



HOUSE OF REPRESENTATIVES FEDERAL REPUBLIC OF NIGERIA VOTES AND PROCEEDINGS

Tuesday, 21 March, 2017

1. The House met at 11.19 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 Thursday, 16 March, 2017.

The Votes and Proceedings was adopted by unanimous consent.

3. **Announcement**

Visitors in the Gallery:

Mr Speaker recognized the presence of the following visitors:

- (i) Staff and Students of *Prosperity International Academy*, Dakwa, Niger State;
- (ii) Members of *Law Students' Association, Igbinedion University*, Okada, Edo State;
- (iii) Staff and Students of *Skycrest Academy*, Lokogoma, Abuja; and
- (iv) Staff and Students of *Whiteplains British School*, Jabi, Abuja.

4. **Matters of Urgent Public Importance (Standing Order Eight, Rule 4)**

- (i) ***Harmful Products (Sprite and Fanta) of the Nigerian Bottling Company Limited (NBC) in Circulation — Need to Save Nigerians from the Deadly Drinks:***
Hon. Oluwarotimi Agunsoye (*Kosofe Federal Constituency*) introduced the matter and prayed the House to consider and approve it as one of urgent public importance.

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

Matter to stand over till next legislative day, pursuant to Order Eight, Rule 4 (3).

- (ii) ***Need to Intervene in the On-going Strike by Nigerian Union of Allied Health Professionals:***
Hon. Tajudeen Ayo Yusuf (*Ijumu/Kabba-Bunu Federal Constituency*) introduced the matter and prayed the House to consider and approve it as one of urgent public importance.

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

Matter to stand over till next legislative day, pursuant to Order Eight, Rule 4 (3).

5. Presentation and First Reading of Bills

The following Bills were read the *First Time*:

- (1) Material Research and Development Council Act (Amendment) Bill, 2017 (HB.948).
- (2) Public Enterprises (Privatization and Commercialization) Act (Amendment) Bill, 2017 (HB. 949).
- (3) Nigerian Reinsurance Corporation Act (Amendment) Bill, 2017 (HB. 950).
- (4) National Environmental Standards and Regulation Enforcement Agency Act (Amendment) Bill, 2017 (HB. 951).
- (5) National Planning Commission Act (Amendment) Bill, 2017 (HB. 952).
- (6) Teachers Regulation Council of Nigeria (TRCN) Act (Amendment) Bill, 2017 (HB. 953).
- (7) Nigerian National Heroes Bill, 2017 (HB. 954).
- (8) Public Litter Prohibition Bill, 2017 (HB. 955).
- (9) Civic Responsibility Bill, 2017 (HB. 956).
- (10) National Youth Service Corps Act (Amendment) Bill, 2017 (HB. 957).
- (11) Education (National Minimum Standards and Establishment of Institutions) Act (Amendment) Bill, 2017 (HB. 959).
- (12) Niger Delta Development Commission (Establishment, etc.) Act (Amendment) Bill, 2017 (HB. 960).
- (13) Banks and Other Financial Institutions Act (Amendment) Bill, 2017 (HB.961).
- (14) National Automotive Council Act (Amendment) Bill, 2017 (HB. 962).
- (15) Companies and Allied Matters Act (Amendment) Bill, 2017 (HB. 963).

6. Consolidation of Bills

- (i) *Motion made and Question proposed*, "That a Bill for an Act to Amend the Electoral Act, 2010 to make the Electoral Process full proof by making the Card Reader the Credible Means of Voters Accreditation and Voting and provide for strict Compliance with Election Guidelines and Manual so as to Enhance Transparency and Efficiency in the Conduct of Free, Fair and Credible Elections and for Other Related Matters (HB. 484), a Bill for an Act to Amend Sections 33 and 36 of the Electoral Act, 2010 to Provide for Death of Presidential or Gubernatorial Candidates during an on-going Election and for Other Related Matters (HB. 806), a Bill for an Act to Amend the Electoral Act, Cap. E6, Laws of the Federation of Nigeria 2004 to Incorporate Diaspora Voting in the Presidential Election in the Nigerian Electoral Act, 2010 and for Other Related Matters (HB. 809), and a Bill for an Act to Amend the Provisions of the Electoral Act. No. 6 of 2010 to Provide a Time Line for the Submission of Lists of Candidates, Criteria for Substitution of Candidates, Disclosure of Sources of Funds Contributed for Political Parties and to Empower the Commission to Uphold Party Primaries where there is a Change in the Results and for Other Related Matters (HB. 966) be now consolidated" (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

Agreed to.

