



HOUSE OF REPRESENTATIVES FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Tuesday, 9 April, 2019

1. The House met at 11.17 a.m. Mr Speaker read the Prayers.
2. **Votes and Proceedings**
Mr Speaker announced that he had examined and approved the *Votes and Proceedings* of Tuesday, 2 April, 2019.

The Votes and Proceedings was adopted by unanimous consent.

3. **Message**
Mr Speaker read the following messages from the President of the Federal Republic of Nigeria:

(i)



PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA

5th March, 2019

Rt. Hon. Yakubu Dogara
Speaker of the House of Representatives,
National Assembly Complex,
Three Arms Zone,
Abuja.

Dear Rt Hon. Y. Dogara,

PRESIDENTIAL DECISION TO DECLINE ASSENT TO THE NIGERIAN FILM COMMISSION BILL, 2018

Pursuant to Section 58 (4) of the Constitution of the Federal Republic of Nigeria, 1999 (as

amended), I hereby convey to the House of Representatives, my decision, on 5th March, 2019 to decline Presidential Assent to the **Nigerian Film Commission Bill, 2018** recently passed by the National Assembly.

I am declining assent to the Bill because:

- (a) Sections 1 (3) (d) & (e) of the Bill conflicts section 2 (a) (i), (ii) and (c) of the National Film and Video Censors Board Act which confers functions in relation to film exhibition on the National Film and Video Censors Board;
- (b) Section 7 (1) (k) of the Bill which states that 1% of the proceeds for television licence from the National Broadcasting Commission shall be paid into a fund to be-controlled by the National Film Commission is in conflict with Section 16 (1) of the National Broadcasting Commission Act which stipulates the purpose for which expenditure generated by the NBC may be used.
- (c) Section 7 (2) (d) of the Bill which proposes to divert 5% of VAT on all film related activity to the National Film Development Fund violates Section 40 of the Value Added Tax Act and the sharing formula prescribed therein, because it diverts funds normally distributed to the States of the Federation to a single federal institution.

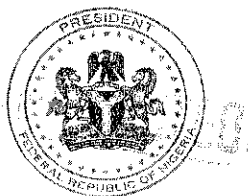
Please accept, Right Honourable Speaker, the assurances of my highest consideration.

Yours Sincerely,

(Signed)

Muhammadu Buhari

(ii)



**PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA**

5th March, 2019

Rt. Hon. Yakubu Dogara
Speaker of the House of Representatives,
National Assembly Complex,
Three Arms Zone,
Abuja.

Dear Rt Hon. Y. Dogara,

**PRESIDENTIAL DECISION TO DECLINE ASSENT TO THE
DIGITAL RIGHT AND FREEDOM BILL, 2018**

Pursuant to Section 58 (4) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended), I hereby convey to the House of Representatives, my decision, on 5th March, 2019 to decline Presidential Assent to the **Digital Right and Freedom Bill, 2018** recently passed by the National Assembly.

I am declining assent to the Bill because it seeks to cover too many technical subjects in one text and in the process fails to address any of them exhaustively. These areas include surveillance and data protection, lawful interception of communications, data protection and retention, etc. which are currently the subject of various bills pending at the National Assembly.

We therefore suggest that the scope of the Bill should be limited to the protection of human rights within the digital environment to reduce the challenge of duplication and legislative conflicts in the future.

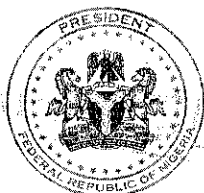
Please accept, Right Honourable Speaker, the assurances of my highest consideration.

Yours Sincerely,

(Signed)

Muhammadu Buhari

(iii)



**PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA**

5th March, 2019

Rt. Hon. Yakubu Dogara
*Speaker of the House of Representatives,
National Assembly Complex,
Three Arms Zone,
Abuja.*

Dear Rt Hon. Y. Dogara,

***PRESIDENTIAL DECISION TO DECLINE ASSENT
TO THE CLIMATE CHANGE BILL, 2018***

*Pursuant to Section 58 (4) of Constitution of the Federal Republic of Nigeria, 1999 (as amended), I hereby convey to the House of Representatives, my decision, on 5th March, 2019 to decline Presidential Assent to the **Climate Change Bill, 2018** recently passed by the National Assembly.*

I am declining assent to the Bill because:

- (a) *The spelt-out scope and guiding principles in the Bill replicate the functions of the Federal Ministry of Environment, which is charged with mainstreaming climate responses and actions into government policy, but does not suggest the scrapping of the Ministry.*
- (b) *Setting up the Counaras contemplated by Section 2 of the Bill will be unwieldly and expensive to maintain as it will amount to a proliferation of government agencies especially when there are existing agencies already performing the proposed functions.*

- (c) *The Bill as presently submitted lacks legal and draftsman elegance and consists of contradictory provisions and needs significant clarity and harmonization with administrative realities.*

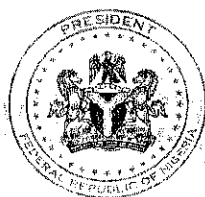
Please accept, Right Honourable Speaker, the assurances of my highest consideration.

Yours Sincerely,

(Signed)

Muhammadu Buhari

(iv)



**PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA**

5th March, 2019

Rt. Hon. Yakubu Dogara
*Speaker of the House of Representatives,
National Assembly Complex,
Three Arms Zone,
Abuja.*

Dear Rt Hon. Y. Dogara,

**PRESIDENTIAL DECISION TO DECLINE ASSENT
TO THE IMMIGRATION ACT (AMENDMENT) BILL, 2018**

Pursuant to Section 58 (4) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended), I hereby convey to the House of Representatives, my decision, on 5th March, 2019 to decline Presidential Assent to the Immigration Act (Amendment) Bill, 2018 recently passed by the National Assembly.

I am declining assent to the Bill due to concerns expressed about the retroactive effective of the provisions of Section 38 (5) of the Bill and the impact of the Section on the Ease of doing Business initiative of the Federal Government as contained in Executive Order One. There are also concerns that if passed into law, the Bill would be disruptive to Nigerians in diaspora if other countries were to reciprocate the provisions of Section 38 (5) in their immigration laws.

Please accept, Right Honourable Speaker, the assurances of my highest consideration.

Yours Sincerely,

(Signed)

Muhammadu Buhari

(v)



**PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA**

5th March, 2019

*Rt. Hon. Yakubu Dogara
Speaker of the-House of Representatives,
National Assembly Complex,
Three Arms Zone,
Abuja.*

Dear Rt Hon. Y. Dogara,

***PRESIDENTIAL DECISION TO DECLINE ASSENT TO THE CHARTERED
INSTITUTE OF PENSION PRACTITIONERS OF NIGERIA BILL, 2018***

Pursuant to Section 58 (4) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended), I hereby convey to the House of Representatives, my decision, on 5th March, 2019 to decline Presidential Assent to the Chartered Institute of Pension Practitioners of Nigeria Bill, 2018 recently passed by the National Assembly.

I am declining assent to the Bill because the objectives of the Chartered Institute of Pension Practitioners of Nigeria created by the Bill are similar to the objectives of the Certified Pension Institute of Nigeria which is already in existence and functional and it would thus amount to duplication of the functions of a separately constituted institute.

Concerns have also been raised in connection with the propriety of a private investigative panel conducting criminal investigations as appear to be suggested by Section 8 (1) (a) of the Bill.

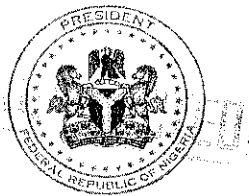
Please accept, Right Honourable Speaker, the assurances of my highest consideration.

Yours Sincerely,

(Signed)

Muhammadu Buhari

(vi)



**PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA**

19th March, 2019

Rt. Hon. Yakubu Dogara
*Speaker of the House of Representatives,
National Assembly Complex,
Three Arms Zone,
Abuja.*

***PRESIDENTIAL DECISION TO DECLINE ASSENT TO THE NATIONAL
BIOTECHNOLOGY DEVELOPMENT AGENCY BILL, 2018***

Pursuant to Section 58 (4) of Constitution of the Federal Republic of Nigeria, 1999 (as amended), I hereby convey to the House of Representatives, my decision, on 19th March, 2019 to decline Presidential Assent to the National Biotechnology Development Agency Bill, 2018 recently passed by the National Assembly.

2. *I am declining assent to the Bill because:*

- (i) *It fails to include the Ministry of Agriculture and Rural Development within the Governing Board of the Agency; and*
- (ii) *There are a number, of drafting issues and errors in the Bill which could affect the interpretation and operation of the Bill. For instance, the reference in Section 8 (1) (a) of the Bill for the Revenue Mobilisation Allocation and Fiscal Commission to set the emoluments and benefits of the Board is incorrect, and the correct reference should be for the National Salaries, Income and Wages Commission to perform this function.*

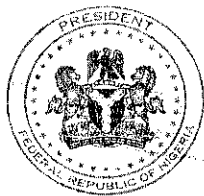
3. *Please accept, Right Honourable Speaker, the assurances of my highest consideration.*

Yours Sincerely,

(Signed)

Muhammadu Buhari

(vii)



PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA

19th March, 2019

Rt. Hon. Yakubu Dogara
Speaker of the House of Representatives,
National Assembly Complex,
Three Arms Zone,
Abuja.

Dear Rt Hon. Y. Dogara,

***PRESIDENTIAL DECISION TO DECLINE ASSENT TO THE
AJAOKUTA STEEL COMPANY COMPLETION FUND BILL, 2018***

Pursuant to Section 58 (4) of Constitution of the Federal Republic of Nigeria, 1999 (as amended), I hereby convey to the House of Representatives, my decision, on 19th March, 2019 to decline Presidential Assent to the Ajaokuta Steel Company Completion Fund Bill, 2018 recently passed by the National Assembly.

2. *I am declining assent to the Bill because:*

- (i) Appropriating US\$1 Billion from the Excess Crude Account is not the best strategic option for Nigeria at this time of budgetary constraints. The nation cannot afford to commit such an amount in the midst of competing priorities with long term social and economic impact that the funds can be alternatively deployed towards;*
- (ii) Bills which seek to make appropriation of revenues to fund public expenditure should be consolidated in the annual Appropriation Act such that these proposals pass through the traditional scrutiny that budget proposals are subjected to by the Ministry of Finance, Ministry of Budget and National Planning and the National Assembly. Furthermore, as the Excess Crude Account funds belong to the Federation it would be proper to consult with the National Economic Council and the States; and*
- (iii) Relevant stakeholders, such as the Ministry of Mines and Steel Development and the Ministry of Industry, Trade and Investment were not fully consulted. The inputs of key stakeholders are necessary to create the optimal legal and regulatory framework as well as institutional mechanism to adequately regulate the steel sector.*

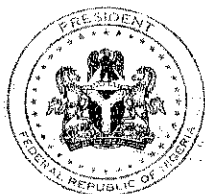
3. *Please accept, Right Honourable Speaker, the assurances of my highest consideration.*

Yours Sincerely,

(Signed)

Muhammadu Buhari

(viii)



PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA

19th March, 2019

Rt Hon. Yakubu Dogara
Speaker of the House of Representatives,
National Assembly COMplex,
Three Arms Zone,
Abuja.

Dear Rt Hon. Y. Dogara,

***PRESIDENTIAL DECISION TO DECLINE ASSENT TO THE
FEDERAL MORTGAGE BANK OF NIGERIA BILL, 2018***

*Pursuant to Section 58 (4) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended), I hereby convey to the House of Representatives, my decision, on 19th March, 2019 to decline Presidential Assent to the **Federal Mortgage Bank of Nigeria Bill, 2018** recently passed by the National Assembly.*

2. *I am declining assent to the Bill for the following reasons:*

- (i) *The failure to spell out in detail in the Bill, the required qualification and experience threshold of the directors and senior management staff with specific reference to developmental banking, risk management and mortgage loan administration experience;*
- (ii) *The provision in Section 9 (2) providing that the liabilities of the Federal Mortgage Bank of Nigeria shall be re-discountable with the Central Bank of Nigeria without specifically stating in the Bill that this is subject to the usual criteria for normally accessing the re-discounting window of the Central Bank of Nigeria; and*
- (iii) *Conflicts between Section 14 on General Reserves, Section 15 on the Funds of Mortgage Bank and Section 21 on Annual Reports, generally accepted Development Finance Institutions Guidelines and International Financial Report Standards.*

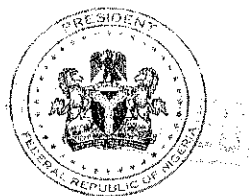
3. *Please accept, Right Honourable Speaker, the assurances of my highest consideration.*

Yours Sincerely,

(Signed)

Muhammadu Buhari

(ix)



**PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA**

19th March, 2019

*Rt. Hon. Yakubu Dogara
Speaker of the House of Representatives,
National Assembly Complex,
Three Arms Zone,
Abuja.*

Dear Rt Hon. Y. Dogara,

***PRESIDENTIAL DECISION TO DECLINE ASSENT TO
THE NATIONAL HOUSING FUND BILL, 2018***

Pursuant to Section 58 (4) of Constitution of the Federal Republic of Nigeria, 1999 (as amended), I hereby convey to the House of Representatives, my decision, on 19th March, 2019 to decline Presidential Assent to the National Housing Fund Bill, 2018 recently passed by the National Assembly.

2. *I am declining assent to the Bill for the following reasons:*

- (i) *The various levies and obligations imposed by sections 4, 5, and 6 of the Bill including (i) 2.5% of the ex-factory price before transportation cost of each manufactured or imported 50Kg bag of cement or equivalent in bulk; (ii) 2.5% monthly deduction from workers salaries; (iii) the compulsory investment requirement imposed on Commercial Banks, Merchant Banks, Insurance Companies and Pension Fund Administrators of a minimum of 10% of their profit before tax into the National Housing Fund, will be disruptive and punitive to a number of industries and sectors of the Nigerian economy including Cement Manufacturing, Banking, Insurance, Pensions and may also impact adversely the average Nigerian worker; and*
- (ii) *The provision of Section 6 (5) of the Bill in relation to Pension Reform Act and real estate investments thereunder may undermine the administration of the pension industry by the National Pension Commission and adversely affect the safeguards that protect the pension industry against unreasonable investments risks.*

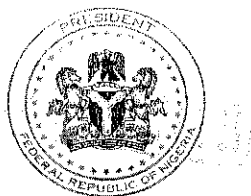
3. *Please accept, Right Honourable Speaker, the assurances of my highest consideration.*

Yours Sincerely,

(Signed)

Muhammadu Buhari

(x)



**PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA**

19th March, 2019

*Rt. Hon. Yakubu Dogara
Speaker of the House of Representatives,
National Assembly Complex,
Three Arms Zone,
Abuja.*

Dear Rt. Hon. Y. Dogara,

***PRESIDENTIAL DECISION TO DECLINE ASSENT TO THE
NATIONAL INSTITUTE OF CREDIT ADMINISTRATION BILL, 2018***

Pursuant to Section 58 (4) of Constitution of the Federal Republic of Nigeria, 1999 (as amended), I hereby convey to the House of Representatives, my decision, on 19th March, 2019 to decline Presidential Assent to the National Institute of Credit Administration Bill, 2018 recently passed by the National Assembly.

2. *I am declining assent to the Bill because:*

- (i) The requirement that every member of staff of banks and other financial institutions should hold a National Institute of Credit Administration (NICA) license before they are eligible to practice as credit managers is impractical and portends a recipe for crisis, more so when the Chartered Institute of Bankers of Nigeria does not require the staff of every bank to be its member;*
- (ii) Section 5 of the Bill should be deleted in its entirety as the powers sought to be conferred on the NICA would be in conflict with the powers of some regulatory bodies such as the Central Bank of Nigeria, the Asset Management Corporation of Nigeria and the National Insurance Commission. We suggest that the institute NICA should only be a training or certification provider for credit management professionals in Nigeria with the responsibility to promote its objectives among persons who voluntarily elect to be its members; and*
- (iii) The creation of a credit management institute such as the NICA may unintentionally setup an additional layer to credit management as it creates multiplicity of regulations which cause more bottlenecks in to ease of doing business.*

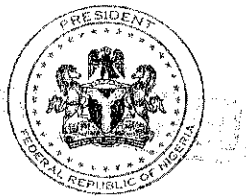
3. *Please accept, Right Honourable Speaker, the assurances of my highest consideration.*

Yours sincerely,

(Signed)

Muhammadu Buhari

(xi)



**PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA**

27th March, 2019

Rt Hon. Yakubu Dogara
*Speaker of the House of Representatives,
National Assembly Complex,
Three Arms Zone,
Abuja.*

Dear Rt Hon. Y. Dogara,

***PRESIDENTIAL DECISION TO DECLINE ASSENT TO THE SMALL AND
MEDIUM ENTERPRISES DEVELOPMENT AGENCY BILL, 2018***

Pursuant to Section 58 (4) of Constitution of the Federal Republic of Nigeria, 1999 (as amended), I hereby convey to the House of Representatives my decision, on 27th March, 2019 to decline Presidential Assent to the Small and Medium Enterprise Agency Bill, 2018 recently passed by the National Assembly.

2. *I am declining assent to the Bill for the following reasons:*

- (i) *Section 32 of the Bill introduces (i) a 2.5% levy on the profit before tax of the target companies which will increase the tax burdens of the companies while offering no direct benefit to them; (ii) a 1% levy on imports which will also add to the cost of doing business in the country; (iii) a 5% levy on luxury goods which duplicates efforts by the Federal Ministry of Finance to raise excise on such goods in a more sustainable manner to the benefit of the Federal Government treasury.*
- (ii) *The Agency will have similar objectives to the Bank of Industry particularly with regard to the funding of Small and Medium Enterprises. Accordingly, it is important to streamline its functions to avoid a duplication or overlap of functions with other government institutions performing similar functions; and*
- (iii) *The Bill has the likelihood of increasing public recurrent expenditure by the proposed creation of new public sector bodies.*

3. *Please accept, Right Honourable Speaker, the assurances of my highest consideration.*

Yours Sincerely,

(Signed)

Muhammadu Buhari

4. Petitions

- (i) *A petition from Johnson Oye & Co. (Legal Practitioners), on behalf of 26 Senior Army Officers on their retirement from the service of the Nigerian Army, was presented and laid by Hon. Shadimu Mutiu Alao (Oshodi Isolo I Federal Constituency); and*

- (ii) A petition from Madu Abba Disco & 2 others, on the alleged discriminatory treatment and termination of their appointments by the management of the Federal Polytechnic, Mubi, was presented and laid by Hon. Ismaila Ahmed Gadaka (*Fika/Fune Federal Constituency*).

Petitions referred to the Committee on Public Petitions.

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

- (i) ***Repeated Boko Haram Attacks in Chibok Local Government Area: A Call for the Intervention of National Emergency Management Agency:***

Hon. Asabe Vilita Bashir (*Damboa/Gwoza/Chibok 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.

Repeated Boko Haram Attacks in Chibok Local Government Area: A Call for the Intervention of National Emergency Management Agency:

The House:

Notes the despicable activities of boko haram insurgents in the northeast region of Nigeria, particularly Borno State, where several lives have been lost, properties destroyed and citizens displaced from their homes;

Also notes that though the insurgents have been largely neutralized, they still launch attacks on vulnerable communities, primarily to terrorize the locals, rob them of their possessions and destroy houses in their wake;

Alarmed by reports that on Thursday, 28 March, 2019 the insurgents attacked Gatamwarma Village in Chibok LGA, Borno State without resistance, between 5pm and 9pm. They burnt 101 houses, carted away livestock and food items worth millions of naira, killed 1 person and left many injured;

Concerned that the inhabitants of Gatamwarma Village have been displaced and have taken refuge at Chibok town as well as neighboring Local Government Council's particularly Damboa and Askira Uba LGAs;

Worried that on Monday, 1 April, 2019, the insurgents attacked another village, Kaumutayahi, in Chibok Local Government Council but were repelled by the swift intervention of the Nigerian Army with the aid of local hunters;

Also worried that despite the resistance met by the insurgents, they succeeded in snatching several livestock and food items, and burning one house in the community, though, no life was lost;

Afraid that the displaced locals in Chibok LGA are stranded, suffering and in dire need of assistance like shelter, clothings, food, medical supplies and other relief materials;

Resolves to:

- (i) call on the National Emergency Management Agency (NEMA) to urgently come to the aid of displaced persons in Chibok by providing shelter, food, clothing, medical supplies and other necessary relief materials to ameliorate their suffering; and
- (ii) commend the Nigerian Army for their sacrifice, and urge them to do more by protecting vulnerable communities from attacks (*Hon. Asabe Vilita Bashir — Damboa/Gwoza/Chibok Federal Constituency*).

*Debate.**Agreed to.**The House:*

Noted the despicable activities of boko haram insurgents in the northeast region of Nigeria, particularly Borno State, where several lives have been lost, properties destroyed and citizens displaced from their homes;

Also noted that though the insurgents have been largely neutralized, they still launch attacks on vulnerable communities, primarily to terrorize the locals, rob them of their possessions and destroy houses in their wake;

Alarmed by reports that on Thursday, 28 March, 2019 the insurgents attacked Gatamwarma Village in Chibok LGA, Borno State without resistance, between 5pm and 9pm. They burnt 101 houses, carted away livestock and food items worth millions of naira, killed 1 person and left many injured;

Concerned that the inhabitants of Gatamwarma Village have been displaced and have taken refuge at Chibok town as well as neighboring Local Government Council's particularly Damboa and Askira Uba LGAs;

Worried that on Monday, 1 April, 2019, the insurgents attacked another village, Kaumutayahi, in Chibok Local Government Council but were repelled by the swift intervention of the Nigerian Army with the aid of local hunters;

Also worried that despite the resistance met by the insurgents, they succeeded in snatching several livestock and food items, and burning one house in the community, though, no life was lost;

Afraid that the displaced locals in Chibok LGA are stranded, suffering and in dire need of assistance like shelter, clothings, food, medical supplies and other relief materials;

Resolved to:

- (i) call on the National Emergency Management Agency (NEMA) to urgently come to the aid of displaced persons in Chibok by providing shelter, food, clothing, medical supplies and other necessary relief materials to ameliorate their suffering; and
- (ii) commend the Nigerian Army for their sacrifice, and urge them to do more by protecting vulnerable communities from attacks (**HR. 8/04/2019**).

