FOURTH REPUBLIC
8TH NATIONAL ASSEMBLY
FOURTH SESSION
NO. 74

HOUSE OF REPRESENTATIVES
FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Wednesday, 22 May, 2019

1. The House met at 11.29 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, 21 May, 2019.

The Votes and Proceedings was adopted by unanimous consent.

3. **Announcement**
Visitors in the Gallery:
Mr Speaker recognised the presence of the following:

(*i*) Staff and Students of *Psalmist International Schools,* Karu, Nasarawa State; and

(*ii*) Staff and Students of *Royal Family Academy,* Nursery, Primary and Junior Secondary School, Wuye, Abuja.

4. **Matter of Urgent Public Importance (Standing Order Eight, Rule 4)**
Need for Intervention in the Incidence of Burning Oil Fields Under the Joint Venture Operation of Nigerian National Petroleum Corporation/Chevron Nigeria Limited:
Hon. Victor Kolade Akinjo *(Ilaje/Ese Odo 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 Intervention in the Incidence of Burning Oil Fields Under the Joint Venture Operation of Nigerian National Petroleum Corporation/Chevron Nigeria Limited:

The House:

Notes that no fewer than five (5) oil wells, including Isan-West field, Ayeren, Parabe field, Malu field, Ororo, Opokaba, Otumara, Ikorigho, Kendo, under a Joint Venture Operation of Nigerian National Petroleum Corporation/Chevron Nigeria Limited in some communities in llaje Local Government Area of Ondo State, were recently gutted by fire which started around 10 pm on Thursday, April 18, 2019 leading to serious environmental disaster with resultant adverse effects on the health of the people of the host communities of Ajegunle, Ikorigho, Zion-Ikorigho, Ehinrnoghan, Otumara, Iluayo, Ojumole, among others;

Also notes that the inferno caused oil spillage which destroyed many aquatic lives, fauna and agricultural crops of the people thereby causing untold economic loss and hardship;

Aware that Chevron Nigeria Limited conducted a drone overflight to evaluate the fire, mobilized emergency responders to assess the affected area and reported the fire incident to the Department of Petroleum Resources, National Oil Spill Detection and Response Agency and other regulatory and security authorities;

Saddened that the lingering fire keeps spreading with greater destructive implication while Chevron or any of the regulatory authorities have failed to come up with any constructive idea on how to put out the fire; and

Concerned that if immediate action is not taken, the longest coastline in Nigeria with all its economic potentials may be completely destroyed by the raging fire;

Resolves to:

(*i*) urge the National Emergency Management Agency (NEMA) to provide relief materials to the affected people in the communities;

(*ii*) also urge the NNPC/Chevron Nigeria Limited Joint Venture, Nigerian Fire Service, Department of Petroleum Resources and National Oil Spill Detection and Response Agency to mobilize relevant officials to these fields to extinguish the fire;

(*iii*) invite the NNPC/Chevron Nigeria Limited Joint Venture to immediately appear and brief the Committee on Petroleum Resources (Down Stream) as regards the steps taken to extinguish the inferno;

(*iv*) further urge the Committees on Local Content, and Petroleum Resources (Down Stream) to ensure adequate compensation of the concerned communities; and

(*v*) mandate the Committee on Legislative Compliance to monitor compliance (*Hon. Victor Kolade Akinjo — Ilaje/Ese Odo Federal Constituency*).

Debate.

Agreed to.

The House:

Noted that no fewer than five (5) oil wells, including Isan-West field, Ayeren, Parabe field, Malu field, Ororo, Opokaba, Otumara, Ikorigho, Kendo, under a Joint Venture Operation of Nigerian National Petroleum Corporation/Chevron Nigeria Limited in some communities in Ilaje Local Government Area of Ondo State, were recently gutted by fire which started around 10 pm on Thursday, April 18, 2019 leading to serious environmental disaster with resultant adverse effects on the health of the people of the host communities of Ajegunle, Ikorigho, Zion-Ikorigho, Ehinrnoghan, Otumara, Iluayo, Ojumole, among others;

Also noted that the inferno caused oil spillage which destroyed many aquatic lives, fauna and agricultural crops of the people thereby causing untold economic loss and hardship;

Aware that Chevron Nigeria Limited conducted a drone overflight to evaluate the fire, mobilized emergency responders to assess the affected area and reported the fire incident to the Department of Petroleum Resources, National Oil Spill Detection and Response Agency and other regulatory and security authorities;

Saddened that the lingering fire keeps spreading with greater destructive implication while Chevron or any of the regulatory authorities have failed to come up with any constructive idea on how to put out the fire; and

Concerned that if immediate action is not taken, the longest coastline in Nigeria with all its economic potentials may be completely destroyed by the raging fire;

Resolved to:

(*i*) urge the National Emergency Management Agency (NEMA) to provide relief materials to the affected people in the communities;

(*ii*) also urge the NNPC/Chevron Nigeria Limited Joint Venture, Nigerian Fire Service, Department of Petroleum Resources and National Oil Spill Detection and Response Agency to mobilize relevant officials to these fields to extinguish the fire;

(*iii*) invite the NNPC/Chevron Nigeria Limited Joint Venture to immediately appear and brief the Committee on Petroleum Resources (Down Stream) as regards the steps taken to extinguish the inferno;

(*iv*) further urge the Committees on Local Content, and Petroleum Resources (Down Stream) to ensure adequate compensation of the concerned communities; and

(*v*) mandate the Committee on Legislative Compliance to monitor compliance (**HR. 35/05/2019**).

5. **Presentation of Bills**

The following Bills were read the *First Time*:

(1) National Commission for Teachers' Education Bill, 2019 (HB. 1641).

(2) Federal Co-operative Colleges Bill, 2019(HB. 1642).

(3) Federal University of Education, Kontagora Bill, 2019 (HB. 1644).

(4) Chartered Institute of Finance and Control of Nigeria (Establishment) Bill, 2019(HB. 1645).

(5) Labour Transportation Bill, 2019 (HB. 1646).

(6) Nigerian Council of Food Science and Technology (NCFST) Bill, 2019 (HB. 1647).

6. **Presentation of Reports**

(*i*) *Committee on Aids, Loans and Debt Management*:
Report of the Committee on Aids, Loans and Debt Management on Promissory Note Programme and a Bond Issuance to Settle Inherited Local Debts and Contractual Obligations on Refund to State Governments.

Order read; deferred by leave of the House.

(*ii*) *Ad-hoc Committee to carry out Investigation on the Approach for Reparations and Repatriation of Historical Artifacts carted away from Nigeria*:
Motion made and Question proposed, "That the House do receive the Report of the Ad-hoc Committee to carry out Investigation on the Approach for Reparations and Repatriation of Historical Artifacts carted away from Nigeria **(HR. 24/2/2016)**" (*Hon. Adekoya Adesegun Abdel-Majid — Ijebu North/Ijebu East/Ogun Waterside Federal Constituency*).

Agreed to.

Report laid.

(*iii*) *Ad-hoc Committee on the Utilization of* **₦350** *Billion National Resources Fund (NRF) as a Financial Window for the Development of the Solid Minerals Sector*:
Motion made and Question proposed, "That the House do receive the Report of the *Ad-hoc* Committee on the Utilization of ₦350 Billion National Resources Fund (NRF) as a Financial Window for the Development of the Solid Minerals Sector and the Need to Ascertain Federal Government's Investments and Proceeds from Solid Mineral and Steel Development (HR.39/07/2018)" (*Hon. Adamu Kamale — Madagali/Michika Federal Constituency*).

Agreed to.

Report laid.

(*iv*) *Committee on Population*:
Motion made and Question proposed, "That the House do receive the Report of the Committee on Population on the Need to Investigate the Monies Collected for Births/Death Registration in Violation of the National Population Commission Act **(HR. 104/12/2018)**" (*Hon. Victor Kolade Akinjo — Ilaje/Ese Odo Federal Constituency*).

Agreed to.

Report laid.

(*v*) *Committees on Finance, Commerce, Industry and Aids, Loans and Debt Management*:
Motion made and Question proposed, "That the House do receive the Report of the Committees on Finance, Commerce, Industry and Aids, Loans and Debt Management on the Need to investigate the Infraction and also Halt the Planned Diversion of Funds under the World Bank Funded Growth and Employment (GEM) Project **(HR.143/2017)**" (*Hon. Babangida Ibrahim — Kafur/Malumfashi Federal Constituency*).

Agreed to.

Report laid.

(*vi*) *Committee on Basic Education and Services*:
Motion made and Question proposed, "That the House do receive the Report of the Committee on Basic Education and Services on a Bill for an Act to Amend the Compulsory, Free Universal Basic Education Act, Cap. A113, Laws of the Federation of Nigeria, 2004 to make Provisions for Rehabilitation of Delinquent Children, Enhancement of the Welfare of Teachers before States Access the Federal Government Grant, Increase Block Grant of the Federal Government and Reduce those of the State Governments; and for Related Matters (HBs.994, 995 and 1312)" (*Hon. Mohammed Zakari — Baruten/Kaima Federal Constituency*).

Agreed to.

Report laid.

(*vii*) *Committee on Public Accounts*:
Motion made and Question proposed, "That the House do receive the Report of the Committee on Public Accounts on the Annual Report of the Auditor-General for the Federation for the years 2011 -2014; Pursuant to Order Eighteen, Rule 6 (2) (*i*) of the Standing Orders of the House of Representatives" (*Hon. Chinda Kingsley — Obio/Akpor Federal Constituency*).

Agreed to.

Report laid.

(*viii*) *Committee on Public Petitions*:
Petition by Ajets Survey on Behalf of Five Thousand Internally Displaced Persons:
Report of the Committee on Public Petitions on the petition by Ajets Survey on Behalf of Five Thousand Internally Displaced Persons against the Nigeria National Petroleum Corporation on Land Grabbing, Illegal Properties, Demolition, Business Devastation, unlawful Eviction and Evacuation of over Five Thousand People from Oke Oyi Enroute Tanke Pipeline Road to Babaode, Ilorin, Kwara State.

Order read; deferred by leave of the House.

(*ix*) *Committee on Public Petitions*:
Petition by Seliwei Willy Baidi & Co:
Report of the Committee on Public Petitions on the petition by Seliwei Willy Baidi & Co. on the Environmental Degradation, Economic Depreciation and Sustainable Development Neglect and Crude Oil Pollution: Save Our Souls Call by the Ogbudugbudu Community in Warri North Local Government Area of Delta State.

Order read; deferred by leave of the House.