- (ii) *Motion made and Question proposed*, "That a Bill for an Act to Establish the National Youth Development Commission and for Other Related Matters (HB. 122), and a Bill for an Act to Establish the National Youths Welfare Scheme Fund to Manage and Co-ordinate Youths Welfare Services to Reduce Challenges in Governance and Security in the Country and for Other Related Matters (HB. 558) be now consolidated" (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

Agreed to.

7. Call for Reconstruction of Bauchi - Gombe -Yola Federal High Way

Order read; deferred by leave of the House.

8. Call to Explore the Use of Cement to Construct Roads

Order read; deferred by leave of the House.

9. Need to Investigate the Disconnection of Electricity to Communities in Akoko Northeast - Northwest Federal Constituency, Ondo State

Order read; deferred by leave of the House.

10. Need to Investigate the Resurgence of Lassa Fever in Nigeria

Motion made and Question proposed;

The House:

Notes that one of the most important areas of focus for any government is the health sector because of its importance to citizens, and the dangers that disease and ill-health pose to the safety and security of the populace;

Also notes that in recent times, one of the most virulent forms of fever plaguing the nation is Lassa fever which is very similar to the Ebola fever with similar symptoms but with a much lower casualty rate.

Aware that the first case of Lassa fever reported in Nigeria was in 2015, and between August 2015 and May 2016, 273 cases including 149 deaths were recorded by the World Health Organization (WHO);

Also aware of a report published on Monday, 16 January, 2017 by the Technical Assistant of Communication of the Nigeria Centre for Disease Control, which urged Nigerians to be on the alert, since Lassa fever is on the rise again with 19 cases and 5 deaths reported between 2016 and 2017 in 7 States;

Believes that the Federal Government needs to address the resurgence of Lassa fever by coming up with a sustainable plan for the eradication of Lassa fever in Nigeria and thus avert its threat to lives and wellbeing of the citizens;

Resolves to:

- (i) mandate the Committees on Health Institutions, and Healthcare Services to invite the Minister of health to brief them on the reasons for the recent Lassa fever outbreak and the steps taken so far to combat it; and

- (ii) also mandate the Committees on Health Institutions and Healthcare Services to interact with the Nigeria Centre for Disease Control and designated Lassa fever testing laboratories and report back within six (6) weeks for further legislative action (*Hon. Sergius Oseasochie Ogun — Esan Northeast/Esan Southeast r Federal Constituency*).

Debate.

Agreed to.

The House:

Noted that one of the most important areas of focus for any government is the health sector because of its importance to citizens, and the dangers that disease and ill-health pose to the safety and security of the populace;

Also noted that in recent times, one of the most virulent forms of fever plaguing the nation is Lassa fever which is very similar to the Ebola fever with similar symptoms but with a much lower casualty rate.

Aware that the first case of Lassa fever reported in Nigeria was in 2015, and between August 2015 and May 2016, 273 cases including 149 deaths were recorded by the World Health Organization (WHO);

Also aware of a report published on Monday, 16 January, 2017 by the Technical Assistant of Communication of the Nigeria Centre for Disease Control, which urged Nigerians to be on the alert, since Lassa fever is on the rise again with 19 cases and 5 deaths reported between 2016 and 2017 in 7 States;

Believed that the Federal Government needs to address the resurgence of Lassa fever by coming up with a sustainable plan for the eradication of Lassa fever in Nigeria and thus avert its threat to lives and wellbeing of the citizens;

Resolved to:

- (i) mandate the Committees on Health Institutions, and Healthcare Services to invite the Minister of health to brief them on the reasons for the recent Lassa fever outbreak and the steps taken so far to combat it; and
- (ii) also mandate the Committees on Health Institutions and Healthcare Services to interact with the Nigeria Centre for Disease Control and designated Lassa fever testing laboratories and report back within six (6) weeks for further legislative action (**HR. 103/2017**).

11. Need to Investigate the Exorbitant Charges and Refusal of Multichoice Satellite Television Company to Adopt "Pay As You Go" Package Option

Order read; deferred by leave of the House.

