body corporate, commits an offence under this Bill (*Hon. Ahmed Idris — Deputy House Leader*).

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

Clause 15: Proof of validity of certificate.

- (1) A certificate required by any written law from any class of persons for whom a Register is maintained under this Bill, shall not be valid unless the person signing it, is registered in accordance with this Bill.
- (2) Subject to the provisions of this section, a person not otherwise exempted, shall not hold an appointment requiring status of a Professional Counsellor under this Bill in the Public and civil service of the Federation or of a State or in the Armed Forces of the Federation; or public or private limited or unlimited liability organisations, unless he is a Counsellor, registered under this Bill.
- (3) A Counsellor shall to the extent only of his particular qualification, be entitled to practice as a registered Counsellor throughout the Federation;
- (4) A person in charge of any University in the Federation, offering courses leading to an approved qualification intended for persons who are seeking to become registered as Professional Counsellors under this Bill shall furnish the Registrar, not later than 31st day of March in every year, with a list of the names and or such other particulars as the Council may specify, of all persons who attended any such courses at the University in question at any time during the preceding year;
- (5) In this section, "public service" includes services as a registered Professional Counsellor in or with any educational institution, commission, corporation or state-owned or joint Venture Company and any employment in the Federation (*Hon. Ahmed Idris — Deputy House Leader*).

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

Clause 16: Powers of the Minister to give directives.

- (1) The Minister may give to the Council directions of a general character relating generally to particular matters (but not to say individual person or case: with regard to the exercise by the Council of its functions and it shall be the duty of the Council to comply with the directions, provided the direction does not infringe on the ethics and codes of conduct of the Profession.
- (2) Before giving a direction under subsection (1) of this section, the Minister shall serve a copy of the proposed direction on the Council, which shall afford the Council an opportunity of making representations to him with respect to the direction; and after considering any representations made to him in pursuance of this subsection, the Minister may give the direction, either without modification or with such modifications as appear to him to be appropriate, having regard to the representations (*Hon. Ahmed Idris — Deputy House Leader*).

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

Clause 17: Regulations.

- (1) The Council shall have power to make regulations, which in its opinion, is necessary or expedient for giving full effect to the provisions of this Bill and for the administration thereof.
- (2) Any power to make regulations, rules and orders under this section shall include power:
 - (a) to make provision for such incidental or supplemental provision, as the person or authority making the instrument considers expedient for the purpose of the instrument; and
 - (b) to make different provisions for different circumstances (*Hon. Ahmed Idris — Deputy House Leader*).

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

Clause 18: Interpretation.

- (1) In this Bill:

"approved qualification" means such qualification which is approved for the time being by the Council (*Hon. Ahmed Idris — Deputy House Leader*).

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

"Association" means the Counsellors Association of Nigeria (CASSON) (*Hon. Ahmed Idris — Deputy House Leader*).

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

"Board" means Governing Board of the Council (*Hon. Ahmed Idris — Deputy House Leader*).

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

"Council" means the Counselling Practitioners Council of Nigeria established under section 1 of this Bill (Hon. Ahmed Idris — Deputy House Leader).

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

"Counsellor" means a professionally trained guidance and Counsellor, which also includes professionals from Therapeutic Counselling, etc. (Hon. Ahmed Idris — Deputy House Leader).

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

"Minister" means the Minister of Education (Hon. Ahmed Idris — Deputy House Leader).

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

"Profession" means the Profession of Counselling (Hon. Ahmed Idris — Deputy House Leader).

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

"Professional Counsellor" means any person fully registered as such under this Bill (Hon. Ahmed Idris — Deputy House Leader).

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

"Register" means the register maintained under this Bill (Hon. Ahmed Idris — Deputy House Leader).

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

"Registered" shall be constructed accordingly (Hon. Ahmed Idris — Deputy House Leader).

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

"Registrar" means the Registrar appointed in pursuance of section 6 this Bill (Hon. Ahmed Idris — Deputy House Leader).

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

- (2) For the purpose of this Bill, a person is registered if his name is for the time being, entered in the register.

- (3) Any approval, consent direction, notice, observation, report representation or request authorized or required to be given or made by or under this Bill shall be in writing and, may without prejudice to any other method of service but subject to the rules made under the second schedule to this Bill be served by post (*Hon. Ahmed Idris — Deputy House Leader*).

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

Clause 19: Citation.

This Bill may be cited as the Counselling Practitioners Council of Nigeria Bill, 2019 (HB. 1603) (*Hon. Ahmed Idris — Deputy House Leader*).

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

SCHEDULES

FIRST SCHEDULE

Section 3 (2)

SUPPLEMENTARY PROVISION RELATING TO THE BOARD

1. (1) A person shall not be appointed as a member of the Board unless he is a citizen of Nigeria and he is registered as a Professional Counsellor under this Bill.
- (2) Subject to the provisions of this paragraphs, a person who is a member of the Board otherwise than by virtue of Section 3 (3) (d) of this Bill shall hold office for a period not exceeding five years beginning with the date of his appointment or election as the case may be: provided that a person shall not hold office, whether appointed or elected, for a term of less than five years unless the Minister after consultation with the Council otherwise directs.
- (3) Any member of the Board holding office otherwise than as mentioned in sub-paragraph (2) of this paragraph may, with notice to the Board, resign his office.
- (4) Subject to section of this Bill, a person who has ceased to be a member of the Council shall be eligible again to become a member of the Council.
- (5) When a member of the Board ceases to hold office before due-date when his term of office would have expired by effluxion of time, the body or person by whom he was appointed or elected shall, as soon as may be possible, appoint or, as the case may be elect a person to fill the vacancy for the residue of the term so that provisions of this-sub-paragraph shall not apply where a person holding office as a member of the Board ceases to hold office at a time when the residue of his term does not exceed one year.
- (6) The power of appointing a person as President of the Council shall:
 - (a) during the period beginning with the date when this Bill comes into force, be exercisable by the Minister on the recommendations of the Association; and
 - (b) after the expiration of that period, be exercisable by the Board and where an existing member of the Board is appointed President, his office as an existing member shall become vacant and his term of office as President shall begin on the date of his appointment as President.

- (7) Notwithstanding that the term of office of a member or the Board has expired by the effluxion of time, a person appointed as President, Vice President and one other person shall continue in that office until a fresh appointment is made to the office.
- (8) The quorum of the Board shall be seven so that at least two of the persons elected by the Association and two of the representatives of the states of the Federation are present at the particular meeting, and the quorum of any committee of the Board shall be determined by the Council.

Power of Board

2. (1) The Board shall have power to do anything, which in its opinion is calculated to facilitate the carrying on of its activities;
- (2) The Board shall have power to borrow money or to dispose off any property and it shall have power to pay remuneration (including pensions) allowances, or expenses to any member, officer or servant of the Board or to any other person.

Proceedings of the Board

3. Subject to the provision of this Bill and of section 27 of the Interpretation Act (which provides for decisions of a body to be taken by a majority of the Members of the body and for the president to have a second or casting vote), the Board may make standing orders regulating the proceedings of the Councillor of any committee thereof.

Vice-President of the Board

4. (1) The Board shall appoint one of its members to be the Vice President of the Board for such period as the Board may determine so that the Vice president who ceases to be a member shall cease to be a Vice-President;
- (2) At any time while the office of the President either is vacant or the president is, in the opinion of the Board permanently or temporarily unable to perform the function of his office, the Vice-President shall perform those functions, and references in this schedules to the President shall be constructed accordingly.

Meetings of the Board

5. (1) Subject to the provisions of any standing orders of the Board, the Board shall meet whenever it is summoned by the President and if the President is required so to do, by notice given to him by not less than six other members, he shall summon a meeting of the Board to be held within seven days from the date of which the notice is given.
- (2) At any meeting of the Board, the President or in his absence the Vice-President shall preside, but if both are absent, the members present at the meeting shall appoint one of them to preside at that meeting.
- (3) Where the Board desires to obtain the advice of any person on a particular matter, the Board may co-opt him as a member for such period as it thinks fit, but a person who is a member by virtue of this sub-paragraph shall not be entitled to vote at any meeting of the Board and shall not count towards a quorum.

- (4) Notwithstanding anything in the foregoing provisions and this paragraph, the first meeting of the Board shall be summoned by the Minister who may give such directions as he thinks fit as to the member who shall preside and as to the procedure which shall be followed at the meeting.

Committee

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

Miscellaneous

7. (1) The fixing of the seal of the Council shall be authenticated by the signature of the President or of some other member authorised generally or specifically to act that purpose by the Board.
- (2) Any contract or instrument which, if made or executed by a person not being a body corporate would not be required to be under seal, may be made or executed on behalf of the Board by any person authorised to act for that purpose by the Board;
- (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.
8. The validity of any proceeding or the Counsellor of a Committee shall not be affected by any vacancy in the membership or the Counsellor or Committee, or by any defect in the appointment of a member of the Board or a person to serve on the committee, or by reason that a person not entitled to do so took part in the proceedings.
9. A member of the Board or any person holding office on a committee of the Board who has a personal interest in any contractual arrangement entered into or proposed to be considered by the Board or a committee thereof, shall forthwith disclose his interest to the Board, as the case may be, and shall not vote on any question relating to the contractual arrangement (*Hon. Ahmed Idris — Deputy House Leader*).

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

SECOND SCHEDULE

Section 12 (1)

SUPPLEMENTARY PROVISIONS RELATING TO THE
DISCIPLINARY TRIBUNAL AND INVESTIGATIVE PANEL

The Tribunal

The Quorum of the Tribunal shall be Four

1. The quorum of the Disciplinary Tribunal shall be four of whom at least two shall be members of Council.
2.
 - (1) The Attorney-General of the Federation may make rules with regard to the procedure to be followed by the Disciplinary Tribunal and the Investigative Panel and on the rules of evidence in such proceedings.
 - (2) Until the rules are made, the Disciplinary Tribunal and the Investigative Panel shall conduct their proceedings in such manner as to provide:
 - (a) that notice of the proceedings shall be given in good time and shall clearly specify the complaint, to the person who is the subject of the proceedings;
 - (b) for determining who, in addition to the person aforesaid, shall be a party to the proceedings;
 - (c) for securing that any party to the proceedings shall, if so required, be entitled to be heard by the Disciplinary Tribunal;
 - (d) for securing that any party to the proceedings may be represented by a legal practitioner;
 - (e) subject to the provisions of section 13 (5) of this Bill, as to the casts of proceedings before the Tribunal;
 - (f) for requiring, in a case where it is alleged that the person who is the subject of the proceedings is guilty of infamous conduct in any professional respect, that where the Disciplinary Tribunal adjudges that the allegation has not been proved, it shall record a finding that the person is not guilty of such conduct in respect of the matters to which the allegation relates; and
 - (g) for publishing in the Gazette, notice of any direction of the Disciplinary Tribunal, which has taken effect, providing that a person's name shall be struck off a register.
3. For the purposes of any proceedings before the Disciplinary Tribunal, any member of the Tribunal may administer oath and any party to the proceedings may issue out of the Registry of the High Court, writs of subpoena ad testificandum and duces tecum but no person appearing before the Tribunal shall be compelled :
 - (a) to make any statement before the Disciplinary Tribunal tending to incriminate himself; or
 - (b) to produce any document under such a writ, which he could not be compelled to produce at the trial of an action.
4.
 - (1) For the purpose of advising the Disciplinary Tribunal on questions of law arising in proceedings before it, there may in all such proceedings be an assessor to the Tribunal (who may be the legal adviser to the Council or may be appointed by the Board) and who shall be a legal practitioner of not less than ten years standing.
 - (2) The Attorney-General of the Federation may make rules as to the functions of assessors appointed under this paragraph and in particular, such rules shall contain provisions for securing —

- (a) that where an assessor advises the Disciplinary Tribunal on any question of law as to evidence, procedure or any other matters specified by the rules, he shall do so in the presence of every party or person representing a party to the proceedings who appear thereat or, if the advice is tendered while the Disciplinary Tribunal is deliberating in private, that every such party or person as aforesaid shall be informed, what advice the assessor has tendered; and
- (b) that every such party or person as aforesaid shall be informed, if in any case, the Disciplinary Tribunal does not accept the advice of the assessor on such a question as aforesaid;
- (3) An assessor may be appointed under this paragraph, either generally or for any particular proceedings or class of proceedings, and shall hold and vacate office in accordance with the terms of the letter by which he is appointed.

The Investigative Panel

- 5. The quorum of the Investigative Panel shall be three.
- 6. (1) The Investigative Panel may, at any of its meeting attended by all the members of the Panel, make standing orders with respect to its proceedings.
- (2) Subject to the provisions of any such standing orders, the Investigative Panel may regulate its own procedure.

Miscellaneous

- 7. A person may, if otherwise eligible, be a member of both the Disciplinary Tribunal and the Investigative Panel but no person who acted as a member of the Investigative Panel with respect to any case shall act as a member of the Disciplinary Tribunal with respect to that case.
- 8. The Disciplinary Tribunal or the Investigative Panel may act notwithstanding any vacancy in its membership, and the proceedings of either body shall not be invalidated by any irregularity in the appointment of a member of that body or subject to paragraph 7 of this Schedule, by reason of the fact that any person who was not entitled to do so took part in the proceedings of that body.
- 9. Any document authorised or required by virtue of this Bill to be served on the Disciplinary Tribunal or the Investigative Panel shall be served on the secretary to the Council.
- 10. Any expenses of the Disciplinary Tribunal or the Investigative Panel shall be defrayed by the Council.
- 11. A person shall not, by reason only of his appointment as an assessor to the Disciplinary Tribunal or as a member of the Investigative Panel, be treated as holding an office in the public service of the Federation or of any state thereof (*Hon. Ahmed Idris — Deputy House Leader*).

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

Explanatory Memorandum:

This Bill seeks to establish the Counselling Practitioners Council of Nigeria for the conduct of qualifying examinations, regulating the Counselling Profession and determining the standard of knowledge and skill required of persons seeking to become members of the Counselling Profession in Nigeria (*Hon. Ahmed Idris — Deputy House Leader*).

Agreed to.

Long Title:

A Bill for an Act to Establish the Counselling Practitioners Council of Nigeria to Conduct Qualifying Examinations, Regulate the Counselling Profession and Other Related Matters (HB. 1603) (*Hon. Ahmed Idris — Deputy House Leader*).

Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in Committee of the Whole considered the Report on a Bill for an Act to Establish the Counselling Practitioners Council of Nigeria to Conduct Qualifying Examinations, Regulate the Counselling Profession; and for Related Matters (HB. 1603) and approved Clauses 1 - 19, the Schedules, the Explanatory Memorandum, and the Long Title of the Bill.

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

- (iv) *A Bill for an Act to Establish Federal Capital Territory (FCT) Directorate of Road Traffic and Motor Vehicle Administration Service (DRTMVAS) to be saddled with Responsibility of Road Traffic Management and Motor Vehicle Administration Services within the Federal Capital Territory (FCT); and for Related Matters (HB. 1279) (Committee of the Whole): Motion made and Question proposed, "That the House do consider the Report on a Bill for an Act to Establish Federal Capital Territory (FCT) Directorate of Road Traffic and Motor Vehicle Administration Service (DRTMVAS) to be saddled with Responsibility of Road Traffic Management and Motor Vehicle Administration Services within the Federal Capital Territory (FCT); and for Related Matters (HB. 1279) and approve the recommendations therein" (Hon. Olabode Ayorinde — Owo/Ose Federal Constituency).*

Agreed to.

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

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

A BILL FOR AN ACT TO ESTABLISH FCT DIRECTORATE OF ROAD TRAFFIC AND MOTOR VEHICLE ADMINISTRATION SERVICE (DRTMVAS) TO BE SADDLED WITH THE RESPONSIBILITY OF ROAD TRAFFIC MANAGEMENT AND MOTOR VEHICLE ADMINISTRATION SERVICES WITHIN THE FEDERAL CAPITAL TERRITORY (FCT), AND OTHER RELATED MATTERS (HB. 1279)

Clause 1: Establishment of the Service.

- (1) There is established for the Federal Capital Territory a Directorate of Road Traffic and Motor Vehicle Administration Service (herein this Bill referred to as "the Service").
- (2) The Service shall be a corporate body with a perpetual succession and a common seal, may sue and be sued in its corporate name and shall have its headquarters in the Federal Capital Territory, Abuja.
- (3) The Service shall by training, regimentation, discipline, uniform, ranks, work schedule, work shift, recognition and remuneration operate as paramilitary (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 2: Governing Board.

- (1) There is established a Governing Board for the Service (in this bill referred to as 'the Board'), which shall consist of —
 - (a) Chairman, who shall be an experienced person in road traffic management and Motor Vehicle Administration;
 - (b) a representative of —
 - (i) Transport Secretariat, FCTA,
 - (ii) Department of Treasury, FCTA,
 - (iii) FCT Inland Revenue Service,
 - (iv) Executive Secretary, FCDA;
 - (c) the Director of the Service is a member;
 - (d) the Head (Legal) of the Service shall serve as the Secretary of the Board.

First schedule.

- (2) The supplementary provisions contained in the schedule to this Bill shall have effect with respect to the proceedings of the Board and other matters (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 3: Tenure of Chairman of the Board.

- (1) The Chairman of the Board, mentioned under Clause 2 shall hold office for the term of three years and renewable, subject to satisfactory performance, for further term of three years and no more.
- (2) The members of the Board shall be paid such remunerations and allowances as the Minister may from time to time determine in line with the provision of National Salaries and Wages Commission Act.

- (3) The Chairman and members of the Board, mentioned under Clause 2 (1) (b) (iv) shall hold office on such terms and conditions as may be specified in their letters of appointment (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 4: Resignation, cessation or removal of some members of the Board.

- (1) The members of the Board, mentioned under Clause 2 (1) (b) (i)-(iv) may resign the appointment by notice in writing addressed to the Minister.
- (2) A member of the Board, mentioned under Clause 2 (1) (b) (i)-(iv) may cease membership if the member —
- (a) dies or becomes of unsound mind;
 - (b) becomes bankrupt;
 - (c) is convicted of a felony or of any offence involving dishonesty;
 - (d) is guilty of serious misconduct in relation to the office; or
 - (e) in the case of a member holding professional qualification, if the person is disqualified or suspended from practicing the profession.
- (3) A member of the Board, mentioned under Clause 2 (1) (b) (i)-(iv) may be removed, at any time from office by the Minister, if the Minister is satisfied that it is not in the interest of the Service or the public that the member should continue to hold office (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

PART II (A) — FUNCTIONS OF THE BOARD

Clause 5: Functions of the Board.

The Board shall be responsible for —

- (a) determining the general policy and administration of the Service;
- (b) preparation of annual and long term research strategic development plan of the Service;
- (c) issuing general guidelines for the operations of the Service;
- (d) approving projects and programmes of the Service;
- (e) appointment of staff from grade level 6 and above;
- (f) determining staff strength, its composition and how it will be used;
- (g) approving the regulation made by the Service; and
- (h) carrying out such other activities that are incidental to the attainment of its objectives under this Bill (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

PART II (B) — FUNCTIONS OF THE SERVICE

Clause 6: Functions of the Service.

The Service shall be responsible for —

- (a) regulating road traffic management and Motor Vehicle Administration within the FCT;
- (b) regulating, registration, revocation, licensing and the renewal of motor vehicle documents and issuance of vehicle identification number plates within the FCT;
- (c) conducting roadworthiness test and issuing of road worthiness certificate to all categories of vehicles and write off non-roadworthy vehicles within the FCT;
- (d) conducting training and testing of drivers to ensure competence for issuance of drivers' license in FCT;
- (e) establishing a computer-based central vehicle registry database for the purpose of administration, enforcement and regulation of road transport system in Federal Capital Territory;
- (f) inspecting and investigating road traffic accident in the Federal Capital Territory in collaboration with related agencies;
- (g) production and administration of drivers' licence;
- (h) production and administration of vehicle identification number plate;
- (i) maintaining a database of motor parks in the FCT;
- (j) conducting research in the areas of road traffic management and motor vehicle administration;
- (k) enforcing Road Traffic Act, FCT Road Transport Regulations 2005 (and as may be amended) and parking policy of the FCT;
- (l) enforcing other Acts of the Federation such as on Control of Vehicular Emissions from Petrol and Diesel Engines and others;
- (m) regulating and enforcing the use of bus stops and bus terminal and the activities of commercial motor vehicles in the FCT;
- (n) registration and accreditation of driving schools in the FCT;
- (o) regulating and issuance of operators' license in the FCT;
- (p) regulating and issuance of motor vehicle related special trade licence in the FCT;
- (q) enforcing peak hour movement restriction of articulated vehicle and heavy duty trucks on FCT urban roads and highways;

- (r) enforcing the ban on use of motorcycle as means of public transport in the FCT;
- (s) enforcing route restriction for minibuses and tricycles in the FCT;
- (t) inspecting motor vehicle that is involved in road crashes
- (u) regulate the use, provision and placement of road furniture;
- (v) ensuring compliance with the use of traffic control devices in FCT
- (w) preparing area Parking Plans detailing management of on-street, off-street and multi-level parking, parking for differently abled persons, overnight parking of commercial vehicles, parking in airports and public transit stations, parking in residential streets and lanes, charging facility for electric vehicles and plan for utilization of the parking revenue for local area development;
- (x) working with FCT IRS and monitoring committee that will review parking fees and look after overall enforcement of parking rules
- (y) preparing code of conduct for parking contractors;
- (z) regulate, enforce and control "on-street" and "off - street" parking in FCT;
- (aa) collect, collate, process and disseminate traffic information as may be required for traffic management purposes;
- (bb) any other matter that the Minister or the Board may from time to time assign to the Service including collection of charges, fines, levies and revenue accruable from the matters stated above as may be determined by the FCT Administration and other tax regulating Agencies of Government (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

PART III — STAFF OF THE SERVICE

Clause 7: Director and Secretary of the Service.

- (1) There shall be appointed for the Service, a Director by the Honourable Minister FCT, within the service, who shall possess appropriate qualification and cognate working experience in Road Traffic and Motor Vehicle Administration.
- (2) The Director shall be the Chief-Executive and accounting officer of the Service and shall be responsible for —
 - (i) matters relating to day-to-day management and operations of the Service, and
 - (ii) with the approval of the Board determine ranks for staff of the Service;
 - (iii) be answerable to the Board and general directives of the Minister;

- (iv) with the recommendation of the Director and the approval of the Board, the Minister, determine nature, colour and number of uniform to be used by the Service;
- (v) without prejudice to the provisions of section 2 (1) of this section, the Director shall:
 - (a) exercise general supervision and control over staff of the Service and volunteers,
 - (b) direct the activities of staff of the Service and volunteers,
 - (c) constitute such number of persons as he may deem fit as Volunteers who may offer complementary services to the Service as volunteers and shall not be entitled to any salary or allowances for their services,
 - (d) appoint the FCT Coordinator of Volunteers and make guidelines for the operations and activities of the Volunteers,
 - (e) manage the financial affairs of the Service,
 - (f) deploy the human and material resources of the Service in such manner as will best ensure the accomplishment of the aims and objectives of this Bill,
 - (g) appoint, promote and discipline staff of the Service.
- (3) There shall be appointed for the Service, by the Minister on the recommendation of the Director, from within the Service, a Secretary for the Service who shall qualify as a legal practitioner and was so qualified for a period of not less than 15 years.
- (4) The Secretary shall be —
 - (a) a legal adviser of the Service and Secretary of all the Committees to be established by the Board; and
 - (b) answerable to the Director of the Service (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 8: Other staff of the Service.

- (1) The staff of the Service other than those mentioned in this Bill shall be employed according to the procedure stipulated by the Board.
- (2) The Staff can be on permanent or temporary appointment on the terms which precludes the grant of pension and gratuity.
- (3) The Staff of the Service shall be uniformed as prescribed by the Service.
- (4) The staff of the Service who qualify as a legal practitioner, within the meaning of Legal Practitioners Act, working under legal services, shall in addition to other functions, enter appearance to prosecute or defend any matter in any court involving the Service.

- (5) The Staff of the Service shall bear such ranks and badges as may be assigned to them by the Management Committee in the following order:
- (a) Commander General of Road Traffic;
 - (b) Deputy Commander General of Road Traffic;
 - (c) Asst. Commander General of Road Traffic;
 - (d) Commander of Road Traffic;
 - (e) Deputy Commander of Road Traffic;
 - (f) Asst. Commander of Road Traffic;
 - (g) Chief Superintendent of Road Traffic;
 - (h) Superintendent of Road Traffic;
 - (i) Deputy Superintendent of Road Traffic;
 - (j) Asst. Superintendent of Road Traffic I;
 - (k) Asst. Superintendent of Road Traffic II;
 - (l) Asst. Road Traffic Inspector I;
 - (m) Asst. Road Traffic Inspector II;
 - (n) Asst. Road Traffic Inspector III;
 - (o) Road Traffic Assistant III;
 - (p) Road Traffic Assistant II;
 - (q) Road Traffic Assistant I.
- (6) The provisions of Pension Reform Act, shall apply to the Service, accordingly the staff of the Service shall benefit under the provision of the Act (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 9

Staff regulations.

- (1) The Board may subject to the provision of this Bill, make staff regulation relating generally to the condition of service, such regulation may provide for the appointment, promotion, discipline and appeals for the staff of the Service.
- (2) The staff regulation made under sub-section (1) of this section shall not have effect until it is approved by the Board.
- (3) The staff of the Service shall be paid such salary and allowances as may be determined by the Board with approval of salaries and wages commission (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

PART IV — STRUCTURE OF THE SERVICE

Clause 10: Divisions of the Service.