(*x*) *Committee on Public Petitions*:
Petition by Chief F. A. Eneawaji (Icherene-Ugane):
Report of the Committee on Public Petitions on the petition by Chief F. A. Eneawaji (Icherene-Ugane) against Mobil Producing Unlimited (Now Exxon Mobil Corporation) on the various Incidents of Crude Oil Spillage Emanating from Exxon Mobil and the Non-payment of Compensation to the affected Victims.

Order read; deferred by leave of the House.

7. **A Bill for an Act to Repeal the Prisons Act, Cap. P29, Laws of the Federation of Nigeria, 2004 and Enact the Nigerian Correctional Service Bill to Provide for the Administration of Prisons and Non-Custodial Measures in Nigeria; and for Related Matters (HB. 487, HB. 516 and HB. 517) — *Third Reading***
Motion made and Question proposed, "That a Bill for an Act to Repeal the Prisons Act, Cap. P29, Laws of the Federation of Nigeria, 2004 and Enact the Nigerian Correctional Service Bill to Provide for the Administration of Prisons and Non-Custodial Measures in Nigeria; and for Related Matters (HB. 487, HB. 516 and HB. 517) be now read the Third Time" (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

Agreed to.

Bill read the Third Time and passed.

8. **A Bill for an Act to Provide for the Establishment of the Federal University of Education, Aguleri; and for Related Matters (HB.1617) — *Third Reading***
Motion made and Question proposed, "That a Bill for an Act to Provide for the Establishment of the Federal University of Education, Aguleri; and for Related Matters (HB.1617) be now read the Third Time" (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

Agreed to.

Bill read the Third Time and passed.

9. **A Bill for an Act to Provide for the Domestication and Enforcement in Nigeria of the Avoidance of Double Taxation Agreement between the Federal Republic of Nigeria and the Republic of South Korea; and for Related Matters (HB. 445) — *Third Reading***
Motion made and Question proposed, "That a Bill for an Act to Provide for the Domestication and Enforcement in Nigeria of the Avoidance of Double Taxation Agreement between the Federal Republic of Nigeria and the Republic of South Korea; and for Related Matters (HB. 445) be now read the Third Time" (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

Agreed to.

Bill read the Third Time and passed.

10. **A Bill for an Act to, among other things, Prohibit the Use, Manufacture and Importation of all Plastic Bags used for Commercial and Household Packaging in order to Address their Harmful Impacts on the Oceans, Rivers, Lakes, Forests, Environment, Wildlife as well as Human Beings and also to Relieve Pressure on Landfills and Waste Management; and for Related Matters (HB. 1437) — *Third Reading***
Motion made and Question proposed, "That a Bill for an Act to, among other things, Prohibit the Use, Manufacture and Importation of all Plastic Bags used for Commercial and Household Packaging in order to Address their Harmful Impacts on the Oceans, Rivers, Lakes, Forests, Environment, Wildlife as well as Human Beings and also to Relieve Pressure on Landfills and Waste Management; and for Related Matters (HB. 1437) be now read the Third Time" (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

Agreed to.

Bill read the Third Time and passed.

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

Motion made and Question proposed, "That a Bill for an Act to Provide for the Establishment of the Federal Capital Territory Health Insurance Agency, to Institute the Federal Capital Territory Health Insurance Scheme for all Residents of the Federal Capital Territory; and for Related Matters (HB. 1545) be now read the Third Time" (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

Agreed to.

Bill read the Third Time and passed.

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

Motion made and Question proposed, "That a Bill for an Act to Provide for the Establishment of the Federal Capital Territory Primary Health Care Board; and for Related Matters (HB. 1546) be now read the Third Time" (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

Agreed to.

Bill read the Third Time and passed.

13. **A Bill for an Act to Amend the Electric Power Sector Reform Act, No. 6, 2005 to Prohibit Theft of Electricity, Theft and Destruction of Electricity Supply, Infrastructure and Prescribe Appropriate Penalties for Violation; and for Related Matters (HB.1635) — *Second Reading***

Motion made and Question proposed, "That a Bill for an Act to Amend the Electric Power Sector Reform Act, No. 6, 2005 to Prohibit Theft of Electricity, Theft and Destruction of Electricity Supply, Infrastructure and Prescribe Appropriate Penalties for Violation; and for Related Matters (HB.1635) be now read a Second Time" (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

Debate.

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

Bill read the Second Time.

Bill referred to the ***Committee of the Whole.***

14. **A Bill for an Act to Repeal the Police Act, Cap. P19, Laws of the Federation of Nigeria, 2004 and Enact the Nigeria Police Bill, 2019 to Provide for the Framework for the Police Service and Ensure Cooperation and Partnership between the Police and Communities in Maintaining Peace and Combating Crime; and for Related Matters (HB.1636) — *Second Reading***

Motion made and Question proposed, "That a Bill for an Act to Repeal the Police Act, Cap. P19, Laws of the Federation of Nigeria, 2004 and Enact the Nigeria Police Bill, 2019 to Provide for the Framework for the Police Service and Ensure Cooperation and Partnership between the Police and Communities in Maintaining Peace and Combating Crime; and for Related Matters (HB.1636) be now read a Second Time" (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

Debate.

Question that the Bill be now read a Second Time — ***Negatived.***

15. **A Bill for an Act to Establish the Federal University of Land Resources Technology, Kuru and to make Comprehensive Provisions for its due Management and Administration; and for Related Matters (HB. 1561) — *Second Reading***
Motion made and Question proposed, "That a Bill for an Act to Establish the Federal University of Land Resources Technology, Kuru and to make Comprehensive Provisions for its due Management and Administration; and for Related Matters (HB. 1561) be now read a Second Time" (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency and* 1 *other*).

Debate.

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

Bill read the Second Time.

*Bill referred to the **Committee of the Whole.***

16. **A Bill for an Act to Establish the Federal University of Land Resources Technology, Owerri and to make Comprehensive Provisions for its due Management and Administration; and for Related Matters (HB. 1562) — *Second Reading***
Motion made and Question proposed, "That a Bill for an Act to Establish the Federal University of Land Resources Technology, Owerri and to make Comprehensive Provisions for its due Management and Administration; and for Related Matters (HB. 1562) be now read a Second Time" (*Hon. Jerry Alagbaoso — Orlu/Orsu/Oru East Federal Constituency*).

Debate.

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

Bill read the Second Time.

*Bill referred to the **Committee of the Whole.***

17. **Consideration of Reports**

(*i*) ***Committee on Aids, Loans and Debt Management*:**
Report of the Committee on Aids, Loans and Debt Management on Promissory Note Programme and a Bond Issuance to Settle Inherited Local Debts and Contractual Obligations on Refund to States Government.

Order read; deferred by leave of the House.

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

Agreed to.

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

(HOUSE IN COMMITTEE)

(*Mr Deputy Speaker in the Chair*)

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

PART I — OBJECTIVE

Committee Recommendation:

Clause 1: Objective.

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

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

PART II — OFFENCES

Committee Recommendation:

Clause 2: Money laundering offences.

(1) Money laundering is prohibited in Nigeria.

(2) A person who knows, ought reasonably to have known or suspects that property has a criminal origin, commits an offence if he conceals, disguises converts, transfers or removes the property from Nigeria.

(3) A person does not commit an offence under subsection (2) of this section if —

(*a*) he makes a report under section 12 of this Bill and, if the report is made before he does any act referred to in subsection (2) of this section, he has the appropriate consent;

(*b*) he intended to make a report referred to in paragraph (*a*) of this section but had a justifiable reason for not doing so; or

(*c*) the act he does is done in carrying out a function he has relating to the enforcement of any provision of this Bill or of any other enactment relating to any criminal enterprise or benefit from any unlawful act.

(4) To conceal or disguise criminal property includes concealing or disguising its nature, source, location, disposition, movement or ownership or any rights with respect to it (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

Amendment Proposed:

In Subclause (2), line 1, *leave out* the words "or suspects" (*Hon. Musa Soba — Soba Federal Constituency*).

Question that the amendment be made — ***Agreed to.***

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

Committee Recommendation:

Clause 3: **Being concerned in an arrangement, etc.**

(1) A person commits an offence if he enters into or becomes concerned in an arrangement which he knows, ought reasonably to have known, or suspects, facilitates by whatever means, the acquisition, retention, use or control of property that has a criminal origin by or on behalf of another person.

(2) A person does not commit an offence under subsection (1) of this section if —

(*a*) he makes a report under section 12 of this Bill and, if the report is made before he does any act referred to in subsection (1) of this section, he has the appropriate consent;

(*b*) he intended to make a report referred to in paragraph (*a*) of this subsection but had a justifiable reason for not doing so; or

(*c*) the act he does is done in carrying out a function he has relating to the enforcement of any provision of this Bill or of any other enactment relating to any criminal enterprise or benefit from any unlawful act (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

Amendment Proposed:

Leave out all the words in Subclause (2) (*b*) (*Hon. Ossai Nicholas Ossai — Ndokwa East/Ndokwa West/Ukwuani Federal Constituency*).

Question that the amendment be made — ***Agreed to.***

Question that Clause 3 *as amended, stands part of the Bill —* ***Agreed to.***

Committee Recommendation:

Clause 4: **Acquisition, use and possession.**

(1) A person who knows, ought reasonably to have known, or suspects that property has a criminal origin, commits an offence if he —

(*a*) acquires the property;

(*b*) uses the property; or

(*c*) has possession of the property.

(2) A person does not commit an offence under subsection (1) of this section if —

(*a*) he makes a report under section 12 of this Bill and, if the report is made before he does any act referred to in subsection (1) of this section, he has the appropriate consent;

(*b*) he intended to make a report referred to in paragraph (*a*) of this subsection but had a justifiable reason for not doing so;

(*c*) he acquired, used or had possession of the property for adequate consideration; or (*d*) the act he does is done in carrying out a function he has relating to the enforcement of any provision of this Bill or of any other enactment relating to any criminal enterprise or benefit from any unlawful act.

(3) For the purpose of this section —

(*a*) a person acquires property for inadequate consideration if the value of the consideration is significantly less than the value of the property;

(*b*) a person uses or has possession of property for inadequate consideration if the value of the consideration is significantly less than the value of the use or possession; and

(*c*) the provision by a person of goods or services which he knows or suspects may help another to carry out any unlawful act is not a consideration.

(4) For the purpose of subsection (1) (*c*) of this section, a person has possession of any property if he does an act in relation to the property (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

Amendment Proposed:
Leave out the provisions of Clause 4 (*Hon. Ossai Nicholas Ossai — Ndokwa East/Ndokwa West/Ukwuani Federal Constituency*).

Agreed to.

Committee Recommendation:
Clause 5: Failure to report knowledge or suspicion of money laundering.