12. Need to Stem the Continued Smuggling and Unlawful Access of Immigrants through the Land and Sea Borders

Motion made and Question proposed;

The House:

Acknowledges the notorious and worrisome fact that both land and sea borders of Nigeria have become very porous, thus allowing unlawful access of both goods and immigrants into the country;

Aware that markets, shops and stalls are awash with smuggled goods, including clothing materials and food items, while the roads are filled with cars smuggled into the country without the Anti-Smuggling Unit and other Formations of the Nigerian Customs Services being able to stem the tide;

Concerned that the Nigerian Customs Service, after having failed in its duty to prevent the goods from entering the country, has now resorted to accosting and harassing innocent citizens who have purchased vehicles and other goods "off the shelves";

Also concerned that one of the deleterious effects of the failure of the Service to stem smuggling is that substandard and harmful goods like plastic "rice", uncertified genetically modified food items, expired drugs, high radiation mobile phones, etc have flooded the country and are posing a serious health threat to the nation's socio-economic existence;

Also aware that foreigners who had gained entry into Nigeria without proper immigration papers or whose visas have expired are still in the country competing with citizens and enjoying tax payers' money;

Worried that finished goods that have been smuggled into the country pose serious economic threat and unhealthy competition to goods which have been painstakingly produced by Nigerians companies;

Also worried that both the Nigerian Customs Service and the Nigerian Immigration Service are operating below expected standards in their responsibilities of stemming smuggling and entry of illegal immigrants into the country;

Determined to ensure that the nation's borders are strictly guarded and monitored to drastically reduce the spate of smuggling through the land and sea borders and also to ensure an overtly controlled migration of foreigners into the country;

Resolves to:

- (i) urge the Federal Government to urgently come up with more stringent policies to curb the menace of smuggling and illegal immigration into the country; and
- (ii) mandate the Committees on Customs and Excise, and Interior to interface with the Comptrollers-General of the Nigerian Customs Service and the Nigerian Immigration Service on the reasons for the porous nature of Nigeria's border points that encourage unrestrained smuggling and illegal immigration and the measures to stem the trend and report back within five (5) weeks for further legislative action (*Hon. Oluwarotimi Agunsoye — Kosofe Federal Constituency*).

Debate:

Amendment Proposed:

Leave out Prayer (ii), and *insert* a new Prayer (ii) as follows:

"Mandate Committees on Customs and Excise, and Interior, to as a matter of urgency, organise a public hearing on the needs assessment as it concerns the porousness of our borders and our national policy on security and report back within four weeks" (*Hon. Ossai Nicholas Ossai — Ndokwa East/Ndokwa West/Ukwuani Federal Constituency*).

Question that the amendment be made — Agreed to.

Main Question on the Motion as amended — Agreed to.

The House:

Acknowledged the notorious and worrisome fact that both land and sea borders of Nigeria have become very porous, thus allowing unlawful access of both goods and immigrants into the country;

Aware that markets, shops and stalls are awash with smuggled goods, including clothing materials and food items, while the roads are filled with cars smuggled into the country without the Anti-Smuggling Unit and other Formations of the Nigerian Customs Services being able to stem the tide;

Concerned that the Nigerian Customs Service, after having failed in its duty to prevent the goods from entering the country, has now resorted to accosting and harassing innocent citizens who have purchased vehicles and other goods "off the shelves";

Also concerned that one of the deleterious effects of the failure of the Service to stem smuggling is that substandard and harmful goods like plastic "rice", uncertified genetically modified food items, expired drugs, high radiation mobile phones, etc have flooded the country and are posing a serious health threat to the nation's socio-economic existence;

Also aware that foreigners who had gained entry into Nigeria without proper immigration papers or whose visas have expired are still in the country competing with citizens and enjoying tax payers' money;

Worried that finished goods that have been smuggled into the country pose serious economic threat and unhealthy competition to goods which have been painstakingly produced by Nigerians companies;

Also worried that both the Nigerian Customs Service and the Nigerian Immigration Service are operating below expected standards in their responsibilities of stemming smuggling and entry of illegal immigrants into the country;

Determined to ensure that the nation's borders are strictly guarded and monitored to drastically reduce the spate of smuggling through the land and sea borders and also to ensure an overtly controlled migration of foreigners into the country;

Resolved to:

- (i) urge the Federal Government to urgently come up with more stringent policies to curb the menace of smuggling and illegal immigration into the country; and
- (ii) mandate Committees on Customs and Excise, and Interior, to as a matter of urgency, organise a public hearing on the needs assessment as it concerns the porousness of our borders and our national policy on security and report back within four weeks (HR.134/2017).

13. Consideration of Reports

(i) *Committee on Health Institutions:*

Motion made and Question proposed, "That the House do Consider the Report of the Committee on Health Institutions on a Bill for an Act to Amend the Psychiatric Hospitals Management Board Act, Cap. P34, Laws of the Federation of Nigeria, 2004 to give room for fair hearing in the disciplining of any student for misconduct and for Other Matters Connected Therewith (HB. 352) and approve the recommendations therein" (Hon. Betty Apiafi — Ahoada East/Abua/Odual Federal Constituency).

Question agreed to.