- (ii) ***Need for Urgent Investigation into Allegations of Gross Statutory Breaches Including Violation of the Public Procurement Act, 2007 by the Management of the Nigerian Bulk Electricity Trading Plc (NBET):***

Hon. Muhammad Musa Soba (*Soba 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 for Urgent Investigation into Allegations of Gross Statutory Breaches Including Violation of the Public Procurement Act, 2007 by the Management of the Nigerian Bulk Electricity Trading Plc (NBET):

The House:

Notes that the Nigerian Bulk Electricity Trading Plc was incorporated on 29 July, 2010 as a wholly owned Federal Government company responsible for managing and administering the Electricity Pool of the Nigerian Electricity Supply Industry;

Also notes that as a wholly owned Federal Government company, NBET is required under Section 15 (1) (a) - (b) of the Public Procurement Act, 2007 ("the Act") to comply fully with the Act in all its procurement activities;

Further notes that contrary to the provisions of the Act and extant Guidelines and Regulations from the Bureau of Public Procurement, the Managing Director and Management of NBET, executed Power Purchase Agreements and initiated the performance and implementation of its terms with total disregard for due process, which has resulted in losses to the Federal Government worth over N90 billion;

Recalls that NBET engaged Consultants in breach of the Act and extant Guidelines, Rules, Circulars and other Subsidiary Legislations such as the engagement of Messrs AELEX (Law Firm) and Azinge & Azinge (Law Firm) who lacked basic bidding documents, even when the least responsive bidder was not awarded the contract, and the required authorization from the Attorney-General of the Federation was not obtained prior to the engagement of these Law Firms;

Still notes that most contractors and vendors engaged by NBET are not registered with the Bureau of Public Procurement, neither are they registered on the National Database of Federal Contractors, Consultants and Service Providers which is a gross violation of the provisions of the Act;

Observes that the Managing Director and the Management of NBET have been accused of awarding contracts arbitrarily and not to the lowest evaluated responsive bid as required by Section 16 (17) of the Act resulting in losses worth billions of Naira;

Concerned that if urgent steps are not taken to investigate these allegations and address any proven infractions, an institutional system of manipulation of the procurement process would have been created which will lead to further financial losses to the Federal Government of Nigeria;

Resolves to:

Mandate the Committees on Public Procurement, and Power to investigate the allegations and report back within two (2) weeks (*Hon. Muhammad Musa Soba — Soba Federal Constituency*).

Debate.

Agreed to.

The House:

Noted that the Nigerian Bulk Electricity Trading Plc was incorporated on 29 July, 2010 as a wholly owned Federal Government company responsible for managing and administering the Electricity Pool of the Nigerian Electricity Supply Industry;

Also noted that as a wholly owned Federal Government company, NBET is required under Section 15 (1) (a) - (b) of the Public Procurement Act, 2007 ("the Act") to comply fully with the Act in all its procurement activities;

Further noted that contrary to the provisions of the Act and extant Guidelines and Regulations from the Bureau of Public Procurement, the Managing Director and Management of NBET, executed Power Purchase Agreements and initiated the performance and implementation of its terms with total disregard for due process, which has resulted in losses to the Federal Government worth over N90 billion;

Recalled that NBET engaged Consultants in breach of the Act and extant Guidelines, Rules, Circulars and other Subsidiary Legislations such as the engagement of Messrs AELEX (Law Firm) and Azinge & Azinge (Law Firm) who lacked basic bidding documents, even when the least responsive bidder was not awarded the contract, and the required authorization from the Attorney-General of the Federation was not obtained prior to the engagement of these Law Firms;

Still noted that most contractors and vendors engaged by NBET are not registered with the Bureau of Public Procurement, neither are they registered on the National Database of Federal Contractors, Consultants and Service Providers which is a gross violation of the provisions of the Act;

Observed that the Managing Director and the Management of NBET have been accused of awarding contracts arbitrarily and not to the lowest evaluated responsive bid as required by Section 16 (17) of the Act resulting in losses worth billions of Naira;

Concerned that if urgent steps are not taken to investigate these allegations and address any proven infractions, an institutional system of manipulation of the procurement process would have been created which will lead to further financial losses to the Federal Government of Nigeria;

Resolved to:

Mandate the Committees on Public Procurement, and Power to investigate the allegations and report back within two (2) weeks (**HR. 9/04/2019**).

6. Presentation of Bills

The following Bills were read the *First Time*:

- (1) Federal Polytechnic, Daura, Katsina State (Establishment, etc.) Bill, 2019 (HB.1611).

- (2) Federal Polytechnic, Kaltungo, Gombe State (Establishment, etc.) Bill, 2019 (HB.1618).

7. **Presentation of Reports**

- (i) ***Ad-hoc Committee to Investigate the Low Concessionary Tariff given to Companies by the Federal Ministry of Industry, Trade and Investment:***

Motion made and Question proposed, "That the House do receive the Report of the Ad-hoc Committee to Investigate the Low Concessionary Tariff given to Companies by the Federal Ministry of Industry, Trade and Investment for Sugar Importation into the Country from 2013 to 2016 as contained in the backward Integration Policy (HR. 180/2017)" (Hon. Olasupo Abiodun Adeola — Iseyin/Itesiwaju/Kajola/Iwajowa Federal Constituency).

Agreed to.

Report laid.

- (ii) ***Committee on Gas Resources:***

Motion made and Question proposed, "That the House do receive the Report of the Committee on Gas Resources on the need to stop the sale of the Nigerian Liquefied Natural Gas Limited (NLNG) (HR. 170/05/2018)" (Hon. Frederick Y. Agbedi — Ekeremor/Sagbama Federal Constituency).

Agreed to.

Report laid.

8. **Consolidation of Bills**

Motion made and Question Proposed, "That a Bill for an Act to Amend the Federal University, Oye Ekiti Act, 2011; and for Related Matters (HB. 1388) and a Bill for an Act to Amend the Federal University, Oye Ekiti Act, 2011; and for Related Matters (HB. 1389) be now consolidated" (Hon. Pwajok Edward Gyang — Jos South/Jos East Federal Constituency).

Agreed to.

9. **A Bill for an Act to provide for the Protection of Persons who render reasonable Assistance during Emergency situations occurring at places within Federal Jurisdiction and to serve as a model to be adopted by the States of the Federation; and for Related Matters (HB. 171) — Third Reading**

Motion made and Question proposed, "That a Bill for an Act to provide for the Protection of Persons who render reasonable Assistance during Emergency situations occurring at places within Federal Jurisdiction and to serve as a model to be adopted by the States of the Federation; and for Related Matters (HB. 171) be now read the Third Time" (Hon. Femi Gbajabiamila — House Leader).

Agreed to.

Bill read the Third Time and passed.

10. **A Bill for an Act to Amend the Federal Polytechnics Act, Cap. F17, Laws of the Federation of Nigeria, 2004 to Review the Retirement Age of Staff of Federal Polytechnics, Harmonize the Tenure of Office of the Rectors and Other Principal Officers of Federal Polytechnics in Nigeria; and for Related Matters (HB. 1488) — Third Reading**

Motion made and Question proposed, "That a Bill for an Act to Amend the Federal Polytechnics Act, Cap. F17, Laws of the Federation of Nigeria, 2004 to Review the Retirement Age of Staff of Federal Polytechnics, Harmonize the Tenure of Office of the Rectors and Other Principal Officers of Federal Polytechnics in Nigeria; and for Related Matters (HB. 1488) be now read the Third Time" (Hon. Femi Gbajabiamila — House Leader).

Agreed to.

Bill read the Third Time and passed.

11. **A Bill for an Act to Establish the Institute of Chartered Biochemists and Molecular Biologists charged with Responsibilities to, among other things, determine the Standard of Knowledge and Skills to be attained by Persons Seeking to become Registered Biochemists and Molecular Biologists, Register such Persons, Regulate and Control their Practice and Review those Standards from time to time as circumstances may permit; and for Related Matters, 2018 (HB. 1142) — Third Reading**

Motion made and Question proposed, "That a Bill for an Act to Establish the Institute of Chartered Biochemists and Molecular Biologists charged with Responsibilities to, among other things, determine the Standard of Knowledge and Skills to be attained by Persons Seeking to become Registered Biochemists and Molecular Biologists, Register such Persons, Regulate and Control their Practice and Review those Standards from time to time as circumstances may permit; and for Related Matters, 2018 (HB. 1142) be now read the Third Time" (*Hon. Femi Gbajabiamila — House Leader*).

Agreed to.

Bill read the Third Time and passed.

12. **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 (UNILOS) 1992, 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) — Second Reading**

Motion made and Question proposed, "That 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 (UNILOS) 1992, 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) be now read a Second Time" (*Hon. Femi Gbajabiamila — 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.

13. **Receipt and Adoption of the Conference Committee Report on the Reviewed Conditions of Service in the National Assembly Service**

Order deferred by leave of the House.

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

Motion made and Question proposed:

The House:

Notes that the following Bills were read a Second time separately between 2016 and 2018 and referred to respective Committees for further legislative actions:

S/No.	Title of Bill	Date	Committee
1.	Chartered Institute of Transport Administration Bill, 2016 (HB. 623)	23/5/2017	Land Transport

- | | | | |
|----|--|------------|---------------------------------|
| 2. | Project Development Agency, Enugu Bill, 2018 (HB. 1542) | 5/12/2018 | Science and Technology |
| 3. | Nigerian Independent Warehouse Regulatory Agency (Establishment, etc.) Bill, 2015; and | 22/6/2016 | Capital Market and Institutions |
| 4. | National Tobacco Control Act (Amendment) Bill, HBs. 1176 and 1503) 2018 | 24/10/2018 | Healthcare Services |

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

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

Resolves to:

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

Agreed to.

15. Need to Re-Award the Bida-Saachi-Nupeko Road Contract

Motion made and Question proposed:

The House:

Recalls that the contract for the construction of Bida-Saachi-Nupeko Road was awarded to Messrs, AECC Global Limited in 2013 by the then Federal Ministry of Works at a total cost of N9.3 Billion Naira with a completion period of 30 months running from 4 January, 2014 to 3 July, 2016;

Also recalls that the sum of Four Hundred Billion Naira (N400,000,000,000) had been paid to the contractor as mobilization fee in order to enable it complete the project on schedule;

Aware that since 2013, the Federal Government through annual appropriations had been making sequence of budgetary provisions for the project as follows:

2013	2014	2016	2017	2018
N400,000,000	N300,000,000	N599,038,833	N400,000,000	N845,178,612

Concerned that despite the steady budgetary provisions since 2013, the percentage of work done on the Bida-Saachi-Nupeko Road project remains at an abysmal three percent (3%) completion;

Also concerned that the company has demonstrated utter lack of commitment and competence in the execution of this project, despite warning letters issued to it by the Ministry;

Further concerned that due to the poor performance of the contractor, the Ministry of Power, Works and Housing terminated the contract on 21 January, 2019;

Resolves to:

- (i) urge the Federal Ministry of Power, Works and Housing to re-award the contract to a competent contractor that has the capacity to carry out the project;

- (ii) also urge the Ministry to consider the project as a National priority because of its importance as an alternative route to the northern part of Nigeria;
- (iii) further urge the Ministry to make an auxiliary provision for the constant grading of the remaining untarred portion of the road to reduce the sufferings of the communities around the area;
- (iv) again urge the Ministry to make consistent and sufficient budgetary provisions for the project; and
- (v) mandate the Committees on Works, and Appropriations to make adequate provisions in the 2019 Budget of the Federal Ministry of Works, Power and Housing for the re-award of the Bida-Saachi-Nupeko Road contract (*Hon Aliyu Ahman Pategi — Edu/Moro/Pategi Federal Constituency*).

Agreed to.

(HR. 10/04/2019).

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

16. Need to Save the Lagos Trade Fair International Market from being crippled by the actions of the Federal Ministry of Industry, Trade and Investment

Order read; deferred by leave of the House.

17. Suspension of Order Seven, Rule 2 (2)

Motion made and Question proposed, "That the House do suspend Order Seven, Rule 2 (2) to enable Mr Speaker preside in the Committee of the Whole" (Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency).

Agreed to.

18. Consideration of Reports

- (i) ***Ad-hoc Committee on the Recurring Boat Mishaps at the Buruku Crossing Point on River Katsina-Ala, Benue State:***

Motion made and Question proposed, "That the House do consider the Report of the Ad-hoc Committee on the Recurring Boat Mishaps at the Buruku Crossing Point on River Katsina-Ala, Benue State and approve the recommendations therein" (Hon. Pally Iriase — Owan East/Owan 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 Speaker in the Chair)

Recommendation (i):

"Urge the Federal Ministry of Power, Works and Housing to ensure the inclusion of Buruku Bridge Project in the 2019 budget estimates" (Hon. Pally Iriase — Owan East/Owan West Federal Constituency).

Debate.

Amendment Proposed:

Leave out all the words in Recommendation (i) and *insert* a new Recommendation (i) as follows:
"Urge the Federal Ministry of Works, Power and Housing to capture the project in the 2019 budget and all subsequent budgets of the Ministry until completion" (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that the amendment be made — Agreed to.

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

Recommendation (ii):

"Mandate the Committees on Appropriations, Finance and Works to capture not less than 30% of the total cost of Buruku Bridge Project in the 2019 budget estimates to ensure availability of funds for the award of the contract" (*Hon. Pally Iriase — Owan East/Owan West Federal Constituency*).

Agreed to.

Chairman to report proceedings.

(HOUSE IN PLENARY)

Mr Speaker in the Chair, reported that the House in Committee of the Whole considered the Report of the *Ad-hoc* Committee on the Recurring Boat Mishaps at the Buruku Crossing Point on River Katsina-Ala, Benue State and approved Recommendation (i) as amended, approved Recommendation (ii) of the Report.

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 Establishment of Data Protection Commission charged with the Responsibility for, among other things, the Protection of Personal Data and Data Subjects' Rights and the Regulation of the Processing of Personal Information; and for Related Matters (HB. 02) (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 Establishment of Data Protection Commission charged with the Responsibility for, among other things, the Protection of Personal Data and Data Subjects' Rights and the Regulation of the Processing of Personal Information; and for Related Matters (HB. 02) and approve the recommendations therein" (Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency).

Agreed to.

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

(HOUSE IN COMMITTEE)

(Mr Speaker in the Chair)

A BILL FOR AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF DATA PROTECTION
COMMISSION CHARGED WITH THE RESPONSIBILITY FOR, AMONG OTHER THINGS,
THE PROTECTION OF PERSONAL DATA AND DATA SUBJECTS' RIGHTS AND THE
REGULATION OF THE PROCESSING OF PERSONAL INFORMATION;
AND FOR RELATED MATTERS (HB. 02)

Deferred consideration

Chairman to report progress.

(HOUSE IN PLENARY)

Mr Speaker in the Chair, reported that the House in Committee of the Whole deferred consideration of the Report on a Bill for an Act to Provide for the Establishment of Data Protection Commission charged with the Responsibility for, among other things, the Protection of Personal Data and Data Subjects' Rights and the Regulation of the Processing of Personal Information; and for Related Matters (HB. 02).

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 Traffic Warden Service which shall be Responsible for the Appointment, Promotion and Discipline of Traffic Wardens, Issuance of Certificates of Appointment and Discharge; and for Related Matters (HB. 596) (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 Traffic Warden Service which shall be Responsible for the Appointment, Promotion and Discipline of Traffic Wardens, Issuance of Certificates of Appointment and Discharge; and for Related Matters (HB. 596) and approve the recommendations therein" (Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency).

Agreed to.

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

(HOUSE IN COMMITTEE)

(Mr Speaker in the Chair)

A BILL FOR AN ACT TO ESTABLISH THE TRAFFIC WARDEN SERVICE WHICH SHALL BE RESPONSIBLE FOR THE APPOINTMENT, PROMOTION AND DISCIPLINE OF TRAFFIC WARDENS, ISSUANCE OF CERTIFICATE OF APPOINTMENT AND DISCHARGE; AND FOR RELATED MATTERS (HB. 596)

PART I — ESTABLISHMENT, COMPOSITION, ETC. OF THE TRAFFIC WARDEN SERVICE

Clause 1: Establishment, Composition, Etc of the Traffic Warden Service.

- (1) There is established a Traffic Warden Service (hereafter in this Bill referred to as "The Warden Service") which shall be a body corporate with perpetual succession and a common seal, and may sue or be sued in its corporate name.
- (2) The warden service established pursuant to subsection (1) of this section shall have its headquarters in the Federal Capital Territory, Abuja.
- (3) The Traffic Warden Service shall consist of Traffic Wardens appointed from time to time under this Bill (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 2: Functions and Powers of the Traffic Warden Service

- (1) Traffic Warden Service Personnel shall be employed and deployed to perform the following function(s) in the metropolitan cities and urban (intra city roads) —

- (a) enforcement of intra-city road traffic control, regulation and/or ensure steady vehicular movement of vehicles in the metropolitan cities and urban roads in the country.
- (b) control of intra-city road traffic, decongest and removal of all perceived obstructions blockades and/or obstacles that may or could likely create gridlock and congestion on the road.
- (c) take control of vehicle(s) reported to be or are involved in accident on the road (within the cities and urban towns).
- (d) take active involvement and/or participate in all intra-city road traffic administration, management and control and other related matters.
- (e) formulate policies including, organized fora, symposia, conferences, workshops, courses and training that shall assist the road traffic control administration and management of the sub-sector to achieve desired goal in the nation's metropolitan cities and urban towns.
- (f) assist vehicle Drivers tow and/or rescue broken down vehicles out of the road corridor to safe place(s), to avoid traffic or road obstruction, blockade and congestion.
- (g) survey and/or investigate traffic related matters and car/vehicle theft.
- (h) generate income through the enforcement of daily toll fee on all Commercial vehicles and Motorcycles/Tricycles plying the intra-city and urban roads.
- (i) develop commercial car/vehicle park(s) at strategic points with the aim of clearing and discouraging road side parking habit along major roads in the metropolitan cities and urban towns.
- (j) assist to evacuate and/or dispose of the remains of cars/motor vehicles to appropriate environment.
- (k) assist other Security and Law-enforcement Agencies in combating crime involving vehicles(s) on the road within the cities and urban towns (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 3: Establishment and Composition of the Governing Board.

- (1) There is established for the Warden Service a Governing Board appointed by the President of the Federal Republic of Nigeria for a period of four years and subject to renewal for another four years and no more.
- (2) The Board shall consist of —
 - (a) the Minister of Works and Housing as Chairman;
 - (b) Deputy Controller-Generals of the Warden Service;

- (c) all Assistant Controller-Generals of the Warden Service;
- (d) all State Controllers of Traffic of the Warden Service;
- (3) One representative each of —
 - (i) Ministry of Works and Housing,
 - (ii) the Ministry of Interior,
 - (iii) the Permanent Secretary Federal Ministry of Works and Housing shall be the Secretary to the Board.
- (4) Members of the Board in sub-section 3 (i) and (ii) shall be appointed by their Ministers on recommendations of the Controller-General of the Traffic Warden Service.
- (5) The *Ex-officio* members mentioned in Section 3 (i) and (ii) of this Section, shall hold office for a period of four years, and shall be eligible for reappointment for one further period of four years, and no more.
- (6) The salaries and allowances payable to members of the Board shall be in accordance with such rates as may be approved by the Government of the Federation, from time to time.
- (7) Members of the Board of the Traffic Warden Service shall be persons of reputable qualities and must have served the public for at least 20 years.
- (8) There shall be appointed by the Board of the Traffic Warden Service, a Secretary to the Board, who shall be a Member of the Board and who shall keep the records and conduct the correspondence of the Board and perform such other duties as the Chairman may from time to time direct.
- (9) **Proceedings of the Board.**
The provisions of the First Schedule to this Bill shall apply with respect to the proceedings of the Board and the other matters contained therein (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 4: Functions of the Governing Board.

- (1) The Board shall be responsible for the overall supervision, development, regulation and policy formulation and implementation of Traffic Warden Service matters.
- (2) The Board shall be accountable only to the President of the Federal Republic of Nigeria (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 5: Removal from office, and cessation of membership of the Board.

A member of the Board, other than an *ex-officio* member, may —

- (a) be removed from office by the President, if he has been found, after due enquiry, to have conducted himself in a manner that renders him unsuitable as a member of the Board, or is mentally or physically incapable of carrying out the duties and responsibilities of his office under this Bill;
- (b) resigns his appointment by writing under his hand to the President, and his membership of the Board shall cease on the date of the receipt of the letter by the President (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

PART II — COMMAND STRUCTURES, ORGANIZATION,
OFFICERS AND OTHER RANKS OF THE TRAFFIC WARDEN SERVICE

Clause 6: Command Structures, Organization, Officers and Other Ranks of the Traffic Warden Service.