(1) A person commits an offence if —

(*a*) he knows, or ought reasonably to have known or suspects that another person is engaged in money laundering;

(*b*) the information or other matter on which his knowledge or suspicion is based came to him in the course of a business, trade or profession; and

(*c*) he does not make the required report specified in subsection (2) of this section as soon as is practicable after the information or other matter comes to him.

(2) The required report referred to in subsection (1) of this section is a report of the information or other matter —

(*a*) to a designated officer; or

(*b*) to a person referred to in section 9 (1) (*b*) of this Bill; and

(*c*) in the form and manner, if any, prescribed for the purposes of this subsection by regulations made under section 13 of this Bill.

(3) A person does not commit an offence under this section if —

(*a*) he has a justifiable reason for not disclosing the information or other matter;

(*b*) he has a justifiable reason for not making the required report as soon as practicable as mentioned in subsection (1) (*c*) of this section;

(*c*) he is a private legal practitioner and the information or other matter came to him in privileged circumstances in connection with legal proceedings; or

(*d*) subsection (4) of this section applies to him.

(4) Subsection (3) (*c*) of this section applies to a person if —

(*a*) he does not know, ought reasonably to have known or suspect that another person is engaged in money laundering; and

(*b*) he has not been provided by his employer with the training referred to in section 28 of this Bill for the purposes of this section.

(5) In deciding whether a person committed an offence under this section, the court shall consider whether he followed any relevant guidelines which were at the relevant time —

(*a*) issued by a supervisory authority or any other appropriate body;

(*b*) approved by the Attorney-General of the Federation; and

(*c*) published in a manner approved by the Attorney-General as appropriate in his opinion to bring the guidelines to the attention of persons likely to be affected by it.

(6) A report to a designated officer is a report, which is made —

(*a*) to a person designated by the alleged offender's employer to receive reports under this section; and

(*b*) in the course of the alleged offender's employment in accordance with the procedure established by the employer for the purpose.

(7) Information or other matter comes to a private legal practitioner in privileged circumstances in connection with legal proceedings if it is communicated or given to him by —

(*a*) a client or the representative of a client, in connection with the giving by the private legal practitioner of legal advice; or

(*b*) a person in connection with legal proceedings or contemplated legal proceedings (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

Amendment Proposed:
In subclause (5), line 2, immediately after the word "any", *leave out* the word "relevant" and *insert* the word "material" (*Hon. Solomon Bulus Maren — Mangu/Bokkos Federal Constituency*).

*Question that the amendment be made — **Agreed to.***

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

Committee Recommendation:

Clause 6: Failure to report by designated officers.

(1) A person designated to receive reports under section 5 of this Bill commits an offence if the conditions set out in subsection (2) of this section are satisfied.

(2) The conditions to be satisfied under subsection (1) of this section are that —

(*a*) the person knows or suspects or has reasonable grounds for knowing or suspecting that another person is engaged in money laundering; or

(*b*) the information or other matter —

(*i*) on which his knowledge or suspicion is based; or

(*ii*) which gives reasonable grounds for such knowledge or suspicion, came to the person in consequence of a report made under section 5 of this Bill; and

(*c*) the person does not make the required report specified in subsection (3) of this section as soon as it is practicable after the information or other matter comes to him.

(3) The required report referred to subsection (2) of this section is a report of the information or other matter —

(*a*) to a person mentioned in section 9 (1) (*b*) of this Bill; and

(*b*) in the form and manner, if any, prescribed for the purposes of this section by regulations made under section 13 of this Bill.

(4) A person does not commit an offence under this section if he has a justifiable reason for not reporting the information or other matter.

(5) In deciding whether a person committed an offence under this section, the court shall consider whether he followed any relevant guidelines which was at the relevant time —

(*a*) issued by a supervisory authority or any other appropriate body;

(*b*) approved by the Attorney-General; and

(*c*) published in a manner approved by the Attorney-General as appropriate in his opinion to bring the guidelines to the attention of persons likely to be affected by it.

(6) Section 33 of this Bill has effect for the purpose of determining what a supervisory authority is.

(7) In this section, an "appropriate body" is a body that regulates or is representative of a trade, profession, business or employment (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

Committee Recommendation:
Clause 7: Tipping off.

(1) A person commits an offence if —

(*a*) he knows or suspects that a report falling within section 10 or 11 of this Bill has been made or is about to be made; and

(*b*) he makes an unauthorised disclosure which is likely to prejudice any investigation which might be conducted following the report referred to in paragraph (*a*) of this subsection.

(2) A person does not commit an offence under subsection (1) of this section if —

(*a*) he did not know or suspect that the disclosure was likely to prejudice an investigation as specified in subsection (1) of this section;

(*b*) the disclosure is made in the course of carrying out his duties in relation to the enforcement of any provision of this Bill or of any other enactment relating to criminal conduct or activity or benefit from criminal conduct or activity; or

(*c*) he is a private legal practitioner and the report falls within subsection (3) of this section.

(3) A disclosure for the purpose of subsection (2) (*c*) of this section is a disclosure to —

(*a*) a customer or the representative of the customer, in connection with the giving by the private legal practitioner of legal advice; or

(*b*) a person in connection with legal proceedings or contemplated legal proceedings.

(4) A disclosure does not fall within subsection (3) of this section if it is made with the intention of furthering a criminal purpose (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

Committee Recommendation:
Clause 8: Penalties.

(1) A person found guilty of an offence under section 2, 3 or 4 of this Bill is liable on conviction, in the case of —

(*a*) an individual, to imprisonment for a term of not less than seven years without the option of a fine;

(*b*) a financial institution, to a fine of not less than twenty-five million Naira; and

(*c*) a designated non-financial business and profession, to a fine of not less than ten million Naira.

(2) A person found guilty of an offence under —

(*a*) sections 5 or 6 of this Bill is liable on conviction to imprisonment for a term of not less than three years without the option of a fine; and

(*b*) section 7 of this Bill is liable on conviction to imprisonment for a term of not less than five years without the option of a fine (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

Committee Recommendation:

Clause 9: Appropriate consent.

(1) The appropriate consent is the consent of —

(*a*) a designated officer to do a prohibited act if a report of the type referred to in section 11 or 12 of this Bill is made to the designated officer; or

(*b*) a person authorised for the purposes of this Part by the Director - General of the Nigeria Financial Intelligence Centre (in this Bill referred to as "the Centre"):

(2) A person shall be treated as having the appropriate consent if —

(*a*) he makes a report to a person referred to in subsection (1) (*b*) of this section; and

(*b*) either of the conditions set out in subsection (3) of this section is satisfied.

(3) The conditions to be satisfied under subsection (2) of this section are that, before the end of the notice period, the person —

(*a*) does not receive notice from a person referred to in subsection(1) (*b*) of this section that consent to the doing of the act is refused; or

(*b*) receives notice from a person referred to in subsection (1) (*b*) of this section that consent to the doing of the act is refused, and the deferral period referred to in subsection (5) of this section has expired.

(4) The notice period is the period of seven working days starting with the first working day after the person makes the report.

(5) The deferral period is the period of twenty-eight working days starting with the day on which the person receives notice that consent to the doing of the act is refused.

(6) A reference to a prohibited act is to an act referred to in section 2 (2), 3 (1) or 4 (1) of this Bill, as the case may be.

(7) A designated officer is a person designated to receive reports under section 12 or 13 of this Bill.

(8) Subsections (1) to (4) of this section apply only for the purposes of this Part (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

Committee Recommendation:

Clause 10: Consent by a designated officer.

(1) A designated officer shall not give the appropriate consent under section 9 of this Bill to the doing of a prohibited act unless he makes a report to a person referred to in section 9 (1) (*b*) of this Bill that property is property of a criminal origin, and —

(*a*) the person gives consent to the doing of the act;

(*b*) before the end of the notice period, he —

(*i*) does not receive notice from the person that consent to the doing of the act is refused, or

(*ii*) receives notice from the person that consent to the doing of the act is refused, and the deferral period has expired.

(2) A designated officer commits an offence if he —

(*a*) gives consent to a prohibited act in circumstances where none of the provisions of subsection (1) (*a*) or (*b*) of this section is satisfied; and

(*b*) knows or suspects that the act is a prohibited act.

(3) A designated officer found guilty of an offence under subsection (2) of this section is liable on conviction to imprisonment for a term of not less than twelve months or to a fine of not less than one million Naira or to both.

(4) The notice period is the period of seven working days starting with the first working day after the designated officer makes the report.

(5) The deferral period is the period of twenty-eight working days starting with the day on which the designated officer is given notice that consent to the doing of the act is refused.

(6) A reference to a prohibited act is to an act referred to in section 2 (2), 3 (1) or 4 (1) of this Bill, as the case may be.

(7) A designated officer is a person designated to receive reports under section 11 or 12 of this Bill (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

Committee Recommendation:

Clause 11: Reports on knowledge or suspicion of money laundering.

(1) A report that satisfies the conditions set out in subsection (2) of this section does not constitute a breach of any restriction on the disclosure of information, however imposed.

(2) The conditions to be satisfied in subsection (1) of this section are that —

(*a*) the information or other matter disclosed came to the person making the disclosure ("the discloser") in the course of his trade, profession, business or employment;

(*b*) the information or other matter —

(*i*) causes the discloser to know or suspect; or

(*ii*) gives the discloser reasonable grounds for knowing or suspecting, that another person is engaged in money laundering; and

(*c*) the report is made to a person mentioned in section 9 (1) (*b*) of this Bill or to a designated officer as soon as is practicable after the information or other matter comes to the person making the report (in this Bill referred to as "the reporter").

(3) A report to a designated officer is a report, which is made —

(*a*) in the course of the reporter's employment;

(*b*) to a person designated by the reporter's employer to receive reports under this section; and

(*c*) in accordance with the procedure established by the employer for the purpose (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

Committee Recommendation:

Clause 12: Reports on property of a criminal origin.

(1) For the purposes of this Part, a report is a "property of criminal origin report" if —

(*a*) it is a report, to a person referred to in section 9 (1) (*b*) of this Bill or to a designated officer by the person at risk of prosecution, that the property is, or is suspected to be property of a criminal origin;

(*b*) it is made in the form and manner, if any, prescribed for the purpose of this section by regulations made under section 13 of this Bill; and

(*c*) the conditions set out in subsection (2) of this section are satisfied.

(2) The conditions to be satisfied under subsection (1) (*c*) of this section are that —

(*a*) the report referred to in subsection (1) of this section is made before the person at risk of prosecution does the prohibited act;

(*b*) the report is made after the person at risk of prosecution does the prohibited act;

(*c*) there is a justifiable reason for his failure to make the report before he did the act; and

(*d*) the report is made on his own initiative and as soon as it is practicable for him to make it.