- (1) There shall be established for the Service, such number of Divisions as the Service may, with the approval of the Board, deem necessary.
- (2) Each Division shall be headed by a Deputy Director who shall be professionally qualified to hold the office appointed from within.
- (3) Subject to the approval of the Board, the Service may create additional, divisions and units as it may deem necessary to achieve the objective of the Service (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 11: Commands of the service.

- (1) The Service shall —
 - (a) divide FCT into such number of Zones and Area Commands as it may, from time to time, determine for effective organization and performance of the Service; and
 - (b) establish, in each zone, a zonal command which shall oversee the activities of the Area Commands within the Zones.
- (2) The Zonal command shall subject to direction and overall command of the Service, be responsible for coordinating the activities of the Area Commands in the Zone (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 12: Establishment of management and other committees for the service.

- (1) There is established for the Service, a management committee comprising of all the Deputy Commander Generals and the Director (commander General) of the Service who shall be the Chairperson of the Committee.
- (2) The management committee shall be responsible for the general administration of the Service.
- (3) The Committee may create additional standing or ad-hoc committees and give them specific function(s) (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

PART IV — FINANCIAL PROVISIONS

(*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 13: Establishment of fund for the Service.

The Service shall establish and maintain a fund which shall be paid and credited —

- (a) all subventions and budgetary allocation from the Federal Capital Territory;
- (b) all sums accruing to the Service, from time to time;
- (c) gifts, donations and contributions from national and international Institutions and philanthropist; and
- (d) fees, if any, charged by the Service for services rendered; and
- (e) all penalties to be paid by road traffic violators.
- (f) 10% of internally generated revenue (IGR) retained by the Service;
- (g) all monies received on behalf of the Service by way of fees, fines, levies, etc. shall be receipted and paid into the FCT treasury within 24 hours of receipt or the next working day in compliance with FG policy on Single Treasury Account and other extant circulars;
- (h) any money recovered from scenes of road traffic crash and incidents or recovered in any form during patrol or other enforcement activities by staff of the Service shall be paid into FCT treasury within ninety days if unclaimed by the owner or any other person having legal right to such money (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 14: Application and management of the Fund.

The Service shall manage and apply its Fund in accordance with the general guidelines made by the Management Committee, particularly on —

- (a) cost of payment of allowances
- (b) cost of administration of the Service;
- (c) training of personnel;
- (d) maintenance of any property vested in the Service (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 15: Annual budget of the Service.

The Service shall not later than 30th September each year or other date stipulated by law or policy, submit to the Federal Capital Territory Administration an estimate of income and expenditure of the Service as approved by the Board and for the next fiscal year for incorporation into the National budget (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 16: Quarterly report.

The Service shall submit to the Board quarterly report of the activities of the Service and the Board shall submit annual report of its activities to the Minister (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 17: Power to accept gift.

The Service may accept gift and bequests upon such terms that do not compromise its capability to fulfill its functions under this Bill (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

PART VI — MISCELLANEOUS PROVISIONS**Clause 18: Offences/Punishment.**

(1) Any person who —

- (a) made wrong overtaking;
- (b) violates traffic light;
- (c) drives vehicle under the influence of drugs and alcohol;
- (d) create road hazard without adequate warning;
- (e) tempered with road traffic signs;
- (f) is on the road with a vehicle that did not conform with minimum standard of maintenance;
- (g) carries excess goods or projected load or passengers;
- (h) drives on the road without valid driving license or permit required by law;
- (i) drives a vehicle with expired vehicle documents;
- (j) is driving right hand vehicle;
- (k) drives vehicle in excess of speed limit;
- (l) fails to observe the right of way;
- (m) contravene the one-way lane;
- (n) park vehicle or carcasses of vehicle illegally on the road;
- (o) park vehicle on any road in such a way that it causes or is likely to cause a danger, obstruction or undue inconvenience to other road users and the manner of parking is not indicated by any signboard or markings on the road side
- (p) parking of vehicle within 25 meter from road crossing, near a bend, top of a hill or a humpbacked bridge;
- (q) parking of vehicle on a footpath, on pedestrian crossing, on carriageway with fast traffic, opposite another parked vehicle or as obstruction to other vehicle, on roads or at places or roads where there is continuous yellow line with or without a broken line;

- (r) parking of vehicle near a bus stop, school, hospital entrance or blocking a traffic sign or entrance to premises or a fire hydrant, and on the wrong side of the road, where parking is prohibited;
 - (s) park or drive vehicle on pedestrian walk-way;
 - (t) park or drive vehicle on green verge;
 - (u) illegal parking and waiting;
 - (v) operate commercial vehicle without the necessary permit;
 - (w) fails to display regulation number plate;
 - (x) knowingly makes a fraudulent presentation to facilitate issuance of plate number or renewal of vehicle particulars;
 - (y) produce or cause to produce a false vehicle documents;
 - (z) refuse or neglect to answer any question or to produce any piece of information or document to the personnel of the Service;
 - (aa) violate peak hour movement restriction on articulated and heavy duty vehicles/trucks;
 - (bb) violate ban on riding of motorcycle in the FCT;
 - (cc) violate route restriction on minibuses and tricycle;
 - (dd) deliberate hinder or cause to hinder traffic flow;
 - (ee) obstruct the officers of the Service in carrying out the functions of the service under this Bill; and
 - (ff) any other matter which this Bill has prohibited.
- (2) A construction company shall not undertake any road constructions, or any other construction that is likely to obstruct smooth flow of traffic without adequate safety caution sign to road users.
- (3) **Special Trade Licences.**
- (a) There shall be paid annually for a special trade licence by any individual, a technician, a corporate entity or a construction company who establish a mechanic workshop, spare parts shop or store, vehicle service outlets, vehicle sale shops, vehicle dismantling and recycling centres and other vehicle related trade for the purpose of rendering services for gain and reward or maintenance of company vehicles such fee as shall be prescribed by the FCTA.
 - (b) Such business shall be carried out in accordance with the regulations made under this Bill for such purposes and in such circumstances as may be prescribed.

- (c) The Service shall, as may be prescribed issue annual certification in respect of each special trade licence, and such certification shall, in such manner as may be prescribed, be displayed conspicuously at the business premises.
- (d) The service shall reserve the power to withdraw or deny such certification of such individual, technician or corporate entity if found to engage in activities that endanger human lives or could lead to road crashes upon which such individual, technician or corporate entity shall not qualify to engage in business in the Federal Capital Territory.
- (4) Any individual or body corporate that violates any of the provisions of this Bill or its regulations pursuant, commits an offence and shall be liable to pay a penalty as provided in the regulation.
- (5) Traffic offences, fines and penalties shall be as provided in the second schedule to this Bill (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 19: Procedure and limitation of suit against the Service.

A person who has a cause of action against the Service must —

- (a) give the Service three months' notice in writing, of intention to commence an action, disclosing the cause of action and serve the processes to the principal office of the Service; and
- (b) commence the legal action within six (6) months from the date the cause of action arose (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 20: Service of process.

Any document, summons, notices, process or any other thing required or authorized to be served to the Service shall be served by delivering same to the office of the Director of the Service (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 21: Indemnity of members, etc.

- (1) Every member of the Board, agents or employees of the Service shall be indemnified from the Fund of the Service against any liability incurred in defending any proceeding brought against the persons under this Clause, in the person's capacity as member of the Board or employee of the Service.
- (2) For the purpose of official functions of members and staff of the Service, the members and the staff of the Service shall enjoy the provisions of Public Officers Protection Act (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 22: Acquisition of property.

The Service may subject to the provisions of Land Use Act and any other applicable law, have powers to lease, rent or acquire an interest in land and other properties (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 23: Regulations.

The Service with approval of the Board shall make regulations for —

- (a) road traffic management and control;
- (b) issuance and withdrawal of licenses and roadworthiness certificate;
- (c) issuance and withdrawal of vehicle number plate and other vehicle particulars;
- (d) prescribing fees for services to be rendered by the Service and penalty for violation of any of the provisions of the Bill and regulations;
- (e) use and construction of all category of motor vehicles;
- (f) drivers training and testing for licensing of drivers
- (g) miscellaneous regulations on driving;
- (h) motor vehicle related special trades;
- (i) road transport regulations;
- (j) parking area management plans and demarcation of legal parking lots after protecting green areas, public spaces, intersections, footpaths, cycle lanes, bus stops and crossings, and emergency vehicle lane;
- (k) parking space provision in shopping malls, housing estates, commercial buildings, public and private buildings;
- (l) variable parking fees and penalty for parking violation;
- (m) code of conduct and management of parking lots for Parking Contractors including Intelligent Transportation System (ITS) based management;
- (n) parking permits in residential areas;
- (o) earmarking areas for parking of commercial and transport vehicles;
- (p) impounding of abandoned and junk vehicles on road;
- (q) congestion management strategy;
- (r) issuance and withdrawals of Special Trade Licence (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 24: Directives by the Minister.

The Minister may give to the Service directives dealing with matters of general policy and administration (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 25: Powers of Service Officer.

The Director or personnel of the Service shall have power to —

- (a) summon or arrest, with or without warrant, an individual that violate or is likely to violate any of the provisions of this Bill pending conclusion of an investigation;
- (b) employ modern technology in performance and execution of provisions of this Bill;
- (c) confiscate vehicle documents, vehicle identification number plate and drivers' licence in enforcement of provisions of this Bill;
- (d) demobilize or tow away vehicles in enforcement of provisions of this Bill;
- (e) use minimum force in enforcement of provisions of this Bill;
- (f) drive impounded vehicle to impoundment site;
- (g) impound, tow-away and detain any vehicles which:
 - (i) is declared to be off the road,
 - (ii) fails to obey instructions of the Service personnel,
 - (iii) is used in violating any of the provisions of this FCT Directorate of Road Traffic and Motor Vehicle Administration Service Bill, 2019 Bill,
 - (iv) is suspected to have been stolen and bring same to the attention of the police, or which was parked in a manner that causes obstruction, or
 - (v) the driver fails to provide sufficient vehicle documents, and bring same to the attention of the police (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 26: Savings and transitional provisions.

- (1) All assets, rights, liabilities, interests, and obligations vested in the Directorate of Road Traffic Services before the commencement of this Bill, shall after commencement of this Bill be vested in the FCT Directorate of Road Traffic and Motor Vehicle Administration Service.
- (2) All staff of Directorate of Road Traffic Services existing before the commencement of this Bill shall after commencement of this Bill continue to be staff of FCT Directorate of Road Traffic and Motor Vehicle Administration Service in accordance with the terms of appointment (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 27: Establishment of Road Traffic Mobile Court.

There is established a Road Traffic Mobile Court to be presided by a Magistrate, which shall be responsible for determining matters relating to this Bill (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 28: Interpretation.

In this Bill —

"Minister" means Minister responsible for Federal Capital Territory (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

"FCT" means Federal Capital Territory (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

"FCC" means Federal Capital City (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

"MVA" means Motor Vehicle Administration (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

"Vehicle" is all means of transport which is most frequently self-propelled (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

"Commercial Vehicle" means a vehicle which includes a motorcycle for hire, a hackney carriage, stage carriage, recovery vehicle, draw-bar trailer or articulated vehicle and any motor vehicle primarily designed for the carriage of goods and fare paying passengers (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

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

Clause 29: Citation.

This Bill is cited as FCT Directorate of Road Traffic and Motor Vehicle Administration Service Bill, 2019 (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Chairman to report progress.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in Committee of the Whole considered the Report on a Bill for an Act to Establish Federal Capital Territory (FCT) Directorate of Road Traffic and Motor Vehicle Administration Service (DRTMVAS) to be saddled with Responsibility of Road Traffic Management and Motor Vehicle Administration Services within the Federal Capital Territory (CT); and for Related Matters (HB. 1279) and approved Clauses 1 - 29, deferred the Schedule, the Explanatory Memorandum, and the Long Title of the Bill.

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

- (v) *A Bill for an Act to Establish Federal Polytechnic, Kwale, Delta State to Provide Full-Time Courses in Technology, Applied Science, Management and other Fields of Study and to Make Provisions for General Administration of the Polytechnic; and for Related Matters (HB.1497) (Committee of the Whole):*

Motion made and Question proposed, "That the House do consider the Report on a Bill for an Act to Establish Federal Polytechnic, Kwale, Delta State to Provide Full-Time Courses in Technology, Applied Science, Management and other Fields of Study and to Make Provisions for General Administration of the Polytechnic; and for Related Matters (HB.1497) and approve the recommendations therein" (Hon. Olabode Ayorinde — Owo/Ose Federal Constituency).

Agreed to.

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

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

A BILL FOR AN ACT TO ESTABLISH FEDERAL POLYTECHNIC, KWALE,
DELTA STATE TO PROVIDE FULL-TIME COURSES IN TECHNOLOGY, APPLIED
SCIENCE MANAGEMENT AND OTHER FIELDS OF STUDY AND TO MAKE
PROVISIONS FOR THE GENERAL ADMINISTRATION OF THE POLYTECHNIC
AND FOR RELATED MATTERS (HB. 1497)

Clause 1: Establishment of Federal Polytechnic Kwale, Delta State.

There is hereby established the Federal Polytechnic Kwale, Delta State specified in the First Schedule to this Bill (in this Bill severally referred to as "the polytechnic") which shall have such powers and exercise such functions as are specified in this Bill (Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency).

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

Clause 2: Functions.

(1) The Functions of the Polytechnic shall be —

(a) to provide full-time or part-time courses of instruction and training

- (i) in technology, applied science, commerce and management; and
 - (ii) in such other fields of applied learning relevant to the needs of the development of Nigeria in the area of industrial and agricultural production and distribution and for research in the development and adaptation of techniques as the Council may from time to time determine;
- (b) to arrange conferences, seminars and study groups relative to the fields of learning specified in paragraph (a) of this subsection (1);
- (c) to perform such other functions as in the opinion of the Council may serve to promote the objectives of the polytechnic.
- (2) Nothing in this section shall preclude the government of a State or any of its agencies from setting up a polytechnic similar to any polytechnic established under this Bill (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 3: Establishment and Constitution of each Council, etc.

- (1) There shall be established for the Polytechnic a Council (hereafter in this Bill referred to as "the Council") which shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.
- (2) The Council shall consist of a Chairman and the following other members, that is —
 - (a) one person to represent the universities;
 - (b) one person to represent the Manufacturers' Association of Nigeria;
 - (c) one person to represent professional bodies whose disciplines are taught at the polytechnic;
 - (d) one person selected from a Federal or State public utility statutory corporation;
 - (e) one person of standing in the community where the polytechnic is situate;
 - (f) the Rector of the polytechnic;
 - (g) one representative of the Minister charged with responsibility for matters relating to polytechnics;
 - (h) one representative of the Permanent Secretary of the Ministry charged with responsibility for matters relating to industries;
 - (i) one representative of the academic board of the polytechnic;
 - (j) one representative of the State Commissioner of Education; and

- (k) five other persons, at least one of whom shall be a woman, to be selected each on his personal merit based on his contribution to either the development of industry, technology or commerce or special interest in technical education.
- (3) The Chairman and members of the Council other than ex-officio members shall be appointed by the President.
- (4) The provisions set out in the Second Schedule to this Bill shall apply in relation to the constitution of the Council and the other matters therein specified (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 4: Visitation.

- (1) The Minister of Education shall be the Visitor to each Polytechnic.
- (2) The Visitor shall, not less than once in every five years, conduct a visitation of the college or appoint a Visitation Panel, consisting of not less than five experts. To conduct the visitation —
 - (a) for the purpose of evaluating the academic and administrative performance of the polytechnic;
 - (b) for such other purpose or in respect of any other affairs of the polytechnic as the Visitor may deem fit (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 5: Registrar of each Polytechnic.

- (1) There shall be a Registrar to each polytechnic who shall be responsible to the Rector for the day-to-day administration of the polytechnic and shall perform such other duties as the Councilor, as the case may be, the Rector 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 reason by the chairman of the Council.
- (3) In the absence of the Registrar, the Chairman of the Council may, after consultation with the Rector, 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 vote on any question before the Councilor count towards a quorum unless he is so entitled as a member of the Council (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 6: Tenure of Office of the Registrar.

- (1) A Registrar —

- (a) shall hold office for a period of five years beginning from the effective 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 five years and no more.
- (2) Where on the commencement of this section, a Registrar has held office —
 - (a) for five 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 five years;
 - (b) for more than five years but less than ten years, he shall complete the maximum period of ten years and thereafter relinquish his post and be assigned other duties in the polytechnic;
 - (c) for ten 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 polytechnic (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 7: General functions of each Council.

- (1) Subject to provision of this Bill, each Council shall be the governing body of the polytechnic concerned and shall have the general management, of the affairs of the polytechnic, and in particular, the control of the property and finances of the polytechnic; and shall also have power to do anything which in its opinion is calculated to facilitate the carrying out of the activities of the polytechnic 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, and mortgage or otherwise alienate or dispose of any property so acquired.
- (3) The Council may enter into such contracts as may be necessary or expedient for carrying into effect the provisions of this Bill.
- (4) The Minister may give to the Council directions of a general character or relating generally to particular matters (but not any individual person or case) with regard to the exercise by the Council of its functions and it shall be the duty of the Council to comply with the directions (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

STAFF

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

Clause 8: The Rector.

- (1) There shall be a Rector of the polytechnic ("the Rector") who shall be appointed by the President in accordance with the provisions of this section.
- (2) Where a vacancy occurs in the post of Rector, the Council shall —

- (a) advertise the vacancy in a reputable journal or widely read newspaper in Nigeria, specifying —
 - (i) the qualities of the person who may apply for the post; and
 - (ii) the terms and conditions of service applicable to the post, and thereafter, draw up a short list of suitable candidates for consideration;
- (b) constitute a Search Team consisting of —
 - (i) a member of the Council, not being a member of the Academic Board, as Chairman;
 - (ii) two members of the Academic Board, not below the rank of Chief Lecturer;
 - (iii) two members of the Academic Community of the college not below the rank of Chief Lecturer, to be selected by Council, to identify and draw up a short list of persons who are not likely to apply on their own volition because they feel that it is not proper to do so,
- (3) A Joint Council and Academic Board Selection Board consisting of —
 - (a) the Chairman of the Council;
 - (b) two members of the Council not being members of the Academic Board;
 - (c) two members of the Academic Board not below the rank of Chief Lecturer, who were not members of the Search Team, shall consider the candidates on the short list drawn up under subsection (2) of this section through an examination of their curriculum vitae and interaction with them and recommend, through the Council, to the President, three candidates for his consideration.
- (4) The President shall appoint, as Rector, one of the candidates recommended to him under the provisions of subsection (3) of this section.
- (5) Subject to this Bill and the general control of the Council, the Rector shall be the Chief Executive of the polytechnic and shall be charged with responsibility for matters relating to the day-to-day management operations of the polytechnic.
- (6) The Rector —
 - (a) shall hold office for a period of four years beginning with the effective date of his appointment 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 years and no more (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 9: Deputy Rector.

- (1) There shall be for each polytechnic a Deputy Rector.
- (2) The Council shall appoint the Deputy Rector from among the chief lecturers in the polytechnic in one of the following ways —
 - (a) from a list of three candidates, in order of preference, submitted by the Rector;
 - (b) on the recommendation of a Selection Board constituted under this section for that purpose; or
 - (c) on the nomination of the Rector.
- (3) The Selection Board referred to in subsection (2) of this section shall —
 - (a) consist of —
 - (i) the Chairman of the Council,
 - (ii) the Rector,
 - (iii) two members of the Council not being members of the Academic Board,
 - (iv) two members of the Academic Board; and
 - (b) make such inquiries as it deems fit before making the commendation required under that subsection.
- (4) The Deputy Rector —
 - (a) shall assist the Rector in the performance of his functions;
 - (b) act in the place of the Rector when the post of Rector is vacant or if the Rector is for any reason absent or unable to perform his functions as Rector; and
 - (c) perform such other functions as the Rector may, from time to time, assign to him.
- (5) The Deputy Rector —
 - (a) shall hold office for a period of two years beginning from the effective date of his appointment and on such terms and conditions as may be specified in his letter of appointment; and
 - (b) may be re-appointed for one further period of two years and no more (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 10: Other Principal Officers of each Polytechnic.

- (1) There shall be for each polytechnic the following other principal officers in addition to the Registrar, that is —

- (a) the Bursar; and
 - (b) the Polytechnic Librarian, who shall be appointed by the Council on the recommendation of the Selection Board constituted under section 9 (b) of this Bill.
- (2) The Bursar shall be the Chief Financial Officer of the polytechnic and be responsible to the Rector for the day to day administration and control of the financial affairs of the polytechnic.
- (3) The polytechnic Librarian shall be responsible to the Rector for the administration of the polytechnic library and the co-ordination of the library services in the teaching units of the polytechnic.
- (4) The Bursar or Librarian —
 - (a) shall hold office for a period of five 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 five years and no more.
- (5) Where on the commencement of this section, a Bursar or Librarian has held office —
 - (a) for five years or less, he shall be deemed to be serving his first term of office and may be reappointed for a further term of five years;
 - (b) for more than five years but less than ten years, he shall complete the maximum period of ten years and thereafter relinquish his post and be assigned other duties in the polytechnic;
 - (c) for ten 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 polytechnic (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 11: Resignation of Appointment of Principal Officers.

A principal officer may resign his appointment —

- (a) in the case of the Rector, by notice to the Visitor;
- (b) in any other case, by notice to the Council (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 12: Selection Board for other Principal Officers.

- (1) There shall be, for each college, a Selection Board which shall consist of —
 - (a) the chairman of the Council;
 - (b) the Rector;

- (c) four members of the Council not being members of the Academic Board;
 - (d) two members of the Academic Board.
- (2) The functions and procedure and other matters relating to the Selection Board constituted under subsection (1) of this section shall be as the Council may, from time to time, determine (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 13: Other Employees of the Polytechnic.

- (1) The Council may appoint such other persons to be employees of the polytechnic as the Council may determine to assist the Rector and the principal officers of the polytechnic in the performance of their functions under this Bill.
- (2) The power to appoint all other employees of the polytechnic shall be exercised —
 - (a) in the case of senior employees, by the Council on the recommendation of the Appointment and Promotions Committee set up under the provisions of paragraph 3 (2) (a) of the Second Schedule to this Bill;
 - (b) in the case of junior employees, by the Rector on the recommendation of the Junior Staff Appointments and Promotions Committee constituted under paragraph 3 (2) (b) of the Second schedule to this Bill.
- (3) Subject to the provisions of this Bill, the remuneration, tenure of office and conditions of service of the employees of the Council shall be determined by the Council in consultation with the Federal Civil Service Commission (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 14: Application of the Pensions Act.

- (1) The Federal Civil Service Commission may by order published in the Federal Gazette declare the office of the Rector or any other person employed by the Council to be a pensionable office for the purposes of the Pensions Act.
- (2) Nothing in the provisions of subsection (1) of this section shall prevent the appointment of any person to any office on terms which preclude the grant of a pension or gratuity in respect of service in that office (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

ESTABLISHMENT OF THE ACADEMIC BOARD

Clause 15: The Academic Board.

- (1) There shall be established for each polytechnic a board to be known as the Academic Board which shall consist of the following members —

- (a) the Rector of the polytechnic, as the Chairman;
 - (b) the Deputy-Rector of the polytechnic;
 - (c) all Heads of Departments;
 - (d) the polytechnic 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 polytechnic including the regulation of admission of students, the award of certificates and diplomas, scholarships, prizes and other academic distinctions;
 - (b) the making to the Council of such periodic reports on such academic matter 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. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

TENURE OF OFFICE

Clause 16: Removal from Office of Members of the Council and the Rector.

- (1) If it appears to the Council that a member of the Council (other than an ex-officio member) or the Rector should be removed from office on the ground of misconduct 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 such member vacant.
- (2) The President may remove any member of the Council if he is satisfied that it is not in the public interest or in the interest of the polytechnic that such member should continue as a member of the Council (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

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

- (1) If it appears to the Council that there are reasons for believing that any person employed as a member of the academic, administrative or technical staff of the polytechnic, other than the Rector, 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 to report on it to the Council,
 - (ii) for a committee of the Council to investigate the matter, where it relates to any other member of the staff of the polytechnic and to report on it to the Council, and
 - (iii) for the person in question to be afforded an opportunity of appearing before and being heard by the investigating 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 Rector may, in a case of misconduct by a member of the staff which in the opinion of the Rector is prejudicial to the interests of the polytechnic, suspend such member and any such suspension shall forthwith be reported to the Council.
- (3) For good cause, any member of staff may be suspended from office or his appointment may be terminated by the Council, and for the purpose of this subsection, "good cause" means —
 - (a) any physical or mental incapacity which the Council, after obtaining medical advice, 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, considers to be such as to render the person concerned unfit to continue to hold his office;
 - (c) conduct of a scandalous or other disgraceful nature which the Council considers to be such as to render the person concerned unfit to continue to hold his office; or
 - (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 his 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 period of three months after the date of such suspension consider the case against that person and come to a decision as to —
 - (a) whether to continue such person's, suspension and if so on what terms (including the proportion of this 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; or
 - (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) of this section, to use his best endeavors to cause a copy of the instrument to be served as soon as reasonably practicable on the person in 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 polytechnic as it may think fit (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

DISCIPLINE

Clause 18: Discipline of Students.