(A) CONTROLLER-GENERAL OF TRAFFIC — CGT

- (a) There shall be the Office of the Controller-General of Traffic (CGT) who shall be the Chief Executive Officer of the Traffic Warden Service, and be appointed by the President on the advice of the Board, and shall be a person possessing sound knowledge on matters relating to Traffic Control.
- (b) the Controller-General shall —
 - (i) exercise general supervision and control over members of the Service, the Zonal and State Commands of the Traffic Warden Service, and the other staff of the Service;
 - (ii) direct the activities of Traffic Wardens including the course of their training and education, and of the Officers and Personnel of the Service;
 - (iii) manage the Service financial affairs; and
 - (iv) be free to deploy human and material resources of the Service in accordance with this Bill in order to achieve results and ensure the attainment of the objectives of this Bill, and in this regard, the Board shall not interfere with the methods or the manner in which he performs the foregoing duties.
- (c) Powers of the Controller-General.
 - (i) The Controller-General of Traffic shall be vested with the power to delegate function(s) to any Senior Staff Officers below, in the ranks of Deputy Controller-General, Assistant Controller-General, Controller of Traffic, Deputy Controller, Assistant Controller, Chief Superintendent, Deputy Superintendent, Assistant Superintendent (1) and Assistant Superintendent (11) to carry out such other function(s) on behalf of the Controller-General of Traffic, anywhere within the federation.

- (ii) The Office of the Controller-General of Traffic shall be assisted by other Staff of the Service to ensure effective, efficient and smooth running of the day to day administration and operations of the Service.
- (iii) The Controller-General of Traffic shall be answerable to the President and Commander-in-Chief of the Armed Forces, Federal Republic of Nigeria.

B. DEPUTY CONTROLLER-GENERAL — DCG

- (i) There shall be the 6 (six) Deputy Controller-Generals of Traffic and to be in Charge of the various Directorates of the Service, as may be designed from time to time.
- (ii) All Deputy Controller-Generals of Traffic shall be appointed by the Controller-General of Traffic from time to time on the advice of the Board of the Traffic Warden Service.
- (iii) A Deputy Controller-General appointed shall exercise powers as may be assigned to him only within the Directorate of the Service.
- (iv) All Deputy-Controller-General(s) shall be assisted by other Officers of the Traffic Warden Service.

C. ASSISTANT CONTROLLER-GENERAL — ACG

- (i) There shall be the Office of Assistant Controller-Generals of Traffic under the Office of Deputy Controller-Generals of the Service and Zonal Commands as may be designated. The Zonal Assistant Controller-General of Traffic shall be the Officer-in-charge of the Zone.
- (ii) An Assistant Controller-General shall be appointed by the Controller-General of Traffic from time to time on the advice of the Board of the Traffic Warden Service.
- (iii) An Assistant Controller-General shall exercise powers as may be assigned to him within the Directorate under the Office of Deputy Controller-General of Traffic or any other Special assignment that he may be assigned.
- (iv) All Assistant Controller-General(s) shall be assisted by other Officers of the Traffic Warden Service;

D. STATE CONTROLLER OF TRAFFIC — CT

- (i) There shall be in each State of the Federation and the Federal Capital Territory, FCT, a Controller of Traffic, who shall serve as the head of the State Command of the Traffic Warden Service.
- (ii) A State Controller shall be appointed by the Controller-General of Traffic on the advice and upon the approval of the Board of the Traffic Warden Service.

- (iii) A State Controller shall exercise powers as may be assigned to him by the Controller-General of Traffic within the State of his command.
- (iv) A State Controller shall be assisted by other Officers of the Traffic Warden Service to ensure effective, efficient and smooth running of the day to day administration of the Service in the State.
- (v) A State Controller may delegate his function(s) to any Officer under the ranks of Deputy Controller, Assistant Controller, Chief Superintendent, Superintendent, Deputy Superintendent and Assistant Superintendent of Traffic and to carry out such function(s) on behalf of the State Controller of Traffic, within the State of appointment.
- (vi) A Controller of Traffic shall be answerable to the Controller-General of Traffic.

E. AREA TRAFFIC OFFICER — ATO

- (i) There shall be the Office of Area Traffic Officer who shall oversee the designated and specified Area of jurisdiction referred to as Area Command.
- (ii) An Area Traffic Officer shall be appointed by the State Controller of Traffic, to carryout delegated traffic functions on behalf of the State Controller of Traffic.
- (iii) The Area Traffic Officers shall be answerable to the Controller of Traffic.
- (iv) The Area Traffic Officers shall be assisted by other officers of the Traffic Warden Service.

F. DIVISIONAL TRAFFIC OFFICER — DTO

- (i) There shall be the Office of a Divisional Traffic Officer who is the Administrative Head of each designated and specified area of jurisdiction referred to as Division.
- (ii) A Divisional Traffic Officer shall be appointed by the State Controller of Traffic, to carryout functions within the area of jurisdiction, on behalf of the State Controller of Traffic.
- (iii) A Divisional Traffic Officer shall be assisted by other Staff of the Traffic Warden Service (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 7: Terms and Condition of Service.

The Principal Officers of the Traffic Warden Service shall, in the performance of their functions under Section 6, be governed by the approved Terms and conditions of service for the Traffic Warden Service:

Provided that any exercise of such powers prior to the approval and application of the conditions of service, shall be governed by the Federal Civil Service Rules (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 8: Powers, Privileges and Immunities of Traffic Wardens.

A Traffic Warden appointed under this Bill, shall when on duty be in uniform, and shall have the powers, privileges and immunities of a law enforcement Officer under any law relating to the regulation of road traffic control, including the power of arrest and detention of a traffic offender (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 9: Establishment of Administrative and Operations Departments.

- (1) There is established for the Service the following administrative and operations departments to facilitate the proper discharge of its functions:
 - (a) the Department of Administration and Personnel Services;
 - (b) the Department of Finance and Revenue Services;
 - (c) the Department of Operations Services;
 - (d) the Department of Legal and Corporate Services;
 - (e) the Department of Works Services and,
 - (d) the Department of Engineering Services.
- (2) The Composition, duties and powers of the Administrative and Operations Department established pursuant to subsection (1) of this section shall be as may be determined by the Controller-General, subject to approval by the Board (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 10: Appointments, Recruitment, Etc. of Officers and Other Ranks of the Service.

- (1) The Board shall be responsible for the appointment, recruitment and training of members of the Service.
- (2) Members of the Traffic Warden Service appointed and recruited shall bear such insignia as may be assigned to them by the Service, and without prejudice to this subsection, the ranks and insignia thereof for members of the Service for the time being shall be as specified in the Second Schedule to this Bill.
- (3) The qualification for the appointment and recruitment of the officers and other members of the Traffic Warden Service and the procedure for their promotion to various ranks shall be in accordance with the rules made by the Board for that purpose (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 11: Accoutrements, Immunity, and Protection of Members of the Traffic Warden Service.

The Service shall provide for every serving Traffic Warden such accoutrements as it may consider necessary for the proper discharge of the functions conferred under this Bill, and without prejudice to the foregoing provisions of this subsection, such accoutrements shall include uniforms, identification cards, raincoats, high-powered motor-cycles, motor cars, two-way mobile radio, telephone sets and other necessary equipment (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

PART III — FINANCIAL PROVISIONS

Clause 12: Establishment of Fund and Expenditure.

(1) There shall be established and maintained, a fund into which shall be paid and credited —

- (a) the take-off grant for the Board and the Service;
- (b) the annual subvention received from the Government of the Federation;
- (c) such monies as may, from time to time, be lent, deposited with or granted to the Board and the Service by the Government of the Federation, State or Local Council, or any other department, agency, etc. of government and otherwise howsoever;
- (d) all fees and charges for services rendered by the Service; and
- (e) all other sums which may, from time, accrue to the Board and the Service.

(2) The Board may, from time to time, apply the proceeds of the fund —

- (a) to the cost of administration and operations of the Board and the Service and other activities undertaken thereof;
- (b) to the payment of fees, allowances and expenses of the members of the Board and of any committee set up by the Board;
- (c) to the payment of salaries, allowances and benefits of officers, staff and other members of the Service;
- (d) for the maintenance of any property vested in the Board or under its administration;
- (e) for the training of members of the Service within and outside Nigeria, and other research programmes carried on by the Service; and
- (f) for and in connection with all or any of the functions of the Traffic Warden Service under this Bill.

- (3) The proceeds of the funds established pursuant to subsection (1) of this section shall be disbursed by the Chairman of the Board with the approval of other members of the Board (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 13: Establishment of Transitional Management Committee.

- (1) There is established for the Service a Transitional Management Committee which shall for the time being be responsible for the overall supervision, development, regulation, policy formulation and implementation of the Nigeria Traffic Service matters.
- (2) The Committee shall consist of —
- (i) the Chairman of the Management Board of the Civil Rights Non-Governmental Organization, Greater Virtue for Traffic Watch and Development Initiatives, who shall serve as the Chairman of the Committee.
 - (ii) a representative of the Federal Ministry of Works.
 - (iii) a representative of the Federal Ministry of Interior.
- (3) The Committee shall serve for 10 years pending the take-off of the service.
- (4) The function of the Committee shall be to:
- (i) effectively nurture the take-off of the service;
 - (ii) re-organise and reposition the service;
 - (iii) undertake any process leading to a successful take-off of the service.
- (5) The Chairman of the Committee shall, during the transition period, hold the office of the Controller-General of the Service.
- (6) The salaries and allowances of the members of the Transitional Management Committee, including the Chairman, shall be determined by the Salaries and Wages Commission (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 14: Power to Accept Gifts, etc.

- (1) The Board may accept gifts of land, money, donations or other property and testamentary dispositions by persons, bodies corporate or non-governmental organizations within or outside Nigeria, upon such terms and conditions, if any, as may be specified by the person or organization making the gift.
- (2) The Board shall not accept any gift if the conditions attached by the person or organization making the gift are inconsistent with the functions of the Board and the Service under this Bill (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 15: Borrowing and Investment Power of the Board.

- (1) The Board may, with the consent of its members or in accordance with the general guidelines or authority given by the Government of the Federation, borrow by way of loan or overdraft from any source, any moneys required by the Board and the Service to meet its obligations and its functions under this Bill, so however, that such consent or authority shall be required where the sum or aggregate of the sums involved at any time does not exceed such amount as is for the time being specified in relation to the Board and the Service by the Government of the Federation.
- (2) The Board may, subject to the provisions of this Bill and conditions of trust in respect of funds held or property owned, invest any surplus of its funds with the same consent or general authority described in subsection (1) of this section (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 16: Annual Estimates, Account and Audit.

- (1) The Board shall cause to be prepared, not later than six months before the end of each financial year, estimates of recurrent and capital expenditure and income of the Board during the next succeeding financial year, and presented to the President, through the Minister.
- (2) The Board shall keep proper accounts and records in relation thereto, and shall prepare in respect of each financial year, a statement of accounts in such form as the Board may direct.
- (3) The Board shall, as soon as the end of the financial year to which the accounts relate, cause the accounts to be audited by qualified auditors appointed from the list of auditors in accordance with the guidelines laid down by the Auditor-General of the Federation.
- (4) The auditors shall on completion of the audit of the accounts of the Board and the Service for each financial year, prepare and submit to the Board the following two reports, that is to say —
 - (a) a general report setting out the observations and recommendations of the auditors on the financial affairs of the Board and the Service generally for that year, and on any important matters which the auditors may consider necessary to bring to the notice of the Board; and
 - (b) a detailed report containing the observations and recommendations of the auditors on all aspects of the operations of the Board for that year (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 17: Annual Report.

The Board shall prepare and submit to the President and the National Assembly, not later than the end of June of each financial year, a report on the activities of the Board and the Service during the immediately preceding financial year, and shall include in such report a copy of the audited accounts of the Board and the Service for that year, and the auditors report thereon (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

PART IV — DISCIPLINE OF OFFICERS AND OTHER RANKS OF THE SERVICE**Clause 18: Establishment of the Traffic Warden Service Disciplinary Committee.**

- (1) There is established a Committee to be known as the Traffic Warden Service Disciplinary Committee (in this Bill referred to as "the Disciplinary Committee") which shall be charged with the duty of the maintenance of discipline among members of the Service, and considering and determining any report of gross indiscipline by any member of the Service referred to it by the Panel established pursuant to section 2019 of this Bill and any other matter for which the Disciplinary Committee has authority under this Bill.
- (2) The Disciplinary Committee shall consist of a Chairman and four other members of the Board.
- (3) The Disciplinary Committee shall have a Secretary and such other number of staff as the Board may determine.
- (4) The Chairman of the Disciplinary Committee shall have power to summon a meeting of the Committee, at any time to consider and determine any report of indiscipline by any member of Service.
- (5) The Disciplinary Committee may make standing rules for its proceedings not contained in this Bill (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 19: Establishment of the Traffic Warden Service Investigating Panel.

- (1) There is established a body to be known as the Traffic Warden Service Investigating Panel (in this Bill, referred to as "the Panel") which shall be charged with the duty of -
 - (a) conducting a preliminary investigation into any matter brought before it where it is alleged that a member of the Service has misbehaved or breached any of the Codes of Conduct in his capacity as an officer or other rank of the Service;
 - (b) deciding whether the matter should be referred to the Disciplinary Committee; and
 - (c) present a report containing its recommendations to the Disciplinary Committee in respect of any matter brought before it.

- (2) The Panel shall be appointed by the Board, and shall consist of three members of the Board and two other persons who are members of the Service, but who are not members of the Board at the time of their appointment.
- (3) The Panel may make rules, not contained in this Bill, as to its procedure for carrying on an investigation into any matter brought before it (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 20: Codes of Conduct for Members of the Service.

- (1) The Board shall have responsibility for setting out the Codes of Conduct for members of the Service which may not be published in the Federal Government Gazette, but the Board shall cause them to be brought to the notice of all the members of the Service in such a manner as it may, from time to time, determine.
- (2) Notwithstanding the foregoing provisions of this section, the Codes of Conduct set out by the Board shall take cognizance of matters relating to the conduct and comportment of members of the Service in public places, their dealings with members of the society and attitude to the performance of their duties (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 21: Offences and Punishment.

- (1) Where a member of the Service breaches, contravenes or violates any of the Codes of Conduct of the Service or any other law in force in the Federation, the Disciplinary Committee shall have power to recommend —
 - (a) the imposition of a fine on that member of the Service;
 - (b) suspension of the member of the Service from duty without pay for a specified period;
 - (c) demotion in rank of the member of the Service, or deferment of promotion for a specified period;
 - (d) dismissal from the Service; or
 - (e) any combination of the foregoing punishments.
- (2) In the case of the contravention or violation of any law in force in the Federation by a Traffic Warden, the Disciplinary Committee shall, in addition to issuing a recommendation for his dismissal, recommend that the offender be handed over to the appropriate authority for prosecution.
- (3) Every recommendation of the Disciplinary Committee under this section of this Bill shall not be enforced unless approved by the Board (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

PART V — MISCELLANEOUS AND SUPPLEMENTARY

Clause 22: Directives by the Minister, etc.

The Minister may give to the Board such directives of a general nature or relating generally to matters of policy with regard to the exercise by the Board of its functions under this Bill, and it shall be the duty of the Board to comply with the directives or cause them to be complied with (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 23: Secrecy.

- (1) A member of the Board or the Controller-General or any other officer or other ranks or employee of the Service shall —
- (a) not, for his personal gain, make use of any information which has come to his knowledge in the exercise of his powers or is obtained by him in the ordinary course of his duty as a member of the Board or as Controller-General, officer, other rank or employee for the Service;
 - (b) treat as confidential any information which has come to his knowledge in the exercise of his powers or is obtained by him in the performance of his duties under this Bill;
 - (c) not to disclose any information referred to under paragraph (b) of this subsection, except when required to do so by a Court or in such other circumstances as may be prescribed by the Board, from time to time.
- (2) Any person who contravenes the provisions of subsection (1) of this section commits an offence and is liable, on conviction, to a fine of fifty thousand Naira or imprisonment for a term not exceeding one year or to both such fine and imprisonment (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 24: Provision of Library facilities.

The Board shall provide and maintain a library at the headquarters and State Command Offices of the Service comprising such books and publications as may be provided for the advancement of the knowledge and skills of members of the Service for research purposes and for other purposes connected with the objects and functions of the Service (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 25: Transfer to the Board of Certain Property, etc.

On the commencement of this Bill —

- (a) all property held immediately before that day by or on behalf of the former Police Council shall, by virtue of this subsection and without further assurance, vest in the Board established under this Bill and held by it for the purposes of the Board and the Service; and

- (b) the Police Council shall cease to exercise control administratively or otherwise of the Service (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 26: Rules and Regulations.

- (1) The Board may, with the approval of the Minister, make such rules and regulations as in its opinion are necessary or expedient for giving full effect to the provisions of this Bill and for the due execution of its provisions.
- (2) Without prejudice to the provisions of subsection (1) of this section, the Board shall have powers to make regulations generally for carrying out the objects of this Bill and, in particular, shall make regulations relating to —
- (a) the rank, pay and allowances of members of the Service;
 - (b) the hours of duty, Schedule of work and leave of members of the Service;
 - (c) the procedure and terms of appointment and recruitment of members of the Service;
 - (d) subject to the provisions of this Bill, the qualification for appointment of members of the Service or any ranks, and the procedure for promotion to any such rank;
 - (e) the maintenance of discipline among members of the Service; and
 - (f) any other matter for which the Board has powers or which is incidental or supplementary to the foregoing provisions of this subsection (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

PART VI — RETIREMENT/RESIGNATION PROVISIONS

Clause 27: Retirement/Resignation provisions.

- (1) A Traffic Warden appointed under this Bill shall be retired upon attaining thirty-five Years in Public Service or reaching sixty years of age, whichever comes first,
- (2) Subject to the provisions in subsection (1) above, a Traffic Warden may resign his appointment by a notice in writing addressed to the Controller-General of the Traffic Warden Service indicating his intention to resign his appointment on a date mentioned in the notice (not being less than twenty-eight days after than the date on which the notice is given).
- (3) On receipt of the notice and upon the Chief Executive Officer consenting in writing to same, the appointment of the Traffic Warden shall be determined accordingly.

- (4) Every Traffic Warden disengaged under this Bill, shall be issued a Certificate of Discharged (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 28: Remuneration and Allowances.

Every Traffic Warden employed under this Bill shall be entitled to his monthly basic salary as may be determined by the authority from time to time, including the following:

- (a) Hazard allowance;
- (b) Medical allowance;
- (c) Accommodation allowance;
- (d) Transport allowance;
- (e) Torch light allowance;
- (f) Meal subsidy allowance;
- (g) Kits (uniform) allowance;
- (h) Insurance scheme;
- (i) Housing scheme;
- (j) Leave allowance;
- (k) Every Traffic Warden is also entitled to benefit from the National Health Insurance Scheme, NHIS (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

PART VII — ESTABLISHMENT OF TRAINING COLLEGES

Clause 29: Establishment of Training Colleges.

- (1) There is established for the Service, Traffic Warden Training Colleges in each geo-political zone of the Federation, designated, College of Road Traffic Control for the purpose of training of eligible persons employed as Traffic Wardens under this Bill.
- (2) The Traffic Warden Training College shall be manned by Training Instructors whose educational qualification shall not be less than a First Degree or its equivalent and other Service Personnel that may be drafted, deployed or posted to the college.
- (3) The Officer in-Charge of the Training Colleges shall be designated as the Commandant, College of Road Traffic Control

- (4) (a) There shall also be established a Tertiary Institution designated, INSTITUTE OF ROAD TRAFFIC MANAGEMENT AND TRANSPORT TECHNOLOGY, to assume the status of a technological-oriented academic citadel; with the mandate to run OND and HND courses that are universally accredited,
- (b) The Institute shall run courses that are related to: Regional, Town and Urban Planning, Civil Engineering, Soil Engineering, Survey, Road Construction, Transport Technology and Vehicle Technology amongst other related courses.
- (c) The Institution shall be in position to go into research work and the methodology on the Road Traffic and Transport Management Technology and, to inculcate in her Graduands, sound and broad knowledge in Science, Technology, Intellectual ability and Leadership training; to effectively handle road traffic and transport matters and moral values.
- (d) The Institute can offer admission to interested candidates who may wish and/or desirous to study in this Institution without bias to their background.
- (e) The Institution shall be manned by qualified Lecturers in related courses.
- (f) The institution shall be Headed by a Traffic Warden Officer not below the rank of Controller of Traffic (CT) and shall be designated a Rector,
- (5) There shall also be other Professional Schools established for the purpose of training and retraining of Traffic Warden Personnel to enhance their professional backgrounds.
- (6) Traffic Wardens shall be trained in firefighting to sequel fire outbreak in burning vehicles on the road and evacuation.
- (7) Traffic Wardens shall be trained in the use of light arms to assist other Security Agencies in combating and preventing crime involving vehicles(s) and on the road (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

PART VIII — MISCELLANEOUS PROVISIONS

Clause 30: Service Number of Traffic Wardens.

- (1) Every Traffic Warden appointed under this Bill, shall be issued Service Number with the letters "TWS". All Traffic Wardens employed in the Federation, shall have their names and numbers appearing on the register kept for that purpose by the Board of the Warden Service.
- (2) Every Traffic Warden to whom a Service number has been allocated under sub-section (1) of this section shall while on duty, wear such Service number (for Rank/File only) and/or name tag on the Chest top pockets of his uniform.