(3) A property of criminal origin report does not constitute a breach of any restriction on the disclosure of information, however imposed.

(4) A report to a designated officer is a report that is made —

(*a*) in the course of the reporter's employment;

(*b*) to a person designated by the reporter's employer to receive reports under this section; and

(*c*) in accordance with the procedure established by the employer for the purpose.

(5) A reference to a prohibited act is to an act referred to in sections 2 (2), 3 (1) or 4 (1) of this Bill, as the case may be (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

Committee Recommendation:

Clause 13: Form and manner of reports.

(1) The Attorney-General may by regulations prescribe the form and manner in which a report referred to in section 5, 6, 11 or 12 shall be made.

(2) Regulations under this section may also provide that the form may include a request to the reporter to provide additional information specified in the form.

(3) The additional information shall be information that is necessary to enable the person to whom the report is made to decide whether a money laundering intelligence enquiry or investigation should be commenced.

(4) A report made in pursuance of a request under subsection (2) of this section does not constitute a breach of any restriction on the disclosure of information, however imposed.

(5) The reporter is the person making a report, referred to in subsection (1) of this section, whether or not he is the person who made the initial report or the designated officer who forwarded that report to the Centre.

(6) A money laundering investigation is an investigation into whether a person has committed an offence under this Bill.

(7) A money laundering intelligence enquiry is an enquiry conducted by the Centre as to whether there is sufficient credible intelligence to conduct a money laundering investigation.

(8) Additional information referred to in subsection (2) of this section shall be provided to the Centre without delay.

(9) Subsection (2) of this section does not apply to a report made to a designated officer (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

Committee Recommendation:

Clause 14: Protection of persons making reports.

(1) No action, whether criminal or civil, lies against a financial institution, designated non-financial business and profession, supervisory body, the Federal Inland Revenue Service or any other person complying in good faith with a provision of this Part, including any director, employee or other person acting on behalf of the financial institution, designated non-financial business and profession, supervisory body, the Federal Inland Revenue Service or any other person.

(2) A person who has made, initiated or contributed to a report under sections 11, 12, 16, 17 or 18 of this Bill or who has furnished additional information concerning a report or the grounds for a report under any provision of this Part is competent, but not compellable, to give evidence in criminal proceedings arising from the report.

(3) No evidence concerning the identity of a person who has —

(*a*) made, initiated or contributed to a report under section 11, 12, 16, 17 or 18 of this Bill; or

(*b*) furnished additional information concerning a report or the grounds for a report under a provision of this Part, or the contents or nature of additional information or grounds, is admissible as evidence in criminal proceedings unless that person testifies at those proceedings (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

Amendment Proposed:

Leave out the provisions of Clause 14 (*Hon. Ossai Nicholas Ossai — Ndokwa East/Ndokwa West/Ukwuani Federal Constituency*).

Agreed to.

Committee Recommendation:

Clause 15: Interpretation of terms applicable under this Part.

(1) This section applies for the purposes of this Part.

(2) Property has a criminal origin if it —

(*a*) constitutes in a person's benefit, in whole or in part, directly or indirectly, from an unlawful act in any part of the Nigeria or where the unlawful act occurs outside Nigeria, would be unlawful act if it occurred in Nigeria; and

(*b*) the alleged offender knows or suspects that it constitutes or represents such a benefit.

(3) "Unlawful act" includes participation in an organised criminal group, racketeering, terrorism, terrorist financing, trafficking in persons, smuggling of migrants, sexual exploitation, sexual exploitation of children, illicit trafficking in narcotic drugs and psychotropic substances, illicit arms trafficking, illicit trafficking in stolen goods, corruption, bribery, fraud, currency counterfeiting, counterfeiting and piracy of products, environmental crimes, murder, grievous bodily injury, kidnapping, hostage taking, robbery or theft, smuggling (including, in relation to customs and excise, duties and taxes), tax crimes (related to direct taxes and indirect taxes), extortion, forgery, piracy, insider trading and market manipulation, proliferation of weapons of mass destruction and any other criminal act.

(4) It is immaterial —

(*a*) who carried out the act;

(*b*) who benefited from the act; or

(*c*) whether the act occurred before or after the passing of this Bill.

(5) Subject to section 54 of this Bill, a person benefits from an act if he obtains property as a result of or in connection with the act.

(6) If a person obtains a pecuniary advantage as a result of or in connection with an act, he is deemed to have obtained, as a result of or in connection with the act, a sum of money equal to the value of the pecuniary advantage.

(7) A reference to property or a pecuniary advantage obtained in connection with an act includes a reference to property or a pecuniary advantage obtained in both that connection and some other connection.

(8) If a person benefits from an act, his benefit is the property obtained as a result of or in connection with the act.

(9) Property is all property wherever situated and includes —

(*a*) money;

(*b*) all forms of property, real or personal, heritable, moveable or immoveable; and

(*c*) things in action and other intangible or incorporeal property.

(10) The following rules apply in relation to property —

(*a*) property is obtained by a person if he obtains an interest in it;

(*b*) references to an interest, in relation to land in Nigeria, are to any legal estate or equitable interest or power; and

(*c*) references to an interest, in relation to property other than land, include references to a right, including a right to possession.

(11) Money laundering is an act which —

(*a*) constitutes an offence under sections 2, 3 or 4 of this Bill;

(*b*) constitutes an attempt, conspiracy or incitement to commit an offence specified in paragraph (*a*) of this subsection;

(*c*) constitutes aiding, abetting, counselling or procuring the commission of an offence specified in paragraph (*a*) of this subsection; or

(*d*) if done elsewhere than Nigeria, would constitute an offence specified in paragraph (*a*), (*b*) or (*c*) of this subsection, if done in Nigeria.

(12) For the purpose of a report to a designated officer —

(*a*) a reference to a person's employer includes anybody, association or organisation, including a voluntary organisation, in connection with whose activities the person exercises a function, whether or not for gain or reward; and

(*b*) a reference to employment shall be construed accordingly.

(13) A person referred to in section 9 (1) (*b*) of this Bill is an employee of the Centre, authorised by the Director - General of the Centre.

(14) For the purposes of this Part, legal professional privilege and the invocation of client confidentiality shall not apply in connection with —

(*a*) the purchase or sale of property;

(*b*) the purchase or sale of any business;

(*c*) the purchase or sale of any high-value item;

(*d*) any investment;

(*e*) any matter concerning the payment of any tax;

(*f*) any matter concerning the transfer of any funds whatsoever;

(*g*) the managing of client money, securities or other assets;

(*h*) the opening or management of bank, savings or securities accounts;

(*i*) the creation, operation or management of trusts, companies or similar structures;

(*j*) the organisation of contributions necessary for the creation, operation or management of companies;

(*k*) any paid fees or retainer fees; and

(*l*) anything produced in the furtherance of any unlawful activity (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

Amendment Proposed:
Leave out the provisions of Clause 15 (*Hon. Ossai Nicholas Ossai — Ndokwa East/Ndokwa West/Ukwuani Federal Constituency*).

Agreed to.

PART III — TRANSACTIONS ABOVE PRESCRIBED LIMITS

Committee Recommendation:

Clause 16: Cash payments.

(1) A person shall not, except in a transaction through a financial institution, make or accept cash payment of a sum exceeding the prescribed amount ("the prescribed amount").

(2) A financial institution or designated non-financial business and profession shall, within the specified period, report to the Centre the specified particulars concerning a transaction concluded with a customer if in terms of the transaction an amount of cash in excess of the prescribed amount —

(*a*) is paid by a financial institution to the customer, or to a person acting on behalf of the customer, or to a person on whose behalf the customer is acting; or

(*b*) is received by a financial institution or designated non-financial business and profession from the customer, or from a person acting on behalf of the customer, or from a person on whose behalf the customer is acting.

(3) A financial institution or designated non-financial business and profession commits an offence if it fails to make a report referred to in subsection (2) of this section and is liable on conviction to a fine of not less than ten million Naira.

(4) An officer of a financial institution or designated non-financial business and profession who facilitates an offence under subsection (2) of this section commits an offence and is liable on conviction to imprisonment for a term of not less than twelve months or a fine of not less than one million Naira or to both (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

Amendments Proposed:

Leave out all the words in Clause 16 and *insert* as follows:

Cash payments.

16. (1) A person shall not, except in a transaction through a financial institution, make or accept cash payment of a sum exceeding the prescribed amount ("the prescribed amount").

(2) A financial institution or designated non-financial business and profession shall, within the specified period, report to the Centre the specified particulars concerning a transaction concluded with a customer if in terms of the transaction an amount of cash in excess of the Ten thousand dollars ($10,000) —

(*a*) is paid by a financial institution to the customer, or to a person acting on behalf of the customer, or to a person on whose behalf the customer is acting; or

(*b*) is received by a financial institution or designated non-financial business and profession from the customer, or from a person acting on behalf of the customer, or from a person on whose behalf the customer is acting.

(3) A financial institution or designated non-financial business and profession commits an offence if it fails to make a report referred to in subsection (2) of this section and is liable on conviction to a fine of not less than the unreported amount .

(4) An officer of a financial institution or designated non-financial business and profession who facilitates an offence under subsection (2) of this section commits an offence and is liable on conviction to imprisonment for a term of not less than twelve months or a fine of not less than the unreported amount (*Hon. Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

*Question that the amendments be made — **Agreed to.***

Question that Clause 16 *as amended, stands part of the Bill — **Agreed to.***

***Committee Recommendation*:**

Clause 17: Electronic transfers of money to or from Nigeria.

(1) If a financial institution, by way of transfer, sends money in excess of the prescribed amount to another country or receives money in excess of the prescribed amount from a country outside Nigeria on behalf, or on the instruction, of another person, it shall, within the specified period after the money was transferred or received, report the transfer or receipt, together with the specified particulars concerning the transfer, to the Centre.

(2) Transfers or receipts of the type referred to in subsection (1) of this section shall also be reported to the Central Bank of Nigeria.

(3) A financial institution commits an offence if it fails to make a report referred to in subsection (1) or (2) of this section and is liable on conviction to a fine of not less than ten million Naira.

(4) An officer of a financial institution who facilitates an offence under subsection (2) of this section commits an offence and is liable on conviction to imprisonment for a term of not less than twelve months or a fine of not less than one million Naira or to both.

(5) For the purpose of this section, "person" includes a money service business listed in Schedule 2 to this Bill (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

***Committee Recommendation*:**

Clause 18: Other transfers of funds and securities.

(1) A person importing into or exporting from Nigeria —

(*a*) cash; or

(*b*) a negotiable instrument,

in excess of the prescribed amount, shall, before the importation or exportation, make a declaration of the total amount to the Nigeria Customs Service on the prescribed form.