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

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

A BILL FOR AN ACT TO AMEND THE PSYCHIATRIC HOSPITALS MANAGEMENT BOARD ACT. CAP. P34, LAWS OF THE FEDERATION OF NIGERIA, 2004

Committee Recommendation:

Clause 1: Amendment of the Principal Act.

The Psychiatric Hospitals Management Board Act, Cap. P34, 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. Betty Apiafi — Ahoada East/Abua/Odual Federal Constituency*)).

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

Committee Recommendation:

Clause 2: Amendment of Section 12 (1).

Section 12 (1) of the Principal Act is amended by inserting the following proviso after subsection (1) (d) "provided that no such action shall be taken by the Board without giving the student opportunity of making representation in person or through his counsel before the disciplinary/investigation committee on the matter" (*Hon. Betty Apiafi — Ahoada East/Abua/Odual Federal Constituency*)).

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

Committee Recommendation:

Clause 3: Short Title.

This Bill may be cited as the Psychiatric Hospitals Management Board Act (Amendment) Bill, 2017 (*Hon. Betty Apiafi — Ahoada East/Abua/Odual Federal Constituency*)).

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

Long Title:

A Bill for an Act to Amend the Psychiatric Hospitals Management Board Act. Cap. P34, Laws of the Federation of Nigeria, 2004 (*Hon. Betty Apiafi — Ahoada East/Abua/Odual Federal Constituency*)).

Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in Committee of the Whole considered the Report of the Committee on Health Institutions on a Bill for an Act to Amend the Psychiatric Hospitals Management Board Act, Cap. P34, Laws of the Federation of Nigeria, 2004 to give room for fair hearing in the disciplining of any student for misconduct and for Other Matters Connected Therewith (HB. 352) and approved Clauses 1 -3, and the Long Title of the Bill.

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

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

Motion made and Question proposed, "That the House do Consider the Report of the Committee on Health Institutions on a Bill for an Act to Amend the Medical and Dental Practitioners Act, Cap. M8, Laws of the Federation of Nigeria 2004, to make Provisions for Compensation for Medical Malpractice and Negligence and a Bill for an Act to Amend the Medical and Dental Practitioners Act, Cap. M8, Laws of the Federation of Nigeria, 2004 and for Other Matters Connected Therewith (HBs 141 and 351) and approve the recommendations therein" (*Hon. Betty Apiafi — Ahoada East/Abua/Odual Federal Constituency*).

Question agreed to.

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

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

A BILL FOR AN ACT TO AMEND THE MEDICAL AND DENTAL PRACTITIONERS ACT, CAP. M8, LAWS OF THE FEDERATION OF NIGERIA, 2004, TO MAKE PROVISIONS FOR COMPENSATION FOR MEDICAL MALPRACTICE AND NEGLIGENCE AND FOR CONNECTED PURPOSES THERETO

Clause 1: Amendment of the Principal Act.

The Medical and Dental Practitioners Act, Cap. M8, Laws of the Federation of Nigeria, 2004 (in this Act referred to as the Principal Act) is amended as set out below (*Hon. Betty Apiafi — Ahoada East/Abua/Odual Federal Constituency*).

Committee Recommendation:

Leave out the provision of Clause 1 (*Hon. Betty Apiafi — Ahoada East/Abua/Odual Federal Constituency*).

Agreed to.

Clause 2: Amendment of Section 1:

Section 1, subsection (2) of the Principal Act is amended by inserting immediately after paragraph (c) a new paragraph (d) as follows and renumbering the subsequent paragraphs accordingly:

Subsection (2), paragraph (d) — publishing and reviewing from time to time a compendium of the surgical or medical procedure or other course of treatment and standard of medical practice required of a medical practitioner (*Hon. Betty Apiafi — Ahoada East/Abua/Odual Federal Constituency*).

Committee Recommendation:

Leave out the provisions of Clause 2 (*Hon. Betty Apiafi — Ahoada East/Abua/Odual Federal Constituency*).

Agreed to.

Clause 3: Insertion of new sections 15-19.