- (1) Subject to the provisions of this section, where it appears to the Rector that any student of the polytechnic has been guilty of misconduct, the Rector 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 polytechnic, or make use of such facilities of the polytechnic, as he may specify;
 - (b) that the activities of the student shall, during such period as may be specified in the directions, 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; or
 - (d) that the student be expelled from the polytechnic.
- (2) Where there is temporarily no Rector or where the Rector refuses to apply any disciplinary measures, the Council, either directly or through some other staff, may apply such disciplinary actions as are specified in subsection (1) of this section to any student of the polytechnic who is guilty of misconduct.

- (3) Where a direction is given under subsection (1) (c) or (d) of this section in respect of any student, the student may, within a period of 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.
- (4) The fact that an appeal from a direction is brought in pursuance of subsection (3) of this section shall not affect the operation of the direction while the appeal is pending.
- (5) The Rector may delegate his power under this section to a disciplinary committee consisting of such members of the polytechnic as he may nominate.
- (6) Nothing in this section shall be construed as preventing the restriction or termination of a student's activities at the polytechnic otherwise than on the ground of misconduct.
- (7) It is hereby declared that a direction under subsection (1) (a) of this section may be combined with a direction under subsection (1) (b) of this section.
- (8) In all cases under this section, the decision of the Council shall be final (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 19: Discipline of Junior Staff.

- (1) If any junior staff is accused of misconduct or inefficiency, the Rector may suspend him for not more than three months and forthwith shall direct the Junior Staff Appointments and Promotions Committee —
 - (a) to consider the case; and
 - (b) to make recommendations as to the appropriate action to be taken by the Rector.
- (2) In all cases under this section, the officer shall be informed of the charge against him and shall be given reasonable opportunity to defend himself.
- (3) The Rector may, after considering the recommendation made pursuant to subsection (1) (b) of this section, dismiss, terminate, retire or down-grade the officer concerned.
- (4) Any person aggrieved by the Rector's decision under subsection (3) of this section, may within a period of 21 days from the date of the letter communicating the decision to him, address a petition to the Council to reconsider his case and the Council's decision thereon shall be final.
- (5) In any case of gross misconduct on the part of a junior staff, the Rector shall forthwith suspend him and thereafter refer the matter to the Junior Staff Appointments and Promotions Committee to be dealt with according to the foregoing provision of this section (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

FINANCIAL PROVISIONS

Clause 20: Audits of Accounts.

- (1) Each Council shall keep proper accounts and proper records in relation thereto and shall cause to be prepared, not later than 1 October in each financial year, an estimate of its revenue and expenditure for the ensuing financial year and when prepared, the estimate shall be submitted to the National Board for Technical Education for approval.
- (2) At the end of each financial year but not later than 30 June the Council shall cause to be prepared a statement of its income and expenditure during the previous financial year.
- (3) The statement of accounts referred to in subsection (2) of this section shall, when certified by the Rector, be audited by a firm of auditors appointed from the list and in accordance with the guidelines supplied by the Auditor-General of the Federation and shall be published in the annual report of the polytechnic (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 21: Funds of the Council.

The funds of the Council shall include —

- (a) fees charged by and payable to the Council in respect of students;
- (b) any other amounts due to or recoverable by the Council;
- (c) revenue from time to time accruing to the Council from the Federal Government by way of subvention, grant-in-aid, endowment or otherwise howsoever;
- (d) donations and legacies accruing to the Council from any source for the special purpose of the Council (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 22: 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) No Council shall be obliged to accept a donation for a particular purpose unless it approves of the terms and conditions attached to such donation (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 23: Payment into Bank.

All sums of money received on account of the Council shall be paid into such bank for the credit of the Council as may be approved by the Council (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 24: Annual Report.

The Council shall on or before 31 December in each year prepare and submit to the President through the Minister, a report of the activities during the preceding financial year and shall include in the report, the audited accounts of the polytechnic in respect of that financial year and the auditors' comments on the account (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

MISCELLANEOUS AND SUPPLEMENTAL

Clause 25: 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 7 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) of this section, shall make it obligatory for the Council to publish any of the said bye-laws in the Federal Gazette but the Council shall bring such bye-laws to the notice of all affected thereby (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 26: Exclusion of 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, place of birth or of the family origin or religious or political persuasion or as a condition of becoming or continuing to be a student at the polytechnic or as a holder of any certificate of the polytechnic, or of any appointment or employment at the polytechnic, or a member of anybody established by virtue of this Bill; and no person shall be subjected to any disadvantage or accorded any advantage in relation to the polytechnic by reference to any of those matters: Provided that, nothing in this section shall be construed as preventing the polytechnic from imposing any disability or restriction on any of the aforementioned persons where such a person willfully refuses or fails on grounds of religious belief to undertake any duty generally and uniformly imposed on all such persons or any group of them which duty, having regard to its nature and the special circumstances pertaining thereto is, in the opinion of the polytechnic, reasonably justifiable in the national interest (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 27: Quorum and Procedure of Bodies Established under this Bill.

Subject to the provisions of paragraph 6 (2) of the Schedule to this Bill and any standing orders or bye-law made under this Bill, the quorum and procedure of any body of persons established by this Bill shall be such as may be determined by that body (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Clause 28: Interpretation.

In this Bill, unless the context otherwise requires-

"The Academic Board" means the board established under section 10 of this Bill (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

"The Appointments and Promotions Committee" means a body by that name established under paragraph 3 (2) (a) of the Schedule to this Bill (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

"Polytechnic" means the respective polytechnics set up under section 1 of this Bill; "The Junior Staff Appointments and Promotion Committee" means a body by that name set up under paragraph 3 (2) (b) of the Schedule to this Bill (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

"The Minister" means the Minister charged with responsibility for matters relating to technical education (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

"The Registrar" means the Registrar of each polytechnic appointed under section 4 (1) of this Bill (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

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

Clause 29: Short Title.

This Bill may be cited as the Federal Polytechnic, Kwale, Delta State (Establishment, etc.) Bill, 2019 (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

SCHEDULE

[Section 7]

PUBLIC OFFICERS FOR THE PURPOSES OF THE CODE OF CONDUCT**SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL***Terms of office of members*

1. (1) A member of the Council other than an *ex-officio* member shall hold office for a period of three years beginning with the date on which he was appointed and shall be eligible for re-appointment for a further term of three years and thereafter he shall no longer be eligible for re-appointment.
- (2) Members of the Council holding office as specified in paragraph 1 (1) of this Schedule, shall be paid remuneration or allowance in accordance with rates specified from time to time by the National Council of Ministers.
- (3) A member of the Council holding office as specified in paragraph 1 (1) of this Schedule may by notice in writing to the Minister resign his office.
2. (1) Where a vacancy occurs in the membership of the Council, that vacancy shall be filled by the appointment of a successor to hold office for the remainder of the term of office of his predecessor; so however that the successor shall represent the same interest as his predecessor.
- (2) 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 took part in its proceedings.

Committees

3. (1) The Council may appoint one or more committees to which it may delegate any of its functions.
- (2) Without prejudice to the generality to sub-paragraph (1) of this Schedule, the Council shall appoint the following committees, that is —
 - (a) the Appointments and Promotions Committee which shall without prejudice to section 7 (4) of this Bill —
 - (i) consist of a chairman to be appointed by the Rector from members of the senior staff of the polytechnic and four other members who shall be appointed by the Council;
 - (ii) be charged with the responsibility for making recommendations to the Council on the appointment and promotion of the academic and senior staff of the polytechnic and have a quorum of three members;
 - (b) the Junior Staff Appointments and Promotions Committee which shall consist of a chairman and four other members to be appointed by the Council and shall have the powers set out in sections 7 (5) and 14 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 Rector from among the senior employees of the polytechnic;
 - (ii) one member of the Council;
 - (iii) two members of the academic staff of the polytechnic; and
 - (iv) four students of the polytechnic, and the Committee on Students' Affairs shall be charged with the duty of —

- (a) considering any matter which relates to the welfare of students;
 - (b) any other matter referred to it by either the Council or students of the polytechnic;
 - (c) any matter which the students wish to 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 it is confirmed by the Council.

Proceedings of the Council

4. (1) The Council shall meet for the conduct of business at such times as the chairman of the Council may appoint but shall meet 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 members of the Council summon a meeting of the Council.
- (3) Particulars of the business to be transacted shall be circulated to members with the notice of the meeting at least two weeks before the date of the meeting.
5. 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 shall count towards quorum.
6. (1) Every question put before the Council at a meeting shall be decided by a simple majority of the members present and voting.
- (2) Seven members shall form a quorum at any meeting of the Council,
- (3) The Chairman shall, at any meeting of the Council, have a vote and, in the case of an equality of votes, may exercise a casting vote.
7. Subject as aforesaid, the Council may make standing orders with respect to the holding of meetings, the nature of notices to be given, the proceedings thereat, the keeping of minutes of such proceedings and the custody and production for inspection of such minutes.
8. If the Chairman of the Council is absent from a meeting of the Council, the members present shall elect one of their number to act as chairman for the purposes of that meeting.

Miscellaneous

9. 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.
10. (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.
11. 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 thereof, shall forthwith disclose his interest to the Council and shall not vote on any question relating to such contract or arrangement (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

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

Explanatory Memorandum:

This Bill seeks to establish the Federal Polytechnic, Kwale, Delta State to provide full-time courses in Technology, Applied Science Management and other fields of studies and to make provisions for the general administration of the Polytechnic (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

Agreed to.

Long Title:

A Bill for an Act to Establish Federal Polytechnic, Kwale, Delta State to Provide Full-time Courses in Technology, Applied Science Management and Other Fields of Study and to Make Provisions for the General Administration of the Polytechnic and for Related Matters (HB. 1497) (*Hon. Olabode O. Ayorinde — Owo/Ose Federal Constituency*).

Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in Committee of the Whole considered the Report on a Bill for an Act to Establish Federal Polytechnic, Kwale, Delta State to Provide Full-Time Courses in Technology, Applied Science, Management and other Fields of Study and to Make Provisions for General Administration of the Polytechnic; and for Related Matters (HB.1497) and approved Clauses 1 - 29, the Schedule, the Explanatory Memorandum, and the Long Title of the Bill.

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

- (vi) ***A Bill for an Act to Provide for Establishment of the Defence Research and Development Bureau (DRDB); and for Related Matters (HB.1606) (Committee of the Whole):***
Motion made and Question proposed, "That the House do consider the Report on a Bill for an Act to Provide for Establishment of the Defence Research and Development Bureau (DRDB); and for Related Matters (HB.1606) and approve the recommendations therein" (Hon. Ahmed Idris — Deputy House Leader).

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 DEFENCE RESEARCH AND DEVELOPMENT
BUREAU (DRDB) TO INITIATE AND CONDUCT ROBUST RESEARCH AND DEVELOPMENT
IN THE ARMED FORCES IN NIGERIA; AND FOR RELATED MATTERS (HB. 1606)

PART I — ESTABLISHMENT OF DEFENCE RESEARCH AND DEVELOPMENT BUREAU

Clause 1: Establishment of Defence Research and Development Bureau.

- (1) There is established the Defence Research and Development Bureau (in this Bill referred to as "the Bureau").
- (2) The Bureau:
 - (a) is a body corporate with perpetual succession and a common seal;
 - (b) may sue or be sued in its corporate name; and
 - (c) may acquire, hold or dispose of moveable or immoveable property
(*Hon. Ahmed Idris — Deputy House Leader*).

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

Clause 2: Objectives of the Bureau.

- (1) The Objectives of the Bureau are to:
 - (a) initiate and conduct robust research and development of the Armed Forces of Nigeria (AFN);
 - (b) coordinate the research and development efforts of the three Services of the Nigerian Armed Forces;
 - (c) crystallize the results of scientific and technical research on defence items and equipment for public and private institutions;
 - (d) provide scientific-technical information to the Armed Forces of Nigeria and allies;
 - (e) initiate new scientific, technological and environmental research on defence matters;
 - (f) disseminate results of scientific research which are likely to advance defence, industrial and agricultural development;
 - (g) organise and coordinate research in natural and Technological sciences relating to defence matters;
 - (h) collaborate with Universities in scientific and technological research;
 - (i) collaborate with other national and international institutions in the promotion and transfer of science and technology relating to defence;
 - (j) promote science culture in the Armed Forces;
 - (k) establish study groups to examine defence research needs in existing industries such as food, diagnosis and therapy of military related diseases, plastic and pharmaceutical and propose long term research programs for them; and

- (m) undertake all such activities or things as are necessary or expedient for carrying out the objectives of the Bureau and promotion of research and development into military science and technology, as well as social sciences and environmental related challenges affecting the AFN.

Functions of the Bureau.

(2) The Bureau shall:

- (a) enter into such agreements, liaisons, memoranda of understanding, cooperation, partnership, etc. with such institutions, agencies, corporations etc. as may be necessary from time to time or desirable, subject to the approval of the Governing Council;
- (b) be responsible for the discipline and welfare of its members;
- (c) deal with matters relating to the discipline of military personnel in the Bureau according to the Armed Forces Act;
- (d) conduct and sponsor studies and researches in military industrial production and related fields of studies;
- (e) engage top quality staff of international standard aimed at creating a centre of excellence in mandated fields of study;
- (f) accept gifts, legacies and donations, provided that the terms and conditions attached to such gifts, legacies or donations are not inconsistent with the objectives and purpose of the Bureau;
- (g) erect, provide, equip and maintain laboratories, workshops, libraries, lecture halls and other buildings as are necessary for the attainment of the objectives of the Bureau;
- (h) hold public lectures, symposia and seminars;
- (i) undertake printing and selling of books and journals;
- (j) subject to any limitation or condition imposed by statute, invest any money belonging to the Bureau by way of endowment, whether for general or special purposes or such other money as may not be immediately required for current expenditure in any investment or security in the purchase or improvement of land, with power to vary any such investment and deposit any money for the time being not invested with any approved bank on deposit or current account;
- (k) borrow, whether on interest or not and if need be upon the security of any of the property, moveable or immovable, of the Bureau, such money as the Council may require or it is expedient to borrow or guarantee any loan, advance of credit facilities;
- (l) do such other things as may be required for the effective and smooth running of the Bureau; and
- (m) do all such acts or things that are incidental to the powers listed in this section as are considered necessary to promote the objectives of the Bureau.

- (3) Where any of the provisions of this Bill relating to matters affecting the objectives and functions of the Bureau is inconsistent with the Armed Forces Act, the provisions of the Armed Forces Act shall prevail (*Hon. Ahmed Idris — Deputy House Leader*).

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

PART II — ESTABLISHMENT AND COMPOSITION OF THE GOVERNING COUNCIL

Clause 3: Establishment of Governing Council.

There is established for the Bureau a Governing Council (in this Bill referred to as "the Council") charged with the responsibility for:

- (a) initiating and approving the policy of the Bureau; and
- (b) giving the directions on general or specific matters (*Hon. Ahmed Idris — Deputy House Leader*).

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

Clause 4: Composition of the Governing Council.

(1) The Council shall consist of the:

- (a) Vice-President as Chairman;
- (b) Minister of Defence;
- (c) Minister of Science and Technology;
- (d) Chief of Defence Staff;
- (e) Chief of Army Staff;
- (f) Chief of Navy Staff;
- (g) Chief of Air Staff;
- (h) Director-General of the Bureau;
- (i) Deputy Director Coordination of the Bureau as Secretary;
- (j) three distinguished scientists, two of whom shall have relevant knowledge or competence in defence related research and development drawn from the National Academy of Science and Council of Registered Engineers, whilst the third person shall have distinguished himself in the private sector of Nigerian Economy whose appointment shall be made by the Minister of Defence on the recommendation of or Manufacturers Association of Nigeria.

Schedule.

- (2) 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 as set out in the Schedule (*Hon. Ahmed Idris — Deputy House Leader*).

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

Clause 5: Emoluments, etc. of members.

The allowances payable to non *ex-officio* members of the Council shall be in accordance with such rates as may be determined by the Revenue Mobilization, Allocation and Fiscal Commission (*Hon. Ahmed Idris — Deputy House Leader*).

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

Clause 6: Functions of the Council.

The Council shall:

- (a) grant approval for the Bureau to enter into research and development, and production partnerships with any company, non-governmental organization, firm or individual;
- (b) appoint technical consultants to advise it from time to time as the need and situation may arise;
- (c) do such other things as are necessary for the successful performance of its functions;
- (d) may, with the approval of the Council, establish other centres which shall be located in such places in Nigeria as may be selected by the Bureau;
- (e) make regulations generally for the purpose of giving effect to the provisions of this Bill, facilitating the performance of the Bureau's functions or pursuing the Bureau's objectives;
- (f) delegate any of its powers or functions to any person or persons, authority or committee except for its powers to approve statutes of the Bureau;
- (g) approve the nomination of the Director-General of the Bureau subject to the provision of the Armed Forces Act;
- (h) approve the creation of any office, directorate or committee as may be considered necessary or expedient for the smooth running of the Bureau;
- (i) exercise control and supervise the policies, finances and property of the Bureau; and
- (j) do such other things as are necessary for the effective performance of the functions of the Bureau (*Hon. Ahmed Idris — Deputy House Leader*).

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

Clause 7: Functions of the Secretary to the Council.

- (1) The Secretary of the Council shall be in charge of the Secretariat of the Council.
- (2) The Secretary of the Council shall, in addition to such other functions and duties as the Council may assign to him:
 - (a) prepare the minutes of meetings of the Council and its Committees;
 - (b) keep and secure the records of the Council;

- (c) issue notices of meetings of the Council and other correspondence as may be directed by the Vice- President; and
- (d) ensure proper dissemination of the decisions of the Council to the appropriate persons, institutions or authorities (*Hon. Ahmed Idris — Deputy House Leader*).

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

Clause 8: Meetings of the Council.

The Council shall meet as and when necessary for the performance of its functions under this Bill, and shall meet at least four times a year in accordance with the provisions of the Schedule to this Bill (*Hon. Ahmed Idris — Deputy House Leader*).

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

Clause 9: Cessation of office.

- (1) The office of a member of the Council becomes vacant if:
 - (a) he ceases to hold the office on the basis of which he became a member of the Bureau or Council; or
 - (b) the Chairman is satisfied that it is not in the interest of the Council or public for the person to continue in office as a member of the Council of the Bureau.
- (2) The Chairman and members of the Council:
 - (a) shall serve for a term of four years in the first instance; and
 - (b) may be eligible for re-appointment for another term of four years and no more (*Hon. Ahmed Idris — Deputy House Leader*).

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

PART III — STRUCTURE OF THE BUREAU

Clause 10: Headquarters, Offices and Directorates of the Bureau.

- (1) The Headquarters of the Bureau shall be in the Federal capital Territory, Abuja.
- (2) There shall be at the Headquarters of the Bureau:
 - (a) office of the Director-General and Chief Executive Officer of the Bureau;
 - (b) Directorate of Research;
 - (c) Directorate of Development and Production;
 - (d) Directorate of Test and Evaluation;
 - (e) Directorate of Liaison;
 - (f) Directorate of Administration and Logistics;

- (g) Directorate of Finance and Accounts; and
 - (h) any other directorates as may be approved by the Council.
- (3) Each Directorate shall be headed by a Director with an establishment rank of Major General or its equivalent in other Services, or a retired military officer of equivalent rank or a civilian with requisite professional experience and shall serve for a minimum term of three years (*Hon. Ahmed Idris — Deputy House Leader*).

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

Clause 11: Maintenance of register of defence related industries.

- (1) The Bureau shall maintain a register of defence related industries in Nigeria and abroad.
- (2) There shall be entered in the register particulars of such products, services and expertise as the Bureau considers appropriate with the aim of establishing liaison and partnership on matters related to defence, research and production (*Hon. Ahmed Idris — Deputy House Leader*).

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

Clause 12: Implementation of Policy.

No policy initiated in any way other than as provided for in section 6 of this Bill shall be implemented without prior reference to and approval of the Council (*Hon. Ahmed Idris — Deputy House Leader*).

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

PART IV — PRINCIPAL OFFICERS AND OTHER STAFF OF THE BUREAU

Clause 13: Appointment and functions of the Director-General.

- (1) There shall be appointed for the Bureau a Director-General, not below the rank of Major General or its equivalents in other Services, whose appointment and removal from office shall be in accordance with the Military posting on the recommendation of the Chief of Defence Staff (CDS) to the Council for approval.
- (2) The Director-General shall:
 - (a) knowledgeable in the defence related industries;
 - (b) have demonstrated experience in engineering, or science and technology; and
 - (c) responsible to the Council for:
 - (i) giving to the Council such information as to the activities of the Bureau as the Chairman of the Council may require,
 - (ii) authorising programmes and plans for giving effect to policy approved by the Council or to any direction of the Council subject to all or any of the powers in this section as may be delegated to him by the Council,

- (iii) preparation of programmes of work and estimates of the Bureau's income and expenditure annually,
 - (iv) administration of the Bureau,
 - (v) supervision of the activities of the Directors in the Bureau, and
 - (vi) co-ordinating the activities of the Centres.
- (3) The powers delegated to the Director-General pursuant to subsection (1) shall not preclude the Council from exercising them in some special cases.
- (4) The powers referred to in subsection (3) include:
- (a) the executive control over the military and civilian staff of the Bureau;
 - (b) the supervision of accounts and records;
 - (c) the preparation for approval of programmes and plans as are necessary to carry into effect approved policy or any directive of the Council;
 - (d) the interpretation of such policy to other staff of the Bureau;
 - (e) the making of staff recommendations to the Council; and
 - (f) the establishment of organisational structures, committees and schedule of duties:

Provided that nothing in this Bill shall be deemed to detract from the military powers of command of the Director-General (*Hon. Ahmed Idris — Deputy House Leader*).

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

Clause 14: Appointment of Other Principal Officers of the Bureau.

There shall be appointed for the Bureau, other members of staff, in accordance with the provisions of section 16 of this Bill (*Hon. Ahmed Idris — Deputy House Leader*).

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

Clause 15: Power to Create Offices and Directorates.

Notwithstanding the provisions of section 14 of this Bill, the Council shall have power to create any office or directorate, necessary for the efficient running of the Bureau (*Hon. Ahmed Idris — Deputy House Leader*).

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

Clause 16: Posting and Appointment of Staff to the Bureau.

- (1) The Nigerian Army, Nigerian Navy and Nigerian Air Force shall post military officers, soldiers, ratings and airmen/ from time to time, to fill administrative, command, liaison and other military vacancies in the Bureau.

- (2) The Council may appoint such persons as employable highly skilled retired officers of the Armed Forces or civilian members of staff of the Bureau for teaching, research, consulting and administration as it considers necessary and may approve terms and conditions of service.
- (3) Newly appointed members of staff of the Bureau shall, take such oaths as to secrecy and other matters as the Minister may, from time to time, direct (*Hon. Ahmed Idris — Deputy House Leader*).

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

Clause 17: Service in the Bureau to be Pensionable.

- (1) For the military personnel serving in the Bureau, the existing law on pay, allowance and pension for military personnel shall apply.
- (2) Service in the Bureau shall be approved service for purposes of the Pension Reform Act and accordingly employees of the Bureau shall, in respect of their services, be entitled to pension and other retirement benefits as are enjoyed by persons holding equivalent offices in the public service of the Federation (*Hon. Ahmed Idris — Deputy House Leader*).

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

Clause 18: Prohibition of Trade Union Activities.

- (1) No civilian personnel employed in any capacity, whether or not a member of a trade union, shall engage or take part in any union activity.
- (2) Any civilian personnel who contravenes the provisions of subsection (1), commits an offence and is liable on conviction to a fine of not less than ₦100,000 or imprisonment for a term of not less than six months or both (*Hon. Ahmed Idris — Deputy House Leader*).

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

PART V — FINANCIAL PROVISIONS

Clause 19: Establishment of the Defence Research and Development Bureau Fund.

There is established for the Bureau a Fund (in this Bill referred to as "the Fund") in which 0.1% of annual profits before tax of companies and enterprises, including multi-national companies, corporations and other organisations shall be paid into and all other funds accruing to the Bureau by way of gifts, endowments, bequest or other voluntary contributions from the state Governments in Nigeria and other donors outside Nigeria (*Hon. Ahmed Idris — Deputy House Leader*).

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

Clause 20: Funds for the Bureau.

- (1) The Bureau shall from the Fund defray all expenditures incurred by it for the purpose of this Bill.
- (2) There shall be paid and credited to the Fund:
 - (a) allocations from the annual budgetary provision of the Federal Government and money as may be appropriated for the Fund by the National Assembly;

- (b) a levy of .1% of the profit before tax of companies and enterprises with an annual turnover of not below ₦100,000,000.00 and such sums paid by the companies shall be tax deductible;
- (c) trust fund from special levy or tax on all equipment, supplies and materials imported by all military and Para-military organisations in the country;
- (d) foreign aid and assistance from bilateral and multilateral agencies;
- (e) fees charged for services rendered by the Bureau; and
- (f) all other sums accruing to the Fund by way of gifts, endowments, bequests or other voluntary contributions by persons and organizations that the terms and conditions attached to such gifts, endowments, bequest or contributions shall not jeopardise the functions and objectives of the Bureau (*Hon. Ahmed Idris — Deputy House Leader*).

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

Clause 21: Expenditure of the Bureau.