- (3) The Board shall from time to time liaise with the Federal Government to ensure the provisions of the following logistics for the Traffic Warden Service to enhance their performance —
- (a) Vehicles, Trucks, Cars and Buses for official uses
 - (b) Compressor equipment
 - (c) Septic Tankers fixed with pumping machines and hoes
 - (d) Industrial Pumping Machine
 - (e) Motorcycles (Speed Bike), Helmets and Riding kits
 - (f) Communication Equipment/gadgets
 - (g) Medical Equipment
 - (h) Light and Heavy towing vehicles and heavy Fork lift plants
 - (i) Crane mounted vehicles to displace heavy broken down vehicles
 - (j) Reflective equipment kits, Jackets, Batons and other logistics for traffic control/directing/dispensing
 - (k) Uniform kits, Iron buttons customized with "TWS", Leg Anklets and Boots, Beret, 'P' Cap, Lineyard and Belt, Corcept, Rain Boot, Rain Coat and a round Jungle hat.
 - (l) Other necessary logistics gadgets as may be required from time to time (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 31: Savings Provision

Any person who, before the coming into force of this Bill is holding an Office in the Traffic Warden Service shall on the commencement of this Bill be deemed to have been appointed by the Board under this Bill. (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 32: Consequential Amendment.

Sections 59 - 69 of the Police Act, Cap. 19, Laws of the Federation of Nigeria, 2004 are repealed (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 33: Interpretation.

In this Bill —

"Accoutrements" means the Service shall provide for every serving Traffic Warden such accoutrements as it may be considered necessary for the proper discharge of the functions conferred under this Bill, and without prejudice to the foregoing provision of this subsection, such accoutrements shall include uniforms, identification cards, raincoats, high-powered motorcycles, motor cars, two-way mobile radio, telephone sets and other necessary equipment and such other items in the Schedule (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

"Appointment or Deployment" means any Traffic Warden appointed or deployed into the Service in line with the provision of this Bill (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

"Board" means the Traffic Warden Service Governing Board established under this Bill (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

"Officers of the Service" means the Controller-General and other Rank and File Officers of the Traffic Warden Service appointed or deployed into the Service (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

"Disciplinary Committee" means the Traffic Warden Service Disciplinary Committee established under this Bill to handle all acts of indiscipline by the Officers of the Service (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

"Minister" means the Minister of Works and Housing supervising the Traffic Warden Service (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

"Operational Department" means operational departments established to facilitate the proper discharge of the functions and the exercise of the powers conferred on the Service by Section 10 of this Bill (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

"Investigation Panel" means Traffic Warden Service Investigating Panel established under Section 19 of this Bill charged with the duty of:

- (a) conducting a preliminary investigation into any matter brought before it where it is alleged that a member of the Service has misbehaved or breached any of the codes of conduct in his/her capacity as an officer or other rank of the Service;
- (b) deciding whether the matter should be referred to the Disciplinary Committee; and
- (c) present a report containing its recommendations to the Disciplinary Committee in respect of any matter brought before it (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

"Service Number" means the number issued to every Traffic Warden appointed under this Bill, with the letters "TWS" (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that the meaning of the words "Service Number" 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 Traffic Warden Service Bill, 2019 (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Long Title:

A Bill for an Act to Establish the Traffic Warden Service which Shall be Responsible for the Appointment, Promotion and Discipline of Traffic Wardens, Issuance of Certificate of Appointment and Discharge; and for Related Matters (HB. 596) (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Speaker in the Chair, reported that the House in Committee of the Whole considered the Report on a Bill for an Act to Establish the Traffic Warden Service which shall be Responsible for the Appointment, Promotion and Discipline of Traffic Wardens, Issuance of Certificates of Appointment and Discharge; and for Related Matters (HB. 596) and approved Clauses 1 - 34, 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 the Council for the Regulation of Travel and Tour Management Companies of Nigeria; Provide for the Registration of Persons who, by way of Business, Negotiate for or otherwise act in relation to selling of Travel and Tour Services on behalf of Transport Carriers to Facilitate carriage by Air, Rail or Road of Passengers and for the Control, Regulation and Orderly Development of Passenger Travel Distribution in Nigeria; and for Related Matters (HB.1321) (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 Council for the Regulation of Travel and Tour Management Companies of Nigeria; Provide for the Registration of Persons who, by way of Business, Negotiate for or otherwise act in relation to selling of Travel and Tour Services on behalf of Transport Carriers to Facilitate carriage by Air, Rail or Road of Passengers and for the Control, Regulation and Orderly Development of Passenger Travel Distribution in Nigeria; and for Related Matters (HB.1321) and approve the recommendations therein" (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Agreed to.

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

(HOUSE IN COMMITTEE)

(Mr Speaker in the Chair)

A BILL FOR AN ACT TO ESTABLISH THE COUNCIL FOR THE REGULATION OF TRAVEL AND TOUR MANAGEMENT COMPANIES OF NIGERIA; PROVIDE FOR THE REGISTRATION OF PERSONS WHO BY WAY OF BUSINESS, NEGOTIATE FOR OR OTHERWISE ACT IN RELATION TO SELLING OF TRAVEL AND TOUR SERVICES ON BEHALF OF TRANSPORT CARRIERS TO FACILITATE CARRIAGE BY AIR, RAIL OR ROAD OF PASSENGERS AND FOR THE CONTROL, REGULATION AND ORDERLY DEVELOPMENT OF PASSENGER TRAVEL DISTRIBUTION IN NIGERIA; AND FOR RELATED MATTERS (HB. 1321)

PART I — ESTABLISHMENT OF THE COUNCIL

Clause 1: Establishment of the Council.

There is established a body to be known as the Council for the Regulation of Travel and Tour Management Companies of Nigeria (in this Bill referred to as "the Council") (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 2: The Council:

- (1) (a) Shall be a body corporate with perpetual succession, capable of suing and being sued in its corporate names ;
- (b) Shall have a common seal which shall be kept in such manner as the Executive Council may direct;
- (c) May with the prior approval of the Executive Council, borrow, lend or otherwise raise money in such manner, including by way of executing securities and guarantees, as it may, from time to time determine; and

- (d) May acquire, hold, develop and dispose of movable or immovable property.
- (2) The provisions of the First Schedule shall have effect with respect to the Council (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 3: Membership of the Council.

- (1) Membership of the Council shall be open to all registered Travel and Tour Companies operating within the Federal Republic of Nigeria:
 - (a) Full Members — Full members shall be registered Travel and Tour Management companies accredited by the International Air Transport Association (IATA) and must be in good financial standing with the Council and IATA in addition to being registered with the NCAA;
 - (b) Associate Member — shall be registered but non IATA accredited Travel and Tour Management Companies operating within Nigeria and which are registered with The NCAA and are in good financial standing with the Council. Such members shall not be eligible to hold executive offices but can exercise voting rights in any election provided that a non IATA member may be eligible to hold a national executive office in the absence of an IATA member.
- (2)
 - (a) Applications for membership of the Council shall be made in writing on a prescribed form. Each member shall on admission be bound by the rules and regulations of the Council, and the code of conduct for members.
 - (b) A person shall be refused membership if considered likely to bring the Council into disrepute or otherwise to prejudice the interest and objectives of the Council.
 - (c) The Executive Council shall have the right to refuse membership in such circumstances by two third majority of members present and voting at the meeting.
 - (d) A person so excluded may have the opportunity to re-apply to the Committee. Notice of any such reapplication must be given in writing to the Council Executive Secretary within 14 days of the person being notified in writing that the Committee has refused membership (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 4: Registration Fees and Subscriptions.

The registration fees and annual subscriptions payable by members shall be determined at the Annual General Meeting on the recommendations of the Executive Council (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 5: Functions of the Council.

(1) The functions of the Council shall be to:

- (i) promote standards of professional competence and practice amongst members of the Council;
- (ii) to perform market researches and surveys in the Travel Industry and related matters, and the publication of books, periodicals, journals and articles in connection therewith;
- (iii) to adopt required measures to avoid unfair competition among Council members;
- (iv) promote international recognition of the Council and to represent members at international organizations and international events;
- (v) advise approved training institutions on matters relating to instructions and examination of standards and policies;
- (vi) to provide opinion when so required to relevant government bodies;
- (vii) to ensure that registered members and the Council comply with the International Air Transport Council (IATA), Agency Programme Joint Council (APJC) and Universal Federation of Travel Agents Council (UFTAA) regulations respectively in addition to such regulations as may be enacted by the Federal Government of Nigeria from time to time;
- (viii) to make such regulations as may be necessary to facilitate the smooth operations of Travel Agencies and Tour Operators in Nigeria;
- (ix) to ensure compliance with rules and regulations that has been agreed upon by members of the Council among themselves and other related bodies;
- (x) to promote cordial relationship between its members and other bodies, institution and companies affiliated with travel and tourism industry;
- (xi) to encourage the promotion of travel and tourism within the Federal Republic of Nigeria in particular and the rest of the world in general; and
- (xii) carry out any other functions prescribed under any other provisions of this Bill (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 6: Composition of the Board.

- (1) The Council shall have a Governing Board consisting of a representative from each zone and two (2) members from the Council who must be persons of proven integrity and members of the National Association of Nigeria Travel Agencies (NANTA), the governing Board shall be known as the incorporated Trustees of the council.

- (2) A member of the Governing Board shall be appointed on the recommendation of the Executive Council by a two third majority vote at an Annual General Meeting and shall serve as Board member for (10) ten years renewable at the expiration of each term unless removed as provided for herein but cannot exceed two terms;
- (3) A Board member shall cease to hold office in the event of any of the following occurring:
 - (i) Resignation in writing;
 - (ii) Death or permanent incapacity;
 - (iii) Removal by the Council;
 - (iv) If he ceases to own a Travel Agency;
 - (v) He has served for a period of two terms.
- (4) A person shall be qualified to be appointed as a Board member of the Council if :
 - (i) he owns a Travel and Tour Company and has been in the business for a minimum period of ten (10) years;
 - (ii) he must be active member of the Council as an executive at zonal or national level.
- (5) A person shall not be qualified if he:
 - (i) is a person of unsound mind and adjudged to be so by a Court of competent jurisdiction;
 - (ii) is an undischarged bankrupt; or
 - (iii) has been convicted of a criminal offence by a court of competent jurisdiction (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 7: Removal of a Board Member.

A member of the Board may be removed from office on recommendation of the zone he represents and such recommendation shall be rectified by two third majority of the members voting at an Annual General Meeting on any of the following grounds:

- (a) gross misconduct in respect of the affairs of the Council;
- (b) gross misconduct that is capable of bringing the name of the Council to disrepute;
- (c) inability to discharge the functions of the Board (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 8: Powers of the Board.

- (1) The Board shall exercise the following powers:
 - (a) to act as the custodians of the properties of the Council and approve any purchase or sale of landed property by the Council;
 - (b) to arbitrate and conciliate in the event of disputes between members at the request of the members involved;
 - (c) to request Executive Council Meetings by giving 14 days notice and to table before such meetings any issue for consideration;
 - (d) to give impartial interpretation of the rules and regulation of the council; and
 - (e) to act on all lawful recommendations of the Executive Council.
- (2) Whenever the Boards has reasonable cause to investigate a matter or petition relating to, arising from or in connection with the affairs, interests, integrity, finances and/or financial management of the Council, the Boards may deem it necessary to:
 - (a) Co-opt or delegate any member or members of the Council and/or appoint a professional individual to carry out such enquiry;
 - (b) to agree with such professional person(s) reasonable fees to be paid by the Council for all services rendered;
 - (c) to summon any member to appear for such enquiry, request for any information and or documents from any member, management or staff of the Council;
- (3) Any member so summoned must honor the invitation and provide all documents as may be demanded;
- (4) Any member so summon shall honor the invitation to appear in any proceedings relating to the enquiry and shall be penalized in accordance with the provisions of section 23 of this Bill (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 9: Duties of the Board.

- (1) To protect and ensure the observance of the laws, rules and regulations of the Council;
- (2) To protect the properties of the Council;
- (3) To act as an advisory body to the Council;
- (4) To appoint a Chairman of the Board from amongst themselves (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 10: Executive Council.

- (1)
 - (a) The Council shall be governed by the executive Council;
 - (b) Subject to this bill, all things done in the name or on behalf of the Council, by the Executive Council shall be deemed to have been done by the Council;
 - (c) The Council shall issue standards of professional practice which shall form the basis of the travel trade for members of the Council in the formulation of Travel services;
 - (d) The Council shall with the approval of the Members in an Annual General Meeting issue bye-laws, regulations and guidelines to govern matters affecting the operations and practice by members of the Council.
- (2) Membership of the Council shall be as follows:
 - (a) National President;
 - (b) 1st Deputy President;
 - (c) 2nd Deputy President;
 - (d) Vice Presidents — Lagos, North, East, West and Abuja Zones;
 - (e) Financial Secretary;
 - (f) Treasurer;
 - (g) Publicity Secretary;
 - (h) Internal Auditor;
 - (i) a representative of the NCAA appointed by the minister responsible for aviation;
 - (j) one member to represent the National Carrier. The immediate Past President and such other person who is a member may be co-opted by the Council.
 - (k) the Executive Council shall be spread across the zones.

Tenure.

- (3) The tenure of each member the executive Council shall be for a term of two (2) years subject to re-election for a second term of two years provided that an officer who has held office for two terms will be disqualified from seeking election but may seek re-election to the same office after two years had lapse from the end of the second term (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Amendment Proposed:

In subclause (3), line 2, immediately after the words “two (2) years” insert the word “only”, and leave out all other words (*Hon. Pwajok Edward Gyang — Jos South/Jos East Federal Constituency*).

Question that the amendment be made — Agreed to.

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

Clause 11: Functions of the Executive Council.

The functions of the Executive Council shall be to execute policies for the smooth running of the Council and such other functions as the General Meeting may, from time to time, determine (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 12: Executive Secretary.

- (1) There shall be an executive secretary of the council appointed by the executive council on recommendation of the National President.
- (2)
 - (a) The Executive Secretary may be removed by the Executive Council upon recommendation of the National President:
 - (b) The Executive Secretary shall be the Chief Executive Officer of the Council;
- (3) The Executive Secretary shall manage the Councils Secretariat and its staff and serve as the Administrative Manager of the Council;
- (4) The Executive Secretary shall report to the National President on all activities of the Secretariat and all staff matters;
- (5) The Executive Secretary shall be paid such sums as salary and allowances as may be approved by the Executive Council; the Executive secretary shall be the secretary to the council as well as secretary to all committees of the council.
- (6) All documents of the Council shall be kept in safe custody in the Secretariat (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 13: Audit.

- (1) The executive council shall appoint or re-appoint a firm of Audit at an Annual General Meeting.
- (2) The firm shall be appointed by simple majority votes and removed by same.
- (3) The firm shall present its report at the Annual General Meeting having circulated a draft copy to the Executive Council twenty one (21) days before the meeting (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 14: Committees of the Council.

The Council may establish such committees as are necessary for the performance of the functions of the Council and may, subject to the provisions of this Bill, delegate powers conferred on it to such committees (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 15: Membership Registration Committee.

- (1) There is established a membership Registration Committee consisting of seven members to be appointed by the Executive Council
- (2) The functions of the Registration Committee shall be to:
 - (a) receive, consider and approve applications for registration as a Travel Agent and grant practicing certificates and annual licenses in accordance with the provisions of this Bill;
 - (b) monitor compliance with professional quality assurance and other standards published by the Council for observance by members of the Council;
 - (c) where appropriate, recommend to the Council that a member's conduct be referred for inquiry under appropriate section of this Bill
 - (d) advise the Council on matters pertaining to professional and other standards necessary for achievement of quality assurance;
 - (e) perform any other functions incidental to fulfillment of its objectives under this Bill.
- (3) In the performance of its functions under this section, the Registration Committee may undertake such investigations as it deems appropriate, and may requisition evidence, examine records and documents prepared or held by, or likely to be availed to the member under investigation.
- (4) Where the Registration Committee makes a recommendation under subsection 2 (c) the Council shall refer the matter for inquiry to the appropriate committee.
- (5) The Council shall provide the Registration Committee with such facilities and resources as are necessary to enable it discharge its functions.
- (6) In the exercise of its functions under this Bill, the Registration Committee shall regulate its own procedure and shall not work under the direction of any person or persons.
- (7) The Secretary to the Council shall serve as the Secretary to the Registration Committee but shall not be entitled to vote.
- (8) The provisions of the Third Schedule shall have effect with respect to the Registration Committee (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

PART II — PRACTISING CERTIFICATES AND REGISTRATION OF TRAVEL AND TOUR AGENTS

Clause 16: Requirements for practicing certificates.

- (1) No person shall practice as a travel agent unless he is a holder of a practicing certificate and a license to practice issued by NATA and or IATA.

- (2) Any person who contravenes subsection (1) commits an offense and is liable on conviction to a fine not exceeding One Million Naira or to imprisonment for a term not exceeding three years or to both (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 17: Practicing as a travel agent.

Subject to this section, a person practicing as a travel agent if, in consideration of remuneration or other benefits received or to be received, and whether he himself or in partnership with other persons or as a body corporate for which he is a member, such person:

- (a) enters into negotiations with passenger transport carriers to sell, and or distribute their services to the general public for a Service fee or commission;
- (b) sells on behalf of passenger transport carriers passage over land, sea or air fares and other travel services designed for the general public for a Service fee or commission (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 18: Applying for a practicing certificate.

- (1) A person wishing to obtain a practicing certificate shall apply to the membership Registration Committee.
- (2) An application for a practicing certificate shall be in a prescribed form and shall be accompanied by a prescribed fee (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 19: Issue of practicing certificate.

- (1) Where an application is made by a person in accordance with section 21, the membership Registration Committee shall issue to such a person a practicing certificate if it is satisfied that the person:
- (a) is registered;
- (b) has received from a proprietor of any Agency who is a holder of a practicing certificate, instruction to apply for such period as may be prescribed; and
- (c) meets such other requirements as may be prescribed, and, if not satisfied, shall refuse the application.
- (2) A practicing certificate issued under this Bill remains in force unless it is revoked (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 20: Issue of annual License.

- (1) Where the holder of the practicing certificate wishes to practice as an Agency, whether as a sole practitioner, partnership or body corporate, he shall apply to the Registration Committee for an annual license in a prescribed form, furnishing the Committee with such details of the firm as it may require.
- (2) Where an application is made by a person under subsection (1), the Committee shall issue him with an annual license if it is satisfied that the person:
 - (a) holds a practicing certificate; and
 - (b) meets such other requirements as may be prescribed;and if not satisfied, shall refuse the application.
- (3) An annual license issued under this Bill shall be valid from the date of issue to the thirty first December of the year of issue and shall be renewed at the end thereof (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 21: Practicing Certificate, Annual Licenses.

- (1) A practicing certificate or an annual license issued to any person shall remain the property of the Council.
- (2) The Secretary to the Committee shall cause to be kept a Register in which shall be recorded:
 - (a) the name of any person whose application under section 21 of this Bill is approved;
 - (b) the fact that a practicing certificate is issued to any such person or that any such certificate has ceased to be in force under this Bill;
 - (c) particulars of the cancellation of the registration of any person;
 - (d) the fact that the registration of any person is restored under this Bill;
 - (e) details of agencies engaged in the travel business including their proprietors, full addresses, contact telephone numbers, Email addresses; and
 - (f) such other matters as the Council may determine.
- (3) The Secretary to the Registration Committee may cause to be made such alterations in the register as are necessary to ensure that the matters recorded therein are accurate.
- (4) The register may at all reasonable hours be inspected and copies of all or any part of any entry in the register taken:
 - (a) without payment by:

- (i) any member of the police force or any public servant acting in the course of his duty; or
 - (ii) any person authorized by the Secretary to the Council.
- (b) on payment of such fee as may be prescribed by any other person.
- (5) The register shall be received in proceedings before any court or tribunal as evidence of the matters recorded therein which are required by or under this Bill to be so recorded.
- (6) Proceedings on enquiry under this Bill before the Disciplinary Committee Shall be deemed to be proceedings before a tribunal for the purposes of this section (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

PART III — DISCIPLINARY PROVISIONS

Clause 22: .Professional Misconduct.

- (1) A member of the Council shall be guilty of professional misconduct if such member:
 - (a) allows any person to practice in his name as a travel agent, unless such person is the holder of a practicing certificate and is in partnership with him or employed by him;
 - (b) enters for the purpose of or in the course of practicing as an accountant, into partnership as a travel agent with a person who does not hold a practicing certificate, or secures any professional business through the services of such person or by means not open to a travel agent;
 - (c) shares or agrees to share directly or indirectly to any person not holding a practicing certificate any share, commission or brokerage out of fees, profits of his professional services;
 - (d) solicits clients or professional work or advertises professional attainments or services by use of means which contravene the guidelines published by the Council;
 - (e) discloses information acquired in the process of professional engagement to any person other than a client, without the consent of the client, or otherwise than required by law;
 - (f) fails to observe and apply professional, technical, ethical or other standards prescribed by the Council as guidelines for practice by the members of the Council;
 - (g) is guilty of gross negligence in the conduct of his professional duties;
 - (h) fails to separate carrier funds in a separate bank account or to use any such funds for purposes for which they are not intended;

- (i) includes in any statement, returns or forms to be submitted to the Council any particulars knowing them to be false; or
- (j) is found to engage in other fraudulent acts:
 - (i) publishes any advertisement that is in any way misleading to the public or which will reflect upon or institute unfavorable comparisons amongst agents carriers, hotels or any other segment of the travel industry;
 - (ii) willfully interferes with or induce the cancellation of a definite sale by another member or agent after the traveler has made a deposit or paid in full for services to be rendered;
 - (iii) influence through subterfuge any employee of any common carrier, hotel or travel organization for the purpose of securing favorable consideration in the assignment of space for any other purpose which may prove to be unethical under this code of conduct;
 - (iv) imitate, stimulate or copy any name, design, style, mark or pattern used by another member agent, hotel or common carrier without specific permission;
 - (v) display IATA logo within their office premises if the agency has not been approved by IATA.
- (k) fails to do any other act which may be prescribed (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 23: Disciplinary Committee.