(2) The Nigeria Customs Service shall report any declaration made pursuant to subsection (1) of this section to the Centre without delay.

(3) A copy of the report referred to in subsection (1) of this section shall also be forwarded, without delay, to the Central Bank of Nigeria for the performance of its functions under this Bill or any other legislation and for reasons of statistics.

(4) Where a person is found to be in contravention of the provisions of subsection (1) of this section, an officer of the Nigeria Customs Service shall seize and detain, in the case of —

(*a*) cash, the whole of the cash in the person's possession; or

(*b*) a negotiable instrument, the negotiable instrument.

(5) Items seized and detained under subsection (4) of this section shall be recorded by the Nigeria Customs Service and forwarded to the Proceeds of Crimes Recovery and Management Agency.

(6) Items forwarded to the Proceeds of Crimes Recovery and Management Agency under subsection (5) of this section shall, in the case of —

(*a*) cash, be paid into an interest bearing account and held there and the interest accruing shall be added to it on its forfeiture or release; or

(*b*) a negotiable instrument, be so far as is possible, realized by sale or otherwise and the proceeds paid into an interest bearing account and held there and the interest accruing shall be added to it on its forfeiture or release.

(7) Where it is not possible to realize a negotiable instrument as required by subsection (6) (*b*) of this section, the instrument shall be retained by the Proceeds of Crimes Recovery and Management Agency until such time as it is forfeited or released.

(8) A person commits an offence under this section if he —

(*a*) fails to make a declaration of the type required in subsection (1) of this section; or

(*b*) makes the declaration of the type required by subsection (1) of this section that is false or misleading in any material particular.

(9) A person found guilty of an offence under subsection (1) of this section is liable on conviction to forfeit the undeclared funds or negotiable instrument as provided under subsection (10) of this section or to imprisonment for a term of not less than two years or to both.

(10) Items seized or detained under subsections (4) and (5) of this section shall if the person from whom it is seized is —

(*a*) acquitted, be released to the person;

(*b*) convicted, be forfeited to the Federal Government of Nigeria and paid into the Confiscated and Forfeited Assets Accounts in accordance with the provisions of section 76 of the Proceeds of Crimes Act (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

Committee Recommendation:

Clause 19: Prescribed amounts, specified periods and particulars.

(1) The Attorney-General shall, by way of regulations made on the recommendations of the supervisory authorities, set out the prescribed amounts and the specified particulars referred to in sections 16 (2), 17 (1) and 18 (1) of this Bill.

(2) The specified period referred to in sections 16 (2) and 17 (2) of this Bill is seven days (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

Amendment Proposed:

Leave out the provisions of Clause 19 (*Hon. Ossai Nicholas Ossai — Ndokwa East/Ndokwa West/Ukwuani Federal Constituency*).

Agreed to.

Committee Recommendation:

Clause 20: Reporting procedures and furnishing of additional information.

(1) The Attorney-General may by regulations prescribe the form and manner in which a report under section 16 (2) or 17 (1) shall be made.

(2) Regulations under this section may also provide that the form may include a request to the reporter to provide additional information specified in the form.

(3) The additional information shall be information that is necessary to enable the person to whom the report is made to decide whether a money laundering intelligence enquiry or money laundering investigation should be commenced.

(4) A report made in pursuance of a request under subsection (2) of this section does not constitute a breach of any restriction on the disclosure of information, however imposed.

(5) For the purpose of this section, the reporter is the person making a report referred to in subsection (1) of this section.

(6) A money laundering intelligence enquiry is an enquiry conducted by the Centre as to whether there is sufficient credible intelligence to conduct a money laundering investigation.

(7) Additional information referred to in subsection (2) of this section shall be provided to the Centre without delay (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

Committee Recommendation:

Clause 21: **Information held by supervisory authorities, self-regulatory organisations, Federal Inland Revenue Service.**

(1) If a supervisory authority or self-regulatory organisation, as a result of an inspection or otherwise, knows or suspects that a financial institution or designated non-financial business and profession, knowingly or otherwise —

(*a*) has received property of a criminal origin;

(*b*) is about to receive property of a criminal origin;

(*c*) has been used to commit an offence under section 2, 3, or 4 of this Bill; or

(*d*) has been in any way involved in an act of money laundering, the supervisory authority or self-regulatory organisation shall advise the Centre of that fact and furnish the Centre with all information and any records regarding that knowledge or suspicion which the Centre may reasonably require for the achievement of its objectives.

(2) If the Centre has reason to believe that a supervisory authority or self-regulatory organisation has information indicating that a financial institution or designated non-financial business and profession, knowingly or otherwise —

(*a*) has received property of a criminal origin;

(*b*) is about to receive property of a criminal origin;

(*c*) has been used to commit an offence under section 2, 3, or 4 of this Bill; or

(*d*) has been in any way involved in an act of money laundering —

the supervisory authority or self-regulatory organisation shall supply the Centre with all information and any records regarding that knowledge or suspicion which the Centre may reasonably require for the achievement of its objectives.

(3) If the Federal Inland Revenue Service knows or suspects that a financial institution or designated non-financial business and profession, knowingly or otherwise —

(*a*) has received property of a criminal origin;

(*b*) is about to receive property of a criminal origin;

(*c*) has been used to commit an offence under section 2, 3, or 4 of this Bill; or

(*d*) has been in any way involved in an act of money laundering,

the Federal Inland Revenue Service shall advise the Centre of that fact and furnish the Centre with all information and any records regarding that knowledge or suspicion which the Centre may reasonably require for the achievement of its objectives.

(4) If the Centre has reason to believe that the Federal Inland Revenue Service has information indicating that a financial institution or designated non-financial business and profession, knowingly or otherwise —

(*a*) has received property of a criminal origin;

(*b*) is about to receive property of a criminal origin;

(*c*) has been used to commit an offence under section 2, 3, or 4 of this Bill; or

(*d*) has been in any way involved in an act of money laundering,

the Federal Inland Revenue Service shall supply the Centre with all information and any records regarding that knowledge or suspicion which the Centre may reasonably require for the achievement of its objectives.

(5) The Chairman of the Federal Inland Revenue Service may make such procedural arrangements and impose such reasonable safeguards regarding the furnishing of information referred to in subsections (3) and (4) of this section as the Chairman considers appropriate to maintain the confidentiality, if any, of that information (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

PART IV — ACCESS TO INFORMATION

Committee Recommendation:
Clause 22: Customer information.

(1) Provided that the conditions set out in subsection (2) of this section are satisfied, the Director-General of the Centre may direct a financial institution to supply customer information and customer details to the Centre.

(2) The conditions to be satisfied under subsection (1) of this section are that —

(*a*) a person for whom customer information or customer details are required is, directly or indirectly, the subject of an intelligence enquiry by the Centre; and

(*b*) the information or details are sought for the purpose of the enquiry.

(3) A financial institution, which is required to provide information or details under subsection (1) of this section, shall provide the information or details to the Centre in such manner, and at or by such time, as may be required by the Director-General of the Centre.

(4) A financial institution commits an offence if it fails to comply with any provision of this section and is liable on conviction to a fine of not less than ten million Naira (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

Committee Recommendation:

Clause 23: Meaning of customer information.

(1) "Customer information", in relation to a person and a financial institution, is information as to whether a person holds, or has held, an account or accounts at the financial institution, whether solely or jointly with another person and, if so, information as to the matters referred to in-

(*a*) subsection (2) of this section, where the person is an individual; or

(*b*) subsection (3) of this section, where the person is a body corporate or a similar body whether incorporated or otherwise established in Nigeria or elsewhere.

(2) The matters referred to in subsection (1) (*a*) of this section are —

(*a*) the account number or numbers;

(*b*) the person's full name;

(*c*) his date of birth;

(*d*) his most recent address and any previous addresses;

(*e*) the date or dates on which he began to hold the account or accounts and, where he has ceased to hold the account or any of the accounts, the date or dates on which he did so;

(*f*) any evidence of his identity that was obtained by the financial institution under or for the purpose of this Bill or any other legislation relating to money laundering;

(*g*) the full name, date of birth and most recent address, and any previous addresses, of any person who holds, or has held, an account at the financial institution jointly with him; and

(*h*) the account number or numbers of any other account or accounts held at the financial institution to which he is a signatory and details of the person holding the other account or accounts.

(3) The matters referred to in subsection (1) (*b*) of this section are —

(*a*) the account number or numbers;

(*b*) the person's full name;

(*c*) a description of any business which the person carries on;

(*d*) the country or territory in which it is incorporated or otherwise established and any number allocated to it by virtue of relevant legislation;

(*e*) any number assigned to it for the purposes of tax in Nigeria;

(*f*) its registered office and any previous registered offices, whether in Nigeria or elsewhere;

(*g*) the date or dates on which it began to hold the account or accounts and, where it has ceased to hold the account or any of the accounts, the date or dates on which it did so;

(*h*) evidence of its identity as was obtained by the financial institution under or for the purpose of this Bill or any other legislation relating to money laundering; and

(*i*) the full name, date of birth and most recent address and any previous addresses of any person who is a signatory to the account or any of the accounts.

(4) Customer information includes information regarding -

(*a*) a person who is acting or who has acted on behalf of a person referred to in section 22 (2) (*a*) of this Bill; or

(*b*) a customer of the financial institution who is acting or who has acted for or on behalf of a person referred to in section 22 (2) (*a*) of this Bill (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

PART V — MONEY LAUNDERING CONTROL MEASURES

Committee Recommendation:

Clause 24: Duty to identify customers.

(1) A financial institution or designated non-financial business and profession shall not establish a business relationship or conclude a single transaction above the prescribed limit with a customer unless the financial institution or designated non-financial business and profession has undertaken due diligence —

(*a*) to establish and verify the identity of the customer;

(*b*) if the customer is acting on behalf of another person, to establish and verify —

(*i*) the identity of that other person,

(*ii*) the customer's authority to establish the business relationship or to conclude the single transaction on behalf of that other person, and

(*iii*) in the case of a body corporate, the identity of the beneficial owner; and

(*c*) if another person is acting on behalf of the customer, to establish and verify —

(*i*) the identity of that other person; and

(*ii*) that other person's authority to act on behalf of the customer.

(2) Where a financial institution or designated non-financial business and profession had established a business relationship with a customer before this Bill took effect, the financial institution or designated non-financial business and profession shall not conclude a transaction in the course of that business relationship, unless the financial institution or designated non-financial business and profession has undertaken due diligence-

(*a*) to establish and verify the identity of the customer;

(*b*) if another person acted on behalf of the customer in establishing the business relationship, to establish and verify —

(*i*) the identity of that other person, and

(*ii*) that other person's authority to act on behalf of the customer;

(*c*) if the customer acted on behalf of another person in establishing the business relationship, to establish and verify —

(*i*) the identity of that other person;

(*ii*) the customer's authority to act on behalf of that other person, and

(*iii*) in the case of a body corporate, the identity of the beneficial owner; and

(*d*) to trace all accounts at that financial institution or designated non-financial business and profession that are involved in transactions concluded in the course of that business relationship.