The Bureau shall apply the funds at its disposal to:

- (a) research, development and production activities necessary for the achievement of the objectives of the Bureau;
- (b) undertake any other activity in connection with any of the functions of the Bureau;
- (c) publicise and promote research and development results for adoption by industrial establishments;
- (d) the cost of establishing and maintaining the Headquarters of the Bureau;
- (e) the cost of establishing and operating laboratories, development centres and units;
- (f) the training of members of staff of the Bureau and provision of scholarships and awards for specialised training of personnel;
- (g) pay the staff, overhead allowances, benefits and other administrative costs of the Bureau;
- (h) sponsor scientific or other research initiatives that could enhance the operational capability of the AFN;
- (i) support scientific or other research efforts that are in line with the mandates of the Bureau;
- (j) organise defence research and development competitions, seminars and conferences; and
- (k) any other matter related to the functions of the Bureau (*Hon. Ahmed Idris — Deputy House Leader*).

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

Clause 22: Exemption from payment of Tax.

All incomes derived by the Bureau from the sources specified in sections 19 and 20 shall be exempted from income tax (*Hon. Ahmed Idris — Deputy House Leader*).

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

Clause 23: Submission of programme, income and expenditure estimate to the Council.

The Bureau shall submit to the Council, not later than 30th August in each year, its programme of work and estimates of its income and expenditure for the succeeding year (*Hon. Ahmed Idris — Deputy House Leader*).

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

Clause 24: Audit and Accounts.

The Accounts of the Bureau shall be audited not later than 6 months after the end of the financial year to which they relate by Auditors in line with the guidelines issued by the Auditor-General for the Federation (*Hon. Ahmed Idris — Deputy House Leader*).

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

Clause 25: Annual Report.

(1) The Bureau shall prepare and submit to the Council not later than 30th June in each year:

- (a) a report on the activities of the Bureau;
- (b) the audited accounts of the Bureau; and
- (c) the auditors' report for each year preceding the report.

(2) The Bureau shall, not later than 30th September in each year, submit to the Council the annual report of each of its Centres for the preceding year (*Hon. Ahmed Idris — Deputy House Leader*).

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

Clause 26: Power to purchase, build or lease property.

For the purpose of providing offices and premises necessary for the performance of its functions, the Bureau may, subject to the Land Use Act:

- (a) purchase or take on lease any interest in land, building or property; and
- (b) build, equip and maintain offices and premises (*Hon. Ahmed Idris — Deputy House Leader*).

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

Clause 27: Power to sell or lease out property.

The Bureau may, subject to the Land Use Act, sell or lease out any land, office or premises held by it, which is no longer required for the performance of its functions under this Bill (*Hon. Ahmed Idris — Deputy House Leader*).

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

Clause 28: Power to borrow.

The Bureau may, with the consent of or in accordance with the general authority given to it by the Council, borrow by way of loan or overdraft from any source or money required by the Bureau for meeting its obligations in the performance of its functions under this Bill (*Hon. Ahmed Idris — Deputy House Leader*).

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

Clause 29: Power to accept gifts.

The Bureau may accept gift of land, money or property upon such terms and conditions if any, as may be specified by the person or organisation making the gift if the conditions attached by the person making the gifts are not inconsistent with the objectives of the Bureau and the Federal Government policy (*Hon. Ahmed Idris — Deputy House Leader*).

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

Clause 30: Supremacy of the Armed Forces Act.

Where any of the provisions of this Bill relating to matters affecting the objectives and functions of the Bureau is inconsistent with the Armed Forces Act, the provisions of the Armed Forces Act shall prevail (*Hon. Ahmed Idris — Deputy House Leader*).

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

Clause 31: Commencement of suit on action and service of notice.

(1) A suit shall not be commenced against the Bureau, before the expiration of a period of one month, after written notice of intention to commence the suit shall have been served upon the Bureau by the intending plaintiff or his agent, and the notice shall clearly state the:

- (a) cause of action;
- (b) particulars of the claim;
- (c) name and place of abode of the intending plaintiff; and
- (d) relief which he claims.

(2) The notice referred to in subsection (1) and any summons, notice or other document required or authorised to be served upon the Bureau under this Bill or any other enactment or law, may be served by:

- (a) delivering the same to the Director-General; or
- (b) sending it by registered post to the registered address of the Bureau.

(3) In any action or suit against the Bureau, no execution or process shall be issued against the Bureau, but if the judgment of the court is awarded against the Bureau, it may be paid from the general reserve of the Bureau.

(4) The Bureau may retain the services of an external advocate who handles cases in court on behalf of the Bureau (*Hon. Ahmed Idris — Deputy House Leader*).

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

Clause 32: Power to make regulations.

The Council may make regulations generally for the purpose of giving effect to the provisions of this Bill, facilitating the performance of the Bureau's functions or pursuing the Bureau's objectives (*Hon. Ahmed Idris — Deputy House Leader*).

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

Clause 33: Interpretation.

In this Bill:

"Bureau" means the Defence Research and Development Bureau established under section 1 (1) of this Bill (*Hon. Ahmed Idris — Deputy House Leader*).

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

"Chairman" means the Chairman of the Council of the Bureau appointed under section 4 (1) (a) of this Bill (*Hon. Ahmed Idris — Deputy House Leader*).

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

"Council" means the Governing Council, Defence Research and Development Bureau established under section 3 of this Bill (*Hon. Ahmed Idris — Deputy House Leader*).

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

"external advocate" means qualified Legal practitioners not part of the Bureau but registered to and hired by the Bureau to handle its briefs (*Hon. Ahmed Idris — Deputy House Leader*).

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

"Fund" means the Fund of the Bureau established under section 19 of this Bill (*Hon. Ahmed Idris — Deputy House Leader*).

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

"Member" means a member of the Council and includes the Chairman (*Hon. Ahmed Idris — Deputy House Leader*).

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

"Minister" means the Minister responsible for Defence (*Hon. Ahmed Idris — Deputy House Leader*).

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

"principal officer" means the Director-General and any of the Director appointed under this Bill (*Hon. Ahmed Idris — Deputy House Leader*).

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

"Public Service" has the meaning assigned to it in the Constitution of the Federal Republic of Nigeria (Hon. Ahmed Idris — Deputy House Leader).

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

"Secretary" means the Secretary of the Council appointed under section 4 (1) (i) of this Bill; and (Hon. Ahmed Idris — Deputy House Leader).

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

"Technical officer" include scientists, engineers and lawyers working in the Bureau (Hon. Ahmed Idris — Deputy House Leader).

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

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

Clause 34: Citation.

This Bill may be cited as the Defence Research and Development Bureau Bill, 2019 (Hon. Ahmed Idris — Deputy House Leader).

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

SCHEDULE

Section 4 (2)

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

1. Subject to this Bill and section 27 of the Interpretation Act, the Council may make standing orders regulating its proceedings or any of its committees.
2. At any meeting of the Council, the Chairman shall preside or in his absence, the Minister of Defence shall preside at the meeting and in his absence, the members present at the meeting shall appoint one of them to preside at the meeting.
3. The Council shall meet not less than 4 times in each year and the Council shall meet whenever it is summoned by the Chairman.
4. The Quorum for the meetings of the Council shall not be less than 5 members of the Council.
5. The Council shall meet for the conduct of business at such places and on such days as the Chairman may appoint.
6. Any question put before the Council at a meeting shall be decided by consensus and, where this is not possible, by a majority of the votes of the members present and voting.
7. The Chairman shall, in the case of an equality of votes, have a casting vote in addition to his deliberative vote.

8. Where the Council desires to seek the advice of any person on a particular matter, the council may co-opt the person as a member for such period as it deems fit, but a person who is a member by virtue of this paragraph shall not be entitled to vote at any meeting of the Council and shall not count towards the quorum.
9. Subject to the provisions of this Bill, the Council shall have power to regulate its proceedings and may, make standing orders with respect to the:
 - (a) holding of its meetings and those of its committees;
 - (b) notice to be given;
 - (c) proceedings of the Council;
 - (d) keeping of minutes of such proceedings; and
 - (e) custody and production for inspection of such minutes.

Committees

10. The Council may set up one or more committees to carry out on its behalf such functions as it may determine.
11. A Committee set up under this Schedule shall consist of such number of persons, not necessarily all members of the Council, as may be determined by the Council, and a person other than members of the Council shall hold office on the Committee in accordance with the terms of the person's appointment.
12. A decision of a Committee of the Council is of no effect until it is confirmed by the Council.

Miscellaneous

13. The fixing of the seal of the Bureau shall be authenticated by the signature of the Director-General or of any other person authorised by the Council to act for a particular purpose.
14. A contract or instrument, which if made or executed by any person not being a body corporate would not be required to be under seal, may be made or executed on behalf of the Bureau by any person generally or specially authorised by the Council to act for that purpose.
15. The validity of any proceeding of the Council or its Committees is not affected by:
 - (a) any vacancy in the membership of the Council or its Committee;
 - (b) reason that a person not entitled to do so took part in the proceedings; or
 - (c) any defect in the appointment of a member.
16. A member of the Council and any person holding office on a Committee of the Council who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Council or a Committee shall:
 - (a) disclose his interest to the Council or Committee, as the case may be; and
 - (b) not vote on any question relating to the contract or arrangement (*Hon. Ahmed Idris — Deputy House Leader*).

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

Explanatory Memorandum:

This Bill seeks to establish the Defence Research and Development Bureau, propose a realistic Defence Policy for basic and applied research on defence items and equipment, initiate and coordinate the scientific, technological and environmental research activities of the Armed Forces, provide strategic direction for self-reliance in defence and security needs, evaluate needs and liaise with private and government research institutions on defence related items and equipment (*Hon. Ahmed Idris — Deputy House Leader*).

Agreed to.

Long Title:

A Bill for an Act to Establish the Defence Research and Development Bureau (DRDB) to Initiate and Conduct Robust Research and Development in the Armed Forces in Nigeria; and for Related Matters (HB. 1606) (*Hon. Ahmed Idris — Deputy House Leader*).

Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in Committee of the Whole considered the Report on a Bill for an Act to Provide for Establishment of the Defence Research and Development Bureau (DRDB); and for Related Matters (HB.1606) and approved Clauses 1 - 34, the Schedule, the Explanatory Memorandum, and the Long Title of the Bill.

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

(vii) Committee on Federal Capital Territory:

That the House do resume consideration of the Report of the Committee on Federal Capital Territory on a Bill for an Act to Provide for Establishment of Federal Capital Territory University of Science and Technology, Abaji; and for Related Matters (HB. 145) .

Order read; deferred by leave of the House.

(viii) Committee on Tertiary Education and Services:

Motion made and Question proposed, “That the House do consider the Report of the Committee on Tertiary Education and Services on a Bill for an Act to Amend the University of Lagos Act, Cap. U9, Laws of the Federation of Nigeria, 2004 to specify the Minimum Qualification for the Chairman of the Governing Council, Ownership of Intellectual Property and to Provide for Pre-action Notice to the University Authority; and for Related Matters (HB. 1106) and approve the recommendations therein” (*Hon. Jarigbe Agom Jarigbe — Ogoja/Yala Federal Constituency*).

Agreed to.

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

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

A BILL FOR AN ACT TO AMEND THE UNIVERSITY OF LAGOS ACT,
CAP. U9, LAWS OF THE FEDERATION OF NIGERIA, 2004 TO SPECIFY THE
MINIMUM QUALIFICATION OF THE CHAIRMAN OF THE GOVERNING COUNCIL,
OWNERSHIP OF INTELLECTUAL PROPERTY AND TO PROVIDE FOR PRE-ACTION
NOTICE TO THE UNIVERSITY AUTHORITY; AND FOR RELATED MATTERS

Committee Recommendation:

Clause 1: Amendment of Cap. U9, LFN, 2004.

The University of Lagos Act, Cap. U9, Laws of the Federation of Nigeria, 2004 (in this Bill referred to as "the Principal Act") is amended as set out in this Bill (*Hon. Jarigbe Agom Jarigbe — Ogoja/Yala Federal Constituency*).

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

Committee Recommendation:

Clause 2: Amendment of Section 5.

Section 5 (a) of the Principal Act is amended by inserting after the word, "Pro-Chancellor", the words, " who shall possess a minimum of a university degree with cognate experience, integrity, vibrancy and must be healthy and fit to perform the function of a chairman (*Hon. Jarigbe Agom Jarigbe — Ogoja/Yala Federal Constituency*).

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

Committee Recommendation:

Clause 3: Amendment of Section 12.

Section 12 of the Principal Act is amended by inserting a new sub section "(2A)" —

"(2A) The University shall make Intellectual Property Governance Codes that comply with international best practice to govern the ownership of intellectual property within the university" (*Hon. Jarigbe Agom Jarigbe — Ogoja/Yala Federal Constituency*).

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

Committee Recommendation:

Clause 4: Insertion of a new Section 21A.

The Principal Act is amended by inserting a new section "21A" —

"21A. Pre-Action Notice.

- (1) An aggrieved staff or student shall not commence a suit in Court against the University except the staff or student gives the University one month written notice of intention to commence the suit.
- (2) The written notice of under subsection (1) of this section shall be served on the University by the intending plaintiff or his agent and the notice shall explicitly state the:
 - (a) cause of action;
 - (b) particulars of claim or the grievance sought to be redressed;
 - (c) name, particulars and official address of the intending plaintiff; and
 - (d) relief which the intending plaintiff claims.

- (3) The written notice under subsection (1) of this section and any summons, notice or other document required or authorized to be served on the University under this Act or any other law shall be addressed to the Vice-Chancellor of the University and may be served by delivering same to the Vice-Chancellor, the Deputy Vice-Chancellor or any other Principal Officer of the University or by sending it by registered post, electronic mail or any other legally recognized digital form of communication in Nigeria (*Hon. Jarigbe Agom Jarigbe — Ogoja/Yala Federal Constituency*).

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

Committee Recommendation:

Clause 5: Amendment of Fourth Schedule.

Article 9 of the Fourth Schedule to the Principal Act is amended by —

- (a) substituting for the existing sub article (2), a new sub article "(2)" —

"(2) The Dean of a teaching unit shall be appointed by the Senate and shall hold office for a term of two years after which he may be eligible for re-appointment for another period of two years and no more".

- (b) inserting a new sub article "(3A)" —

"(3A) Where there is no professor in a faculty, the office of the Dean of the faculty shall be held in rotation by members of the faculty holding the ranks of reader or senior lecturer on the basis of seniority as determined by the Senate" (*Hon. Jarigbe Agom Jarigbe — Ogoja/Yala Federal Constituency*).

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

Committee Recommendation:

Clause 6: Citation.

This Bill may be cited as the University of Lagos Act (Amendment) Bill, 2019 (*Hon. Jarigbe Agom Jarigbe — Ogoja/Yala Federal Constituency*).

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

Explanatory Memorandum:

This Bill seeks to amend the University of Lagos Act Cap.U9 laws of the Federation of Nigeria by specifying the minimum qualification of the Chairman of the Governing Council, ownership of intellectual property and providing for pre-action notice to the University authority from an aggrieved staff or student (*Hon. Jarigbe Agom Jarigbe — Ogoja/Yala Federal Constituency*).

Agreed to.

Long Title:

A Bill for an Act to Amend the University of Lagos Act, Cap. U9, Laws of the Federation of Nigeria, 2004 to Specify the Minimum Qualification of the Chairman of the Governing Council, Ownership of Intellectual Property and to Provide for Pre-action Notice to the University Authority; and for Related Matters (HB. 1106) (*Hon. Jarigbe Agom Jarigbe — Ogoja/Yala 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 Tertiary Education and Services on a Bill for an Act to Amend the University of Lagos Act, Cap. U9, Laws of the Federation of Nigeria, 2004 to specify the Minimum Qualification for the Chairman of the Governing Council, Ownership of Intellectual Property and to Provide for Pre-action Notice to the University Authority; and for Related Matters (HB. 1106) and approved Clauses 1 - 6, the Explanatory Memorandum, and the Long Title of the Bill.

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

(ix) Committee on Federal Road Safety Commission:

Motion made and Question proposed, "That the House do consider the Report of the Committee on Federal Road Safety Commission on a Bill for an Act to Repeal the Federal Road Safety Commission (Establishment) Act, 2007 and Enact a Bill For an Act to Establish the Nigeria Road Safety Commission with Responsibility for Traffic Management, Prevention and Minimization of Road Traffic Crashes, Supervision of Users of such Roads, Regulation of Traffic thereon, Clearing of Obstructions on any part of the Roads, Education of Drivers, Motorists and Other Members of the General Public on the Proper use of the Roads; and for Related Matters (HB. 932, HB. 939, HB. 796 and HB. 1328)" (Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency).

Agreed to.

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

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

A BILL FOR AN ACT TO ESTABLISH THE NIGERIA ROAD SAFETY COMMISSION WITH RESPONSIBILITY FOR TRAFFIC ADMINISTRATION AND SAFETY MANAGEMENT, PREVENTION AND MINIMIZATION OF ROAD TRAFFIC CRASHES, THE SUPERVISION OF USERS OF SUCH ROADS, THE REGULATION OF TRAFFIC THEREON, CLEARING OF OBSTRUCTIONS ON ANY PART OF THE ROADS, THE EDUCATION OF DRIVERS, MOTORISTS AND OTHER MEMBERS OF THE PUBLIC GENERALLY ON THE PROPER USE OF THE ROADS, AND FOR RELATED MATTERS TO SAFETY ON THE ROADS

PART I — ESTABLISHMENT OF NIGERIA ROAD SAFETY COMMISSION, ETC.

Committee Recommendation:

Clause 1: Establishment of Nigeria Road Safety Commission, etc.

- (1) There is hereby established a body to be known as the Nigeria Road Safety Commission (in this Bill referred to as "the Commission") which shall be a body corporate with perpetual succession and a common seal, and may sue and be sued in its corporate name.
- (2) The Commission shall consist of:
 - (a) (i) a Chairman and six other persons appointed by the President;

- (ii) one representative of Federal Ministry of Transport who shall be persons possessing sound knowledge or ability in the organization and administration of road traffic and road safety matters;
 - (iii) one representative of Federal Ministry of Works who shall be persons possessing sound knowledge or ability in the organization and administration of road traffic and road safety matters;
 - (iv) one representative of Federal Ministry of Health who shall be persons possessing sound knowledge or ability in the organization and administration of road traffic and road safety matters;
 - (b) the Corps Marshal of the Corps;
 - (c) members mentioned in paragraph (a) above shall serve on part time basis and in the case of members representing the Federal Ministries responsible for Works, Transport and Health shall not be below the rank of Director.
- (3) The provisions of the First Schedule to this Bill shall apply with respect to the proceedings of the Commission and other matters provided therein (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

Committee Recommendation:

Clause 2: Tenure of office of Members.

- (1) Subject to subsection (2) of this section, a member of the Commission other than the Corps Marshal shall hold office for a term of four years and may be re-appointed for a further term of four years and no more.
- (2) Any member of the Commission not being a public officer may resign his appointment by a letter addressed to the President.
- (3) Members of the Commission shall be paid such remuneration and allowances, as the President may determine.
- (4) The President may at any time remove any member from office if in his opinion it is in the interest of the Commission or of the public for such member to be removed from the Commission (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

Committee Recommendation:

Clause 3: Responsibilities of the Commission.

The Commission shall be charged with the responsibility for —

- (a) policy making;
- (b) appointing suitable persons as:
 - (i) Deputy Corps Marshal (DCM),

- (ii) Assistant Corps Marshal (ACM),
- (iii) Corps Commander (CC),
- (iv) Deputy Corps Commander (DCC),
- (v) Assistant Corps Commander (ACC),
- (vi) Chief Route Commander (CRC),
- (vii) Superintendent Route Commander (SRC),
- (viii) Route Commander (RC),
- (ix) Deputy Route Commander (DRC),
- (x) Assistant Route Commander (ARC):

Provided that every commissioned officer appointed shall on appointment be first enlisted into the Corps on the rank of Assistant Route Commander except Legal Officers, Medical Officers and other professionals who may on appointment be enlisted into the Corps on a rank higher than Assistant Route Commander but not higher than Superintendent Route Commander;

- (c) in line with regulations on discipline or terms and conditions of service made pursuant to section 5 (1) (e) and (f) of this Bill, exercise disciplinary power over members of the Corps from the rank of Assistant Route Commander (ARC) to Deputy Corps Marshal (DCM);
- (d) subject to the provisions of this Bill make, alter or revoke rules and regulations for carrying on the functions of the Commission;
- (e) determine the terms and conditions of service of members of the Corps including remuneration and retirement benefits;
- (f) determine the Scheme of Service including terms of appointment and promotion of commissioned officers of the Corps; and
- (g) establish an Academy as a degree awarding institution, Training School to award diploma certificate, and any other training institution for training of members of the Corps and the public (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

Committee Recommendation:

Clause 4: Delegation of Power.

The Commission may, subject to such conditions as it may deem fit, delegate any of its powers under this Bill to any of its members, the Corps Marshal or any member of the Corps such that the delegated power may be exercised by the delegate in respect to the matter or class of matters specified or defined in the instrument of delegation (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Constituency*).

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

*Committee Recommendation:***Clause 5: Power to make Regulations.**

- (1) The Commission may make regulations generally for the carrying out of its functions under this Bill and, in particular, may make regulations relating to:
- (a) ranks, payment of salaries and allowances of members of the Corps;
 - (b) hours of duty and leave periods of members of the Corps;
 - (c) the procedure and terms of appointment of members of the Corps;
 - (d) subject to the provisions of this Bill, the qualification for appointments of members of the Corps to any rank and the procedure for promotion to any such rank;
 - (e) the maintenance of discipline among members of the Corps;
 - (f) the Conditions and Schemes of Service of members of the Corps.
 - (g) the design and production of drivers' licences and vehicle number plates to be used by various categories of vehicle operators;
 - (h) registration and licensing of vehicles, drivers' licences, use of expressways, use and construction of vehicles, road codes and in general on human, vehicular and environmental factors to make the highways safe;
 - (i) establishment of road side clinics for the treatment of accident victims;
 - (j) establishment and regulation of ambulances services engaged in road traffic accident rescue and emergency duties;
 - (k) the establishment, investigation and certification of driving schools other than those established by the Commission under this Bill;
 - (l) the certification of convoy drivers;
 - (m) the certification of commercial drivers;
 - (n) the certification and registration of Fleet Operators;
 - (o) speed limiting devices to be used by motor vehicles of any class or description;
 - (p) the speed at which motor vehicles of any class or description may be driven either generally on any public road or within any defined area;
 - (q) the construction of motor vehicles and trailers and may, in particular, make provisions with respect to the following matters —
 - (i) the width, height and length of motor vehicles and trailers and the load carried thereby, the diameter of wheels, and the width, nature and condition of tyres of motor vehicles and trailers;

- (ii) the emission of smoke, and visible vapour, sparks, ashes and grits;
- (iii) excessive noise owing to the design or condition of a vehicle or the loading thereof;
- (iv) the maximum laden weight of motor vehicles and trailers, and the maximum weight to be transmitted to the road or any specified area thereof by a motor vehicle or trailer of any class or description or by any part or parts of such a vehicle or trailer in contact with the road and the conditions under which the weights may be required to be tested;
- (v) for the placing on or near a public road of traffic signs conformable with international standards and local requirements;
- (vi) for the prohibition or control of advertising on Federal highways or within 30.48 metres of the formation;
- (vii) the particulars to be marked on motor vehicles and trailers;
- (viii) the towing or drawing of vehicles by motor vehicles;
- (ix) the number and nature of brakes, and any device for ensuring that brakes, silencers and steering gear are efficient and kept in proper working order;
- (x) the appliances to be fitted for signaling the approach of a motor vehicle or enabling the driver of a motor vehicle to become aware of the approach of another vehicle from the rear, or for intimating any intended change of speed or direction of motor vehicles, and the use of such appliance, and for ensuring that they are efficient and kept in proper working order;
- (xi) for prohibiting the use of appliances fitted to motor vehicles for signaling their approach, being appliances for signaling by sound, at any time, or on or in any specified part of a public road;
- (xii) the use of seat belts, mobile phones, eating or smoking while driving;

Provided that any Regulation made pursuant to section 5(1) (q) (iv)-(vi) shall be made jointly by the Commission and the Federal Ministry of Works;

- (r) the supervision of the use and users of roads;
- (s) the restriction or exclusion of type or class of vehicles, roadworthiness of vehicles and vehicle inspection;
- (t) the restriction of the use of public roads by any vehicles or breed of animals;

- (u) the line to be kept on a public road and the direction to be followed by vehicles;
 - (v) the prohibition of parking or waiting on, or, as the case may be, the prescription of specified parking or waiting places;
 - (w) generally ensuring the uninterrupted flow of vehicular and pedestrian traffic;
 - (x) implementation of highway regulations made by the States and the Federal Capital Territory, Abuja in respect of the proof of ownership of a vehicle, the registration of vehicles and such other matters pertaining to making the roads safe;
 - (y) the prohibition of waiting vehicles on any specified road;
 - (z) the specification of routes to be followed and the stopping places to be used by stage carriages;
 - (aa) offences and penalties payable by offenders;
 - (bb) the use and construction of motorcycles, tricycles, crash helmets and the regulation of operations of motorcycles and tricycles generally;
 - (cc) the education of motorists and other road users;
 - (dd) standards and conditions for road traffic administration and safety in Nigeria;
 - (ee) operations of the Corps;
 - (ff) road safety matters.
- (2) The Commission shall have the power to review, modify, vary or repeal any regulations made before this Bill or saved by this Bill as and when it deems necessary.
- (3) The Commission and the National Insurance Commission shall jointly make regulations in respect of the management of the road traffic crash trust fund (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

Committee Recommendation:

Clause 6: Directives of the President.