- (1) There shall be a committee of the Council to be known as the Disciplinary Committee.
- (2) The Disciplinary Committee shall consist of six members who shall be appointed in accordance with subsection (3).
- (3) The members of the Disciplinary Committee shall be appointed by the Boards from amongst persons nominated in the following manner:
 - (a) four persons nominated by the Council from amongst the members of the Council, of whom one shall be designated as Chairman;
 - (b) one person nominated by the Council from another profession other than Travel and Tour Management Companies;
 - (c) one person nominated by an organization that promotes corporate governance
 - (d) The Executive Secretary of NANTA.
- (4) The quorum of the Disciplinary Committee shall be four.

- (5) Subject to subsection (6) of this section, a member of the Disciplinary Committee shall hold office for three years and shall be eligible for reappointment for one further term.
- (6) Where any member of the Disciplinary Committee resigns or for any reason unable to perform his function, the Council shall with the consent of the Boards require the respective nominating body specified in subsection (3) of this section to nominate a replacement for such member for appointment.
- (7) The Council shall provide the Disciplinary Committee with such facilities and resources as are necessary to enable it discharge its functions.
- (8) The Disciplinary Committee may subject to the provisions of this Bill, regulate its own procedure (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 24: Inquiry by the disciplinary committee.

- (1) Where the Council has reason to believe that a member of the Council may have been guilty of professional misconduct it shall refer the matter to the Disciplinary Committee which shall inquire into the matter.
- (2) The provisions of the Second Schedule shall have effect with respect to an enquiry by the Disciplinary Committee pursuant to subsection (1) (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 25: Recommendation after inquiry.

- (1) On the completion of an inquiry under section 28 of this bill into the alleged professional misconduct of a member of the Council, the Disciplinary Committee shall submit to the Council a report of the inquiry which shall include one or more of the following recommendations:
 - (a) that no further action be taken against the member;
 - (b) that the member be reprimanded;
 - (c) that the member pays such costs to the Council not exceeding two hundred thousand Naira as may be determined;
 - (d) that the member undertakes training at his own costs of such nature and duration and at such institutions as may be determined;
 - (e) that the member pays to the council a fine not exceeding one hundred thousand Naira;
 - (f) that the member discharges his professional obligations under any contractual arrangement subject to the alleged misconduct;
 - (g) that any practicing certificate held by the member be suspended, or
 - (h) that the registration of the member be cancelled for such period as may be specified.

- (2) Where the Disciplinary Committee, in a report makes a recommendation under subsection (1), of this section the Council shall inform the member concerned of the action to be taken against him and the effect of the recommendation of the Disciplinary Committee.
- (3) A member dissatisfied with the determination of the Disciplinary Committee under subsection (1) may make an appeal to the Council within thirty days of the communication to him of such determination, providing the grounds upon which the appeal is lodged and upon payment of an appeal fee of ₦10,000 (Ten Thousand Naira)
- (4) The Council may upon receipt of an appeal under subsection (3) direct the Disciplinary Committee to re-open the inquiry and shall in such direction specify the aspects of the matter it requires the Disciplinary Committee to reconsider.
- (5) The Disciplinary Committee shall on complying with the directions of the Council under subsection (4) of this section and shall, after concluding the inquiry, submit a report to the Council in accordance with subsection (1) of this section (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 26: Appeals.

- (1) A person dissatisfied with the determination of the Disciplinary Committee under this section may appeal to the High Court against such determination within sixty days of being notified of the determination.
- (2) On an appeal, the High Court may affirm, with or without variation, of the period for which the person concerned is not to be registered, or the period for which his practicing certificate is suspended, confirm the determination of the Disciplinary Committee or allow the appeal (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

PART IV — MISCELLANEOUS AND GENERAL PROVISION

Clause 27: Temporary registration of persons not citizens of Nigeria.

- (1) Where a person satisfies the Council:
 - (a) that has been selected for employment for a specified period in any capacity registered travel agents under this Bill is qualified to be in Nigeria temporarily for the purpose of serving for the employment;
 - (b) that he holds a qualification or has passed the period necessary examinations; and
 - (c) that he would have qualifications granted outside Nigeria accepted by the Council as to qualify him to be registered temporarily as a travel agent.

- (2) The temporary registration of a person shall continue only while he is in such employment as it is stated in Subsection (1) (a) of this section and shall cease at the end of the period of the employment specified to the Council under that subsection or on the determination for the employment.
- (3) Nothing in subsection (2) shall preclude the Council from giving a further direction under subsection (1) of this section in respect of a 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 other matter, 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 Executive secretary, 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. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 28: Offences.

- (1) A person, not being a registered travel agents, 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 travel agents, shall be guilty of an offence under this Bill.
- (2) If a person for the purpose of procuring the registration of any name, qualification or other matters:
 - (a) makes a statement which he believes to be false in a material particular, or
 - (b) recklessly makes a statement which is false in a material particular, he shall be guilty of an offence under this Bill.
- (3) If the Executive secretary or any other person employed by the Council willfully makes any falsification in any matter relating to the register, he shall be guilty of an offence under this Bill.
- (4) A person guilty of an offence under this Bill shall be liable:
 - (a) on conviction in a High Court, to a fine not exceeding ₦50,000.00 (Fifty Thousand Naira) or imprisonment for a term not exceeding five years or both and, where the offence is a continuous one, to a further fine not exceeding ₦20,000.00 (Twenty Thousand Naira) for each and every day the offence continues.

- (5) Where an offence under this section has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglects 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, shall be deemed to be guilty of that offence and shall be liable on conviction to a fine not exceeding fifty thousand naira for each day the offence continues (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 29: Supplementary provisions.

- (1) Subject to the provisions of this section, a person not otherwise exempted shall not hold an appointment requiring status as travel agents 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 and/or private limited or unlimited liability organizations unless he is a registered travel agent under this bill.
- (2) A travel agent shall, but to the extent only of his particular qualification, be entitled to practice as a registered travel agents throughout the Federation.
- (3) A person in charge of any university or institution in the Federation offering courses leading to an approved qualification intended for persons who are seeking to become registered as travel agents 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 or institution in question at any time during the preceding year.
- (4) In this section, "public service" includes service as a registered travel agents in or with any educational institution, commission, corporation or State-owned or Joint Venture Company and any employment in the Federation (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 30: Control of Council by Minister.

The minister may give to the Council directions of a general character or relating generally to particular matters (but not to any individual person) 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 that the direction does not infringe on the ethics and codes of conduct of the profession (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 31: Regulations, rules and orders.

- (1) The Council shall have power to make rules and regulations, as expedient for giving full effect to the provisions of this Bill and for the administration thereof be published in the official Gazette.
- (2) Any power to make regulations, rules and orders under this section shall include power:

- (a) to make provision for such incidental or supplemental matters as the person or authority making the instrument consider expedient for the purpose of the instrument; and
- (b) to make different provision for different circumstances (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Clause 32: Interpretation.

- (1) In this Bill:

"annual license" means an annual license issued pursuant to the Act (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

"Council" means the National Council of Nigeria Travel and Tour Management Companies as established by Section 3 (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

"President" means the President of the Council and includes a person elected to act as President (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

"Council" means the Executive Council of the Council established under this Bill (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

"practice as a Travel Agent" means the doing in connection with the selling of passenger travel via air, rail, sea or road for a valuable consideration on behalf of principal carriers of such conveyances (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that the meaning of the words "practice as a Travel Agent" be as defined in the interpretation to this Bill — Agreed to.

"Register of Travel and Tour Management Companies" means the register maintained under this Bill and registered shall be construed accordingly (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Question that the meaning of the words "Register of Travel and Tour Management Companies" be as defined in the interpretation to this Bill — Agreed to.

"Profession" means the profession of Travel Agencies (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

"IATA" means International Air Transport Association (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

"NANTA" means National Association of Nigeria Travel Agencies (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

"Minister" means the Ministry responsible for the minister of aviation (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

- (2) For purposes of this Bill, a person shall be treated as being a practicing agent if he or a body corporate of which he is a member:
- (a) receives payment for acts done by way of practice as a travel agent by him, or by a partner or body corporate, or by an employee of his or of a partnership or by any person acting on his behalf; or
 - (b) holds himself or itself out as being prepared, in return for payment, to undertake the doing by any such person of acts by way of practice as a travel agent: Provided that in this subsection "payment shall not include payment limited to the reimbursement of expenses or payment of salary by an employer to an employee.

"approved qualification" means such qualification which is approved for the time being by the Council (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

"Council" means the Council for the Regulation of Travel Agents of Nigeria established under section 1 (1) of this Bill (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

"Travel agents" means any person fully registered as such under this Bill (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

"Association" means the National Association of Nigeria Travel Agencies (NANTA) (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

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

Clause 33: Citation.

This Bill may be cited as the Council for the Regulation of Travel and Tour Management Companies of Nigeria (Establishment) Bill, 2019 (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

SCHEDULES

FIRST SCHEDULE

Section 1 (3)

SUPPLEMENTARY PROVISION RELATING TO THE COUNCIL

Qualifications and Tenure of Office of members

1. (1) A person shall not be appointed a member of the Council unless he is a citizen of Nigeria and he is registered as a travel agent under this Bill.
- (2) Subject to the provisions of this paragraph, a person who is a member of the Council otherwise than by virtue of section 1 (3) of this Bill shall hold office for a period not exceeding four 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 four years unless the Minister after consultation with the Council otherwise directs.
- (3) Any member of the Council holding office otherwise than as mentioned in sub-paragraph (2) of this paragraph may, by notice to the Council, resign his office.
- (4) Subject to paragraph 3 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) Where a member of the Council ceases to hold office before the 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 Council 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 recommendation of the Council; and

- (b) after the expiration of that period, be exercisable by the Council and where an existing member of the Council 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 of the Council 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 Council shall be seven so that at least two of the person elected by the Council 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 Council shall be determined by the Council.

Power of the Council

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

Proceeding of the Council

- (3) Subject to the provision of this Bill and 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 or the President to have a second or casting vote), the Council may make standing orders regulating the proceedings of the Council or of any of its committee.
- (4) The quorum of the Council shall be seven and the quorum of any Committee of the Council shall determined by the Council.
5. (1) The Council shall appoint one of members to be the 1st Deputy President of the Council for such period as the Council may determine, so that the 1st Deputy President who ceases to be a member shall cease to be a 1st Deputy President.
- (2) At any time while the office of the President either is vacant or the president is, in the opinion of the Council permanently or temporary unable to perform the function of his office, the 1st Deputy President shall perform those functions, and references in this Schedule to the President shall be construed accordingly.
6. (1) Subject to the provisions of any standing orders of the Council the Council 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 Council to be held within seven days from the date of which the notice is given.
- (2) At any meeting of the Council, the President or in his absence the 1st Deputy 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 Council desires to obtain the advice of any person on a particular matter, the Council 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 Council and shall not count towards a quorum.

- (4) Notwithstanding anything in the foregoing provisions of this paragraph, the first meeting of the Council 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

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

Miscellaneous

8. (1) The fixing of the seal of the Council shall be authenticated by the signature of the President or of some other member authorized generally or specifically to act for that purpose by the Council.
- (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 Council by any person generally or specially authorized to act for that purpose by the Council.
- (3) Any document purporting to be a document duly executed under the seal of the Council shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.
9. The validity of any proceeding of the Council or of a Committee shall not be affected by any vacancy in the membership of the Council or Committee, or by any defect in the appointment of a member of the Council or of a person to serve on the Committee, or by reason that a person not entitled to do so took part in the proceedings.
10. A member of the Council or any person holding office on a Committee of the Council who has a personal interest in any contract or agreement 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 the contract or arrangement.
11. A person shall not, by reason of his membership of the Council, be treated as holding an office in the public service of the Federation or of State (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

SECOND SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY
TRIBUNAL AND INVESTIGATING PANEL

Section 24(2)

The Tribunal

1. The quorum of the Tribunal shall be four.
2.
 - (1) The Chief Justice of Nigeria shall make rules as to the procedure to be followed and the rules of evidence to be observed in proceedings before the Tribunal
 - (2) The rules shall in particular provide:
 - (a) for securing that notice of the proceedings shall be given, at such time and in such manner as may be specified by the rules, to the person who is the subject of the proceedings;
 - (b) for determining who, in addition to the persons mentioned, 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 at the Tribunal;
 - (d) for enabling any party to the proceedings to be represented by a legal practitioner;
 - (e) subject to the provisions of Section 21 (5) of this Bill, as to the costs 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 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 Federal Gazette notice of any direction of the Tribunal which has taken effect providing that a person's name shall be struck off a register.
 - (3) For the purposes of any proceeding before the Tribunal, any member of the Tribunal may administer oaths and any party to the proceedings may sue out of the registry of the High Court, as the case may require, writs of subpoena ad testificandum and duces tecum, but no person appearing before the Tribunal shall be compelled:
 - (a) to make any statement before the Tribunal tending to incriminate himself; or
 - (b) to produce any document under such a writ which he could not be compelled to produce at the trial of an action.
3.
 - (1) For the purpose of advising the Tribunal on questions of law arising in the proceedings before it, there shall, in all such proceedings, be an assessor to the Tribunal who shall be appointed by the Council on the nomination of the Chief Justice of Nigeria and shall be a legal practitioner of not less seven years standing.

- (2) The Chief Justice of Nigeria shall make rules as to the functions of the assessor appointed under this paragraph, and in particular, such rules shall contain provision for securing:
- (a) that where an assessor advises the Tribunal on any question of law as to evidence, procedure or any other matter specified by the rules, he shall do so in the presence of every party or person representing a party to the proceedings who appears threaten or, if the advice is tendered while the Tribunal is deliberating in private, that every such party or person shall be informed as to what advice the assessors had tendered; and
 - (b) that every such party or person shall be informed if the Tribunal does not in any case accept the advice of the assessor on such a question.
- (3) An assessor may be appointed under this paragraph either generally or for any particular proceeding or class of proceedings, and shall hold and vacate office in accordance with the terms of the instrument by which he is appointed.

The Panel

4. The quorum of the Panel shall be three.
5. (1) The panel may, at any meeting attended by not less than six members make standing order with respect to the Panel.
- (2) Subject to the provisions of any such standing order, the Panel may regulate its own procedure.

Miscellaneous

6. (1) A person ceasing to be a member of the Tribunal or the Panel shall be eligible for re- appointment as a member of that body.
- (2) A person may, if otherwise eligible, be a member of both the Tribunal and the Panel, but no person who acted as member of the panel with respect to any case shall act as a member of the Tribunal with respect to that case.
7. The Tribunal or the Panel may act notwithstanding any vacancy in its membership and the proceedings of either body shall not be invalidated by any irregularity in the appointment of a member of that body, or (subject to subparagraph (2) of paragraph 6 of this Schedule) by reason of the fact that any person who was not entitled to do so took part in the proceedings of that body.
8. The Tribunal and the Panel may each sit in two or more divisions.
9. Any document authorized or required by virtue of this Bill to be served on the Tribunal or the Panel shall be served on the Executive Secretary.
10. Any expenses of the Tribunal or the Panel shall be defrayed by the Council.
11. A person shall not, by reason only of his appointment as an assessor to the Tribunal or as a member of the Panel, be treated as holding an office in the public service of the Federation or of any State thereof (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

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

Explanatory Memorandum:

This Bill seeks to establish the Council for the Regulation of Travel and Tour Management Companies of Nigeria; provide for the registration of persons who by way of business, negotiate for or otherwise act in relation to selling of travel services on behalf of transport carriers to facilitate carriage by air, rail, sea or road of passengers and for the control, regulation and orderly development of passenger travel distribution in Nigeria (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Agreed to.

Long Title:

A Bill for an Act to Establish the Council for the Regulation of Travel and Tour Management Companies of Nigeria; Provide for the Registration of Persons Who by Way of Business, Negotiate for or Otherwise Act in Relation to Selling of Travel and Tour Services on Behalf of Transport Carriers to Facilitate Carriage by Air, Rail or Road of Passengers and for the Control, Regulation and Orderly Development of Passenger Travel Distribution in Nigeria; and for Related Matters (HB. 1321) (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Speaker in the Chair, reported that the House in Committee of the Whole considered the Report on a Bill for an Act to Establish the Council for the Regulation of Travel and Tour Management Companies of Nigeria; Provide for the Registration of Persons who, by way of Business, Negotiate for or otherwise act in relation to selling of Travel and Tour Services on behalf of Transport Carriers to Facilitate carriage by Air, Rail or Road of Passengers and for the Control, Regulation and Orderly Development of Passenger Travel Distribution in Nigeria; and for Related Matters (HB.1321) and approved Clauses 1 - 9, approved Clause 10 as amended, approved Clauses 11 - 33, the Schedules, the Explanatory Memorandum, and the Long Title of the Bill.

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

(v) **Committee on Commerce:**

Motion made and Question proposed, "That the House do consider the Report of the Committee on Commerce on a Bill for an Act to Establish the Chartered Institute of Auctioneers to Provide for the Control of its Membership and to Promote the Practice of Auctioneers in Nigeria; and for Matters Connected Therewith (HB.599) and approve the recommendations therein" (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

Agreed to.

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

(HOUSE IN COMMITTEE)

(Mr Speaker in the Chair)

A BILL FOR AN ACT TO ESTABLISH THE CHARTERED INSTITUTE OF
AUCTIONERS TO PROVIDE FOR THE CONTROL OF ITS MEMBERSHIP AND TO
PROMOTE THE PRACTICE OF AUCTIONERS IN NIGERIA AND FOR
OTHER PURPOSE CONNECTED THEREWITH (HB. 559)

PART I — ESTABLISHMENT OF THE CHARTERED INSTITUTE OF AUCTIONEERS OF NIGERIA

*Committee Recommendation:***Clause 1: Establishment of the Chartered Institute of Auctioneers of Nigeria.**

- (1) There shall be established a body to be known as the Chartered institute of Auctioneers of Nigeria (in this Bill referred to as "Institute").
- (2) The institute:
 - (a) shall be a body corporate with perpetual succession;
 - (b) shall have common seal which shall be kept in such custody as the council may, from time to time, authorize;
 - (c) may sue or be sued in its corporate name (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

*Committee Recommendation:***Clause 2: Functions of the Institute.**

The powers and objectives of the institute shall be:

- (a) determining what standards of knowledge and skills are to be attained by persons seeking to become registered as Chartered Auctioneers and raising those standards from time to time as circumstances may permit;
- (b) securing in accordance with the provisions of this Act, the establishment and maintenance of a register of members and the publication from time to time of the list of those persons; and
- (c) unite all holders of and/or foreign qualification(s) in auctioneering and related disciplines in the public and private sector.
- (d) ensure that the practice of Auctioneering is done professionally in Nigeria;
- (e) provide consultancy services on auctioneering and allied matters to the public as well as the private sector;
- (f) hold conferences, workshops, seminars and symposia on contemporary auctioneering issues; and
- (g) perform any other duties as the council may deem fit from time to time (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

*Committee Recommendation:***Clause 3: Membership of the Institute.**

- (1) The Council may enroll qualified individuals as auctioneers in the following category of:
 - (a) Fellow;
 - (b) Full Member; or

- (c) Associate Member.
- (2) Without prejudice to the last forgoing provision of subsection (1) of this Bill, persons registered as members of the Institute, shall be entitled to be enrolled —
 - (a) as Fellows, if they satisfy the council that for the period of not less than five years immediately preceding the date of their applications in that behalf that they:
 - (i) are fit and proper persons;
 - (ii) are holders of approved academic qualifications;
 - (iii) have satisfied the council in their dissertation; and
 - (iv) have satisfied the continuously active in the practice in auctioneering in the public and private sections of the economy and as member of the Institute.
 - (b) as Full Members, if for a period of not less than three years immediately preceding the date of their application in that behalf that they have been enrolled as associate members and are otherwise fit and proper persons. And as may be approved in the discretion of the Council.
 - (c) as associate members, if they satisfy the council that they have passed the mandatory examination conducted by the Institute, hold equivalent qualifications from recognized institutions of higher education and are otherwise however found to be fit and proper persons by the Council
- (3) The following are the order of precedence and designations for:
 - (a) a Fellow of the Chartered Institute of Auctioneers who shall have their right to use the designator letters FCAI immediately after his names;
 - (b) a Full Member of the Chartered Institute of Auctioneers who shall have the right to use designator letters of MCAI immediately after his names; and
 - (c) Associate member of the Chartered Institute of Auctioneers who shall have the right to use the designator letters of ACAI immediately after his name (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Committee Recommendation:

Clause 4: Election of Principal Officers of the Institute.

- (1) The Principal offices of the Institute shall be —
 - (a) the President;
 - (b) the Vice-Presidents 1st Vice President 2nd Vice President;

- (c) the Registrar/National Secretary;
 - (d) the Assistant National Secretary;
 - (e) the Public Relations Officer;
 - (f) National Welfare Officer;
 - (g) *Ex-officio*.
- (2) The Principal officers listed under subsection (1) of this section shall be financial members of the Institute in the grades of fellows and full members and shall be elected to office biennially at the second Council meeting after another term of two years, and no more.
- (3) The President shall be the Chairman of the meetings of the Institute, but in the event of his incapacity, death or inability to perform the duties reposed on him under this subsection, the first Vice-President shall perform such duties for the unexpired portion of the office of that president.
- (4) If any of the officers listed under subsection (1) of this sections shall cease to hold any of the offices designated thereof (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Committee Recommendation:

Clause 5: Establishment and Composition of the Governing Council.