(3) An officer of a financial institution or designated non-financial business and profession who facilitates an offence under this section commits an offence and is liable on conviction to imprisonment for to a term of not less than two years or a fine of not less than five million Naira or to both.

(4) A financial institution or designated non-financial business and profession commits an offence if it fails to comply with any provision of this section and is liable on conviction to a fine of not less than ten million Naira.

(5) "Beneficial owner" has the meaning given to it under Schedule I to this Bill (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

Committee Recommendation:

Clause 25: Record to be kept of business relationships and transactions.

(1) A financial institution or designated non-financial business and profession shall preserve and keep —

(*a*) the record of a customer's identification and all of the measures undertaken to establish the identification referred to in section 24 of this Bill for a period of at least five years after the closure of the account or the severance of relations with the customer; and (*b*) the record and other related information of a transaction carried out by a customer and the report provided for in section 11,12, 16 or 17 of this Bill for a period of at least five years after carrying out the transaction or making of the report, as the case may be.

(2) The records referred to in subsection (1) of this section may be kept in electronic form.

(3) A record kept under subsections (1) and (2) of this section, or a certified extract of the record, or a certified printout of any extract of an electronic record, is on its mere production in a matter before a court admissible as evidence of any fact contained in it of which direct oral evidence would be admissible.

(4) An officer of a financial institution or designated non-financial business and profession who wilfully destroys any record required to be kept by virtue of subsection (1) of this section or otherwise facilitates an offence under this section commits an offence and is liable on conviction to imprisonment for to a term of not less than two years or a fine of not less than five million Naira or to both.

(5) A financial institution or designated non-financial business and profession commits an offence if it fails to comply with any provision of this section and is liable on conviction to a fine of not less than ten million Naira (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

Committee Recommendation:

Clause 26 Establishment and implementation of appropriate policies and procedures.

(1) A financial institution or designated non-financial business and profession shall devise and implement internal rules in relation to-

(*a*) the verification of the identity of persons who must be identified by virtue of section 24 of this Bill;

(*b*) the information required to maintain a record required under section 25 of this Bill;

(*c*) the manner in which and the place at which the records may be kept;

(*d*) the steps to be taken when a report under section 11 or 12 of this Bill is required to ensure compliance under this Bill; and

(*e*) such other matters as may be prescribed by the Attorney-General in regulations made under section 53 of this Bill.

(2) Internal rules shall comply with regulations made under section 53 of this Bill.

(3) A financial institution or a designated non-financial business and profession shall make its internal rules available to each of its employees.

(4) A financial institution or designated non-financial business and profession shall, on request, make a copy of its internal rules available to —

(*a*) the appropriate supervisory authority;

(*b*) the appropriate self-regulatory organisation; or

(*c*) the Centre.

(5) A financial institution or designated non-financial business and profession commits an offence if it fails to comply with any provision of this section and is liable on conviction to a fine of not less than ten million Naira (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

Committee Recommendation:

Clause 27: Enhanced customer due diligence.

(1) Whenever a financial institution or designated non-financial business and profession -

(*a*) establishes a business relationship;

(*b*) has an established relationship; or

(*c*) carries out an occasional transaction, with or for a high-risk customer, it shall apply appropriate enhanced due diligence measures and enhanced ongoing monitoring.

(2) Whenever a report has been made under the provisions of section 11 or 12 of this Bill, the reporting institution concerned shall apply appropriate enhanced due diligence measures and enhanced ongoing monitoring of the subject of the report.

(3) For the purposes of this Bill, a high risk customer includes —

(*a*) a customer who is not physically present for identification purposes;

(*b*) a financial institution that has or proposes to have a correspondent banking relationship with a bank outside Nigeria;

(*c*) a politically exposed person;

(*d*) a customer who has, will have, a business relationship, or who carries out occasional transactions on behalf of a politically exposed person;

(*e*) a customer who has business relationships and conducts transactions with countries that do not apply or insufficiently apply the recommendations of the Financial Action Task Force;

(*g*) a customer whose business, which by its nature presents a higher risk of money laundering; and

(*f*) a customer who has business relationships or is involved in transactions with —

(*i*) any non-resident customers,

(*ii*) private banking customers,

(*iii*) legal persons or asset holding vehicles, or

(*iv*) cross border transactions.

(3) An officer of a financial institution or designated non-financial business and profession who facilitates an offence under this section commits an offence and is liable on conviction to imprisonment for to a term of not less than two years or a fine of not less than five million Naira or to both.

(4) A financial institution or designated non-financial business and profession commits an offence if it fails to comply with any provision of this section and is liable on conviction to a fine of not less than ten million Naira.

(5) In this section, "politically exposed persons" means —

(*a*) individuals, not including middle-ranking or more junior officials, who are or have been entrusted with prominent public functions including the following —

(*i*) heads of State, heads of Government, Ministers and deputy or assistant Ministers;

(*ii*) Governors and Deputy Governors of States within a country;

(*iii*) members of Parliaments, National Assemblies and similar bodies;

(*iv*) members of Supreme Courts, constitutional courts or of other high-level judicial bodies whose decisions are not generally subject to further appeal, other than in exceptional circumstances;

(*v*) members of the boards of central banks;

(*vi*) members of boards of Ministries, Departments and Agencies of national government;

(*vii*) members of boards of Ministries, Departments and Agencies in States and local government within a country;

(*viii*) ambassadors and chargés d'affaires;

(*ix*) high-ranking officers in the armed forces and law enforcement agencies; and

(*x*) members of the administrative, management or supervisory bodies of enterprises owned by national, State or municipal governments;

(*b*) close family members of individuals referred to in paragraph (*a*) of this subsection, including —

(*i*) a spouse;

(*ii*) a partner, or person considered by national law as equivalent to a spouse;

(*iii*) children and their spouses or partners;

(*iv*) parents; and

(*v*) siblings; or

(*c*) persons known to be close associates of individuals referred to in paragraph (*a*) of this subsection, including an individual who —

(*i*) is known to have joint beneficial ownership of a legal entity or legal arrangement, or any other close business relations, with a politically exposed person; and

(*ii*) has sole beneficial ownership of a legal entity or legal arrangement which is known to have been set up for the benefit of a politically exposed person.

(6) "Beneficial owner" has the meaning given to it under Schedule I to this Bill and "beneficial ownership" is to be construed accordingly (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

Amendments Proposed:

(*i*) In subclause (5) (*b*), leave all the words in (*ii*), (*iii*), (*iv*), (*v*) (*Hon. Toby Okechukwu — Aninri/Agwu/Oji-River Federal Constituency*).

Question that the amendment be made — ***Agreed to.***

(*ii*) In subclause (5) (*c*), *leave out* all the words in (*i*), (*ii*) (*Hon. Toby Okechukwu — Aninri/Agwu/ Oji-River Federal Constituency*).

Question that the amendment be made — ***Agreed to.***

Question that Clause 27 as amended, stands part of the Bill — ***Agreed to.***

Committee Recommendation:

Clause 28: Training and associated monitoring of compliance.

(1) A financial institution or designated non-financial business and profession shall devise and deliver training to its employees to ensure compliance with the provisions of this Bill, associated regulations and internal rules that are applicable to them.

(2) The designated officer shall be responsible for ensuring compliance by —

(*a*) the employees of the financial institution or designated non-financial business and profession with the provisions of this Bill and the internal rules applicable to them; and

(*b*) the financial institution or designated non-financial business and profession with its obligations under this Bill.

(3) A designated officer who facilitates an offence under this section commits an offence and is liable on conviction to imprisonment for to a term of not less than two years or a fine of not less than five million Naira or to both.

(4) A financial institution or designated non-financial business and profession commits an offence if it fails to comply with any provision of this section and is liable on conviction to a fine of not less than ten million Naira (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

Committee Recommendation:

Clause 29: Referral for non-compliance.

(1) Where, in the performance of its functions, the Centre has reasonable grounds to suspect that a financial institution or designated non-financial business and profession or any other person who is subject to this Bill, other than a supervisory authority, has contravened or failed to comply with any provision of this Bill or any guideline, rule or requirement that facilitates compliance with this Bill and which is applicable to that institution, business and profession or person employed therein, it may, if it considers it appropriate to do so, refer the matter to a relevant -

(*a*) supervisory authority; or

(*b*) investigating authority, together with any recommendation that is considered appropriate.

(2) The supervisory authority to which a referral of the type referred to in subsection (1) of this section is made shall investigate it and after consultation with the Centre take such action as is considered appropriate (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

Committee Recommendation:

Clause 30: Numbered or anonymous accounts.

(1) A financial institution shall not open or maintain a numbered or anonymous account or an account in a fictitious name.

(2) If a person, who is known by more than one name, opens an account with a financial institution, the account shall bear all of the names by which the person is known.

(3) Where an account exists and it becomes apparent that the account holder is known by more than one name, the account shall be amended to include all of the names by which the account holder is known.

(4) Details of all accounts where the account holder is known by more than one name shall be forwarded to the Centre.

(5) An officer of a financial institution who facilitates an offence under this section commits an offence and is liable on conviction to imprisonment for to a term of not less than two years or a fine of not less than five million Naira or to both.

(6) A financial institution or commits an offence if it fails to comply with any provision of this section and is liable on conviction to a fine of not less than ten million Naira (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

Committee Recommendation:

Clause 31: Opening of account in fictitious names.

(1) A person commits an offence if he —

(*a*) opens an account at a financial institution in a fictitious name;

(*b*) makes a false or misleading document with the intention of producing it in order to support an application to open an account at a financial institution in a fictitious name;

(*c*) has in his possession a false or misleading document with the intention of producing it in order to support an application to open an account at a financial institution in a fictitious name; or

(*d*) produces a false or misleading document in support of an application to open an account at a financial institution.

(2) A financial institution commits an offence if it opens an account or provides financial services to a person —

(*a*) using a fictitious name; or

(*b*) on a basis of assuring customer anonymity.

(3) For the purpose of this section —

(*a*) "opening an account'" includes a single transaction where verification of identity by virtue of section 24 of this Bill is required;

(*b*) "false or misleading" means that it is false or misleading in any material particular and is intended to deceive;

(*c*) "financial services" includes —

(*i*) the transfer of any funds whatsoever;

(*ii*) the exchange of any foreign currency into Naira;

(*iii*) the exchange of Naira into any foreign currency;

(*iv*) the creation or management of any trust;

(*v*) the purchase of any security, option, contract, bond, currency or derivative;

(*vi*) the purchase of any property or high value item,

(*vii*) the provision of depository or safe custody services, and

(*viii*) the provision of gambling or gaming services.