- (1) The President may give directives of a general or special character to the Commission relating to the performance by the Commission of any or all of its functions under this Bill or the policy to be followed by the Commission in the exercise of its functions and it shall be the duty of the Commission to comply with and give effect to any such directives.
- (2) The Commission shall furnish the President with such information and returns relating to its current and proposed activities as the President may, from time to time, require and the Commission shall give the President all facilities for verifying the information or returns so furnished (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

Committee Recommendation:

Clause 7: Corps Marshal of the Nigeria Road Safety Corps.

- (1) There shall be a Corps Marshal of the Nigeria Road Safety Corps established under section 10 of this Bill who shall be appointed by the President from among serving members of the Corps.
- (2) The Corps Marshal shall be the Chief Executive of the Corps and shall, without prejudice to his powers to delegate in appropriate circumstances, be exclusively responsible for the execution of the policies and decisions of the Commission and for carrying into effect the day-to-day activities of the Corps.
- (3) Without prejudice to the provisions of subsection (2) of this section, the Corps Marshal shall —
 - (a) exercise general supervision and control over members of the Corps and volunteers;
 - (b) determine the Scheme of Service including terms of appointment and promotion of non-commissioned members of the Corps;
 - (c) direct the activities of members of the Corps, other staff employed to render technical and any other services to the Commission or the Corps and volunteers.
 - (d) manage the financial affairs of the Commission and the Corps;
 - (e) deploy the human and material resources of the Commission and the Corps in such manner as will best ensure the attainment of the aims and objectives of this Bill;
 - (f) appoint, promote and discipline non-commissioned members of the Corps and other ad-hoc or contract staff employed to render technical and any other services to the Commission or the Corps.
 - (g) constitute such number of persons as he may deem fit as Volunteer Special Marshals and members of the Road Safety Club who may carry out traffic control duty as a complementary service to the Corps as volunteers and shall not be entitled to any salary or allowances for their services.
 - (h) appoint the National Coordinator, Zonal and State Coordinators of Volunteer Special Marshals and make guidelines for the operations and activities of the Volunteer Special Marshals and Road Safety Club (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

Committee Recommendation:

Clause 8: Funds and Resources of the Commission.

- (1) The Commission shall establish and maintain a fund.
- (2) The funds of the Commission shall consist of —

- (a) such funds as budgetary allocations, trust funds, percentage of road funds, subventions and grants-in-aid as may from time to time be made by the Federal Government and administrative charges on the uniform licensing scheme;
- (b) such sums or property which may, from time to time by way of loans or grants and gifts, accrue to the Commission from non-governmental bodies or individuals;
- (c) other monies received by the Commission which may in any way become payable to or vested in the Commission by way of fines, gifts and testamentary disposition.
- (d) all monies received on behalf of the Commission shall be receipted and paid into the Government Treasury within 24 hours of receipt or the next working day.
- (e) subject to the provisions of section 10 (7) (j) of this Bill, any money recovered from the scene of road traffic crash or recovered in any form during patrol or other enforcement activities by members of the Corps, shall be paid into Federation Account within six months if unclaimed by the owner or any other person having legal right to such money (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

Committee Recommendation:

Clause 9: Funds and Resources of the Commission.

- (1) The Commission may from time to time apply its funds to —
 - (a) the general administration of the Commission and the Corps;
 - (b) the payment of salaries, allowances and other emoluments and benefits including retirement benefits accruing to the members and staff of the Corps;
 - (c) the expenses of Committees of the Commission or the Corps duly approved by the Commission or the Corps Marshal as the case may be;
 - (d) provision of logistics for the Commission and the Corps;
 - (e) acquisition and maintenance of any property for the use of the Corps;
 - (f) provision of welfare for members of the Corps;
 - (g) any other expenses that are necessary for the carrying into effect of the provisions of this Bill.

The Corps shall keep proper accounts of its receipts, payments, assets and liabilities and shall submit the accounts annually, for auditing by a qualified auditor from the list of auditors supplied by the Auditor-General of the Federation (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

PART II — ESTABLISHMENT AND FUNCTIONS OF
THE NIGERIA ROAD SAFETY CORPS

Committee Recommendation:

Clause 10: Establishment and functions of the Nigeria Road Safety Corps.

- (1) There is established for the Commission, a body to be known as the Nigeria Road Safety Corps (in this Bill referred to as "the Corps") which shall be the lead agency in road traffic administration and safety management in Nigeria.
- (2) The Corps shall consist of the following:
 - (a) the Corps Marshal of the Corps appointed by the President under section 7 of this Bill;
 - (b) such number of Deputy Corps Marshals, Assistant Corps Marshals, as the Commission established under section 1 of this Bill considers appropriate and such ranks as may from time to time be appointed by the Commission as the case may be and non - commissioned officers appointed by the Corps Marshal under section 7 of this Bill.
- (3) The Corps shall be a para-military agency and the lead agency in road traffic administration and safety management in Nigeria.
- (4) The Corps shall discharge functions relating generally to —
 - (a) making the roads safe for motorists and other road users;
 - (b) recommending works and devices designed to eliminate or minimise road traffic crashes and advising the Federal or State Governments, including the Federal Capital Territory Administration and relevant governmental agencies on the localities where such works and devices are required;
 - (c) educating motorists and other members of the public on the importance of discipline on the road;
 - (d) designing and producing the driver's licence to be used by various categories of vehicle operators; and such driver's licence shall be valid throughout Nigeria;
 - (e) reviewing and re-designing driver's licence and vehicle number plates;
 - (f) designing and producing the international driver's permit in line with international convention;
 - (g) determining, from time to time, the requirements to be satisfied by an applicant for a driver's licence;
 - (h) designing and producing vehicle plate identification numbers which shall be valid throughout Nigeria;
 - (i) determining the number plates to be used by each category of vehicles;

- (j) determining the type of speed limiting devices to be used by vehicles in Nigeria;
 - (k) enforcing and controlling the use of speed limiting devices by vehicles;
 - (l) the standardisation of road traffic codes;
 - (m) producing road and directional signs;
 - (n) enforcing any law with respect to insurance of vehicles; and
 - (o) carrying out road safety audit.
- (5) In particular, but without prejudice to the generality of the provision of subsection (1) of this section, members of the Corps shall, subject to the provisions of this Bill, be charged with responsibility for —
- (a) preventing or minimising road traffic crashes;
 - (b) clearing obstructions on any part of the road;
 - (c) educating drivers, motorists and other members of the public generally on the proper use of the road;
 - (d) giving prompt attention and care to victims of road traffic crashes;
 - (e) conducting researches into causes of road traffic crashes and methods of preventing them and putting into use the result of such researches;
 - (f) determining and enforcing speed limits for all categories of roads and vehicles;
 - (g) determining the validity period for driver's licences and number plates;
 - (h) co-operating with bodies or agencies or groups engaged in road safety activities or in the prevention of road traffic crashes;
 - (i) regulating the use of sirens, flashers and beacon lights on vehicles other than Ambulances and vehicles belonging to the Armed Forces, Nigeria Police, Fire Service and other Para-Military Agencies;
 - (j) providing roadside and mobile clinics for the free initial treatment of victims of road traffic crashes;
 - (k) inspecting the roadworthiness of vehicles;
 - (l) investigating road traffic crashes;
 - (m) designing, producing and issuing the international driver's permit in line with international conventions;
 - (n) determining the number plates to be used by each category of vehicles;

- (o) designing and re-designing number plates to be used by various categories of vehicles;
 - (p) enforcing any law with respect to insurance of vehicles;
 - (q) controlling vehicular traffic on roads;
 - (r) performing such other functions as may, from time to time, be assigned to the Corps by the Commission.
- (6) In the exercise of the functions conferred by this Bill, members of the Corps shall have power to arrest and prosecute offenders reasonably suspected of having committed any of the following offences or other offences contained in this Bill or in any law or regulations made pursuant to this Bill, and serve same with a Court summons, notice of offence sheet manually or electronically, that is —
- (a) obstructing the flow of traffic with vehicle or any other object or waiting, parking, loading or offloading at unauthorized places;
 - (b) driving or riding any vehicle on the road in excess of the prescribed speed;
 - (c) dangerous or wrongful overtaking of another vehicle;
 - (d) failing to obey traffic lights, road signs or pavement /road markings;
 - (e) driving a vehicle without carrying breakdown transparent warning cones or triangles, or in the case of a breakdown, without reporting within reasonable time of the breakdown to members of the Corps so that necessary measures may be taken to effect the removal of the breakdown vehicles from the road;
 - (f) driving a vehicle without lights as specified or fixed by the manufacturer;
 - (g) driving a vehicle on the road with additional lights other than the manufacturers specification;
 - (h) contravention of the provision of any order, bye-laws, regulations or rules relating to —
 - (i) the route to be followed by vehicles generally or by vehicles of the class to which the vehicle belongs, or
 - (ii) the roads which are to be used for traffic by such vehicles, or
 - (iii) road safety generally;
 - (i) being on a road without a valid vehicle licence;
 - (j) being on a road without the driver thereof being in possession of a valid Insurance Cover/Certificate required by law;

- (k) unauthorised pasting of bills/posters on road signs or defacing or removal of or tampering with road signs or directions;
- (l) creating a road hazard without adequate warning signs;
- (m) removing a vehicle on which the sign DO NOT MOVE is pasted by members of the Corps or other duly authorised body;
- (n) failure to observe speed limit erected at road construction areas;
- (o) in the case of slow moving vehicles, failure to move to the extreme shoulder of the road where up to four vehicles are held up and unable to overtake;
- (p) in the case of a vehicle carrying a load of gravel or other unstable materials, failure to cover such materials with tarpaulin or strong plastic;
- (q) failure to display valid number plates on vehicles as prescribed or covering same with any material whether transparent or not;
- (r) carrying passengers or loads in excess of the number or weight a particular vehicle is licensed to carry;
- (s) in the case of road construction companies, failure to provide adequate warning signs at construction areas day or night;
- (t) driving a vehicle without a valid or roadworthy spare tyre;
- (u) driving a vehicle with expired tyre, tyre whose threading are worn out, or offering such tyres for sale;
- (v) driving a vehicle without a windscreen or broken/shattered windscreen to the extent that it affects the visibility of the driver;
- (w) driving a vehicle with a projecting load and without a red flag warning attached to the end of the projecting load;
- (x) riding a motor cycle without crash helmet properly strapped to the head and fastened under the chin by both rider and passenger;
- (y) riding motorcycle with more than one passenger;
- (z) driving a motor vehicle or motor cycle when below the age of 18 years;
- (aa) rejection of road traffic crash victims by hospitals and, or medical personnel;
- (bb) assaulting a member of the Corps in the performance of his duties;
- (cc) failure to reclaim detained vehicle after 24 hours;
- (dd) driving a vehicle with expired fire extinguisher or without a fire extinguisher which conforms to the required specifications;

- (ee) driving a passenger-carrying commercial vehicle on an intercity journey without passengers' manifest;
- (ff) driving a vehicle not fitted with functional seat belts or where fitted, not wearing same by the driver and other occupants of the vehicle and failure of the driver to ensure that his passengers wear seatbelt while the vehicle is in motion.
- (gg) making or receiving phone call while driving a vehicle;
- (hh) being a compulsive, wanted or violent traffic offender (Reprobate Offender Alert Series);
- (ii) driving a motor vehicle on a road without the authority of the owner;
- (jj) driving on any road a motor vehicle having its steering apparatus on the right hand side;
- (kk) driving a motor vehicle on the pedestrian walkway or kerb or against the flow of traffic;
- (ll) obstructing a marshal on duty;
- (mm) attempting to corrupt a marshal on duty;
- (nn) driving a motor vehicle on the road without due care and attention or without reasonable consideration for other road users
- (oo) pedestrian crossing the road within 300 metres of crossing zone on a road;
- (pp) illegal production, distribution/circulation and sale of Driver's License and Vehicle Number Plates;
- (qq) production, distribution/circulation and sale of fake Driver's License and Vehicle Number Plate;
- (rr) smoking, eating or drinking while driving;
- (ss) driving a vehicle or motorcycle not fitted with retro-reflective tapes;
- (tt) driving a truck or vehicle with a holding container not fitted with holding twist locks or fitted with other equipment and gadgets;
- (uu) driving a vehicle not fitted with speed limiting device;
- (vv) engaging in the distribution, sale, or installation of substandard or fake speed limiting device;
- (ww) tampering with any speed limiting device installed in a motor vehicle;
- (xx) unauthorised use of sirens, flashers or beacon lights on roads;
- (yy) obstructing authorised vehicles using sirens, flashers or beacon lights;

- (zz) driving a vehicle on a road in a dangerous or reckless manner;
 - (ab) preaching, hawking or carrying out any other activity using a vehicle's apparatus designed to produce or amplify sound;
 - (ac) refusal to submit oneself for preliminary road side breath test;
 - (ad) refusal by fleet operators to adhere to laws and regulations on fleet operations;
 - (ae) operating towing services without licence;
 - (af) carrying passengers in compartment meant for goods only.
 - (ag) trading/hawking on a pedestrian bridge
 - (ah) driving against traffic on a one way lane
 - (ai) hitting a pedestrian at zebra crossing.
- (7) Any person suspected of having committed an offence under subsection (6) (b), (c), (bb), (gg), (hh), (ll) (mm) or (zz) shall before prosecution undergo psychological evaluation at a government approved hospital and the cost of such evaluation shall be borne by him.
- (8) No person shall, on or immediately adjacent to any road —
- (a) drive or permit the movement of livestock, other than that being carried in a motor vehicle;
 - (b) permit or be concerned with the buying or selling of livestock;
 - (c) permit the grazing of livestock;
 - (d) operate or permit the operation of any handcart or sale of any product.
- (9) Any person who fails to comply with the provisions of subsection (8) of this section shall be guilty of an offence and liable on conviction to a fine of ₦10,000 or to a term of imprisonment not exceeding six months or to both such fine and imprisonment.
- (10) In the discharge of the functions of the Corps under this Bill, a member of the Corps shall have power to —
- (a) arrest any person suspected of committing or having committed an offence under this Bill and any other Regulation made pursuant to this Bill;
 - (b) remove and detain for a reasonable length of time any vehicle which has been parked in a manner that causes an obstruction on a road and the owner or driver of the vehicle shall pay towing fee, and a sum of ₦200 for every day or part thereof from the date of detention which the vehicle remains in the custody of the Corps in addition to any other penalty which may have been prescribed under this Bill:

Provided that if the owner or driver of the vehicle fails to reclaim such vehicle within six (6) months from the date detention, the Corps may apply to the High Court for an order forfeiting the vehicle to the Corps which may thereafter dispose of the vehicle by public auction and deposit the proceeds of the sale in the Federation account.

- (c) endorse, after conviction or voluntary payment of fine as the case may be, any driver's licence indicating the offence committed by its holder;
 - (d) seize the driver's licence of any person suspected to have committed an offence under this Bill or any Regulations made pursuant to this Bill and the documents or particulars in respect of the vehicle by which the offence is suspected to have been committed.
 - (e) impound a vehicle suspected to have been stolen where the driver of the vehicle fails to produce, on demand and to the satisfaction of the member of the Corps, the particulars of such vehicle;
 - (f) tow away and park such impounded vehicle within the premises of the Corps and promptly notify the Police of the matter for further investigation;
 - (g) declare a person suspected of having committed an offence wanted when he fails to report to answer charges against him under this Bill or any Regulations made pursuant to this Bill;
 - (h) impound any vehicle by which an offence under this Bill is reasonably suspected to have been committed;
 - (i) arrest and prosecute any person offering bribe to a member of the Corps or attempting to corrupt a Marshal on duty;
 - (j) remove and keep in custody properties or monies recovered at scene of road traffic crash or in the course of any patrol activity. Provided that if the money or property remains unclaimed for six months after the date of its recovery, the Corps may apply to the high Court for an order forfeiting the property or money to the Corps which shall thereafter dispose of the property by public auction and deposit the proceeds of the sale including recovered money into Government Treasury.
 - (k) conduct preliminary road side test, laboratory test or analysis of specimen (blood, breath or urine) in the enforcement of section 67 of this Bill. Provided that medical analysis or laboratory test shall be conducted by a medical doctor, laboratory scientist or a paramedic.
 - (l) arrest any person who drives a motor vehicle with tinted glass fitted to the motor vehicle without a tinted glass permit.
- (11) The driver or owner of an impounded vehicle shall be liable to pay a sum of ₦200 for every day or part thereof during which the vehicle is detained:

Provided that if the driver or owner of the vehicle fails to reclaim such vehicle within six months of the date of its detention, the Corps may apply to the High Court for an order forfeiting the vehicle to the Corps which may thereafter dispose of the vehicle by public auction and deposit the proceeds of sale into Government Treasury.

- (12) Any person who contravenes any of the provisions of subsection (6) of this section commits an offence under this Bill and shall be liable on summary conviction to penalty as specified in the second schedule to this Bill.
- (13) A person suspected of having committed an offence under this Bill may be prosecuted in a High Court, Magistrate Court, Special or Mobile Court in the Federal Capital Territory, Abuja, or the State within which the offence is committed.
- (14) The Chief Judge of a State or the Federal Capital Territory, Abuja shall have power to establish Special or Mobile Courts for the purpose of a speedy trial of road traffic offenders under this Bill or any other Regulations.
- (15) Notwithstanding the provisions of subsection (12) of this section, the Court convicting an offender under this Bill may impose a term of imprisonment not exceeding six months in lieu of any of the penalties provided for in the Second Schedule to this Bill.
- (16) For the purpose of enforcing or prosecuting offences under this Bill, the provisions of any regulations made under this Bill shall apply to this Bill.
- (17) Any person who commits:
 - (a) a breach of or fails to comply with any of the provisions of this Bill, the Road Traffic Laws of a State, and any regulations made under these Laws; or
 - (b) an offence against this Bill shall, where no special penalty is provided in this Bill, be liable on conviction to a fine of ₦5,000.00 or to imprisonment for a term not less than 6 months, or to both such fine and imprisonment.
- (18) Without prejudice to subsections (6) and (12) of this section, a person arrested for any traffic offence may voluntarily elect to pay the statutorily prescribed fine within seven days after which he may be charged to Court if he fails or refuses to pay the prescribed fine (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

Committee Recommendation:

Clause 11: Ranks of Members of the Corps.

- (1) Members of the Corps who are commissioned officers shall bear such ranks and designations as may be assigned to them by the President or the Commission within the following grades, that is —
 - (a) Corps Marshal;
 - (b) Deputy Corps Marshal (DCM);

- (c) Assistant Corps Marshal (ACM);
 - (d) Corps Commander (CC);
 - (e) Deputy Corps Commander (DCC);
 - (f) Assistant Corps Commander (ACC);
 - (g) Chief Route Commander (CRC);
 - (h) Superintendent Route Commander (SRC);
 - (i) Route Commander (RC);
 - (j) Deputy Route Commander (DRC);
 - (k) Assistant Route Commander (ARC);
- (2) Members of the Corps who are non-commissioned officers shall bear such ranks and designations as may be assigned to them by the Corps Marshal within the following grades, that is —
- (a) Chief Inspector (CI);
 - (b) Deputy Chief Inspector (DCI);
 - (c) Assistant Chief Inspector (ACI);
 - (d) Principal Marshal Inspector (PMI);
 - (e) Marshal Inspector I (MI-I);
 - (f) Marshal Inspector II (MI-II);
 - (g) Marshal Inspector III (MI-III);
 - (h) Chief Road Marshal Assistant (CRMA);
 - (i) Deputy Road Marshal Assistant (DCRMA);
 - (j) Senior Road Marshal Assistant (SRMA);
 - (k) Road Marshal Assistant I (RMAI);
 - (l) Road Marshal Assistance II (RMAII);
 - (m) Road Marshal Assistant III (RMA-III);
- (3) The qualification for the appointment of members of the Corps shall be in accordance with the rules made by the Commission or the Corps Marshal as the case may be.
- (4) Nothing in this section shall be construed as empowering the Commission to appoint the Corps Marshal of the Corps (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

Committee Recommendation:

- Clause 12:** (1) The Corps may act as adviser and consultant to government and non-governmental agencies on road traffic matters and other areas it can provide such service.
- (2) The Corps may establish specialized units or outfits to render services to agencies, organizations and individuals at a fee (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

Committee Recommendation:

Clause 13: Performance of Duties.

Without prejudice to the provisions of this Bill, members of the Corps shall perform such functions as may, from time to time, be assigned to them by the Commission (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

Committee Recommendation:

Clause 14: Declaration of Interest by Members of the Corps.

- (1) A person shall, before he is appointed as a member of the Commission or Corps, be required to declare his interest, if any, in any transport or other business organisation undertaking transportation of passengers, or goods or engaged in the manufacturing or sale of any equipment used by the Corps.
- (2) A member of the Commission or Corps who acquires any financial interest in any organisation undertaking transportation of passengers or goods or in the production or sale of any equipment used by the Corps, shall, within one month of such acquisition, give notice thereof in writing to the Commission or the Corps Marshal as the case may be, specifying the interest so acquired and the Commission or the Corps Marshal may, after taking into consideration all the circumstances of the case, decide whether:
- (a) to retain him as a member of the Corps;
- (b) to remove him from such membership; or
- (c) attach any condition to his membership (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

Committee Recommendation:

Clause 15: Special Power of Members of the Corps.

For the purpose of carrying out or enforcing the provisions of this Bill, members of the Corps shall have power to bear arms and shall have the same authority and privileges that are given by law to other law enforcement agencies in that regard (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

*Committee Recommendation:***Clause 16: Provision of Equipment.**

The Commission shall provide for the service of members of the Corps such equipment as the Commission may consider necessary for the effective and efficient discharge of the functions conferred by and under this Bill; including the provision of arms and ammunition, uniforms, identification cards, light-reflecting night garments, raincoats, high-powered motorcycles, motor cars, ambulances, recovery vehicles, powerful torches, two-way mobile radio, telephone sets and any other necessary communication gadgets (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

*Committee Recommendation:***Clause 17: Jurisdiction and Operational Zones.**

The operation of the Corps shall cover all roads, and for the administration of this Bill, the Commission shall create operational zones, Sector Commands, Unit Commands, Area Commands, Outposts and any other Command as the Commission may create from time to time (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

*Committee Recommendation:***Clause 18: Pre-Action Notice and Immunity.**

- (1) No suit shall be commenced against the Corps before the expiration of a period of one month after a written notice of intention to commence the suit shall have been served upon the Corps by the intending plaintiff or his agent, and the notice shall clearly and explicitly state the cause of action, the particulars of the claim, the name and place of abode of the intending plaintiff and the relief which he claims.
- (2) In addition to the provisions of the Public Officers Protection Act, a member of the Corps, shall not, while on duty, be liable for any act validly done by him in the exercise of his duties and within the limits of the powers conferred on him by this Bill or any rules or regulations made pursuant to this Bill and a Volunteer Special Marshal or a member of Road Safety Club shall, while rendering complementary services, and operating on the route assigned to him, enjoy the same immunity as a member of the Corps under this section (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

*Committee Recommendation:***Clause 19: Allocation of Service Numbers.**

- (1) Every member of the Corps shall have allocated to him a service number, which shall be prefixed against his name in the register of members to be kept by the Corps.
- (2) The service number shall be the identity number of every member of the Corps and in the case of a non-commissioned member shall be on the shoulder flap or such other conspicuous part of his uniform as the Corps may decide.

- (3) A member of the Corps shall be in his uniform whenever he is on duty in his office or on the road provided that Legal Officers, Medical Officers, Paramedics and Intelligence Officers are allowed to be in their professional outfits as provided by their professional ethics or as may be required in carrying out their professional duties (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

Committee Recommendation:

Clause 20: Members to be Regarded as Persons in the Public Service of the Federation, etc.

- (1) Service by members of the Corps under this Bill shall be deemed to be service in the Public Service of the Federation within the provisions of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) and the Pension Reform Act, 2014.
- (2) The Corps Marshal and Deputy Corps Marshals shall be on Consolidated Salaries and Emoluments and shall earn 100% of their total annual emoluments as pension for life:

Provided that such Corps Marshall and Deputy Corps Marshal have put in not less than twenty years in the Service of the Corps.

- (3) The Commission may require any person employed as a member of the Corps to undergo such courses of training related to the functions of the Corps under this Bill, and at such institutions or organisations as the Commission may, from time to time, decide (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

**PART III — REGISTRATION AND LICENSING OF
MOTOR VEHICLES AND CENTRAL DATA BASE**

Committee Recommendation:

Clause 21: Registration and Licensing of Motor Vehicles.

- (1) The owner of a motor vehicle or trailer shall register the motor vehicle or trailer and obtain a licence which shall be valid throughout Nigeria in respect thereof in accordance with the regulations made under this Bill.
- (2) The owner of a motor vehicle or trailer shall pay such fees as may be prescribed for the registration and for a licence in respect of a motor vehicle or trailer (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

Committee Recommendation:

Clause 22: Central Data Base.

- (1) The Corps shall establish and maintain for the Federation, a Central Data Base of registered vehicles and licensed drivers.
- (2) Every Motor Licensing Authority in any state of the Federation shall provide to the Corps copies of any records, documents or particulars in respect of vehicles and licensed drivers.

- (3) The Corps shall keep records of all registered vehicles, licensed drivers and transport operators in the Central Data Base.
- (4) Any record kept in the Central Data Base may on request be made available by the Corps to the Police or any other Authority.
- (5) The Central Data Base shall operate as the National Central Motor Registry and the Corps Marshal shall be the Registrar.
- (6) Any Motor Licensing Authority who fails to populate or provide to the Corps copies of any records, documents or particulars in respect of vehicles and licensed drivers shall be liable on conviction to a fine of ₦50,000.00 (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

Committee Recommendation:

Clause 23: Trade Licences.