- (1) There shall be for the Institute, a governing body to be known as the Council" which shall have responsibility for the administration and General management of the institute.
- (2) The Council established pursuant to subsection (1) of this section shall consist of the following members, that is —
- (a) the President of the Institute, who shall be the Chairman;
 - (b) the First Vice-president of the Institute who shall be the deputy Chairman;
 - (c) the Registrar;
 - (d) twelve members nominated by the Institute from the six geopolitical zones of the Federation;
 - (e) two persons who shall be members of the Institute, to represent Institution of higher education in Nigeria offering courses leading to an Approved qualification, to be appointed in rotation;
 - (f) two representatives appointed by the Nigerian Institution of Estate Surveyors and Valuers;
 - (g) the Founding Directors of the Institute;
 - (h) one person each not below the rank of a Director to represent the following Federal Ministries, that is:

- (i) Finance;
 - (ii) Trade and Investment;
 - (iii) Education
- (3) The provision of the first schedule to this Bill shall have effect with respect to the supplementary provision of the Council and the qualifications and tenure of office of members of the Council and the matters therein mentioned (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Committee Recommendation:

Clause 6: Appointment of Board of Fellows.

- (1) There shall be appointed annually a Board of Fellows, to Coordinate the activities of fellows of the Institute and to recommend to the council on yearly basis, admission of full members into the fellowship grade.
- (2) The Board of Fellows shall consist of persons who have been duly elected as fellows of the Institute, and shall have a Chairman who shall preside over the activities of the Board subject to the approval of the Council (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

PART II — FINANCIAL PROVISIONS

Committee Recommendation:

Clause 7: Establishment of the Fund and Expenditure.

- (1) The Council shall establish and maintain a fund for the Institute, the management and control of which shall be under the authority of the Council, into which shall be paid:
 - (a) all monies received by the Council in pursuance of this Bill;
 - (b) all subscriptions, fees by members in pursuance of this Bill;
 - (c) such monies as may be provided by the Federal, State or Local Government from time to time by way of grants and subventions or loans, and
 - (d) all monies raised for the purposes of the institute by way of gifts, donations, grants-in-aid, testamentary dispositions from individuals, bodies corporation or philanthropic organizations, non-otherwise however.
- (2) The Council shall, from time to time, apply the proceeds of the funds of the Institute to:

Cap. C12 LFN.

- (a) all expenditure incurred by the Institute in the course of the discharged of its functions under the Act;
- (b) the remunerations and allowances of the Registrar and other staff of the Institute to;

- (c) the maintenance of the premises and property owned and vested in the Institute;
 - (d) the payment of traveling allowance and such stipend for members of the council as may be approved by the Council; and
 - (e) the payment of such other charges as may be reasonably incurred in the performance of the functions of the Institute and the Council.
- (3) For the purpose of the Companies Income tax, any donation made by any company in Nigeria to the Institute shall be a deductible donation within" the meaning of the Act (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Committee Recommendation:

Clause 8: Power to Borrow.

- (1) The Council, with the general consent of its members or in accordance with the general guidelines or authority given by the government of the federation, borrow, on behalf of the Institute, by way of loan or overdraft from any source, any monies' required by the Council to meet the obligations of the Institute in other to perform its functions under this Bill, so however, that such consent or authority shall be required where the sum or aggregate of the sums involved at any time does not exceed such amount as is for the time being projected in relation to the Institute in any particular year.
- (2) The Council may, subject to the provisions of the Act and conditions of trust in respect of funds held or any property owned by the Institute, invest any but not all its funds with the same consent or general authority (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Committee Recommendation:

Clause 9: Annual Estimates, Account and Audit.

- (1) The Chairman of the Council shall cause to be prepared not later than six months before the end of the year, estimates for the recurrent and capital expenditure (if any) and income of the Institute during the next succeeding financial year which shall be presented to the Annual General Meeting of the Institute by the Council for approval.
- (2) The Council shall keep proper accounts and records in relation thereto, and shall prepare in respect of each financial year, a statement of account in such form as the chairman or the council shall direct.
- (3) The Council shall at the end of a financial year, cause the accounts of the Institute and those of the Council to be audited by qualified auditors appointed from the list of auditors and in accordance with the guidelines laid down by the Auditor - General for the Federation.
- (4) The auditors appointed pursuant to subsection (3) of this section shall, on completion of the audit of the accounts of the Institute and the Council for each financial year, prepare and submit to the Council two reports, that is to say:

- (a) a general report setting out the observations and recommendations of the said auditors on the financial affairs of the Institute and the Council for the year, and on any important matters which the auditors may consider necessary to bring to the notice of the Council; and
- (b) a detailed report containing the observations and recommendations of the auditors on all aspects of the operations of the Institute and the Council (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

PART III — THE REGISTRAR

Committee Recommendation:

Clause 10: Appointment and Duties of the Registrar.

- (1) The Council shall appoint a fit and proper person to be the Registrar of the Institute.
- (2) The Registrar appointed in accordance with subsection (1) of this section shall be the head of Administration of the Institute and Secretary to the Council.
- (3) The Register shall consist of three parts of which the first part shall be in respect of fellows, the second part shall be in respect of full members, and the third part shall be in respect Associates.
- (4) Subject to the following provisions of this subsection, the Council may make rules with respect to the form and keeping of the Register and making of entries therein and in particular:
 - (a) the making of application for enrolment or registration, as the case may be;
 - (b) providing for notification to the registrar, by the person to whom any registered particulars relate, of any change in those particulars.
 - (c) authorizing a registered person to have any qualification which is in relation to the relevant discipline of the profession for the purpose of the Act, registered in relation to his name in addition to, as he may elect, in substitution for other qualifications so registered;
 - (d) specifying from time to time the fees including subscription to be paid to the Institute in respect of the entry of names on the Register for the entry has been paid; and
 - (e) specifying anything failing to be specified under this section, but rules made for the purposes of paragraph (d) of this subsection shall not come into force until they are confirmed at a special meeting of the Institute convened for that purpose, or at the next annual general meeting of the Institute, as the case may be.
- (5) The Registrar shall:

- (a) correct, in accordance with the Council's directives, any entry in the register which the Council directs him to correct as being in the Council's opinion an entry which was incorrectly made;
- (b) remove from the Register the name of any registered person who had died;
- (c) record the names of the members of the Institute who are in default in the payment of the annual subscription, dues or other charges for more than twelve months, and take such action in relation thereto (including removal of the names of the defaulters from the Registers) as the Council may determine or direct;
- (d) make from time to time any necessary alteration in the registered particulars of registered persons;
- (e) send by post to any registered persons 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; and
- (f) upon the expiration of the period specified in paragraph (a) of this subsection, sends in like manner to the person in question a second similar letter and received no reply to the letter within three months from the posting it, then the Registrar, may remove the particular relating to the person in question from the register, and the council may direct the Registrar to restore to the appropriate part of the Register any particulars removed there from under this subsection (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Committee Recommendation:

Clause 11: Publication of Registers and List of Corrections.

(1) The Registrar shall:

- (a) cause the Register to be printed, published and put on sale to members of the public not later than two years from the commencement of this Bill;
 - (b) in each year to cause to be printed, published and put on sale as aforesaid, corrected edition of the Register since it was last printed; and
 - (c) cause a print of each of the Registers and of each list of correction to be deposited at the principal offices of the Institute and the Council shall keep the Register and the list so deposited available at all reasonable times for inspection by members of the Institute.
- (2) A document purporting to be print of an edition of the Register published, pursuant to this section by authority of the Registrar, or document purporting to be print of an edition so printed, shall (without prejudice to any other mode of proof) be admissible in any proceeding as evidence that any person

specified in the document, or the documents read together, as being registered was so registered at the date of the edition or of the list of corrections, as the case may be, and that any person not so specified was not so registered.

- (3) Where in accordance with subsection (2) of this section, a person is, in any proceeding, shown to have been, or not to have been registered at a particular date, he shall, unless the contrary is proven, be taken for the purposes of these proceedings as having at all material times thereafter continued to be, or not to be, so registered (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Committee Recommendation:

Clause 12: Registration.

- (1) Subject to the rules made by the Council pursuant to section 10(5) of this Bill, a person whether or not a member of a professional Auctioneers body recognized by an Act of National Assembly, shall be entitled to be enrolled or registered as a Member of Chartered Institute of Auctioneers Nigeria, if:
- (a) he possesses a minimum of recognized diploma or its equivalence from a recognized higher institution in addition to:
 - (b) he passes the institute qualifying examinations for membership conducted by the Council under this Bill and complete the practical training prescribed; or
 - (c) he holds a qualification granted outside Nigeria and for the time being accepted by the Institute and, if the Council so requires, satisfies the Council that he had sufficient practical experience as a management accountant.
- (2) Subject to the rules made by the Council pursuant to section 10 (5) of this Bill, a person shall be entitled to be registered as a Public manager if he satisfies the Council that immediately before the appointed day he had not less than five years experience as an inspector and internal auditor of the affairs of a company as defined under the provision of the Companies and Allied Matters Act.
- (3) An application for registration shall, in addition to evidence of qualification, satisfy the council:
- (a) that he is of good character;
 - (b) that he has attained the age of twenty-one year; and
 - (c) he has not been convicted of a criminal offence involving fraud or dishonesty in Nigeria or elsewhere.
- (4) The Council may in its discretion provisionally accept a qualification presented 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) Any entry directed to be made in the Register in terms of subsection (2) of this section shall indicate that the registration is provisional, and no entry made in consequence thereof shall be converted to, construed as, full registration without explicit consent of the Council made in writing in that behalf.
- (6) The Council shall from time to time publish the Federal Government Gazette particulars of qualifications for the time being accepted as aforesaid (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Committee Recommendation:

Clause 13: Approval of Qualification.

- (1) The council may approve an institution for the purpose of this Bill and may for those purposes approve:
 - (a) any course of training at any institution which for persons who are seeking to become or are already auctioneer, and which the council considers as necessary to confer on persons completing the course, sufficient knowledge and skill for admission to the institute;
 - (b) any qualification which, as a result of an 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 members of the council that the candidates have sufficient knowledge and skill to practice as auctioneer.
- (2) The council may, if it deems fit withdraw any approval given under this section in respect of any course, qualification or institution, but before withdrawing such an approval, the council shall:
 - (a) give notice that it proposes to do so to person in Nigeria appearing to the council to be persons by whom the course is conducted or the qualification is granted or the institution is controlled, as the case, maybe;
 - (b) afford each such an opportunity of making representations to the council with regard to the proposal; and
 - (c) take into consideration any representation made in respect of the proposal in pursuance of paragraph (b) of this subsection.
- (3) Where 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 any such approval shall not prejudice the registration or eligibility for registration of any person who by virtue of the approval was registered or eligible for registration immediately before the approval was withdrawn.
- (4) The given or withdrawal of an approval under this section shall have effect from such date, either before or after the execution of the instrument signifying the given or withdrawal of the approval, as the council may specify in that instrument, and the council shall:

- (a) publish as soon as possible a copy of such instrument in the Federal Government Gazette; and
- (b) not later than seven days before its publication, send a copy of the instrument to the minister (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Committee Recommendation:

Clause 14: Supervision of Instruction, etc Leading to Approved Qualifications.

- (1) It shall be the duty of the members of the council of the institute to keep themselves informed of the nature of:
 - (a) the instructions given at approved institutions to persons attending approved training; and
 - (b) the examination as a result of which approved qualifications are granted, and for the purpose of performing that duty, the Council of the institute may appoint, either from among its members or otherwise, person to visit approved institutions, or to attend such examination.
- (2) It shall be the duty of the visitor appointed in respect of subsection (1) of this section to report to the Council on:
 - (a) the sufficiency of the instructions given to persons attending approved courses of training at institutions visited by him;
 - (b) the conduct and the adequacy of the examination observed by him; and
 - (c) any other matters relating to the instructions or examinations on which the council may, either generally or in particular case, request him to report, but no visitor shall interfere with the given of any instruction or the conduct of any examination.
- (3) On receiving a report made in pursuance of this section, the Council may, if it thinks fit, and if so required by the Institution, send a copy of the report to the person appearing before the Council to be in charge of the institution or which the Disciplinary Tribunal has cognizance under the following provisions of the Act responsible for the examination of which the report relates requesting that person to make an observation on the report on the Council within such period as may be specified in the request, not being less than one month beginning with the date of the request (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

PART IV — PROFESSIONAL DISCIPLINE

*Committee Recommendation:***Clause 15: Establishment, Composition, etc of the Disciplinary Committee and of the Investigating Panel.**

- (1) There shall be a tribunal to be known as the Chartered Institute of Auctioneers Disciplinary Committee (in the Act, referred to as "the Disciplinary Committee") which shall be charged with the duty of considering and determining any case referred to it by the investigating the Panel established pursuant to subsection (3) of this section, and any other case of panel, which the Disciplinary Committee has organization under the following provisions of this Bill.
- (2) The Disciplinary Committee shall consist of the Chairman of the Council and six other members of the Council.
- (3) There shall be a panel to be known as the Chartered Institute of Auctioneers Investigating Panel (in this Bill, referred to as "the Investigating panel") which shall be charged with the duties of:
 - (a) conducting a preliminary investigation into any case where it is alleged that a member has misbehaved in his capacity as an auctioneer or for any other reason being the subject of proceeding before the Disciplinary Committee.
 - (b) deciding whether the case be referred to the Disciplinary Committee.
- (4) The Investigating Panel shall be appointed by the council and shall consist of four members of the council and one person who is not member of the council.
- (5) The provisions of the Second Schedule to this Bill shall, so far as applicable to the Third Disciplinary Committee and Investigating Panel respectively, have effect with respect to the bodies (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

*Committee Recommendation:***Clause 16: Penalties for Unprofessional conduct.**

- (1) Where:
 - (a) a member is judged by the Disciplinary Committee to be guilty of infamous conduct in any professional respect;
 - (b) a member is convicted by any court or tribunal in Nigeria or elsewhere having power to award imprisonment of an offence or (whether or not punishable with imprisonment which in the opinion of the disciplinary Committee is incompatible with the status of a professional Auctioneer;
 - (c) the disciplinary Committee is satisfied that the name of any person has been fraudulently registered, the Disciplinary Committee 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 Registrar Register.

- (2) The Disciplinary Committee may, if it thinks fit, defer its decisions in respect of subsection (1) of this section until a subsequent meeting of the disciplinary Tribunal but:
- (a) no decision shall be deferred under this subsection for period exceeding two years on the aggregate; and
 - (b) no person shall be a member of the Disciplinary Committee for purposes of reaching a decision which has been deferred or further deferred, unless he was present as a member of the Disciplinary Committee when the decision was deferred.
- (3) For the purposes of subsection (1) (b) of this section, a person shall not be treated as convicted as therein mentioned 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.
- (4) When the Disciplinary Committee gives a direction under subsection (1) of this section, the Disciplinary Committee shall cause notice of the direction to be served on the person to whom it relates.
- (5) A person whose name is struck off the Register in pursuance of a direction of the Disciplinary Committee under this section, shall not be entitled to be enrolled or registered again except in pursuance of a direction in that behalf given by the Disciplinary Committee on the application of that person, and a direction under this section for 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. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

PART IV — MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

Committee Recommendation:

Clause 17: Rules as to Professional Practices and Fees.

- (1) The Council may make rules for:
- (a) the training of suitable persons in Auctioneering and its practice; and
 - (b) the supervision and regulation of the engagement, training and business of such persons.
- (2) The Council may also make rules:
- (a) prescribing the amount payable as annual subscription, licensing fees and for such purpose, different amount may be prescribed by the rules according to whether the person is enrolled as a fellow, full member, associate member or student;
 - (b) prescribing the form of license to practice to be issued annually, and

- (c) restricting the right to practice in default of payment of the amount of annual subscription where the default continues for longer than such period as may be prescribed by the rules.
- (3) Rules when made under this section shall, if the Chairman of the Council so directs, be published in the Federal Government Gazette (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Committee Recommendation:

Clause 18: Provision of Library Facilities.

The institute shall:

- (a) provide and maintain a Library, comprising books and publications for the advancement of knowledge of auctioneering and such other books and publications as the council may think necessary for that purpose;
- (b) encourage research into auctioneering and allied subjects to the extent that the council may from time to time consider necessary (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Committee Recommendation:

Clause 19: Offences.

- (1) If any person, for the purpose of procuring the registration of any name, be qualification or other matter:
 - (a) make a statement which he believes is false in a material particular, or
 - (b) recklessly makes a statement which is false in a material particular, he shall be guilty of an offence.
- (2) If on or after the relevant date, any person who is not a member of the Institute, practices or holds himself out as an auctioneer for or in expectation of reward or takes or uses any name, title, addition or description, implying that he is practicing auctioneer, he shall be guilty of an offence, provided that, in the case of a person falling within section 17 of this Bill:
 - (a) this subsection shall not apply in respect of anything done by him during the period of three months mentioned in that section; and
 - (b) if within that period his duty applies for membership of the Institute, then, unless within the period he is notified that his application has not been approved, this subsection shall not apply in respect of anything done by him between the end of that period and the date on which he is enrolled or registered or notified as aforesaid.
- (3) If the Registrar or any other person employed by or acting on behalf of the Institute willfully makes any falsification in any matter relating to the Register, he shall be guilty of an offence.

- (4) A person guilty of an offence under this section is liable:
- (a) on summary conviction, to a fine of an amount not exceeding ₦50,000;
 - (b) on conviction on indictment, to a fine of an amount not exceeding ₦100,000 or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.
- (5) Where an offence under this section has been committed by a body corporate or is proven to have been committed with the consent or connivance, or attributable to any neglect on the part of any director, manager, secretary or other similar officer of the body corporate or any person purporting to act in any such capacity, he as well as the body corporate, shall be deemed to be guilty of that offence and shall be liable to be prosecuted and punished accordingly.
- (6) In this section, "the relevant date" means the third anniversary of the appointed date or such earlier date as may be prescribed for the purpose of this section by order of the ministry published in the Federal Government Gazette (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Committee Recommendation:

Clause 20: Regulations and Rules.

- (1) Any regulation made under this Bill shall be published in the Federal Government Gazette as soon as they are made and a copy of any such regulations shall be sent to the Ministry not later than twenty one days they are so published.
- (2) Rules made for the purposes of this Bill shall be subject to confirmation by the Institute at its next general meeting or at any special meeting of the Institute convened for the purpose, and if then annulled, shall cause to have effect on the day after the date of annulment, but with prejudice to anything done in pursuance or intended pursuance of any such Rules (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Committee Recommendation:

Clause 21: Dissolution of the Institute of Cost and Expenditure Accountants of Nigeria.

- (1) The body known as the certified Institute of Auctioneers of Nigeria is hereby dissolved.
- (2) Accordingly, all the property held by or on behalf of the former Institute shall by virtue of this section and without further assurance, vest in the Institute, and be held in for the purpose of the Institute.
- (3) The provisions of the Third Schedule to this section to the effect with to matters arising from the transfer by this section to the Institute of the property; directors and staff of the former institute, and with respect of the other matter mentioned in that schedule (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Committee Recommendation:**Clause 22: Interpretation.**

In this Bill, unless the context otherwise requires, the following words and expressions have the meanings respectively assigned to them, that is:

"institute" means Chartered Institute of Auctioneers established under section 1 of this Bill (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

"Council" means the Council established as the governing body of the institute Under section 5 of this Bill (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

"Disciplinary Committee" means the Chartered Institute of Auctioneers (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

"Disciplinary Committee" under section 15 (1) of this Bill (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

"Enrolled" in relation to a Fellow, a Full Member, and Associate Member, as the case may be (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

"Fees" includes annual subscription (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

"Investigating Panel" means "Chartered Institute of Auctioneers Investigating Panel" shall be construed accordingly (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

"Ministry" means the ministry charged with the responsibility for matters relating to finance (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

"President and Vice President" means respectively the office holders, under those names in the institute (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

"Profession" means the profession pursuant to section 10 (2) of this Bill (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

"Register" means register maintained in pursuance of section 10 (2) of this Bill (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

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

Committee Recommendation:

Clause 23: Short Title.

This Bill may be cited as the Chartered Institute of Auctioneers of Nigeria Bill, 2019 (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

SCHEDULES

FIRST SCHEDULE

Section 5 (3)

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

Qualification and tenure of members

1. (1) Subject to the provisions of this paragraph, a member of the Council shall hold office for a period of two years beginning with the date of his appointment or election.
- (2) Any member of the Institute who ceases to be a member thereof shall, if he is also a member of the Council, cease to hold office in the council.
- (3) Any elected member may by notice in writing under his hand addressed to the President resign his office, and any appointed member may likewise resign appointment.
- (4) A person who retires from or otherwise cease to be elected Member of the Council shall be eligible again to become a member of Council, and any appointed or elected, and longest in office to retire at that annual general meeting.
- (5) Members of the Council shall at the meeting next before the annual general meeting of the Institute, arrange for five members of the Council appointed or elected, and longest in office to retire at that annual General meeting.