(4) A person who commits an offence under subsection (1) of this section is liable on conviction to imprisonment for a term of not less than two years and a fine of not less than five million Naira or to both.

(5) A financial institution that commits an offence under subsection (2) of this section is liable to a fine of not less than ten million Naira and withdrawal of its licence to operate.

(6) An officer of a financial institution who facilitates an offence under subsection (2) of this section commits an offence and is liable on conviction imprisonment for to a term of not less than two years and a fine of not less than five million Naira or to both (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

Committee Recommendation:
Clause 32: Shell banks.

(1) A person shall not establish or operate a shell bank in Nigeria.

(2) A financial institution shall not enter into a correspondent banking relationship with —

(*a*) a shell bank; or

(*b*) another financial institution that has a correspondent banking relationship with a shell bank.

(3) If a financial institution (in this subsection referred to as the "first financial institution") becomes aware that it has entered into a correspondent banking relationship with —

(*a*) a shell bank; or

(*b*) another financial institution that has a correspondent banking relationship with a shell bank,

the first financial institution shall, within fourteen days after becoming aware of the relationship or such longer period as may be directed by the Director - General of the Centre, terminate the relationship.

(4) A financial institution that becomes aware that it has entered into a relationship described in subsection (2) of this section shall inform the Centre without delay.

(5) A financial institution that —

(*a*) knowingly enters into a relationship described in subsection (2) of this section;

(*b*) having become aware that it has entered into a correspondent banking relationship as described in subsection (3) of this section fails to terminate the relationship within the period described in that subsection, or

(*c*) fails to inform the Centre, as required by subsection(4) of this section,

commits an offence and is liable on conviction to a fine of not less than fifty million Naira and withdrawal of its licence to operate.

(6) An officer of a financial institution who facilitates an offence under subsection (5) of this section commits an offence and is liable on conviction to imprisonment for to a term of not less than two years and a fine of not less than five million Naira or to both.

(7) A person who establishes or operates a shell bank as mentioned in subsection (1) of this section commits an offence and is liable to on conviction to imprisonment for to a term of not less than two years or a fine of not less than five million Naira or to both (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

PART VI — SUPERVISION OF FINANCIAL INSTITUTIONS OR DESIGNATED NON-FINANCIAL BUSINESSES AND PROFESSIONS

Committee Recommendation:

Clause 33: Supervisory responsibilities.

(1) The following bodies are the supervisory authorities for the purposes of this Bill —

(*a*) the Central Bank of Nigeria is the supervisory authority for banks and other financial institutions;

(*b*) the Securities and Exchange Commission is the supervisory authority for —

(*i*) securities, commodity exchanges and capital trade,

(*ii*) futures, options and derivatives exchanges,

(*iii*) depository, clearing and settlement agencies,

(*iv*) capital market operators, and

(*v*) collective investment schemes;

(*c*) the National Insurance Commission is the supervisory authority for —

(*i*) insurance companies;

(*ii*) reinsurance companies;

(*iii*) insurance brokers;

(*iv*) agents registered with the National Insurance Commission;

(*v*) loss adjusters; and

(*d*) the Bureau for Money Laundering Control established under section 35 of this Bill is, for the purposes of this Bill, the supervisory authority for all designated non-financial businesses and professions.

(2) The Attorney-General may, for the purpose of this Bill, appoint self-regulatory organisations to —

(*a*) act as registrar for their members;

(*b*) provide training for certain designated non-financial businesses and professions; and

(*c*) issue guidelines.

(3) For the purpose of subsection (1) (*a*) of this section, "banks and other financial institutions" has the meaning given to it under the Banks and Other Financial Institutions Act (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

Committee Recommendation:
Clause 34: Role of the supervisory authorities.
A supervisory authority shall —

(*a*) monitor a financial institution or designated non-financial business and profession for whom it is the supervisory authority and take necessary measures for the purpose of securing compliance by that institution, business and profession with the requirements of this Bill and associated regulations;

(*b*) where appropriate, maintain a register of all the institutions, businesses and professions they supervise;

(*c*) enforce the provisions of Part V of this Bill and apply sanctions where necessary and appropriate (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

PART VII — BUREAU FOR MONEY LAUNDERING CONTROL

Committee Recommendation:
Clause 35: Establishment of the Bureau for Money Laundering Control.

(1) There is established under this Bill the Bureau for Money Laundering Control (in this Bill referred to as "the Bureau") which shall be responsible for the supervision of designated non-financial businesses and professions in their compliance with this Bill and associated regulations.

(2) The Bureau is a body corporate —

(*a*) with perpetual succession and a common seal;

(*b*) which may sue and be sued in its corporate name; and

(*c*) which may for the purposes of its functions, acquire, hold or dispose of property (whether movable or immovable).

(3) The Bureau shall be independent in the discharge of its functions and responsibilities under this Bill (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

Committee Recommendation:
Clause 36: **Establishment and membership of the Advisory Board of the Bureau.**

(1) There is established for the Bureau an Advisory Board (in this Bill referred to as "the Advisory Board").

(2) The members of the Advisory Board are —

(*a*) a part-time Chairman who shall be appointed by the President on the advise of the Minister;

(*b*) a representative, not below the grade level of a director, from each of the following Federal Ministries and agencies —

(*i*) Ministry of Finance;

(*ii*) Ministry of Trade, Industry and Investment;

(*iii*) Ministry of Justice;

(*iv*) Economic and Financial Crimes Commission; and

(*v*) State Security Services;

(*c*) two other members with experience in industrial, commercial, financial or economic matters or of businesses or professions to be appointed by the Minister; and

(*d*) the Executive Director of the Bureau who shall also be the Secretary of the Advisory Board.

(3) The Chairman shall be a person who by reason of his ability, experience or specialised knowledge in industrial, commercial, financial or economic matters or of businesses or professions would be capable of making outstanding contributions to the work of the Bureau.

(4) The Advisory Board may co-opt a person to act as adviser at a meeting of the Advisory Board, but a person so co-opted shall not count towards a quorum or vote at the meeting.

(5) A member of the Advisory Board, including a person co-opted as a member under subsection (4) of this section, shall be paid such reasonable allowances in accordance with the scale approved by the Federal Government.

(6) The Supplementary Provisions set out in Schedule 3 to this Bill relate to the proceedings of the Advisory Board and the other matters specified in it (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

Committee Recommendation:
Clause 37: **Tenure of office.**

(1) A member of the Advisory Board, other than an ex-officio member:

(*a*) shall hold office for a term of four years commencing on the date of appointment on such terms and conditions as may be specified in his letter of appointment; and (*b*) may, at the end of his term unless he previously vacates or is otherwise removed from office, be re-appointed for a further term of four years and no more.

(2) The office of a member, other than an *ex-officio* member, shall become vacant if —

(*a*) he resigns his office by a notice in writing addressed to the person who appointed him;

(*b*) his term of office has expired;

(*c*) the Advisory Board by resolution declares that the member:

(*i*) has been declared bankrupt;

(*ii*) is unable or unfit to discharge the functions of a member of the Advisory Board by reason of mental or bodily infirmity; or

(*iii*) is convicted of a felony or of an offence involving immoral conduct.

(3) Where the office of a member of the Advisory Board becomes vacant, the President or Minister, as the case may be, shall appoint another person in his place in accordance with the provisions of this Bill (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

Committee Recommendation:
Clause 38: Functions of the Bureau.
The functions of the Bureau are to —

(*a*) ensure that all designated businesses and professions comply with the provisions of this Bill and exercise supervision in that respect;

(*b*) ensure that all designated non-financial businesses and professions are registered for the purposes of money laundering control;

(*c*) advise all designated businesses and professions regarding their responsibilities under this Bill; and

(*d*) fulfil the requirements of section 34 of this Bill (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

Committee Recommendation:
Clause 39: Powers of the Advisory Board.
The Advisory Board shall advise the Bureau generally on the exercise of its functions and powers under this Bill and shall, in particular but without prejudice to the generality of the foregoing —

(*a*) advise on the formulation of the policies of the Bureau in accordance with this Bill;

(*b*) have general oversight on the administration of the Bureau;

(*c*) approve the budgetary estimates of the Bureau;

(*d*) determine the terms and conditions of service of the employees of the Bureau; and

(*e*) perform any other functions as may be conferred on it by this Bill (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

Committee Recommendation:

Clause 40: Executive Director of the Bureau.

(1) There shall be for the Bureau an Executive Secretary who shall be appointed by the President on the advise of the Minister subject to the confirmation of the Senate.

(2) A person shall not be appointed as a Executive Secretary unless he —

(*a*) he holds a qualification in law, economics, accounting or business administration and has cognate experience in the supervision of designated non-financial businesses and professions in Nigeria;

(*b*) is of an unquestionable integrity; and

(3) The Executive Secretary shall —

(*a*) be the chief executive of the Bureau;

(*b*) be responsible for the execution and implementation of the policies of the Bureau and the transaction of the day-to-day administration of the Bureau;

(*c*) exercise supervision and control over all staff of the Bureau;

(*d*) cause to be kept the minutes of the meetings of the Advisory Board and such other records as the Advisory Board may direct;

(*e*) ensure that, in conducting its affairs, the Bureau is guided by the laws of Nigeria and international best practices; and

(*f*) perform such other functions as are assigned to him under this Bill.

(4) The Executive Secretary shall hold office —

(*a*) for a term of four years, which may be renewed for a further term of four years only; and

(*b*) on such other terms and conditions as are specified in his letter of appointment.

(5) The Advisory Board may advise the Executive Secretary on such other matters as are necessary to enable him execute efficiently the day-to-day administration of the Bureau (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

Committee Recommendation:

Clause 41: Other staff.

(1) The Bureau may appoint directly, or on secondment or transfer from Government Ministries and agencies, such number and categories of employees as it may require to assist it in the effective discharge of its functions under this Bill.

(2) The Bureau shall control and supervise its employees in a manner and for such purposes as may be necessary for the promotion of the purpose and the object for which the Bureau is established.

(3) The Bureau shall be responsible for the determining the job description, title, terms, conditions, qualifications and salaries, including the allowances of its employees.

(4) The employees of the Bureau shall be paid such remuneration and allowances to ensure the engagement and retention of employees that meet with the objects of the Bureau.

(5) The Bureau shall make rules relating generally to the conditions of service of its employees, including rules providing for the appointment, advancement, promotion, determination of appointment, and disciplinary control over the employees.