- (1) A dealer who ordinarily carries on business in any part of Nigeria shall in accordance with theregulations made under this Bill obtain from the licensing authority a special trade licence which may be used throughout Nigeria on any motor vehicle or trailer for such purposes and in such circumstances as may be prescribed.
- (2) There shall be paid for a special trade licence such fee as shall be prescribed by the appropriate authority.
- (3) The licensing authority shall, as may be prescribed, assign one or more identification marks in respect of each special trade licence, and one of the identification marks shall, in such manner as may be prescribed, be exhibited on any motor vehicle used under the special trade licence (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

PART IV — SPECIAL PROVISIONS RELATING TO FLEET OPERATORS

Committee Recommendation:

- Clause 24:**
- (1) All fleet operators shall establish a Safety Unit and appoint a Safety Officer as the head of the Unit who shall ensure that operational and safety standards are maintained as prescribed in this Bill or any regulation made pursuant to this Bill.
 - (2) A fleet operator is any person, organization, company, academic institution, government department or agency who engages in transport services or any other services notwithstanding the number of vehicle owned or operated by such operator.
 - (3) (a) No person or organization shall operate a transport company unless he has fulfilled the necessary conditions as prescribed by the Corps, and has obtained a certificate of compliance of same from the Corps which must be placed at the operator's business headquarters and operating terminals.

- (b) No company shall be registered as a transport company by the Corporate Affairs Commission unless it presents to the Corporate Affairs Commission a certificate of compliance issued by the Corps pursuant to subsection (2) (a) of this section.
- (c) Fleet operators shall be graded into three broad categories as follows —
 - (i) operators with 100 vehicles and above;
 - (ii) operators with 26 to 99 vehicles; and
 - (iii) operators with 1 to 25 vehicles.
- (d) There shall be yearly inspections and assessments by inspectors and assessors authorized by the Corps to determine the grouping and classes of certification based on prescribed standards and specifications.
- (e) Any person or organization intending to operate transport services shall first apply to the Corps for a provisional operating permit and same shall be issued upon fulfilling the prescribed conditions and requirements. The provisional permit shall be valid for a period of nine months (one year) after which a certificate of compliance shall be issued to the transport operator on compliance with standards and specifications prescribed by the Corps
- (f) The certificate of compliance shall be valid for a period of one year and may be renewed on payment of a prescribed fee subject to standards and specifications prescribed by the Corps.
- (g) The Corps shall issue a yearly compliance sticker for every vehicle in a fleet which has been inspected and certified and such compliance sticker shall be affixed on the vehicle front windscreen.
- (h) All vehicles certified under this Bill shall be inscribed with emergency phone number(s) boldly written at the rear and sides of the vehicles for the purpose of emergencies.
- (i) All certified fleet operators shall maintain records of drivers, vehicles, routes plied and road crashes and their causes, and submit every six months to the Corps.
- (j) All fleet operators shall organize periodic training, seminars and courses for their safety officers and drivers and such courses shall include defensive driving, speed limit, use of the road, journey management, passenger manifest administration, traffic signs, pedestrian crossing and compliance with registration. Provided that such periodic training, seminars and courses are certified by the Corps.
- (k) All certified fleet operators shall have recovery vehicles and a rescue plan for road crashes.

- (l) Any fleet operator who fails to comply with the provisions of this section shall be issued with a warning letter by the Corps and if after 2 months the fleet operator has still not complied, he shall be guilty of an offence and liable on conviction to a fine of ₦200,000.00 or have his operation suspended.
- (m) Any fleet operator who fails to meet with the certification standard twice shall be suspended from operation.
- (n) Any fleet operator who fails to fix certification sticker on his vehicle shall be liable on conviction to a fine of ₦10,000.00.
- (o) If a vehicle belonging to a fleet operator is involved in a road traffic crash resulting in damage of the vehicle and the sticker, the operator shall re-apply for the sticker at the cost of ₦2,000.00.
- (p) The provisions of this section shall also apply to any person who engages in commercial transport services whether or not such person has less than five vehicles (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

Committee Recommendation:

- Clause 25: (1) A vehicle owner shall not operate a commercial vehicle without being registered with a licensed commercial transport association or union.
- (2) Any person who contravenes the provisions of this Part shall be guilty of an offence and shall where no penalty is prescribed be liable on conviction to a fine of ₦200,000.00 (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

Committee Recommendation:

- Clause 26: (1) Any vehicle operator or driver conveying fee paying passenger shall ensure that such passenger is conveyed to his destination safely. In the event of a mechanical breakdown or other situation making the vehicle not to be able to complete the journey, the vehicle operator or driver shall immediately provide alternative vehicle at no extra cost to convey the passenger to the agreed destination.
- (2) Any vehicle operator or driver who contravenes the provisions of sub section (1) above, commits an offence and shall be liable on conviction to a fine of ₦25,000.00 and upon three convictions shall have his operating licence revoked (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

Committee Recommendation:

- Clause 27: (1) All licensed commercial transport Associations and Unions shall organize periodic training, seminars and courses for their members and drivers and such courses shall include defensive driving, speed limit, use of the road, number of passengers, traffic signs, compliance with registration and pedestrian crossing.

- (2) All registered commercial vehicle operators shall send all their drivers to the Corps or other accredited bodies to attend at least one refresher course in defensive driving annually.
- (3) All transport Unions or Associations shall have approved Code of Ethics to ensure discipline of their members and their registered drivers (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

Committee Recommendation:

Clause 28: The Corps shall maintain a data base of all road transport operators and shall issue appropriate forms for data collection, certification and registration of operators, safety officers and (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

Committee Recommendation:

- Clause 29:**
- (1) Any transport operator or safety officer who fails to comply with any of the provisions of this part shall where no other penalty is imposed, be liable on conviction to a fine of ₦200,000 or imprisonment for 6 months or to both such fine and imprisonment.
 - (2) Any driver employed by a registered commercial vehicle operator shall possess a valid commercial driver's licence and no commercial vehicle operator shall employ a person as a driver without the person possessing the required commercial driver's licence.
 - (3) A person who acts in contravention of subsection (2) of this section, commits an offence and is guilty on conviction in the case of a driver to a fine of ₦10,000 or imprisonment for a term of six months or to both such fine and imprisonment and in the case of a registered commercial vehicle operator to a fine of ₦50,000.
 - (4) Where a heavy duty vehicle breaks down on the road, the driver shall promptly report the breakdown to the Corps.
 - (5) Any person who contravenes the provision of sub section (3) of this section, commits an offence and is guilty on conviction to a fine of ₦50,000.00 or imprisonment for a term of six months or to both such fine and imprisonment (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

PART V — CONTROL OF TRAFFIC

Committee Recommendation:

Clause 30: **Power to Restrict Use of Vehicles on Specified Roads and Control of Traffic generally.**

The Corps Marshal may make regulations, which may be either general or in respect of special occasions, for —

- (a) the specification of the routes to be followed by vehicles, animals and pedestrians;

- (b) the line to be kept by persons driving or in charge of driving any vehicle, bicycle and animal on any road;
- (c) the prohibition or restriction of the use of any specified road by vehicles of any specified class or description;
- (d) the prohibition of the driving or propelling of vehicle on any specified road otherwise than in a specified direction;
- (e) the specification of parking places, and the days and hours during which and the maximum periods for which they may be used and fees, if any, to be imposed;
- (f) waiting vehicles to use different sides of the road on different days or at different hours;
- (g) the prohibition of waiting vehicles on any specified road;
- (h) the specification of routes to be followed and the stopping places to be used by stage carriages;
- (i) the appointment of stands for hackney and stage carriages and the days and hours during which they may be used (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

Committee Recommendation:

Clause 31: Traffic Signs.

- (1) The Corps Marshal may recommend to the Federal Ministry responsible for Works, traffic signs to be placed on or near any road which shall conform to international standard.
- (2) The Corps Marshal or any other person authorized by him may by notice in writing require the owner or occupier of any land on which there is an unauthorized traffic sign or an object which so closely resembles a traffic sign that it might reasonably be taken to be a traffic sign to remove it, and if the person fails to comply with the notice, the Corps Marshal or any other person so authorised by him may effect the removal, doing no more damage than is necessary, and may recover summarily as a civil debt from the person in default the expense incurred in the removal (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

Committee Recommendation:

Clause 32: Power to Close Road.

- (1) When it appears to the Corps Marshal or any other person authorised by him that any road should be closed temporarily to vehicular traffic or to any particular kind of vehicular traffic, the Corps Marshal or any other person so authorised by him may fix or cause to be fixed at each end of the road a notice to the effect that the road is closed to vehicular traffic and the road shall thereupon be deemed to be closed to vehicular traffic until the notices

are removed by the order of the Corps Marshal or any other person so authorised by him, provided that in cases of emergency the closing authority may grant or cause to be granted permission to a person to use a specified vehicle on the said road for the purpose of the emergency.

- (2) The Corps Marshal may, by notice published in the print or electronic media, close any road, either permanently or for such time as may be specified in the notice, to any or every kind of vehicular traffic subject to such exceptions as he may think proper (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

Committee Recommendation:

Clause 33: Control of Vehicular Traffic on Bridges.

- (1) The Corps Marshal may recommend to the Minister responsible for Works that a notice be placed in a conspicuous place on or near any bridge to the effect that —
- (a) the bridge is insufficient to carry more than a certain weight;
 - (b) a vehicle exceeding a certain breadth or height cannot with safety be driven on or over the bridge;
 - (c) vehicles may not exceed a specified speed when crossing the bridge; and thereafter a person who contravenes or fails to comply with the terms of such notice is guilty of an offence.
- (2) For the purposes of this section and section 34 of this Bill, the weight of a vehicle which is drawing any other vehicle shall be deemed to be the gross weight of that vehicle and of the vehicle or vehicles drawn by it (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

Committee Recommendation:

Clause 34: Liability of Owner and Driver for Damage to Bridge.

- (1) When a bridge is damaged —
- (a) by reason of a vehicle passing over it in contravention of the provisions of section 33 of this Bill; or
 - (b) by reason of a vehicle when passing over the bridge coming into contact with any portion thereof other than the surface of the roadway, the owner of the vehicle and the person driving or propelling the vehicle shall be jointly and severally liable to the Government for any damage done to the bridge.
- (2) A certificate under the hand of the Minister responsible for Works or of an engineer employed by the Ministry responsible for Works of the amount of the cost of making good the damage shall, without proof of signature, be prima facie evidence of such cost (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

Committee Recommendation:**Clause 35: Penalties for Neglect of Traffic Direction.**

Where a member of the Corps is for the time being engaged in the control of traffic on a road, or where a traffic sign, being a sign for regulating the movement of traffic or indicating the route to be followed by traffic, has been lawfully placed on or near a road in accordance with the provisions of this part, a person driving or propelling any vehicle who —

- (a) neglects or refuses to stop the vehicle or to make it proceed or to keep to a particular line of traffic when directed so to do by the member of the Corps in the execution of his duty; or
- (b) fails to conform to the indication given by the sign, is guilty of an offence under this Bill and shall be liable on conviction to a fine of ₦5,000 or to a term of 6 months imprisonment or both (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

Committee Recommendation:**Clause 36: The Corps may make use of CCTV or other means to manage traffic flows (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).**

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

PART VI — INTERNATIONAL CONVENTION PROVISIONS**Committee Recommendation:****Clause 37: Competent Authority For Part VI.**

The Corps Marshal shall be the Principal Licensing Authority and the competent authority with respect to International Conventions relating to road traffic acceded to by Nigeria and the International Convention on the Taxation of Foreign Motor Vehicles concluded at Geneva on the 30th day of March, 1931 (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

Committee Recommendation:**Clause 38: The Corps shall implement and enforce the provisions of the International Conventions contained in Part VI of this Bill (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).**

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

Committee Recommendation:**Clause 39: Application for Fiscal Permit.**

- (1) A person may apply to the Principal Licensing Authority for a fiscal permit in respect of any motor vehicle for which an international certificate has been issued.
- (2) An application shall be as prescribed by the appropriate authority.
- (3) On due application being made and on payment of the prescribed fee, the Principal Licensing Authority may issue a fiscal permit within the meaning of article 3 of the Convention on the Taxation of Foreign Motor Vehicles concluded at Geneva on the 30th day of March, 1931.

- (4) No fiscal permit shall be issued by the Principal Licensing Authority in respect of a motor vehicle unless the motor vehicle is validly licensed in accordance with the provisions of this Bill (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

Committee Recommendation:

Clause 40: International Circulation Permit.

- (1) A person having a temporary stay in Nigeria who brings a motor vehicle into Nigeria, may if in possession —
- (a) of an international certificate for motor vehicles issued in respect of such motor vehicle in accordance with articles 3 and 4 of the Convention; and
- (b) of a fiscal permit issued in respect of such motor vehicle in accordance with article 3 of the Convention on the Taxation of Foreign Motor Vehicles concluded at Geneva on the 30th day of march, 1931, and not otherwise, obtain an international circulation permit.
- (2) A person who wishes to obtain an international circulation permit shall apply to the Principal Licensing Authority or any officer appointed by him to act on his behalf for same. The application shall be in Form International 3 in the Third Schedule to this Bill accompanied with the applicant's international certificate and fiscal permit (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

Committee Recommendation:

Clause 41: Exemption From Local Taxation.

- (1) A person who obtains an international circulation permit under this Bill shall be exempted during the period for which the permit is valid, from a requirement to hold a licence in Nigeria for the motor vehicle in respect of which the permit has been obtained.
- (2) A person to whom an international circulation permit is issued in respect of a motor vehicle shall before using the motor vehicle on roads in Nigeria at any time after the permit has ceased to be valid, apply for and obtain a licence for the motor vehicle in accordance with the provisions of this Bill (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

Committee Recommendation:

Clause 42: Issue Of International Circulation Permit.

On the receipt by the Principal Licensing Authority of an application duly made in accordance with section 40 (2) of this Bill for an international circulation permit, the Principal Licensing Authority shall, if satisfied that the applicant is having only a temporary stay in Nigeria and that the vehicle in respect of which the application is made has been brought by the applicant into Nigeria —

- (a) issue to the applicant an international circulation permit as in Form International 1 in the Third Schedule to this Bill;

- (b) enter on the international circulation permit before it is issued —
- (i) the identification mark of the vehicle,
 - (ii) the date of which the permit is valid, and
 - (iii) a stamp including the date of issue (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

Committee Recommendation:

Clause 43: Validity Period.

An international circulation permit issued in accordance with this Bill shall be valid for one or more periods of stay totalling in all ninety days spent in Nigeria within a period of one year and this latter period shall be reckoned from the day of issue of the fiscal permit (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

Committee Recommendation:

Clause 44: Production of Documents on Demand.

When a person takes from Nigeria a vehicle in respect of which an international circulation permit has been issued under these Regulations, he shall produce the fiscal permit to the Principal Licensing Authority or any officer appointed by him to act on his behalf, who shall thereupon stamp the permit with an exit visa, and any fiscal permit not so stamped shall have no further validity (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

Committee Recommendation:

Clause 45: Information to be Given on Transfer.

If a motor vehicle in respect of which an international circulation permit has been issued is broken up or destroyed or is sold or is otherwise transferred to some person other than the person to whom the permit was issued during the period of which the permit is valid, the person to whom the permit was issued shall forthwith inform the Principal Licensing Authority of the breaking up, destruction, sale or other transfer and in the case of a sale or other transfer, of the name and address of the person to whom the vehicle has been so sold or transferred, and shall at the same time surrender to the Principal Licensing Authority the said permit (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

Committee Recommendation:

Clause 46: Surrender of Permit on Expiry Thereof.

On the expiry of an international circulation permit, the person to whom the permit was issued shall forthwith surrender the permit to the Principal Licensing Authority (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

Committee Recommendation:**Clause 47: Duplicate.**

If an international circulation permit issued under this Bill has been lost, destroyed or accidentally defaced, the owner of the vehicle shall submit an application accompanied with Police extract and a sworn affidavit to the Principal Licensing Authority for a duplicate international circulation permit and the Principal Licensing Authority on being satisfied as to the loss, destruction or defacement and on the surrender of the permit in case where the permit has been so defaced shall issue a duplicate so marked, and a duplicate so issued shall have the same effect as the original permit (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

Committee Recommendation:**Clause 48: Visibility of Permit.**

The international circulation permit shall be carried on the vehicle in such manner as if it were a vehicle licence issued under this Bill (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

Committee Recommendation:**Clause 49: Records of Vehicles.**

The Principal Licensing Authority shall establish and maintain a record of all vehicles in respect of which he has issued —

- (a) international certificates;
- (b) fiscal permits;
- (c) international circulation permits (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

Committee Recommendation:**Clause 50: International Sign on Vehicles.**

- (1) The owner or driver of any motor vehicle for which an international certificate or fiscal permit issued in Nigeria by the Principal Licensing Authority is in force shall carry an international sign in a visible position in the rear of the vehicle and the sign shall contain the international distinguishing mark for Nigeria consisting of the letters W.A.N. which shall be written on a plate or on the vehicle itself.
- (2) In dimensions and colour, the international sign shall be an oval plate thirty centimetres wide by eighteen centimetres high bearing the letters W.A.N. painted in black on a white background and the letters shall be in form of capital Latin characters of a height of at least ten centimetres and their strokes of a width of at least fifteen millimetres, so however that in the case of a motorcycle, the sign shall be eighteen centimetres wide and twelve centimetres high and the letters W.A.N. shall measure at least eight centimetres high and their strokes a width of at least ten millimetres.

- (3) If a motor vehicle for which an international certificate or fiscal permit is in force is being driven with a trailer attached, the international sign shall be repeated in a visible position on the back of the trailer or, if more than one trailer is attached on the back of the rear trailer.
- (4) The owner or driver of a motor vehicle for which an international certificate or fiscal permit issued elsewhere than in Nigeria is in force shall carry the national identification marks allotted to the vehicle in the country of issue and in addition, shall carry the international sign containing the international distinguishing marks for the country of issue.
- (5) The position, dimensions and colour of the international sign on the vehicle and on any trailer or trailers attached shall be as herein-before specified in this Bill.
- (6) Immediately an international certificate or fiscal permit for a motor vehicle ceases to be valid, the international sign on the motor vehicle to which the certificate relates shall be removed or painted over (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

Committee Recommendation:

Clause 51: Lighting Provisions Applicable to International Signs.

All requirements of this Bill and/or any other Regulations made pursuant to this Bill in connection with the illumination and visibility of the identification marks of motor vehicles and trailers shall apply in all respects to the illumination and visibility of the international signs issued elsewhere other than in Nigeria during such time as the motor vehicle is in use in Nigeria (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

Committee Recommendation:

Clause 52: Application for International Driving Permit.

- (1) A person may apply to the Principal Licensing Authority for an international driving permit authorizing him to drive a motor vehicle in foreign states or territories, which are signatories or have acceded to the Convention.
- (2) An application shall be accompanied by Form International 2 and two copies of a recent photograph of the applicant (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

Committee Recommendation:

Clause 53: Qualification for International Driving Permit.

An international driving permit for use abroad shall only be issued to a person who is ordinarily resident in Nigeria and who holds a valid drivers' license issued in Nigeria which shall be produced to the Principal Licensing Authority when application is made for the permit (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

*Committee Recommendation:***Clause 54: Fee and Duration.**

- (1) On due application being made and on payment of the prescribed fee, the Principal Licensing Authority may issue an international driving permit for the category or categories of motor vehicle described in the application.
- (2) A permit shall, subject to the provisions of the Convention or unless it is cancelled by the Court, be valid for one year from the date of issue thereof and in form shall follow the model set forth in the Convention (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

*Committee Recommendation:***Clause 55: Permit not Transferable.**

An international driving permit shall not be transferable (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

*Committee Recommendation:***Clause 56: Exemption in Nigeria to Holders of Permit Issued Elsewhere.**

- (1) The holder of an international driving permit issued elsewhere other than in Nigeria under the Convention shall, subject to the conditions of the Convention, be exempted from a requirement to hold a driving licence under this Bill during such time as the international driving permit remains in force, provided that the holder of such permit shall only be entitled to drive in Nigeria a motor vehicle of the category or categories in respect of which his international driving permit was issued.
- (2) The holder of an international driving permit issued elsewhere other than in Nigeria shall produce the permit on arrival in Nigeria to the nearest licensing authority and shall on demand permit a member of the Corps, licensing authority or person authorized by the Principal Licensing Authority to examine the permit (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

*Committee Recommendation:***Clause 57: Register of Permits.**

The Principal Licensing Authority shall keep a register of all international driving permits issued by him and of all international driving permits used in Nigeria, which have been issued in foreign States or territories (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

*Committee Recommendation:***Clause 58: Power of Court in Relation to Permit.**

- (1) If the Court makes an order under the provisions of this Bill disqualifying a person who is convicted before it from holding a driving licence issued under this Bill, the Court may, if the person holds a valid international driving permit issued in Nigeria by the Principal Licensing Authority, order the permit to be cancelled and delivered up to the Principal Licensing Authority.

- (2) If a person holding a valid international driving permit issued in a foreign state or territory is convicted before the Court for an offence in connection with the driving of a motor vehicle the Court, in addition to any other penalty to which the person may be liable, may make an order depriving the person of his right to drive in Nigeria and shall cause to be endorsed on his permit the particulars of the order (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

PART VII — REMOVAL OF VEHICLES LEFT ON ROADS

Committee Recommendation:

Clause 59: Removal of Vehicles from Roads.

- (1) Where a motor vehicle is stationary on a road, a member of the Corps subject to subsection (3) of this section, shall cause the vehicle to be removed to a removed vehicle park if —
- (a) he has reasonable grounds for believing that the presence of the vehicle on the road is in contravention of the provisions of any law; or
- (b) he has reasonable ground for believing either —
- (i) that the vehicle has broken down and abandoned by its owner for a very long time.
- (ii) that no person authorized to drive the vehicle is in or in the immediate vicinity of the vehicle.
- (iii) that the vehicle is in such a condition as to cause obstruction to other users of the road or constitute danger to other users of the road.
- (2) A member of the Corps acting in pursuance of subsection (1) of this section with respect to any vehicle may use such force as may be reasonably necessary for the purpose of removing the vehicle or of gaining access to any part of it in order to facilitate the removal of the vehicle.
- (3) Where a member of the Corps has given instructions for the removal of a vehicle in pursuance of subsection (1) of this section but the vehicle has not been moved from its position in pursuance of the instructions; and a person claiming to be entitled to the custody of the vehicle gives to any person proposing to carry out the instructions an undertaking to remove it forthwith, the instruction shall cease to have effect if the undertaking is fulfilled, but except as provided in this subsection a person claiming to be entitled to the custody of a vehicle in respect of which such instructions have been given shall not be entitled to recover the vehicle otherwise than in pursuance of the provisions of sections 61 and 62 of this Bill (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

Committee Recommendation:

Clause 60: Motor Vehicles without Necessary Document may be Impounded.

Where a motor vehicle is found plying or being driven or used on any road within the Federal Republic of Nigeria without the necessary documents, a member of the Corps may impound the vehicle and cause the vehicle to be removed to a Removed Vehicle Park or any other place designated (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

Committee Recommendation:**Clause 61: Provision of Removed Vehicle Park by the Commission.**

- (1) It shall be the duty of the Commission —
 - (a) to provide and maintain places to which vehicles may be removed in pursuance of any of the provisions of this Bill (in this Part referred to as "removed vehicle parks"), and to ensure that an official in charge of each park is at all times present in the park when removed vehicles are in it;
 - (b) to provide suitable facilities (including equipment and persons to operate it) for the removal of vehicles in pursuant of any of the provisions of this Bill;
 - (c) to make reasonable arrangements for the safe custody of removed vehicles while they are in removed vehicle parks;
 - (d) to provide and maintain at the principal offices of the Corps a record containing particulars of each removed vehicle and its contents, specifying the date of its removal, the removed park in which it is situated and whether an application in respect of the vehicle has been made to the Court in pursuance of subsection (8) of section 10 of this Bill; and
 - (e) to keep the record open between the hours of eight o'clock in the morning and six o'clock in the evening (other than a public holiday) for inspection free of charge by members of the public.
- (2) The Corps shall not be under a duty to protect removed vehicles otherwise than as mentioned in paragraph (c) of subsection (1) of this section, and in particular shall not be under a duty to protect removed vehicles from damage attributable to sun, rain, wind or other physical conditions (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

Committee Recommendation:**Clause 62: Exemption in Nigeria to Holders of Permit Issued elsewhere.**

- (1) The holder of an international driving permit issued elsewhere other than in Nigeria under the Convention shall, subject to the conditions of the Convention, be exempted from a requirement to hold a driving licence under this Bill during such time as the driving permit remains in force, provided that the holder of such permit shall only be entitled to drive in Nigeria a motor vehicle of the category or categories in respect of which his international driving permit was issued.

- (2) The holder of an international driving permit issued elsewhere other than in Nigeria shall produce the permit on arrival in Nigeria to the nearest licensing authority and shall on demand permit a member of the Corps, licensing authority or person authorized by the Principal Licensing Authority to examine the permit (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

Committee Recommendation:

Clause 63: Reclaiming of Removed Vehicle.