- (6) Elections to the Institute shall be in such manners as may be prescribed by rules made by the Council and until so prescribed, they Shall be decided in a secret balloting process.
- (7) If for any reason there is an vacation of office by a member and;
 - (a) such member was appointed by the minster or any other body Corporate, the Minster or any such body corporate shall appoint another fit Person to occupy the office in which the vacancy occurs; or
 - (b) such member was elected, the Council may if the period between the unexpired of the tenure of the next general meeting of the institute appears to warrant the prompt filling the vacancy Co-opt some person for such periods aforesaid

Powers of Council

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

Proceeding of the Council

3.
 - (1) Subject to the provision of this section, the Council may in the name of the Institute make standing orders regulating the proceedings of the Institute or of the Council, and in the exercise of its powers under this Bill, may set up committees in the general interest of the Institute, and make standing orders therefore.
 - (2) Standing order shall be provided for decision to be taken by a majority of the members, and, in the event of equality of votes, for the president or the Chairman as the case may be, a second or cast a vote.
 - (3) Standing orders made for a committee shall provide the commute report back to the Council on any matter not within its competence to be decided upon.
 - (4) The quorum of the Council including the founding directors shall be nine, and the quorum of a committee of the Council shall be as fixed by the Council.

Meeting of the Institute

4.
 - (1) The Council shall convene the annual general meeting of the Institute on a day the Council may from time to time appoint any particular year, so however that if the meeting is not held within one year after the previous annual general meeting, not more than fifteen months, shall elapse between the respective dates of the two meetings
 - (2) A special meeting of the Institute may be convened by the Council at any time, and if not less than thirty members of the Institute require it by notice in writing addressed to the General Secretary of the Institute setting out. The objects of the proposed meeting shall convene a special meeting of the Institute.
 - (3) The quorum of any general meeting of the Council shall be Fifteen members and that of any special meeting of the Institute shall be Twenty-five members of the Council

Meeting of the Council

6. (1) Subject to the provision of any standing orders of the Council, the Council shall whenever it is summoned by the Chairman, and by the Secretary whenever required, do so by notice in writing given to him by not less than seven other members, he shall summon a meeting of the Council to be held within seven days from the date on which the notice is given.
- (2) At any meeting of the Council, the Chairman or in his absence the deputy Chairman shall preside, but if both are absent the members present at the meeting shall appoint one of their numbers to preside at that meeting.
- (3) Where the Council desires to obtain advice of any person on a particular matter the Council may think fit, but a person who is member by virtue of the provision of this subparagraph shall not be entitled to vote at any meet of the Council and shall not form part of the quorum.
- (4) Notwithstanding anything in the foregoing provision of the paragraph, the first meeting of the Council shall be summoned by the minister who may give such directions as he thinks fit as to the procedure which shall be followed at the meeting

Committees

7. (1) The Council may appoint one or more committees to carry out on behalf of the Institute of person determined by the Council, and a person other than a member of the Council shall hold office on the committee in accordance With the terms of the instrument by which he is appointed.
- (2) Any recommendations of a committee of the Council shall be of no effect until is approved by the Council.

Miscellaneous

8. (1) The fixing of the seal of the Institute shall be authenticated by the signature of the National President or Secretary to the Council or at least 2 founding Directors and some other members of the Council authorized generally by the Institute to act for that purpose.
- (2) Any contract or instrument which, if made or executed by a person no being a body corporate, would not be required to be under seal, may be made or executed on behalf of the Council as the case may require, by any person generally or specially authorized to act for the purpose by the Council.
- (3) Any document purporting to be a document duly executed under the seal of the Institute shall be received in evidence, unless the contrary is proven to be deemed to be executed.
- (4) The validity of any proceedings of the Institute or Council or of a committee of the Council shall not be affected by any vacancy in membership, or of any defect in the appointment of a member of the Institute or of the councilor of person to serve on committee, or by reason that a person not entitled to do so took part in the proceedings.
- (5) Any member of the Institute or the Council, and any person holding office on a committee thereof, shall forthwith disclose his interest to the Council, as the case may be and not vote on any question relating to the contract or arrangement.

- (6) A person shall not be reason only of his membership of the Institute be required to disclose any interest relating solely to the audit to the accounts of the Institute (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

SECOND SCHEDULE

Section 15(5)

SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY COMMITTEE AND INVESTIGATING PANEL

The Tribunal Committee

1. The quorum of the Committee shall be three of whom at least two shall be professional practicing Auctioneer.
2. (1) The Chief Justice of Nigeria shall make rules as to the selection of members of the Committee for the purposes of any proceedings and as to the procedures to be followed and the rules of evidence to be observed in proceedings before the Committee:
 - (a) for securing that notice of the proceedings shall be given at such time and at such manner as may be specified by the rules to the person who is subject of the proceeding;
 - (b) for determining who in addition to the aforesaid, shall be aparty to the proceeding;
 - (c) for securing that any party to the proceedings shall, if he so requires be entitled to be heard by the Committee;
 - (d) for enabling any party to the proceeding to be represented by a legal practitioner;
 - (e) subject to the provision of section 16 (5) of this Bill as to be cost of proceedings before the Committee;
 - (f) for requiring in a case where it is alleged that the person who is subject of the proceedings is guilty of infamous conduct in any professional respect, that where the Committee 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 matter to which the allegation relates; and
 - (g) for publishing in the media notice of any direction of the Committee that a person's name shall be struck off a Register.
3. For the purposes of any proceedings before the Committee, any member of the Committee may administer oaths, and any party to the proceedings may sue through the Supreme Court writs of subpoena ad test candum and dues talcum, but no person appearing before the Committee shall be compelled:
 - (a) to make any statement before the Committee tending of incriminate himself;

- (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 purposes of advising the Tribunal on question of law arising in proceedings before it, there shall in all such proceedings be an assessor to the Tribunal who shall be appointed by the Council on the nomination of the Chief Justice of Nigeria and shall be a legal practitioner of not less than seven years standing.
 - (2) The Chief Justice of Nigeria shall make rules as to the function of assessors appointed under this paragraph, and in particular such rules shall contain provisions for securing:
 - (a) that where an assessor advises the Committee on any question of law as the evidence, procedure or any matters specified in rules, he shall do so in the presence of every party or person presenting a party to proceedings who appears thereat or, if the advice is tendered while the Committee is deliberating in private, that every such party or persons as aforesaid;
 - (b) that every such party or person as aforesaid shall be informed if in any case the Committee 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 instrument by which he is appointed.

The Panel

- 5. The quorum of the panel shall be two.
- 6.
 - (1) The Panel may, at any sitting attended by all members, make standing orders with respect to the Panel.
 - (2) Subject to the provisions of any standing orders, the Panel may regulate its procedure.

Miscellaneous

- 7.
 - (1) A person ceasing to be a member of the Committee or the Panel shall be eligible for reappointment as a member of that body.
 - (2) A person may, if otherwise eligible, be a member of both the Committee and the Panel, but no person who acted as a member of the Panel with respect to any case shall be a member of the Committee with respect to that case.
- 8. The Committee or the Panel may act notwithstanding any vacancy in its membership, and the proceedings of either body shall not be invalidated by any irregularity in the appointment of a member of that, or (subject to paragraph 7 (2) of this Schedule) by reason of the fact that any person who was not entitled to do so took part in the proceedings of the body.
- 9. Any document authorized or required by virtue of this Bill to be served on the Committee or the Panel shall be served on the Registrar appointed in pursuance of section 10 of this Bill.
- 10. Any expenses of the Committee or the Panel shall be defrayed by the Institute (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

THIRD SCHEDULE

Section 23 (3)

TRANSITIONAL PROVISION AS A PROPERTY, ETC.

1. (1) Every agreement to which the former Institute was a party to before the appointment day, whether in writing or not and whether or not of such a nature that the right, liabilities and obligations thereunder could be assigned by the former Institute shall, unless its terms or subject matter make it impossible that it should have effect as modified in the manner provided by this subparagraph, have effect from the appointed day, so far as it relates to property transferred by this Bill to the Institute, as if:
 - (a) the Institute had been a party to the agreement;
 - (b) for any reference (however worded and whether expressed or implied) to the former Institute they were substituted, as respects anything falling to be done or after the appointed day, a reference to the Institute; and
 - (c) for any reference (however worded and whether expressed or implied) to a member of the Council of the former Institute or an officer of the former Institute they were substituted, as respects anything falling to be done on or after the appointed day, a reference to members of the Council under this Art or the officers of the former Institute who corresponds as nearly as may be to the member of officer in questions of the former Institute.
- (2) Other documents which refer, whether specially or generally, to the former Institute shall be constructed in accordance with subparagraph (1) of this paragraph so far as applicable.
- (3) Without prejudice to the generally of the foregoing provisions of this schedule, where, by the operation of any of them or of section 23 of this Bill, any right, liability or obligation vests in the Institute, the Institute and all other persons shall, as from the appointed day, have the same rights as to the making or resisting of legal proceedings or the making or resisting of applications to any authority for ascertaining, perfecting or enforcing that right, liability or obligation as they would have had if it had at all times been a right, liability or obligations of the Institute.
- (4) Any legal proceedings or application to any authority pending on the appointed day by or against the former Institute and relating to property transferred by this Bill, the Institute may continue on or after that day by or against the Institute.
- (5) If the law in force at the place where any property transferred by this Bill is situated (whether by reference to an instrument of transfer or otherwise), the law shall, so far as it provided for alterations of a Register (but not for avoidance of transfer, the payment of fees or any matter) apply with the necessary modifications to the transfer of the property aforesaid, and it shall be the duty of the Council to furnish the necessary particulars of the transfer to the proper officer of the registration authority, and of that officer to register the transfer accordingly.

Transfer of Functions, etc.

2. (1) At its first meeting, the Council of the Institute shall fix a date (not late than six months after the appointed day) for the annual general meeting of the Institute.
- (2) The members of the Council of the former Institute shall be deemed to be members of the Council of the Institute until the date determined in pursuance of the foregoing subparagraph when the Institute shall have its first annual general meeting, and they shall cease to hold office at the conclusion of such meeting.
- (3) Any person who, immediately before the appointed day, held offices as the President of the Council of the former Institute shall on that day become the President or, as the case may be, the Vice-President of the Institute, and shall be deemed:
 - (a) to have been appointed to that office in pursuance of the provision of this Bill corresponding to the relevant provision in the said articles and bye-laws of the Institute; and
 - (b) to have been appointed on the date on which he took office, or last took office, in pursuance of the relevant provision of those articles.
- (4) The members of the former Institute shall, as from the appointed to the generality of the provisions of this schedule relating to the transfer of property, any person who, immediately before the appointed day, was a member of the staff of the former institute shall on that day become the holder of such an appointment with the institute with the status, designation and functions which corresponds as nearly as may be to those which appertained to him in his capacity as a member of that staff (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Explanatory Memorandum:

This Bill seeks to provide for the establishment of the Chartered Institute of Auctioneers to provide for the control of its membership and to promote the practice of Auctioneers in Nigeria (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

Agreed to.

Long Title:

A Bill for an Act to Establish the Chartered Institute of Auctioners to Provide for the Control of its Membership and to Promote the Practice of Auctioners in Nigeria and for Other Purpose Connected Therewith (HB. 559) (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Speaker in the Chair, reported that the House in Committee of the Whole considered the Report of the Committee on Commerce on a Bill for an Act to Establish the Chartered Institute of Auctioneers to Provide for the Control of its Membership and to Promote the Practice of Auctioneers in Nigeria; and for Matters Connected Therewith (HB.599) and approved Clauses 1 - 23, 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.

(vi) **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 Federal Polytechnics Act, Cap. F17, Laws of the Federation of Nigeria, 2004 to Establish the Federal Polytechnic, Fagge, Kano State to Provide Opportunities for Technical Education in furtherance of Government Economic Objective of Ensuring an Effective, Dynamic and Self-reliant Economy; and for Related Matters (HB.1386) and approve the recommendations therein" (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Agreed to.

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

(HOUSE IN COMMITTEE)

(Mr Speaker in the Chair)

A BILL FOR AN ACT TO AMEND THE FEDERAL POLYTECHNICS ACT,
CAP. E8 ACT NO. F17, LAWS OF THE FEDERATION OF NIGERIA, AND
ESTABLISH THE FEDERAL POLYTECHNIC, FAGGE, KANO STATE, TO
PROVIDE OPPORTUNITIES FOR TECHNICAL EDUCATION IN FURTHERANCE
OF GOVERNMENT ECONOMIC OBJECTIVE OF ENSURING AN EFFECTIVE,
DYNAMIC AND SELF RELIANT ECONOMY (HB. 1386)

Committee Recommendation:

Clause 1: Amendment of the Principal Act.

The Federal Polytechnic Act, Cap. E8 Act No. F17, Laws of the Federation of Nigeria, 2014 (in this Bill referred to as the Principal Act) is amended as set out in this Bill (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

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

Committee Recommendation:

Clause 2: Amendment of First Schedule.

The First Schedule to the Act Principal Act is amended by inserting after paragraph (p), a new paragraph "(q)":

"(q)" Federal Polytechnic, Fagge, Kano State" (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

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

Committee Recommendation:

Clause 3: Citation.

This Bill may be cited as the Federal Polytechnics Act (Amendment) Bill, 2019 (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

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

Explanatory Memorandum:

This Bill seeks to amend Federal Polytechnics Act Cap F17 Laws of the Federation of Nigeria, 2004 to establish Federal Polytechnic, Fagge, Kano State, to provide opportunities for Technical Education in furtherance of government economic objective of ensuring an effective, dynamic and self-reliant economy (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Agreed to.

Long Title:

A Bill for an Act to Amend the Federal Polytechnics Act, Cap. E8 Act No. F17, Laws of the Federation of Nigeria, and Establish the Federal Polytechnic, Fagge, Kano State, to Provide Opportunities for Technical Education in Furtherance of Government Economic Objective of Ensuring an Effective, Dynamic and Self Reliant Economy (1386) (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Speaker in the Chair, reported that the House in Committee of the Whole considered the Report of the Committee on Tertiary Education and Services on a Bill for an Act to Amend the Federal Polytechnics Act, Cap. F17, Laws of the Federation of Nigeria, 2004 to Establish the Federal Polytechnic, Fagge, Kano State to Provide Opportunities for Technical Education in furtherance of Government Economic Objective of Ensuring an Effective, Dynamic and Self-reliant Economy; and for Related Matters (HB.1386) and approved Clauses 1 - 3, the Explanatory Memorandum, and the Long Title of the Bill.

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

(vii) ***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 Establish the National Institute for Educational Planning and Administration to provide, among other things, for its Functions and other Matters Relating to Educational Planning and Administration in Nigeria; and for Related Matters (HB. 1030) and approve the recommendations therein” (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Agreed to.

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

(HOUSE IN COMMITTEE)

(Mr Speaker in the Chair)

A BILL FOR AN ACT TO ESTABLISH THE NATIONAL INSTITUTE FOR
EDUCATIONAL PLANNING AND ADMINISTRATION
AND FOR RELATED MATTERS (HB. 1030)

PART I — ESTABLISHMENT, ETC. OF THE NATIONAL
INSTITUTE FOR EDUCATIONAL PLANNING AND ADMINISTRATION

*Committee Recommendation:***Clause 1: Establishment, etc. of the National Institute for Educational Planning and Administration.**

- (1) There is hereby established a body to be known as the National Institute for Educational Planning and Administration (in this Bill referred to as "the Institute").
- (2) The Institute shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

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

*Committee Recommendation:***Clause 2: Objectives of the Institute.**

The objectives of the Institute shall be to promote the study and practice of educational planning and administration in Nigeria and explore all relevant and available avenues, potentials and resources to make the Institute —

- (a) an active learning centre in skill acquisition in educational planning and administration; and
- (b) a national centre of excellence for capacity building for education planners and managers in the education sector (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

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

*Committee Recommendation:***Clause 3: Establishment and membership of the Governing Council.**

- (1) There is hereby established for the Institute a Governing Council (in this Bill referred to as "the Council") which shall, subject to this Bill, have general control of the Institute.
- (2) The Council shall consist of —
 - (a) a Chairman and four other members;
 - (b) one representative each of the following —
 - (i) the Federal Ministry of Education;
 - (ii) the United Nation Educational and Scientific Organization country office in Nigeria;
 - (iii) one person to represent the members of the academic staff of the Institute on rotation for one term at a time.
 - (c) one person to represent the National Universities Commission;
 - (d) the Director General of the Institute; and
 - (e) the Registrar of the Institute shall be the Secretary to the Council.
- (3) The Chairman and members of the Council, other than ex-officio members, shall be appointed by the President.

First Schedule.

- (4) The supplementary provisions set out in the Schedule to this Bill shall have effect with respect to the proceedings of the Council and other matters contained therein (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

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

Committee Recommendation:**Clause 4: Tenure of Office.**

The Chairman and members of the Council, other than ex-officio members, shall each hold office —

- (a) for a term of four years in the first instance and may be re-appointed for one further term of four years and no more; and
- (b) or such terms and conditions as may be specified in his letter of appointment (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

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

Committee Recommendation:**Clause 5: Cessation of membership.**

- (1) Notwithstanding the provisions of section 4 of this Bill, a person shall cease to hold office as the Chairman or member of the Council if —
- (a) he becomes bankrupt, suspends payment or compounds with his creditors;
- (b) he is convicted of a felony or any offence involving dishonesty or fraud;
- (c) he becomes of unsound mind or is incapable of carrying out his duties;
- (d) he is guilty of a serious misconduct in relation to his duties;
- (e) in the case of a person possessed of professional qualifications, he is disqualified or suspended, other than at his request, from practicing his profession in any part of the world by an order of a competent authority made in respect of that member;
- (f) he resigns his appointment by a letter addressed to the President; or
- (g) he dies.
- (2) If a member of the Council ceases to hold office for any reason whatsoever, before the expiration of the term for which he is appointed, another person representing the same interest as that member shall be appointed to the Council for the unexpired term.
- (3) A member of the Council may be removed by the President on the recommendation of the Minister if he is satisfied that it is not in the interest of the Institute or the interest of the public for the member to continue in office (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

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

Committee Recommendation:**Clause 6: Emoluments, Allowances, etc of members of the Council.**

Members of the Council shall be paid such emoluments, remunerations and allowances as may be specified in their letters of appointment or as may be approved by the Federal Government from time to time (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

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

Committee Recommendation:**Clause 7: Functions of the Council.**

The Council shall —

- (a) formulate the policies of the Institute and be charged with the general control of such policies, and of the finance and property of the Institute;
- (b) ensure that the Institute is staffed with persons possessing high communicative competence in the theory and practice of educational planning and administration and other professions;
- (c) ensure proper management of the assets of the Institute;
- (d) ensure effective organization of the Institute in accordance with the provisions of this Bill;
- (e) subject to this Bill, provide for the welfare and discipline of the staff of the Institute; and
- (f) perform such other duties as the President or the Minister may, from time to time, assign to it (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

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

PART II — FUNCTIONS AND POWERS OF THE INSTITUTE**Committee Recommendation:****Clause 8: Functions of the Institute.**

(1) The Institute shall —

- (a) serve as an inter-university centre to develop a critical mass of education sector planners and managers for the effective and efficient planning and management of the education system through capacity building:
 - (i) continuous training, research and information dissemination;
 - (ii) mandatory Postgraduate Diploma in Educational Leadership;
 - (iii) Annual Professional Development Programme (APDP) leading to award of certificate, diploma and advanced diploma;

- (iv) providing practical and demonstrable internship for undergraduates and post graduate students of educational planning and administration for professionalism and award of certificate of participation;
 - (v) development and implementation of programmes for in-service training, re-training and orientation of workers at all levels of the educational sector in Nigeria leading to award of certificates of attendance;
 - (vi) extension services for tertiary levels of education in respect of personnel, classroom and residential accommodation and other available resources considered adequate by such needy institutions in educational planning and administration, ICT and related disciplines;
 - (vii) enhance quality managers and administrators at all levels of education to Post Graduate Diploma in Educational Leadership (PGDEL).
- (b) hold out to all persons without distinction of race, creed, sex or political conviction, the opportunity of acquiring proficiency in the learning, teaching and application of both the theory and practice of educational planning and administration in the educational system in Nigeria;
 - (c) develop appropriate modules to suit the needs of the various clientele of the Institute;
 - (d) provide an ambience having all the socio-cultural, physical and psychological facilities, that will facilitate the learning of educational planning and administration through a carefully coordinated simulation process (including problem solving approach, demonstration, group syndicate discussions, field trips and interactive activities) that allow the participants to achieve the understanding, use and practice of educational planning and administration in the educational system in Nigeria;
 - (e) serve as a centre for exchange of information, information gathering, processing, retrieval and dissemination on educational planning and administration;
 - (f) promote research into the theory and practice (including the problems) of educational planning and administration in Nigeria;
 - (g) promote the development and publication of materials in educational planning and administration; and
 - (h) carry out such other activities as are necessary or expedient for the performance of its functions under this Bill (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

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

*Committee Recommendation:***Clause 9: Powers of the Institute.**

The Institute shall have power to:

- (a) coordinate the capacity building activities of education sector planners and managers;
- (b) establish such departments within the Institute as may, from time to time; be necessary or desirable;
- (c) award fellowships, scholarships, bursaries, medals, prizes and other forms of titles, distinctions and awards;
- (d) hold examinations and award in diplomas, certificates and other distinctions to persons who have pursued a course of study approved by the Institute and have satisfied such other requirements as the Council may, from time to time, determine;
- (e) demand and receive from any student, clientele of the Institute or any other person attending the Institute for the purpose of instruction such fees as the Institute may, from time to time, determine;
- (f) acquire, hold, grant, charge or otherwise deal with or dispose of movable and immovable property anywhere in Nigeria and elsewhere;
- (g) enter into contracts and establish trusts either solely or jointly with any other person, organisation employ or act through agents;
- (h) erect, provide, equip and maintain infrastructure or facilities necessary, suitable or convenient for the objectives of the Institute under this Bill;
- (i) hold public lectures, seminars, conferences and workshops and undertake the publication and sale of books and proceedings thereof;
- (j) give grants and gifts for any charitable purpose that is consistent with the functions of the Institute under this Bill; and
- (k) do any other thing which in its opinion will facilitate the performance of its functions under this Bill (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