The Principal Act is amended by inserting immediately after section 14 the following new sections 15, 16, 17, 18, and 19 as follows and rearranging the subsequent sections accordingly:

15. A medical practitioner shall not be immune from liability for damages or injury attributable to his negligence while acting in his capacity as a medical practitioner, and any provision in any enactment or contract purporting to exclude or limit or shield a medical practitioner in Nigeria from that liability shall be void.
16. A medical practitioner shall maintain a Professional Liability Insurance Cover against damages or injury attributable to his negligence, professional malpractice, deviation from standard of medical practice or the negligent act or omission of his employees.
17. A person or his/her legal guardians shall be entitled to compensation from a medical practitioner when his health situation worsens or death occurs to his/her person due to a mistake or negligence on the part of the medical practitioner or where the medical practitioner deviates from the standard medical practice and it results to serious injury or complication or death to the person's health.
18. In a civil action for professional negligence, personal injury or wrongful death against a medical practitioner, a person shall establish that the medical practitioner's negligence, deviation from standard procedure, performance or a wrong procedure or improper treatment resulted in the alleged injury or death.
19. A medical practitioner shall be liable for the negligence acts of his employee if the employee was acting within the scope of his employment when the negligent act or omission occurred (*Hon. Betty Apiafi — Ahoada East/Abua/Odual Federal Constituency*).

Committee Recommendation:

Leave out the provisions of Clause 3 (*Hon. Betty Apiafi — Ahoada East/Abua/Odual Federal Constituency*).

Agreed to.

Clause 4: Amendment of Section 21.

Section 21 of the principal Act is amended by inserting the following new definitions:

"medical practitioner" shall for the purpose of sections 15 and 19 of this Act include; a health facility, hospital, clinic, employees of the health facility, nurses, midwives, caregivers and any other personnel employed by the medical practitioner, health facility, clinic or hospital whether privately or public owned or otherwise;

"legal guardians" means any person standing in the position of parents, spouse, relation, or legal representative to a person undergoing treatment by a medical practitioner;

"standard of medical practice" means acceptable standard of medical procedure and course of treatment an average medical practitioner is expected to follow in the course of treatment for an ailment, disorder, disease or infection including the state of the course of medical treatment, surgical operation or alternative course of treatment, as well as the risks and benefits of that course of treatment (*Hon. Betty Apiafi — Ahoada East/Abua/Odual Federal Constituency*).

Committee Recommendation:

Leave out the provisions of Clause 4 (*Hon. Betty Apiafi — Ahoada East/Abua/Odual Federal Constituency*).

Agreed to.

Clause 5: Citation.

The Act may be cited as the Medical and Dental Practitioners Act (Amendment) Bill, 2017 (*Hon. Betty Apiafi — Ahoada East/Abua/Odual Federal Constituency*).

Committee Recommendation:

Leave out the provision of Clause 5 (*Hon. Betty Apiafi — Ahoada East/Abua/Odual Federal Constituency*).

Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in Committee of the Whole considered the Report of the Committee on Health Institutions on a Bill for an Act to Amend the Medical and Dental Practitioners Act, Cap. M8, Laws of the Federation of Nigeria, 2004, to Make Provisions for Compensation for Medical Malpractice and Negligence and for Connected Purposes Thereto (HBs 141 and 351) and rejected Clauses 1 - 5 and retained the provisions of the Principal Act.

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

(iii) Committee on Justice:

Motion made and Question proposed, "That the House do consider the Report of the Committee on Justice on the High Rate of Failure in the Bar Examinations and approve the recommendations therein (H.R. 66/2015)" (*Hon. Razak Atunwa — Ilorin West/Asa Federal Constituency*).

Question agreed to.

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

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

Recommendation (i):

"That the budgetary allocation of the Nigerian Law School should be increased in view of its peculiar problems" (*Hon. Razak Atunwa — Ilorin West/Asa Federal Constituency*).

Amendment Proposed:

Leave out Recommendation (i) (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

Question that the amendment be made — Agreed to.

Recommendation (ii):

"That the Law school should take measures to increase the number of lecturers employed in all its campuses" (*Hon. Razak Atunwa — Ilorin West/Asa Federal Constituency*).

Agreed to.

Recommendation (iii):

"That the Law School should ensure the completion of all its infrastructural projects, particularly the students hostels at Bwari and Lagos campuses, and the seminar rooms at Yola, Yenagoa, Enugu and Kano campuses" (*Hon. Razak Atunwa — Ilorin West/Asa Federal Constituency*).

Agreed to.

Recommendation (iv):

"That the National Universities Commission (NUC) should monitor the standard of all law faculties to ensure that they produce graduates of sufficient quality to cope with the rigours of the Law school vocational training" (*Hon. Razak Atunwa — Ilorin West/Asa 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 Justice on the High Rate of Failure in the Bar Examinations and rejected Recommendation (i), and approved Recommendations (ii) - (iv) of the Report.

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

14. Adjournment

That the House do adjourn till Wednesday, 22 March, 2017 at 11.00 a.m. (Hon. Femi Gbajabiamila — House Leader).

The House adjourned accordingly at 1.47 p.m.

Yakubu Dogara
Speaker