- (1) The owner or driver of a vehicle removed pursuant to this Bill shall in addition to any other penalty prescribed by this Bill pay towing fee as may be prescribed by the Commission
- (2) A person who tenders to the official in charge of a removed vehicle park —
- (a) such evidence as may be prescribed of his entitlement to the custody of a removed vehicle that is in the park; and
- (b) evidence of payment of appropriate charges in respect of the vehicle and a receipt for the vehicle in the prescribed form,
- shall, subject to the provisions of subsection (3) of this section and of any order under this Bill previously made by the Court, be entitled, on demand at the park at any time between the hours of eight o'clock in the morning and six o'clock in the evening on a weekday (other than a public holiday) have the vehicle delivered up to him at the park.
- (3) In subsection (1) of this section —
- "appropriate charges" in relation to a removed vehicle of any class, means such sum as the Commission may by order specify with respect to vehicles of that class; and
- "prescribed" means prescribed by regulations made by the Commission.
- (4) Except so far as the Court otherwise orders, subsection (1) of this section shall not apply in relation to a removed vehicle in respect of which an application to the Court has been made in pursuance of this Part.
- (5) A person claiming to be entitled —
- (a) to the benefit of a charge or lien on a removed vehicle apart from its contents; or
- (b) to the benefit of a charge or lien on, any contents of a removed vehicle,

may at any time before the making of an application in respect of the vehicle, in pursuance of section 10 (8) of this Bill, apply to the Court for an order protecting his interest in the vehicle or the contents, as the case may be; and on the application, the Court may make such order as it considers just, including an order vesting the vehicle or its contents in any person on such terms as the Court thinks fit (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

PART VIII — OFFENCES AND MISCELLANEOUS PROVISIONS

Committee Recommendation:

Clause 64: Causing Death by Dangerous or Reckless Driving.

Any person who causes the death of another person by the driving of a motor vehicle on a road recklessly, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition and use of the road, and the amount of traffic which is actually at the time, or which might reasonably be expected to be, on the road, shall be guilty of an offence and liable on conviction to imprisonment for a term not exceeding seven years (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

Committee Recommendation:

Clause 65: Reckless Driving on the Road.

- (1) Any person who drives a motor vehicle on a road recklessly or negligently, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case including the state, condition, and use of that road, and to the amount of traffic which at the time is or might reasonably be expected to be on that road shall be guilty of an offence and liable on conviction to a fine of ₦50,000.00 or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.
- (2) If upon the trial of a person for an offence against section 63 of this Bill the Court is not satisfied that the person's driving was the cause of the death but is satisfied that he is guilty of driving as mentioned in subsection (1) of this section, the Court may convict that person of an offence under this section (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

Committee Recommendation:

Clause 66: Careless and Inconsiderate Driving.

- (1) Any person who drives a motor vehicle on a road without due care and attention, or without reasonable consideration for other road users shall be guilty of an offence and be liable on conviction to a fine of ₦10,000 for a first offender and in the case of a second or subsequent conviction, to a fine of ₦20,000 or to imprisonment for six months or to both such fine and imprisonment.
- (2) Where a person is charged with an offence under section 63 of this Bill and the Court is of the opinion that the offence is not proved, then at any time during the hearing or immediately thereafter the Court may, without prejudice to any other power exercisable by the Court, direct or allow a charge for an offence under this section to be preferred forthwith against that person and may thereupon proceed with that charge, so however that the person charged or his counsel shall be informed of the new charge and be given an opportunity, whether by way of cross-examining any witness whose evidence has already been given against him or otherwise, of answering the new charge, and the Court shall, if it considers that he is prejudiced in his defence by reason of the new charge being so preferred, adjourn the hearing (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

Committee Recommendation:

Clause 67: Overloading of Vehicle.

- (1) A driver or any person in charge of a vehicle who overloads the vehicle with passengers or loads beyond the capacity permitted or prescribed in this Act commits an offence and shall on conviction be liable to a fine of ₦10,000.00 or to a term of 6 months imprisonment or both.
- (2) No person, animal, freight or load whatsoever shall be carried on the top or outside the hood, canopy or roof of any motor vehicle other than the spare tyres for such vehicle unless the vehicle is in possession of a certificate issued to that effect by the appropriate authority.
- (3) No driver or person in charge of a vehicle shall carry passengers in compartments meant for goods only.
- (4) Any person who contravenes the provision of subsection (2) and (3) of this section commits an offence and is liable on conviction to a fine of ₦10,000 or to a term of 6 months imprisonment or both (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

Committee Recommendation:

Clause 68: Driving under the Influence of Alcohol: Power to Disqualify from Driving in certain Cases.

- (1) Any person, who while driving or attempting to drive or when in charge of a motor vehicle is under the influence of intoxicating drugs or alcohol above the legal limit or to such an extent as to be incapable of having proper control of such motor vehicle, shall be guilty of an offence and liable on conviction to a fine of fifty thousand naira or to imprisonment not exceeding two years, or to both such fine and imprisonment.
- (2) The alcohol legal limit for each category of drivers shall be:
 - (a) 0.00ml per gramme for commercial drivers and cyclists;
 - (b) 0.00 ml per gramme for young or novice drivers;
 - (c) 0.05 ml per gramme for private drivers.
- (3) Any person who fails to cooperate with a preliminary road side breath test when required to do so shall be guilty of an offence and liable on conviction to a fine of ten thousand naira or to imprisonment for a term not exceeding six months.
- (4) Without prejudice to sub section (3) of this section, a Court before sentencing a defendant under this section, may order the defendant to undergo evaluation or provide an evidential specimen (blood, breath or urine) for analysis to determine whether the defendant has substance abuse problem.
- (5) If after undergoing the evaluation or analysis mentioned in sub section (4) of this section, the defendant is found to be abusing any substance, his licence shall be suspended and the Court shall order that the defendant undergo treatment at an approved institution.

- (6) If after undergoing a Court ordered treatment, the defendant is declared fit to drive, the Court shall order that the suspension of his licence be lifted but if he is found unfit to drive the suspension shall be extended until such a time he is certified fit to drive.
- (7) If a person is convicted under this section or under sections 63, 64, 65 or 66 of this Bill, he shall, unless the Court for any special reason otherwise orders, be disqualified for a period of twelve months or if the Court thinks fit, for any greater period (from the date of the conviction) from driving a motor vehicle, holding or obtaining a driving licence.
- (8) Any person suspected of having committed an offence under this section or sections 63, 64, 65 or 66 shall undergo psychological/medical evaluation at a government approved hospital before prosecution and the cost of such psychological evaluation shall be borne by him (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

Committee Recommendation:

Clause 69: Offences Relating to Licences and Identification Marks.

- (1) A person shall not drive or procure another person to drive on a road a motor vehicle of any class or description unless he is the holder of a valid licence authorising him to drive a motor vehicle of that class or description.
- (2) A person who acts in contravention of subsection (1) of this section shall be guilty of an offence and liable on conviction to a fine of ₦10,000.00 or in the case of a second or subsequent offence to a fine of ₦20,000.00 or to imprisonment for six months or to both such fine and imprisonment (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

Committee Recommendation:

Clause 70: (1) A person who for any purpose:

- (a) forges, fraudulently defaces, alters, adds to or mutilates, any driving or vehicle licence or number plate; or
 - (b) exhibits or uses any driving or vehicle licence, or number plate which has been forged or defaced; or
 - (c) lends or allows to be used by any other person any such licence as aforesaid or number plate pertaining to another vehicle; or
 - (d) uses a driving licence belonging to another person or exhibits or uses on a vehicle any licence upon which any colourable imitation of a licence to which he is not entitled commits an offence and liable on conviction to a term of imprisonment not exceeding 1 year.
- (2) Any person who drives on a road a motor vehicle required to bear a prescribed number plate without that number plate commits an offence and shall be liable on conviction to a fine of ₦10,000.00.
 - (3) In this section, the burden of proof of any absence of intent to commit an offence shall lie upon the person charged therewith.

- (4) The holder of a learner's permit issued under the regulations made pursuant to this Bill may, when accompanied for the purpose of instruction by a licensed instructor sitting beside him, drive for such period as may be prescribed and on such roads as may be specified in the permit and the holder of the permit and the licensed instructor shall be jointly and severally liable for any injury or damage caused by the driving or an offence under this Bill committed in the course of the driving (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

Committee Recommendation:

Clause 71: Suspension of Licence and Disqualification.

- (1) A Court before which a person is convicted of an offence in connection with the driving of a motor vehicle —
- (a) may, in addition to any other penalty imposed, if the person convicted holds a driver's licence, suspend his licence for a specified period, and if the Court thinks fit, also declare the person convicted to be disqualified from holding or obtaining a licence for a further specified period;
- (b) may, in addition to any other penalty imposed, if the person convicted does not hold a driver's licence, declare him disqualified from holding or obtaining a driver's licence for a specified period; and
- (c) shall, if the person convicted holds a driver's licence, direct that particulars of the conviction and of any order of the Court made under this Bill be endorsed on his licence.
- (2) A person convicted under subsection (1) of this section shall, if he holds a driver's licence, produce the licence within such time as the Court may direct for the purpose of endorsement, and if he fails to do so, he is guilty of an offence under this Bill.
- (3) A licence suspended by the Court shall during the term of suspension be of no effect and shall for that term be retained in the custody of the Court and a person whose licence is suspended or who is declared by the Court to be disqualified from obtaining a licence shall during the period of suspension or disqualification be disqualified from holding or obtaining a licence.
- (4) A person who is by virtue of an order of the Court under this section disqualified from holding or obtaining a licence may appeal against the order in the manner provided by the law for the time being in force relating to appeals from that Court to a higher Court, and the Court may, if it thinks fit, pending the appeal, suspend the operation of the order.
- (5) The Court shall cause particulars of all convictions and orders of the Court in relation to offences connected with the driving of a motor vehicle to be sent without delay to the Central Data Base.
- (6) Where a person —
- (a) who has been disqualified from obtaining or holding a driver's licence fraudulently obtains a licence;

- (b) fails to disclose that he is suffering from a mental or physical disease or disability which might affect his driving or control of a motor vehicle, shall be guilty of an offence under this Bill and liable on conviction to a fine of ₦25,000.00 or a term of imprisonment for six (6) months and the licence so obtained shall be declared invalid.
- (7) Where a person applies for the renewal of his licence, he shall submit the expired licence to the licensing authority for destruction at the point of collecting a new one.
- (8) Where it is impracticable for an applicant for the renewal of his driver's licence to submit the expired licence to the Licensing Authority, he shall submit a Court affidavit to that effect before a new licence is issued to him (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

Committee Recommendation:

Clause 72: Special Powers of Licensing Authority.

- (1) Notwithstanding anything in this Bill or in the regulations made under this Bill, a member of the Corps not below the rank of Superintendent Route Commander may request a licensing authority to suspend a licence to drive motor vehicle or to refuse the issue or renewal of a licence to a person who has accumulated 14 points and above within twelve (12) months.
- (2) On receiving a request pursuant to subsection (1) of this section, the licensing authority shall —
 - (a) if the request concerns suspension of the licence, by notice in writing addressed to the registered address of the licensee demand that the holder of the licence produce the licence and take possession of such licence, and forthwith, notify the Central Registrar of his decision;
 - (b) if the request concerns refusal to issue or renew a licence to the person to whom the request refers, by notice in writing inform the applicant of its decision to refusal to issue or renew the licence and the ground for such refusal and shall notify the Central Registrar accordingly (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

Committee Recommendation:

Clause 73: Failure to Report Road Traffic Crash.

- (1) Where a road traffic crash occurs by reason of the use of a motor vehicle or trailer and injury is caused to any person, property, or livestock in the charge of any person, the driver of the motor vehicle shall —
 - (a) immediately stop the vehicle;
 - (b) when requested so to do, furnish his name and address, the name and address of the owner of the vehicle and other particulars relating thereto to any person to whom, or to the owner or person in charge of the property or of the livestock to which the injury or other damage has been caused, or to any member of the Corps;

- (c) if the person injured so requests (and in any case if that person is unconscious or the injury caused to that person appears to endanger life) do all things reasonably practicable to attend to the injured person so as to procure for him medical attention and, where necessary, his removal to a hospital, and the driver aforesaid shall report the road traffic crash as early as possible to the nearest office of the Corps; and
 - (d) where a case is not within paragraph (c) of this subsection, report the road traffic crash as soon as possible (not later in any event than twenty-four hours from the time when the crash occurred) to the nearest office of the Corps.
- (2) Any person who fails to comply with any of the requirements of subsection (1) of this section commits an offence under this Bill and shall be liable on conviction to a fine of ₦20,000 (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

Committee Recommendation:

Clause 74: Failure to Supply Information Lawfully Demanded.

- (1) Any person suspected of having committed an offence under this Bill, and who refuses to give to a member of the Corps his name and address or such other information that may reasonably be demanded of him by the member of the Corps, or who gives a false name or address or false information, commits an offence and liable on conviction to a fine of ₦20,000.
- (2) The owner and any other person in control of a vehicle or of any animals on a road shall on lawful demand by a member of the Corps, give to that member of the Corps, information which the owner or that other person aforesaid may have concerning any offence involving the use of the vehicle or the control of animals on the road at the time of the offence, and failure to comply with any such lawful demand shall be an offence under this Bill and liable on conviction to a fine ₦20,000 (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

Question that Clause 74 stands part of the Bill— Agreed to.

Committee Recommendation:

Clause 75: Driving Without Authorisation of Owner.

- (1) A person who drives a motor vehicle on an occasion when he is not expressly or impliedly authorized by the owner of the motor vehicle is guilty of an offence and liable on conviction to a fine of ₦5,000.00 or to imprisonment for six months or to both such fine and imprisonment.
- (2) The owner of a motor vehicle or trailer shall, on demand by a member of the Corps, give all information which is within his power to give as to the name, address, description, and whereabouts of a person who commits or is alleged to have committed any offence in respect of or with any such motor vehicle or trailer and shall also give similar information regarding an occupant of the motor vehicle or trailer at the time of the alleged offence and if the owner fails to do so, he is guilty of an offence under this Bill and liable on conviction to a fine of ₦50,000.00 or six months imprisonment (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

Question that Clause 75 stands part of the Bill— Agreed to.

Committee Recommendation:

Clause 76: Furnishing False Information to Licensing Authority.

Where, under this Bill or any regulations made under this Bill, a person is required to supply to a licensing authority information with regard to a motor vehicle or trailer or any particular in relation to a licence or permit issued or applied for, and the person supplies information or particulars which he knows or has reason to believe are false, he is guilty of an offence under this Bill and shall be liable on conviction to a fine of ₦10,000.00 (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

Question that Clause 76 stands part of the Bill— Agreed to.

Committee Recommendation:

Clause 77: Liability of Third Party.

Where a commercial vehicle or trailer is in the custody or under the control of a person other than the owner or some person employed by the owner then that other person and not the owner shall be liable under section 76 of this Bill (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

Question that Clause 77 stands part of the Bill— Agreed to.

Committee Recommendation:

Clause 78: Owner Responsible for Condition of Vehicle.

The owner or driver of a motor vehicle or of an articulated vehicle shall not by reason of the vehicle having been registered or licensed by a licensing authority be relieved thereby of any responsibility for its roadworthiness and fitness for the purpose for which it is being used (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

Question that Clause 78 stands part of the Bill— Agreed to.

Committee Recommendation:

Clause 79: Driving a Vehicle in an Unsafe Condition.

Where on a road an offence relating to the overloading of a commercial vehicle or of driving a commercial vehicle dangerously or at a speed exceeding that prescribed by law is committed, the person liable to conviction in respect of the offence shall be the driver:

Provided that the driver and the owner or bailee shall be jointly and severally liable for the offence of overloading unless the owner or bailee, proves to the satisfaction of the Court that no act or omission on his part was contribute to or aided the commission of the offence (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

Question that Clause 79 stands part of the Bill— Agreed to.

Committee Recommendation:

Clause 80: Use of Motor Vehicle for Purpose other than Licensed.

Any person who uses a motor vehicle for a purpose other than that for which it is licensed shall be guilty of an offence; and save in the case of driving without a licence (in respect of which a different penalty may be imposed) nothing in this Bill shall affect or diminish liability of the driver, or as the case may be, the owner or bailee of the vehicle under any other enactment or rule of law (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

Question that Clause 80 stands part of the Bill— Agreed to.

Committee Recommendation:

Clause 81: Prohibition of Vehicles with Right-Hand Steering Apparatus.

- (a) Any person who drives a motor vehicle having its steering apparatus fitted on the right hand side on any road shall be guilty of an offence and liable on conviction to forfeiture of the vehicle to the Government.
- (b) The Corps shall apply to the High Court for an Order to destroy the forfeited vehicle (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

Question that Clause 81 stands part of the Bill— Agreed to.

Committee Recommendation:

- Clause 82:**
- (1) Any person who obstructs or assaults a member of the Corps in the performance of his duty shall be liable on conviction to a fine of ₦50,000 or to imprisonment for six months or to both such fine and imprisonment.
 - (2) Any person who causes bodily harm or injury to a member of the Corps in the performance of his duty shall be liable on conviction to imprisonment not exceeding two years.
 - (3) Any person who causes permanent bodily harm or injury to a member of the Corps or causes grievous bodily harm or injury which renders such member of the Corps permanently incapacitated shall be liable on conviction to a term of imprisonment not exceeding seven years.
 - (4) The Court may, within the proceeding or while passing judgment, order the defendant or convict to pay a sum of money:
 - (a) as compensation to the injured member of the Corps irrespective of any other fine or other punishment that may be imposed or that is imposed on the defendant or convict where substantial compensation is in the opinion of the Court recoverable by civil suit.
 - (b) in defraying expenses incurred on medical treatment of a victim injured by the convict in connection with the offence.
 - (5) Order for cost or compensation may be made under this section irrespective of the fact that no fine has been imposed on the defendant in the judgment.
 - (6) Any person suspected of having committed an offence under this section shall before prosecution undergo psychological/medical evaluation at a government approved hospital and the cost of such evaluation shall be borne by him (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

Question that Clause 82 stands part of the Bill— Agreed to.

Committee Recommendation:

Clause 83: Offences Relating to Overloading of Heavy Duty Transport Vehicles.

- (1) Any person who is in control of a heavy duty goods transport vehicle shall have his vehicle pass through a weigh-bridge or axle weighing scale.

- (2) The limits to the dimensions, weight and axle load of heavy duty goods transport vehicles shall not exceed the authorized maximum axle load of 9 tonnes for Single Front Axle vehicles, 11.5 - 12 tonnes for Single Intermediary or Rear Axle, 11.5 - 20/23 tonnes for Dual (Tandem) Intermediary or Rear Axle, and 21 - 31.5 tonnes for Triple Axle vehicles.
- (3) A vehicle operator shall ensure that at the point of loading and departure, the vehicle is in compliance with the dimensions, weight and axle load standards set for the vehicle.
- (4) A vehicle operator shall be held responsible for non-compliance with the set standards.
- (5) A vehicle operator who fails to comply with the prescribed loading standard for heavy duty transport vehicle shall be liable on conviction to a fine of ₦200,000.00 or to a term of 6 months imprisonment or both.
- (6) A vehicle owner or operator who fails to comply with the prescribed loading standard shall in addition to any other penalty, be required to:
 - (a) cause the excess load to be discharged; and
 - (b) re-load the vehicle in conformity with the set standards before putting the vehicle back on the road.
- (7) Heavy duty goods transport vehicle means a mode of conveyance with specifications contained in subsection (2) of this section.
- (8) Vehicle operator in this section includes the owner, agent, driver, charterer or employee of the owner, hirer or a person in control of the vehicle at the material time (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

Question that Clause 83 stands part of the Bill— Agreed to.

Committee Recommendation:

Clause 84: Child Safety.

Whenever a vehicle conveying a child is in motion:

- (1) The driver shall ensure that such a child under the age of one (1) year or weighing ten 10kg or less is secured in a child safety seat in a rear facing position in the rear seat.
- (2) The driver shall ensure that such a child who is age one (1) through age three (3) years old and weighing more than , ten (10) kg is secured in child safety seat in a forward facing position in the rear seat.
- (3) The driver shall ensure that such a child who is four (4) years through age eight (8) years old and measures less than four (4) feet, nine (9) inches (4"9") in height, is secured in a belt-position booster seat in a rear seat.
- (4) The driver shall ensure that such a child who is nine (9) through age twelve (12) years old and measures 1.50 meters or more in height, is secured in a seat belt system in a rear seat.

- (5) The driver shall ensure that such a child who is thirteen (13) through age fifteen (15) years old is secured by using a passenger safety belt.
- (6) The driver of the vehicle shall be responsible for making sure that a child under the age of sixteen (16) years old is properly secured in the vehicle provided that if the parents or legal guardian of the child is present in the vehicle but not driving the vehicle, the parent or legal guardian shall be responsible for making sure that the child is properly secured in the vehicle.
- (7) Any person who contravenes the provisions of this section shall on conviction be guilty of an offence and liable on conviction to a fine of ten thousand naira or to a term of imprisonment not exceeding three months or to both such fine and imprisonment (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

Question that Clause 84 stands part of the Bill— Agreed to.

Committee Recommendation:

Clause 85: Speed Limiting Device.

- (1) No person shall drive or cause to be driven on a road any vehicle not fitted with speed limiting devices.
- (2) No person shall drive or cause to be driven on a road any vehicle with an expired speed limiting device.
- (3) Any person who acts in contravention of subsection (1) and (2) above, shall be guilty of an offence and liable on conviction to a fine of ₦25,000.00 or three months imprisonment or to both such fine and imprisonment.
- (3) Any fleet operator who fails or refuses to install speed limiting device on his vehicle is guilty of an offence and liable on conviction to a fine of ₦50,000.00 and in addition shall have his certificate suspended until he complies with the provisions of this regulation.
- (4) Any person or fleet operator who installs sub-standard speed limiting device on his vehicle or tampers with a speed limiting device installed in his vehicle shall be guilty of an offence and liable on conviction to a fine of ₦50,000.00 or six months imprisonment or both such fine and imprisonment (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

Question that Clause 85 stands part of the Bill— Agreed to.

Committee Recommendation:

Clause 86: Offences in Respect of which Penalties are not Elsewhere Prescribed and Community Service.

- (1) Where in respect of an offence under this Bill no penalty is prescribed, the Court convicting may, in the case of a first offence, impose a penalty by way of fine of ₦10,000.00 or of imprisonment for a term of twelve months or both, and in respect of a second or any subsequent offence (whether of the same kind or not) the penalty shall be imprisonment for a term of eighteen months without the option of a fine.
- (2) In sentencing a person convicted of committing an offence under this Bill, the Court may, in addition to or in lieu of the prescribed sentence, order the person convicted to-

- (a) render community service in accordance with the provisions of the Administration of Criminal Justice Act, 2015;
 - (b) enrol for and attend courses at an approved driving school for a period of not less than 7 days at his own cost;
 - (c) to both community service and enrolment at an approved driving school.
- (3) Any person arrested for contravening any of the provisions of this Bill, may voluntarily elect to pay the prescribed fine before prosecution and such person may not be prosecuted thereafter (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

Question that Clause 86 stands part of the Bill— Agreed to.

Committee Recommendation:

Clause 87: Power of Members of the Corps to retain Driving Licence, etc.

- (1) Notwithstanding any other provision of this Bill, if a member of the Corps is of the opinion that there may be difficulty in effecting service of a summons, he may demand and retain the driver's licence of any person who is suspected by him of having committed an offence under this Bill.
- (2) Where a driver's licence is retained, whether or not pursuant to this section, the member of the Corps retaining the licence shall give a written receipt for it and inform the person surrendering the licence of the address of the office of the Corps at which it may be reclaimed.
- (3) If a summons in respect of an offence under this Bill is served on the person whose driver's licence is retained by the Corps and the person appears personally at the nominated office of the Corps not later than three days after retention of the driver's licence, he may have it returned to him upon giving to the Corps a receipt therefore, duly signed and dated by him (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

Question that Clause 87 stands part of the Bill— Agreed to.

Committee Recommendation:

Clause 88: Miscellaneous.

- (1) Where a vehicle is impounded for any traffic offence and the owner or driver fails or refuses to reclaim same within 48 hours, the case shall be charged to Court for further direction.
- (2) **Power to Search in Certain Cases.**
For the purpose of enforcing the provisions of this Bill or any regulation made hereunder, members of the Corps shall have power to carry out physical search without warrant of any premises or property suspected to be used for the sale of re-cut, expired or substandard tyres or sale or installation of fake or substandard speed limiting devices.
- (3) The Corps shall in conjunction with Standards Organisation of Nigeria seal off any premises or property suspected to be used for the sale of re-cut, expired or substandard tyres and sale or installation of fake or substandard speed limiting devices (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

Question that Clause 88 stands part of the Bill— Agreed to.

Committee Recommendation:

Clause 89: Interpretation.