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

PART III — DIRECTOR GENERAL, PRINCIPAL OFFICERS
AND OTHER STAFF OF THE INSTITUTE

*Committee Recommendation:***Clause 10: Director General, Principal Officers and Other Staff of the Institute.****(1) Director-General/Chief Executive of the Institute**

There shall be for the Institute a Director General who shall be —

- (a) appointed by the President, on the recommendation of the Minister;
- (b) the chief executive and accounting officer of the Institute; and

- (c) responsible for the execution of the policies and the day-to-day administration of the affairs of the Institute.
 - (d) the Director-General shall hold office in the first instance for a term of 5 years and may be re-appointed for a further term of 5 years and no more and on such terms and conditions as may be contained in his letter of appointment.
- (2) **The Institute Registrar**
 - (a) There shall be for the Institute a Registrar, who shall be the Chief Administrative Officer of the Institute and shall be responsible to the Director-General for the day-to-day administrative work of the Institute.
 - (b) The person holding the office of the Registrar shall by virtue of that office be secretary to the Council, Board of studies
 - (c) The Registrar shall hold office in the first instance for a term of 5 years and may be re-appointed for a further term of 5 years and no more.
- (3) **The Institute Bursar**
 - (a) There shall be for the Institute a Bursar who shall be the Chief Financial Officer of the Institute and be responsible to the Director - General for the day-to-day administration and control of the financial affairs of the Institute.
 - (b) The Bursar shall hold office in the first instance for a term of 5 years and may be re-appointed for a further term of 5 years and no more.
- (4) **The Institute Librarian**
 - (a) The Institute Librarian shall be responsible to the Director-General for the administration of the Institute library and the co-ordination of the library services in the Institute.
 - (b) The Institute Librarian shall hold office in the first instance for a term of 5 years and may be re-appointed for a further term of 5 years and no more.
- (5) **The Institute Director of Works**

There shall be for the Institute, a Director of Works, who shall be responsible to the Director General for the administration of the Works Department, and shall be responsible for all works, services and maintenance of the Institute's facilities.
- (6) All principal officers of the Institute except Director-General shall be appointed by the Council on the recommendation of the interview panel to be chaired by the Director-General (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

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

*Committee Recommendation:***Clause 11: Other staff of the Institute.**

The Council shall appoint for the Institute from time to time such other persons to assist the Director-General in the performance of the functions under this Bill (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

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

*Committee Recommendation:***Clause 12: Conditions of service of the Institute.**

The Institute shall operate as an inter-university centre of the Federal Ministry of Education and the salary and conditions of service of the employees of the Institute shall be as determined, from time to time, by the Federal Government and shall be in line with the University salary structures for both Teaching and Non -Teaching staff of the Institute:

- (i) Training and Research Professor;
- (ii) Assistant Training and Research Professor;
- (iii) Deputy Librarian (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

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

*Committee Recommendation:***Clause 13: Pensions, Cap. 346 LFN.**

- (1) It is hereby declared that service in the Institute shall be approved service for the purposes of the Pensions Act, and accordingly, employees of the Institute shall be entitled to pension, gratuity or other retirement benefits in respect of that office.
- (2) Without prejudice to the provisions of subsection (1) of this section, nothing in this Bill shall prevent the appointment of a person to any office on terms which preclude the grant of a pension, gratuity or other retirement benefits in respect of that office.
- (3) For the purposes of the application of the Pensions Act, any power exercisable thereunder by a Minister or other authority of the Federal Government, other than the power to make regulations under section 23 thereof, is hereby conferred on and shall be exercisable by the Council and not by any other person or authority.

Second Schedule.

- (4) A staff of the Institute, other than the Director-General, shall be removed from office in accordance with the provisions of the Second Schedule to this Bill (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

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

PART IV — ESTABLISHMENT OF THE BOARD OF
STUDIES OF THE INSTITUTE, ETC.

Committee Recommendation:

Clause 14: Establishment of the Board of Studies of the Institute, etc.

- (1) There is hereby established for the Institute, a board to be known as the National Institute for Educational Planning and Administration Board of Studies (in this Bill referred to as "the Board of Studies") which shall, subject to the provisions of this Bill, be an integral part of the Institute.
- (2) The Board of Studies shall consist of —
 - (a) the Director-General of the Institute who shall be the Chairman;
 - (b) the Coordinator of Programmes;
 - (c) the Head of Research Department;
 - (d) the Head of Training Department;
 - (e) the Head of Library Services;
 - (f) the Head of ICT Department;
 - (g) a representative each of:
 - (i) Training Department,
 - (ii) Research Department,
 - (iii) Library Department,
 - (iv) ICT Department.
- (3) The Director-General shall preside over all meetings of the Board of Studies and in his absence the coordinator of Programme shall chair the meeting.
- (4) The Board of Studies shall meet on quarterly basis.
- (5) Subject to subsections (2) and (3) of this section, the Board of Studies shall regulate its own procedure (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

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

Committee Recommendation:

Clause 15: Functions of the Board of Studies.

The Board of Studies shall —

- (a) subject to this Bill, formulate, regulate and continuously evaluate the academic programmes of the Institute and determine the award of certificates and honours of the Institute; and
- (b) perform such other functions as the Council may, from time to time, assign to it (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

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

PART V — FINANCIAL PROVISIONS

Committee Recommendation:

Clause 16: Funds of the Institute.

- (1) The Institute shall establish and maintain a fund which shall be applied towards the discharge of its functions under this Bill.
- (2) There shall be paid and credited to the fund established pursuant to subsection (1) of this section:
 - (a) any subvention or budgetary allocation from the Federal Government;
 - (b) grants and subventions, TETFUND and other Non-Governmental Agencies, etc.
 - (c) all monies raised for the purposes of the Institute by way of gifts, grants-in-aid or testamentary disposition to the Institute;
 - (d) all subscriptions for fees and charges for services rendered by the Institute;
 - (e) all interests received in respect of moneys invested by the Institute;
 - (f) all other assets, from time to time, accruing to the Institute.
- (3) The Institute may, from time to time, apply the proceeds of the fund accruing to it pursuant to subsection (2) of this section to —
 - (a) cost of administration of the Institute and of any research programme or body under the administration of the Institute;
 - (b) provision of scholarships and other awards for the training of staff or employees of the Institute;
 - (c) payment of salaries, fees or other remuneration, allowances, pensions and gratuities or superannuation payable to the Director-General and the staff and employees of the Institute;
 - (d) maintenance of any property vested in the Institute;
 - (e) all matters in connection with the functions of the Institute under this Bill (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

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

Committee Recommendation:

Clause 17: Power to borrow.

The Institute may, with the approval of the Minister or in accordance with the general authority given by the Federal Government, borrow by way of loan or overdraft from any source any moneys required by the Institute to meet its obligations and its functions under this Bill (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

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

Committee Recommendation:

Clause 18: Power to accept gift.

- (1) The Institute may accept any gift of land, money or other property on such terms and conditions, if any, as may be specified by the person or organization making the gift.
- (2) The Institute shall not accept any gift if the conditions attached by the person or organization offering the gift are inconsistent with the functions of the Institute or the policy of the Federal Government (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

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

Committee Recommendation:

Clause 19: Investments, Cap. 449 LFN.

The Institute may, with the approval of the Minister, invest all or any of its funds in any security prescribed by the Trustee Investments Act or in such other securities or investments in accordance with the provisions of this Bill and in accordance with the conditions of any trust created in respect of any property or maintain a general reserve or otherwise utilize any surplus fund on such other securities as may, from time to time, be approved by the Minister (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

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

Committee Recommendation:

Clause 20: Exemption from tax.

The Institute shall be exempted from the payment of income tax on any income accruing from investments made by the Institute or otherwise (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

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

Committee Recommendation:

Clause 21: Annual estimates and accounts.

- (1) The Institute shall, not later than 30th September in each year, submit to the Minister an estimate of its expenditure and income (including payments to the Institute fund) for the next succeeding year.
- (2) The Institute shall keep proper accounts in respect of each year and proper records in relation to those accounts and shall cause its accounts to be audited within six months after the end of each year by auditors appointed from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

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

Committee Recommendation:**Clause 22: Annual Report.**

The Institute shall prepare and submit to the Minister not later than 30th June in each year a report in such form as the Minister may direct on the activities of the Institute during the immediate preceding year; and shall include in the report a copy of the audited accounts of the Institute for that year and of the auditor's report thereon (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

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

PART VI — MISCELLANEOUS PROVISIONS**Committee Recommendation:****Clause 23: Limitation, suits, etc.**

- (1) No suit shall be commenced against the Institute in Court except the intending plaintiff or his agent gives the Institute one month written notice of intention to commence the suit.
- (2) The written notice under subsection (1) of this section shall be served on the Institute 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 Institute under this Bill or any other law shall be addressed to the Director-General or send it by registered post at the head office of the Institute (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

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

Committee Recommendation:**Clause 24: Directives by the Minister.**

The Minister may give to the Council or the Director-General such directives of a general nature or relating generally to matters of policy with regard to the exercise of its or his functions as he may consider necessary and it shall be the duty of the Council or the Director-General to comply with the directives or cause them to be complied with (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

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

Committee Recommendation:**Clause 25: Mandatory training for officers, etc in the educational sector and at the Institute.**

- (1) As from the commencement of this Bill, any officer, staff or employee in the management cadre who is newly employed, promoted or transferred into the educational sector of the public service of the Federation shall undertake training or orientation in educational planning and administration at the Institute for such period as the Minister may, from time to time, determine;

- (2) As from the commencement of this Bill, any officer or staff or other employee serving in the management cadre of the educational sector of the public service of the Federation shall undertake in-service training in educational planning and administration at the Institute once in every 3 years for such duration or for such intervals as the Minister may, from time to time, determine (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

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

Committee Recommendation:

Clause 26: Power to make regulations.

The Minister may, on the recommendation of the Council, make regulations for giving effect to the provisions of this Bill and without prejudice to the generality of the foregoing, shall provide in particular for:

- (a) the entry into and the type of courses and programmes approved for the Institute;
- (b) the duration of the courses and programmes, and
- (c) the certificates, if any, to be awarded by the Institute (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

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

Committee Recommendation:

Clause 27: Interpretation.

In this Bill, unless the context otherwise requires —

"Board of Studies" means the board of studies of the Institute established under section 14 of this Bill (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

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

"Chairman" means the Chairman of the Council of the Institute (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

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

"Council" means the Governing Council of the Institute established under section 3 of this Bill (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

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

"fund" means the fund of the Institute established under section 16 of this Bill (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

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

"Institute" means the National Institute for Educational Planning and Administration established under section 1 of this Bill (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

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

"Institute clientele" includes students or other category of persons who participate or engage in any activity in the Institute or for whom the Institute carries out certain functions and responsibilities (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

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

"member" means a member of the Council and includes the Chairman (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

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

"Minister" means the Minister charged with responsibility for matters relating to education (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

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

"Director General" means the Chief Executive and Accounting Officer of the Institute (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

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

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

Committee Recommendation:

Clause 28: Short Title.

This Bill may be cited as the National Institute for Educational Planning and Administration (Establishment, etc.) Bill, 2019 (HB. 1030) (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

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

SCHEDULES

FIRST SCHEDULE

Section 3 (4)

SUPPLEMENTARY PROVISIONS RELATING TO THE GOVERNING COUNCIL OF THE INSTITUTE

1. (1) Subject to this Bill and section 27 of the Interpretation Act, the Council may make standing orders regulating its proceedings or those of any of its committees.
- (2) The quorum of the Council shall be the Chairman and two-thirds of the other members and the quorum of any committee of the Council shall be as determined by the Council.

2. The Council shall, for the purpose of this Bill, meet eight times in each year and subject, thereto, the Council shall meet whenever it is summoned by the Chairman if required to do so, by notice given to him by not less than four other members, the Chairman shall summon a meeting of the Council to be held within 4 days from the date which the notice is given.
3. Where the Council desires to obtain the advice of any person on a particular matter, the Council may co-opt him to the Council for such period as it thinks fit; but a person who is a member by virtue of this paragraph shall not be entitled to sitting allowance and to vote at any meeting of the Council and shall not count towards a quorum.
4.
 - (1) The Council may appoint one or more committees to carry out, on its behalf such functions under this Bills as the Council may determine.
 - (2) A committee appointed under this paragraph shall consist of such number of persons (not necessarily members of the Council! as may be determined by the Council); and a person, other than a member of the Council shall hold office on the committee in accordance with the terms of his appointment.
 - (3) A decision of a committee of the Council shall be of no effect until it is confirmed by Council.
5.
 - (1) The fixing of the seal of the Institute shall be authenticated by the signature of the Director General or of any other person authorized generally or specifically to act for that purpose by the Council or the Director General.
 - (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 but may be made or executed on behalf of the Institute by the Director General or any person generally or specially authorized by the Council to act for that purpose by the Council.
6. The validity of any proceeding of the Council or of a committee thereof shall not be adversely affected by any vacancy in the membership of the Council or of a committee, or by reason that a person not entitled to do so took part in the proceedings of the Council or committee.
7.
 - (1) A member who is directly or indirectly interested in any matter being deliberated upon or considered by the council or is interested in any contract made or proposed to be made by the Council shall, as soon as possible after relevant facts have come to his knowledge, disclose the nature of his interest in writing or at a meeting of the Council (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

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

SECOND SCHEDULE

Section 13 (4)

SUPPLEMENTARY PROVISIONS RELATING TO REMOVAL AND DISCIPLINE OF STAFF OF THE INSTITUTE

Removal and Discipline of Senior Staff

1. (1) If it appears to the Council that there are reasons for believing that a person employed as a member of the senior staff of the Institute, other than the Director General, should be removed from office on grounds of misconduct or inability to perform the functions of his office, the Council shall, through its appropriate committee —
 - (a) give notice of those reasons to the person concerned;
 - (b) afford him an opportunity of making representations on the matter to the Council in person;
 - (c) if the person concerned 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) for the Senior Staff Appointments, Promotions and Disciplinary Committee of the Council or any *ad-hoc* Committee of the Council to investigate the matter and report on it to the Council, and
 - (ii) for the person in question to be afforded an opportunity of appearing before and being heard by the investigating committee on the matter.
- (2) The Director General, in a case of misconduct by a staff of the Institute which in the opinion of the Director General is prejudicial to the interest of the Institute, may suspend that member and the suspension shall forthwith be reported to the Council.
- (3) The Council may suspend any staff or employee of the Institute from office or terminate his appointment for good cause and for the purpose of this subsection, "good cause" means —
 - (a) 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) misconduct 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
 - (c) 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 the service.
- (4) A person suspended pursuant to sub-paragraph (3) or (4) of this paragraph shall be placed on half pay and the Council shall before the expiration of a period of three months after the date of suspension consider the case against that person and come to a decision as to whether to —
 - (a) continue the suspension of the person in question and if so on what terms (including the proportion of his emoluments to be paid to him);
 - (b) reinstate the person in question to his office; in which case the council shall restore his full emoluments or entitlements to him with effect from the date of the suspension;
 - (c) terminate the appointment of the person in question in which case the person shall not be entitled to the proportion of his emolument withheld during the period of the suspension; or

- (d) take such lesser disciplinary action against the person in question (including the restoration of the proportion of his emoluments that might have been withheld) as the Council may determine.
- (e) subject to this paragraph, the Council shall, where it decides to take further disciplinary action against a person, come to a final determination in respect of the case concerning the person before the expiration of a period of three months from that decision.
- (5) It shall be the duty of the Chairman who signed the instrument of removal by virtue of sub-paragraph (2) of this paragraph to serve or cause to be served on the person concerned, a copy of the instrument.
- (6) Nothing in this paragraph shall prevent the Council from making such regulations for the discipline of other categories of employees and workers of the Institute as it may deem fit.

Discipline of Junior Staff

- 2. (1) Where a junior staff of the Institute is accused of misconduct or inefficiency, the Director General may suspend the staff in question for a period not more than three months and shall refer the matter to the Junior Staff Appointments, Promotion and Disciplinary Committee of the Management Board to —
 - (a) consider the case; and
 - (b) make recommendations as to the appropriate action to be taken by the Director General.
- (2) In all cases under this paragraph, the person accused of any misconduct or inefficiency shall be informed in writing of the charges against him and be given reasonable opportunity to defend himself.
- (3) The Director General may, after considering the recommendations made pursuant to sub-paragraph (1) (b) of this paragraph, dismiss, retire or downgrade the person in question or terminate his employment.
- (4) A person aggrieved by the decision of the Director General under sub-paragraph (3) of this paragraph may within a period of 21 days from the date of the receipt of the letter, appeal to the Council to consider his case and the decision of the Council shall be final (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

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

Explanatory Memorandum:

The Bill seeks to establish the National Institute for Educational Planning and Administration to operate as an inter-university centre of the Federal Ministry of Education and provide, amongst other things, for its functions and other matters relating to Educational Planning and Administration in Nigeria (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Agreed to.

Long Title:

A Bill for An Act to Establish the National Institute for Educational Planning and Administration and for Related Matters (HB. 1030) (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Speaker in the Chair, reported that the House in Committee of the Whole considered the Report of the Committee on Tertiary Education and Services on a Bill for an Act to Establish the National Institute for Educational Planning and Administration to provide, among other things, for its Functions and other Matters Relating to Educational Planning and Administration in Nigeria; and for Related Matters (HB. 1030) and approved Clauses 1 - 28, the Schedules, the Explanatory Memorandum, and the Long Title of the Bill.

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

(viii) **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. Uzoma Nkem-Abonta — 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 Speaker in the Chair)

Deferred consideration

Chairman to report progress.

(HOUSE IN PLENARY)

Mr Speaker in the Chair, reported that the House in Committee of the Whole deferred consideration of 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.

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

(ix) **Committee on Public Petitions:**

Petition by Sule Ugo Ugwunnadi and Associates, Legal Practitioners:

Motion made and Question proposed, "That the House do consider the Report of the Committee on Public Petitions on the Petition by Sule Ugo Ugwunnadi and Associates, Legal Practitioners on behalf of Jukatex Nigeria (Ltd) against the Governor of Central Bank of Nigeria on alleged unethical charges and unprofessional banking practices by Access Bank Plc and approve the recommendations therein" (*Hon. Uzoma Nkem-Abonta — 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 Speaker in the Chair)

Recommendation (i):

“Adopt the agreement between Access Bank Plc and Jukatex Nigeria Limited to the effect that the sum of ₦45,000,000 be paid to the Management of Asset Management Corporation of Nigeria (AMCON) by both parties to be the final settlement of the indebtedness of Jukatex Nigeria Limited to both Access Bank Plc and AMCON” (*Hon. Uzoma Nkem-Abonta — Ukwu East/Ukwu West Federal Constituency*).

Agreed to.

Recommendation (ii):

“Urge the Managements of Access Bank Plc and AMCON to return the property of Jukatex Nigeria Limited in their possession” (*Hon. Uzoma Nkem-Abonta — Ukwu East/Ukwu West Federal Constituency*).

Agreed to.

Chairman to report proceedings.

(HOUSE IN PLENARY)

Mr Speaker in the Chair, reported that the House in Committee of the Whole considered Report of the Committee on Public Petitions on the Petition by Sule Ugo Ugwunnadi and Associates, Legal Practitioners on behalf of Jukatex Nigeria (Ltd) against the Governor of Central Bank of Nigeria on alleged unethical charges and unprofessional banking practices by Access Bank Plc 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.

(x) Committee on Public Petitions:

Petition by Pat Ozule:

Motion made and Question proposed, “That the House do consider the Report of the Committee on Public Petitions on the Petition by Pat Ozule on behalf of Integrated Remediation Limited (IRL) against the Management of the Nigerian AGIP Oil Company (NAOC) on the alleged breach of Contract, deliberate refusal to pay for service rendered, seizure and other acts of impunity perpetrated by the Management of the Company, and approve the recommendations therein” (*Hon. Uzoma Nkem-Abonta — 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 Speaker in the Chair)

Recommendation (i):

“Pay Integrated Remediation Limited (IRL) the sum of Two million Dollars (\$2,000,000) subject to the payment terms of the contracts on the subject matter” (*Hon. Uzoma Nkem-Abonta — Ukwa East/Ukwa West Federal Constituency*).

Agreed to.

Recommendation (ii):

“Transport the Equipment of Integrated Remediation Limited (IRL) at Nigerian AGIP Oil Company, Brass Terminal to Nigerian AGIP Oil Company, Port Harcourt Base Office from where Integrated Remediation Limited will take over the Equipment and properly evacuate same from NAOC Premises” (*Hon. Uzoma Nkem-Abonta — Ukwa East/Ukwa West Federal Constituency*).

Agreed to.

Chairman to report proceedings.

(HOUSE IN PLENARY)

Mr Speaker in the Chair, reported that the House in Committee of the Whole considered Report of the Committee on Public Petitions on the Petition by Pat Ozule on behalf of Integrated Remediation Limited (IRL) against the Management of the Nigerian AGIP Oil Company (NAOC) on the alleged breach of Contract, deliberate refusal to pay for service rendered, seizure and other acts of impunity perpetrated by the Management of the Company, 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.

18. Adjournment

That the House do adjourn till Wednesday, 10 April, 2019 at 11.00 a.m. (Hon. Ahmed Idris — Deputy House Leader).

The House adjourned accordingly at 2.44 p.m.

Yakubu Dogara
Speaker