In this Bill, unless the context otherwise requires —

"articulated vehicle" means a motor vehicle with a trailer drawn thereby which is so constructed and by partial superimposition attached to the motor vehicle that a substantial part of the weight of the trailer is borne by the motor vehicle (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

"axle weight" means in relation to an axle of a heavy motor vehicle or of a trailer the aggregate weight transmitted to the surface by the several wheels attached to that axle, when the heavy motor or the trailer is loaded (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

"commercial vehicle" includes a motor cycle for hire, a hackney carriage, a stage carriage, a prime mover, recovery vehicle, draw- bar- trailer or articulated vehicle and any motor vehicle primarily designed for the carriage of goods and fare paying passengers (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

"Commission" means the Commission established under section 1 of this Bill (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

"Corps" means the Nigeria Road Safety Corps established under section 1 (1) of the Act (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

"dangerous driving" means driving in a manner that is risky, hazardous, perilous careless, reckless, negligent, and unsafe in all circumstances of the case (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

"dealer" means a person who engages in the sale and distribution of vehicles (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

"Federation" means the Federal Republic of Nigeria (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

"Fleet Operator" means any person, organisation, company, academic institution, government department, agency or ministry who engages in transport services or any other services notwithstanding that it owns or operates one vehicle (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

"Management" means Corps Marshal, Heads of Departments and Corps Officers or as may be constituted by Corps Marshal from time to time (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

"Member" means a member of the Corps or, as the case may require, of the Commission and includes the chairman (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

"Marshal" means any commissioned or non - commissioned member of the Corps (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

"necessary particulars" means in relation to any motor vehicle the driving licence of the driver thereof; and the vehicle licence, roadworthiness certificate and certificate of insurance of the vehicle (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

"owner" means the person by whom the vehicle is kept and used and, in relation to a vehicle which is subject to a hiring agreement or hire purchase agreement, means the person keeping or using the vehicle under that agreement, and the expression "ownership" shall be construed accordingly (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

"road" means any roadway to which the public have access (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

"parking place" means a place where vehicle or vehicles of any particular class or description may wait (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

"President" means the President and Commander in Chief of the Armed Forces, Federal Republic of Nigeria (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

"removed vehicle park" means a place provided by the Corps including a Police station or any other place so designated for the safe keeping of removed vehicles (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

"Road user" means any person who makes use of any road as a motorist, cyclist, pedestrian, cattle rearer or any person transporting animals in any form on a road (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

"stage carriage" means any motor vehicle used or intended to be used for carrying passengers for hire or reward other than such a vehicle constructed or adapted to carry less than eight persons, the passengers paying separate and distinct fares or at the rate of separate or distinct fares for their respective places, and shall be deemed to include the expression "omnibus" (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

"telephone call" includes sending or receiving oral or written messages, sending or receiving facsimile documents, sending or receiving still or moving images, accessing, surfing or browsing the internet with hand held or hand free devices (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

"trailer" means a vehicle drawn by any motor vehicle but does not include a side-car attached to a motor-cycle or Plant and Machinery used for the construction or maintenance of roads and bridges (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

"traffic sign" include all signals, warning sign posts, direction posts, signs or other devices for the guidance or direction of persons using the roads (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

"Vehicle" means motor vehicle, motorcycle, trailers and includes side cart, three wheeled motorcycle and bicycle (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

"Volunteer" means a Special Marshal or a member of the Road Safety Club (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

Question that Clause 89 stands part of the Bill— Agreed to.

Committee Recommendation:

Clause 90: Fixing of seal.

The fixing of the seal of the Corps shall be authenticated by the signature of the Corps Marshal or any other member or officer authorized generally or specially by the Corps Marshal to act for that purpose (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

Question that Clause 90 stands part of the Bill— Agreed to.

Committee Recommendation:

Clause 91: Repeal.

- (1) The Federal Road Safety Commission (Establishment) Act, 2007, Road Traffic Bill, Cap. 548, LFN, 1990, Sections 5-19, 26 and 27 (1) (i), (ii) (iii), (v), (vi), (vii), (viii), (ix), (xii), (xiii), (xiv), (xv) and (xvii) of the Federal Highways Act, Cap. F13, Laws of the Federation of Nigeria, 2004 are hereby repealed.
- (2) Any provisions of the Federal Highways Act, Cap. F13, Laws of the Federation of Nigeria, 2004, and any other law dealing with management and control of traffic which are inconsistent with the provisions of this Bill shall to the extent of the inconsistency be null and void and the provisions of this Bill shall prevail.
- (3) Without prejudice to sections of the interpretations Bill, the repeal of the Bill specified in subsection (1) of this section, shall not affect anything done under or pursuant to the Bill.
- (4) Every regulation, order, requirement, certificate, appointment with tenure, notice, direction, decision, authorization, consent application, request or thing made, issued, given or done under the repealed Bill shall, if in force at the commencement of this Bill, continue to be in force and have effect as if made, issued, given or done under the corresponding provisions of this Bill.

- (5) All assets, funds, resources and other movable and immovable property which immediately before the commencement of this Bill, vested in the body established under the repealed Act shall by virtue of this Bill and without further assurance be vested in the body established under this Bill.
- (6) The statutory functions, rights, interest, obligations and liabilities of the Federal Road Safety Commission and the Federal Road Safety Corps before the commencement of this Bill under any contract or instrument shall by virtue of this Bill be deemed to have been assigned, transferred or vested in the Commission and the Corps.
- (7) Without prejudice to this Bill, the National Road Traffic Regulations, 2012, the National Road Traffic (Amendment) Regulations, 2016, the Federal Road Safety Commission Regulations on Discipline, 2018 and all other amendments made thereto remain in force until new Regulations are made pursuant to this Bill (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

Question that Clause 91 stands part of the Bill— Agreed to.

Committee Recommendation:

Clause 92: Short Title.

This Bill may be cited as the Nigeria Road Safety Commission Bill, 2019 (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

Question that Clause 92 stands part of the Bill— Agreed to.

SCHEDULES

FIRST SCHEDULE

PROCEEDINGS OF THE COMMISSION

1. The Commission may make standing orders regulating the proceedings of the Commission or of any committee thereof.
2. The quorum of the Commission shall be four including the Chairman and the quorum of any committee of the Commission shall be determined by the Commission.
3. At any time while the office of the Chairman is vacant or the Chairman is, in the opinion of the Commission, temporarily or permanently unable to perform the functions of his office, a member of the Commission duly appointed by the Commission shall perform those functions and references in this Schedule to the Chairman shall be construed accordingly.
4.
 - (1) Subject to the provisions of any applicable Standing Orders, the Commission shall meet whenever summoned by the Chairman; and if the Chairman is required so to do by notice given to him by not less than three other members, he shall summon a meeting of the Commission to be held within twenty-one days from the date on which the notice is given.
 - (2) At any meeting of the Commission, the Chairman or, in his absence, any member duly appointed by the Commission, shall preside at that meeting.
 - (3) Where the Commission wishes to obtain the advice of any person on a particular matter, the Commission may co-opt him as a member for such period as it thinks fit,

but a person who is a member by virtue of this sub-paragraph shall not be entitled to vote at any meeting of the Commission and shall not count towards a quorum.

5. (1) The Commission may appoint one or more committees to carry out, on behalf of the Commission, such of its functions as the Commission may determine.
- (2) A committee appointed under this paragraph shall consist of the number of persons determined by the Commission and not more than one-third of those persons may be persons who are not members of the Commission; and a person other than a member of the Commission shall hold office on the committee in accordance with the terms of the instrument by which he is appointed.
- (3) A decision of a committee of the Commission shall be of no effect until it is confirmed by the Commission (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

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

SECOND SCHEDULE

- | | | |
|-------|--|------------|
| (a) | Obstructing flow of traffic with vehicle or any other object or waiting or parking or loading or off loading at unauthorized places — | ₦10,000.00 |
| (b) | Driving or riding any vehicle on the road in excess of the prescribed speed limit — | ₦25,000.00 |
| (c) | Dangerous and wrongful overtaking of other vehicles — | ₦10,000.00 |
| (d) | Failure to obey traffic lights, road signs or pavement/road markings — | ₦20,000.00 |
| (e) | Failure to carry breakdown transparent warning cones or caution/triangle — | ₦10,000.00 |
| (f) | Being on a road without light signs or reflectors as specified by the manufacturer — | ₦10,000.00 |
| (g) | Driving of a motor vehicle on the road with additional lights other than the manufacturer's specification — | ₦10,000.00 |
| (h) | Contravention of the provisions of any Order, Bye- Laws, regulations or rules relating to: | |
| (i) | the route to be followed by vehicles generally or by vehicles of the class to which the vehicle belongs; | |
| (ii) | the roads which are to be used for traffic by such vehicle; or | |
| (iii) | road safety generally — | ₦20,000.00 |
| (i) | Being on a road without a valid vehicle licence — | ₦10,000.00 |
| (j) | Driving a motor vehicle on a road without being in possession of valid driving licence and insurance certificate or permit as required by law and failure to produce same within 24 hours on demand— | ₦10,000.00 |

(k)	Unauthorized pasting of bills/posters on road signs or defacing or removal of or tampering with road signs or directions —	₦20,000.00
(l)	Creating a road hazard without adequate warning signs —	₦10,000.00
(m)	Removing a vehicle on which the sign DO NOT MOVE is pasted by members of the Corps or other duly authorized body —	₦10,000.00
(n)	Failure to observe speed limit erected at road construction areas —	₦25,000.00
(o)	In the case of slow moving vehicles, failure to move to the extreme shoulder of the road where up to four vehicles are held up and unable to overtake —	₦10,000.00
(p)	In the case of a vehicle carrying a load of gravel, flying particles or other unstable materials, failure to cover such materials with tarpaulin or strong plastic —	₦20,000.00
(q)	Failure to display valid number plates on vehicles —	₦10,000.00
(r)	Carrying passengers or loads in excess of the number or weight a particular vehicle is licensed to carry —	₦10,000.00
(s)	Failure by a road construction company to provide adequate warning signs at construction areas —	₦50,000.00
(t)	Driving a vehicle without a spare tyre or with expired spare tyres —	₦5,000.00
(u)	Driving a vehicle with tyres whose threadings are worn-out —	₦5,000.00
(v)	Driving a vehicle without a windscreen —	₦10,000.00
(w)	Driving a vehicle with a shattered or cracked windscreen that affects the visibility of the driver —	₦5,000.00
(x)	Driving a vehicle with a projecting load and without a red flag warning attached to the end of the projecting load —	₦5,000.00
(y)	Riding a motor cycle without a crash helmet properly strapped to the head and fastened under the chin by both the rider and the passenger —	₦5,000.00
(z)	Riding motorcycle with more than one passenger —	₦5,000.00
(aa)	Driving a motor vehicle or motorcycle when below the age of 18 years	₦10,000.00
(bb)	Hospital or Doctor that refuses to accept or treat victims of road traffic crash —	₦50,000.00
(cc)	Assaulting a member of the Corps in the performance of his duties	₦50,000.00
(dd)	Failure to reclaim detained vehicle after 24 hours —	₦200.00 per day
(ee)	Driving a vehicle without a fire extinguisher which conforms to the required specifications or with expired fire extinguisher —	₦5,000.00

(ff)	Driving a passenger carrying commercial vehicle on an intercity journey without passenger manifest —	₦5,000.00
(gg)	Driving a vehicle not fitted with seat belt or where fitted, not wearing same by the driver and other occupants of the vehicle and failure of the driver to ensure that his passengers wear seatbelt while the vehicle is in motion —	₦5,000.00
(hh)	Making or receiving phone call or use of phone while driving a vehicle —	₦50,000.00
(ii)	Being a compulsive, habitual or violent traffic offender (Reprobate Offender Alert Series) —	₦10,000.00
(jj)	Driving a motor vehicle on a road without authority of the owner	₦5,000.00
(kk)	Driving on any road a motor vehicle having its steering apparatus on the right hand side — forfeiture and destruction of the motor vehicle	
(ll)	Driving of a motor vehicle on pedestrian walkway or kerb or against the flow of traffic —	₦5,000.00
(mm)	Obstructing a Marshal on duty —	₦50,000.00
(nn)	Attempting to corrupt a Marshal on duty —	₦10,000.00
(oo)	driving a motor vehicle on the road without due care and attention, or without reasonable consideration for other road users —	₦5,000.00
(pp)	Crossing the road within 300 metres of a crossing zone —	₦5,000.00
(qq)	Illegal production, distribution/circulation and sale of Driver's License and Vehicle Number Plates —	₦50,000.00 or 2 years imprisonment or both
(rr)	Production, distribution/circulation and sale of fake Driver's License and Vehicle Number Plate — 2 years imprisonment without an option of fine and forfeiture of the equipment and other items used in the production of the fake Driver's License or Vehicle Number Plate to the Commission for destruction	
(ss)	Smoking, eating or drinking while driving —	₦5,000.00
(tt)	Driving a vehicle not fitted with retro-reflective tapes —	₦5,000.00
(uu)	Driving a truck or vehicle with a holding container not fitted with holding twist locks or fitted with other equipments and gadgets —	₦20,000.00
(vv)	Driving a vehicle not fitted with a speed limiter —	₦25,000.00
(ww)	Tampering with the speed limiter of a vehicle —	₦15,000.00
(xx)	Driving a motor vehicle on a road recklessly or negligently, or in a manner which is dangerous to the public —	₦50,000.00
(yy)	Driving or attempting to drive a motor vehicle on a road under the influence of drugs or alcohol —	₦50,000.00

(zz)	Unauthorized use of sirens, flashers or beacon lights —	₦10,000.00 or 6 months imprisonment or both
(ab)	Obstructing authorized vehicles using sirens, flashers or beacon lights	₦5,000.00
(ac)	Preaching or hawking using a vehicle's apparatus design to produce or amplify sound —	₦5,000.00
(ad)	Refusal to submit oneself for preliminary road side breath test	₦5,000.00
(ae)	Operating a vehicle with forged documents —	₦10,000.00
(af)	Failure to report road traffic crash —	₦20,000.00
(ag)	Using a motor vehicle for purposes other than that for which it is licenced —	₦5,000.00
(ah)	Displaying a fake number plate on motor vehicle or motorcycle or being in possession of a fake number plate —	₦10,000.00
(ai)	Failure to populate or provide to the Commission copies of any records, documents or particulars in respect of vehicles and licensed drivers —	₦50,000.00
(aj)	Carrying passengers or goods and passengers in compartment meant for goods only —	₦10,000.00
(ak)	Trading/hawking on pedestrian bridge —	₦5,000.00
(al)	Hitting a pedestrian on zebra crossing —	₦5,000.00
(am)	Failure to supply information —	₦20,000.00
(an)	Driving without authorization of owner —	₦10,000.00
(ao)	Failure of owner to give information of driver —	₦50,000.00
(ap)	Supplying false information to a Licensing Authority —	₦10,000.00
(aq)	Installing sub-standard or tampering with speed limiting device —	₦50,000.00
(ar)	Failure of fleet operators to instal speed limiting device — (Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency).	₦50,000.00

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

Explanatory Memorandum:

This Bill seeks to repeal the Federal Road Safety Commission (Establishment) Act, 2007 and to Re-enact a Bill for an Act to establish the Nigeria Road Safety Commission with responsibility for traffic management, prevention and minimization of road traffic crashes, the supervision of users of such roads, the regulation of traffic thereon, clearing of obstructions on any part of roads, the education of drivers, motorists and other members of the public generally on the proper use of the roads (Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency).

Agreed to.

Long Title:

A Bill for an Act to Establish the Nigeria Road Safety Commission with Responsibility for Traffic Administration and Safety Management, Prevention and Minimization of Road Traffic Crashes, the Supervision of Users of Such Roads, the Regulation of Traffic Thereon, Clearing of Obstructions on Any Part of the Roads, the Education of Drivers, Motorists and Other Members of the Public Generally on the Proper Use of the Roads, and for Related Matters to Safety on the Roads (HB. 932, HB. 939, HB. 796 & HB. 1328) (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon 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 Federal Road Safety Commission on a Bill for an Act to Repeal the Federal Road Safety Commission (Establishment) Act, 2007 and Enact a Bill For an Act to Establish the Nigeria Road Safety Commission with Responsibility for Traffic Management, Prevention and Minimization of Road Traffic Crashes, Supervision of Users of such Roads, Regulation of Traffic thereon, Clearing of Obstructions on any part of the Roads, Education of Drivers, Motorists and Other Members of the General Public on the Proper use of the Roads; and for Related Matters (HB. 932, HB. 939, HB. 796 and HB. 1328) and approved Clauses 1 - 92, the Schedules, the Explanatory Memorandum, and the Long Title of the Bill.

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

(x) ***Ad-hoc Committee on the Establishment of National Assembly Legislative Museum and Archives:***

That the House do consider the Report of the *Ad-hoc* Committee on the Establishment of National Assembly Legislative Museum and Archives.

Order read; deferred by leave of the House.

(xi) ***Committee on Public Petitions:***

Petition by Eshett Sarah Lambert:

Motion made and Question proposed, "That the House do consider the Report of the Committee on Public Petitions on the petition by Eshett Sarah Lambert against the Federal Road Safety Commission on the wrongful termination of her appointment and approve the recommendation therein" (*Hon. Nkem-Abonta Uzoma — Ukwä East/Ukwä West Federal Constituency*).

Agreed to.

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

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

Recommendation:

"Urge the Corps Marshal of the Federal Road Safety Commission to reinstate Eshett Sarah Lambert to the Service of the Federal Road Safety Commission and place her at par with her colleagues in office without payment of arrears of salaries" (*Hon. Uzoma Nkem-Abonta — Ukwä East/Ukwä West Federal Constituency*).

Agreed to.

Chairman to report proceedings.

(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 Public Petitions on the petition by Eshett Sarah Lambert against the Federal Road Safety Commission on the wrongful termination of her appointment and approved the only Recommendation of the Report.

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

(xii) Committee on Public Petitions:

Petition by Sule Sale Ibrahim Kazaure:

Motion made and Question proposed, "That the House do consider the Report of the Committee on Public Petitions on the petition by Sule Sale Ibrahim Kazaure against the Corporate Affairs Commission on unlawful and unjust termination of his appointment and approve the recommendations therein" (Hon. Nkem-Abonta Uzoma — Ukwá East/Ukwá West Federal Constituency).

Agreed to.

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

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

Recommendation (i):

"Urge the Corporate Affairs Commission to reinstate Sule Sale Ibrahim Kazaure to work" (Hon. Uzoma Nkem-Abonta — Ukwá East/Ukwá West Federal Constituency).

Agreed to.

Recommendation (ii):

"Also urge the Commission to pay all his salaries and entitlements from the date he was dismissed from Service" (Hon. Uzoma Nkem-Abonta — Ukwá East/Ukwá West Federal Constituency).

Agreed to.

Chairman to report proceedings.

(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 Public Petitions on the petition by Sule Sale Ibrahim Kazaure against the Corporate Affairs Commission on unlawful and unjust termination of his appointment and approved Recommendations (i) and (ii) of the Report.

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

(xiii) *Committee on Public Petitions:*

Petition by Salehu Sabo O.:

Motion made and Question proposed, "That the House do consider the Report of the Committee on Public Petitions on the petition by Salehu Sabo O. against the Nigeria Customs Service on his wrongful dismissal from service in 2005 and approve the recommendation therein" (Hon. Nkem-Abonta Uzoma — Ukwa East/Ukwa West Federal Constituency).

Agreed to.

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

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

Recommendation:

"That Salehu Sabo O. be re-instated by the Nigeria Customs Service and be paid all his entitlements and other benefits without further delay" (Hon. Uzoma Nkem-Abonta — Ukwa East/Ukwa West Federal Constituency).

Agreed to.

Chairman to report proceedings.

(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 Public Petitions on the petition by Salehu Sabo O. against the Nigeria Customs Service on his wrongful dismissal from service in 2005 and approved the only Recommendation of the Report.

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

(xiv) *Committee on Public Petitions:*

Petition by Ibrahim Mohammed Rabi:

Motion made and Question proposed, "That the House do consider the Report of the Committee on Public Petitions on the petition by Ibrahim Mohammed Rabi against the Nigeria Airforce on his wrongful dismissal from service and approve the recommendations therein" (Hon. Nkem-Abonta Uzoma — Ukwa East/Ukwa West Federal Constituency).

Agreed to.

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

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

Recommendation (i):

"Urge the Minister of Defence to direct the Chief of Air Staff to follow due process and convert Mr Ibrahim Mohammed Rabi's dismissal to compulsory retirement to enable him apply for job elsewhere" (Hon. Uzoma Nkem-Abonta — Ukwa East/Ukwa West Federal Constituency).

Agreed to.

Recommendation (ii):

"That the Management of the Nigerian Air Force should pay him all his entitlements and retirement benefits to enable him start a new life" (*Hon. Uzoma Nkem-Abonta — Ukwa East/Ukwa West Federal Constituency*).

Agreed to.

Chairman to report proceedings.

(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 Public Petitions on the petition by Ibrahim Mohammed Rabi'u against the Nigeria Airforce on his wrongful dismissal from service and approved Recommendations (i) and (ii) of the Report.

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

(xv) Committee on Public Petitions:**Petition by Michael Afilaka, Gabriel Okon, Angie Taylor and Others:**

Motion made and Question proposed, "That the House do consider the Report of the Committee on Public Petitions on the petition by Michael Afilaka, Gabriel Okon, Angie Taylor and Others against the Federal Ministry of Youth and Sports on the Non-payment of the Nigeria High Performance salary and agreed Entitlements and approve the recommendation therein" (*Hon. Nkem-Abonta Uzoma — Ukwa East/Ukwa West Federal Constituency*).

Agreed to.

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

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

Recommendation:

"Urge the Director General, National Sports Commission, in collaboration with the Federal Ministry of Youth and Sports to ensure the prompt payment of ten (10) months arrears of salaries, rents and other entitlements accrued to Mr. Michael Afilaka, Gabriel Okon, Angie Taylor and others according to the contract terms between both parties within the shortest time" (*Hon. Uzoma Nkem-Abonta — Ukwa East/Ukwa West Federal Constituency*).

Agreed to.

Chairman to report proceedings.

(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 Public Petitions on the petition by Michael Afilaka, Gabriel Okon, Angie Taylor and Others against the Federal Ministry of Youth and Sports on the Non-payment of the Nigeria High Performance salary and agreed Entitlements and approved the only Recommendation of the Report.

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

(xvi) *Committee on Public Petitions:*

Petition by Paul Ezirim Ebonba and Family:

Motion made and Question proposed, "That the House do consider the Report of the Committee on Public Petitions on the petition by Paul Ezirim Ebonba and Family against the Shell Petroleum Development Company of Nigeria Limited alleging injustice and a call for intervention and approve the recommendations therein" (Hon. Nkem-Abonta Uzoma — Ukwu East/Ukwu West Federal Constituency).

Agreed to.

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

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

Recommendation (i):

"That the House should intervene and urge the Shell Petroleum Development Company to come to the negotiating table with the family and agree to pay N2 Million per hectare against the token of ₦200,000.00 since the end of the Civil War" (Hon. Uzoma Nkem-Abonta — Ukwu East/Ukwu West Federal Constituency).

Agreed to.

Recommendation (ii):

"That the Company should obey the Judgement of the Rivers State High Court in favour of the family as the legal Landlord of Obigbo North Oil Field occupied by Shell" (Hon. Uzoma Nkem-Abonta — Ukwu East/Ukwu West Federal Constituency).

Agreed to.

Recommendation (iii):

"That the Company should always engage the family in its surveillance and other minor contracts, employment and provisions of social amenities or any form of Local Content" (Hon. Uzoma Nkem-Abonta — Ukwu East/Ukwu West Federal Constituency).

Agreed to.

Chairman to report proceedings.

(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 Public Petitions on the petition by Paul Ezirim Ebonba and Family against the Shell Petroleum Development Company of Nigeria Limited alleging injustice and a call for intervention and approved Recommendations (i) - (iii) of the Report.

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

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

Recommendation:

"Urge the Nigeria Customs Service to replace Christian Fidelis Udoh's damaged truck" (Hon. Uzoma Nkemi-Abonta — Ukwa East/Ukwa West Federal Constituency).

Agreed to.

Chairman to report proceedings.

(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 Public Petitions on the petition by Emmanuel Iheke and Associates against the Nigeria Customs Service (NCS) on illegal, unlawful and unwarranted destruction of means of livelihood of Mr Christian Fidelis Udoh and approved the only Recommendation of the Report.

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

13. Adjournment

That the House do adjourn till Tuesday, 30 April, 2019 at 11.00 a.m. (Hon. Ahmed Idris — Deputy House Leader).

The House adjourned accordingly at 2.26 p.m.

Yakubu Dogara
Speaker

(xvii) *Committee on Public Petitions:*

Petition by Ex-W/PC Comfort Yohanna:

Motion made and Question proposed, "That the House do consider the Report of the Committee on Public Petitions on the petition by Ex-W/PC Comfort Yohanna against the Nigeria Police Force on appeal for re-instatement into the service and approve the recommendation therein" (Hon. Nkem-Abonta Uzoma — Ukwu East/Ukwu West Federal Constituency).

Agreed to.

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

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

Recommendation:

"Urge the Nigeria Police Force to reinstate Ex-W/PC Comfort Yohanna and 3 others who were discharged and acquitted but without payment of any salary arrears as soon as possible" (Hon. Uzoma Nkem-Abonta — Ukwu East/Ukwu West Federal Constituency).

Debate.

Amendment Proposed:

Leave out all the words in the Recommendation, and *insert* the following:

"Urge the Nigeria Police Force to reinstate Ex-W/PC Comfort Yohanna and to pay her all her salaries and entitlements from the date of dismissal" (Hon. Simon Yakubu Arabo — Kauru Federal Constituency).

Question that the amendment be made — Agreed to.

Chairman to report proceedings.

(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 Public Petitions on the petition by Ex-W/PC Comfort Yohanna against the Nigeria Police Force on appeal for re-instatement into the service and approved the only Recommendation as amended.

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

(xviii) *Committee on Public Petitions:*

Petition by Emmanuel Iheke and Associates:

Motion made and Question proposed, "That the House do consider the Report of the Committee on Public Petitions on the petition by Emmanuel Iheke and Associates against the Nigeria Customs Service (NCS) on illegal, unlawful and unwarranted destruction of means of livelihood of Mr Christian Fidelis Udoh and approve the recommendation therein" (Hon. Nkem-Abonta Uzoma — Ukwu East/Ukwu West Federal Constituency).

Agreed to.

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