(6) The Bureau shall publish rules made (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

Committee Recommendation:

Clause 42: Service in the Bureau to be pensionable.

(1) Service in the Bureau shall be approved service for the purpose of the Pension Reform Act and accordingly, officers and other persons employed in the Bureau shall in respect of their service in the Bureau be entitled to pensions, gratuities and other retirement benefits enjoyed by persons holding equivalent grades in the public service of the Federation.

(2) Subject to the provisions of subsection (1) of this section, there shall be established a pension scheme to be administered by a board of trustees which membership shall take into account the various interest within the ranks in the Bureau.

(3) Nothing in this Bill shall prevent the appointment of a person to any office on terms in the Bureau which preclude the grant of pension or gratuity in that respect (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

Committee Recommendation:

Clause 43: Fund of the Bureau.

The Bureau shall establish and maintain a fund into which shall be paid —

(*a*) such moneys as may be appropriated by the National Assembly for the administration of the Bureau;

(*b*) aid and assistance from international bilateral and multilateral agencies; and

(*c*) any other moneys which may accrue to the Bureau from any other lawful source, including charges, interest on deposit and other investments made by the Bureau (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

Committee Recommendation:

Clause 44: Expenditure of the Bureau.

The Bureau shall, from time to time, apply the moneys in the fund established and maintained under section 15 of this Bill to —

(*a*) the cost of administration of the Bureau;

(*b*) the payment of allowances, expenses and other benefits of members and committees of the Advisory Board and the salaries, allowances and benefits of the employees of the Bureau; and

(*c*) undertake such other activities as are connected with the functions of the Bureau and the Advisory Board as provided under this Bill (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

Committee Recommendation:

Clause 45: Estimates and accounts.

(1) The Bureau shall not later than 30th September of each year, submit to the Minister for approval, estimates of the income and expenditure of the Bureau for the preceding financial year.

(2) The Bureau shall —

(*a*) keep proper records and accounts of its incomes and expenditures; and

(*b*) prepare a statement of accounts in respect of each year (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

Committee Recommendation:

Clause 46: Audit.

(1) The Bureau shall, within the first four months of each financial year, submit its accounts to auditors appointed by the Bureau from the list and in accordance with guidelines approved by the Auditor-General of the Federation, for auditing.

(2) The audited accounts of the Bureau and the Auditor-General's report on those accounts shall form part of the Auditor General's overall annual report to the National Assembly (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

Committee Recommendation:
Clause 47: Annual report.

(1) The Bureau shall, not later than 30th June of each financial year, submit to the Minister in respect of the preceding financial year an annual report on the activities of the Bureau in such form as the Minister may direct.

(2) The report under subsection (1) of this section shall include —

(*a*) information with regard to the activities of the Bureau in that year;

(*b*) a copy of the audited accounts of the Bureau for that year together with the Auditor-General's report on the accounts; and

(*c*) such other information as the Minister may request.

(3) The Minister shall, as soon as practicable after receiving the annual report, cause it to be submitted to the President.

(4) The Executive Director shall also, from time to time, provide the Minister with such information relating to the affairs of the Bureau as the Minister may request (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

Committee Recommendation:
Clause 48: Obstruction of employees of Bureau.

A person who wilfully obstructs an officer of the Bureau in the performance of its functions under this Bill commits an offence and is liable on conviction, in the case of —

(*a*) an individual, to imprisonment for a term of not less than twelve months or a fine of not less than one million Naira or to both; and

(*b*) a body corporate, to a fine of not less than ten million Naira (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

Committee Recommendation:
Clause 49: Dissolution of the Special Control Unit Against Money Laundering.

(1) The unit known as the Special Control Unit Against Money Laundering within the Ministry of Industry, Trade and Investment (in this section referred to as the "dissolved unit") is dissolved and any reference in any other law or document to the dissolved unit shall be construed as a reference to the Bureau established under this Bill.

(2) Every regulation, order, requirement, certificate, notice, direction, decision, authorisation, consent, application, request or thing made, issued, given or done by the dissolved unit, if in force at the commencement of this Bill, shall continue to be in force and have effect as if made, issued, given or done by the Bureau established under this Bill.

(3) Any person who immediately before the commencement of this Bill was working in the dissolved unit may continue in office in the Bureau and be deemed to have been appointed under this Bill for purposes of pensions.

(4) All assets, funds, resources and other movable and immovable property which, immediately before the commencement of this Bill, is vested in the dissolved unit shall by virtue of this Bill be vested in the Bureau established under this Bill.

(5) Every reference to the dissolved unit, or any person under its control or a document issued in the name of the dissolved unit, or employee of the dissolved unit shall be read, unless the context otherwise requires, as a reference to the Bureau, or an employee of the Bureau established under this Bill, as the case may be.

(6) All rights, obligations and liabilities, which, immediately before the commencement of this Bill, were vested in or imposed on the dissolved unit shall be the rights, obligations and liabilities of the Bureau established under this Bill.

(7) Any proceeding or cause of action pending or existing immediately before the commencement of this Bill by or against the dissolved unit in respect of any right, interest, obligation or liability of the dissolved unit may be continued or commenced, as the case may be.

(8) Any determination of a court of law, tribunal or other body or person may be enforced by or against the Bureau established under this Bill to the same extent that such proceeding, cause of action or determination might have been, commenced, continued or enforced by or against the dissolved unit.

(9) As from the commencement of this Bill, any disciplinary proceeding pending or existing against any employee of the dissolved unit shall be continued and completed by the Bureau established under this Bill (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

PART VIII — JURISDICTION AND ADMINISTRATIVE PENALTIES

Committee Recommendation:

Clause 50: Jurisdiction to try offences under this Bill.

(1) The Federal High Court (in this Bill referred to as "the Court") located in any part of Nigeria regardless of the location where the offence is committed shall have jurisdiction to —

(*a*) try offences under this Bill or any other related enactment; and

(*b*) hear and determine proceedings arising under this Bill.

(2) The Court shall exercise jurisdiction under subsection (1) of this section whether or not the offence was commenced in Nigeria and completed outside Nigeria and the alleged offender is —

(*a*) in Nigeria;

(*b*) on a ship, aircraft or vessel registered in Nigeria;

(*c*) dealing with or on behalf of the Government of Nigeria, or a citizen of Nigeria or an entity registered in Nigeria;

(*d*) outside Nigeria where the alleged offender is in Nigeria and not extradited to any other country for prosecution; or

(*e*) a Nigerian outside Nigeria, if the person's conduct would also constitute an offence under a law of the country where the offence was committed.

(3) The Federal High Court shall have jurisdiction to impose any penalty provided for an offence under this Bill or any other related law.

(4) In any trial for an offence under this Bill, the Court may, notwithstanding anything to the contrary in any other enactment, adopt all legal measures to avoid unnecessary delays and abuse in the conduct of matters.

(5) Subject to the provisions of the Constitution of the Federal Republic of Nigeria, an application for stay of proceedings or for an interlocutory injunction in respect of any matter brought under this Bill shall not be entertained by the Court but shall be stayed until judgment in the matter is delivered by the Court (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

Committee Recommendation:
Clause 51: Administrative penalties.

(1) Supervisory authorities may impose on —

(*a*) a financial institution;

(*b*) designated non-financial business and profession;

(*c*) self-regulatory organisation; or

(*d*) any officer of a financial institution or designated non-financial business and profession, for any breach of any requirement of this Bill, such administrative sanctions as may be prescribed in the regulations made pursuant to section 53 of this Bill.

(2) Any penalty imposed by a supervisory authority by virtue of subsection (1) of this section shall take precedence over and is not limited by any other sanction that may be imposed under any other enactment or regulation.

(3) A person may appeal against a decision made or sanction imposed by a supervisory authority to the independent Review Panel established by regulations made under section 53 of this Bill (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

PART IX — MISCELLANEOUS

Committee Recommendation:
Clause 52: Extradition.

(1) Offences under this Bill are considered to be extraditable offences for which extradition may be requested, granted or obtained under the Extradition Act.

(2) Notwithstanding the provisions of subsection (1) of this section, no person shall be extradited pursuant to this Bill, where the Government has substantial grounds for believing that a request for extradition for an offence has been made for the purpose of prosecuting or punishing a person on account of that person's race, religion, nationality, ethnic origin or political opinion or that compliance with the request would cause prejudice to that person's position for any of these reasons (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

Committee Recommendation:
Clause 53: Regulations.

(1) The Attorney-General may make regulations, orders, rules or guidelines or as are necessary for the efficient implementation of the provisions of this Bill.

(2) Regulations, orders, rules or guidelines made under subsection (1) of this section may provide for —

(*a*) the method of custody of video and other electronic recordings of suspects apprehended under this Bill;

(*b*) the method of compliance with directives issued by relevant international institutions on money laundering and terrorism financing counter measures;

(*c*) the procedure for the prosecution of all money laundering cases in line with international human rights standards; and

(*d*) any other matter the Attorney-General may consider necessary or expedient for the purpose of the implementation of this Bill (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

Committee Recommendation:
Clause 54: Repeals and other consequential amendments.

(1) The Money Laundering (Prohibition) Act, 2011 is repealed.

(2) The Money Laundering (Prohibition) (Amendment) Act, 2012 is repealed.

(3) Section 12 of the Foreign Exchange (Monitoring and Miscellaneous Provisions) Act, 1995 is repealed.

(4) Without prejudice to section 6 of the Interpretation Act, the repeal of the Act specified in subsection (1) of this section, and the section specified under section (2) of this section shall not affect anything done under or pursuant to the Act.

(5) All regulations, orders, reports, ongoing investigations, prosecutions and other proceedings, actions taken and things done under the repealed Act shall continue and have effect as if made, issued, carried on, taken or done under this Bill.

(6) Any conduct or activity which was a criminal conduct or activity under the repealed Act shall constitute a criminal conduct or activity in respect of which the provisions of this Bill shall apply (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

Committee Recommendation:
Clause 55: Interpretation.
In this Bill, unless the context otherwise requires —

"account" means a facility or financial arrangement —

(*a*) that accepts deposits of currency, including those made by way of a payment order, whether or not those payments are made physically or by way of transfer;

(*b*) that allows withdrawals of currency out of the account, including those made by way of a payment order, whether or not those payments are made physically or by way of transfer;

(*c*) that supplies a facility or an arrangement for a safe deposit box; or

(*d*) whereby credit is made available, including a credit card, a loan, secured or otherwise, an overdraft or any other arrangement, and includes any account whether or not it has a nil balance, or any transactions have been allowed on the account (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

"account holder" includes the person whose name is on the account and includes all persons designated and authorized to transact business on behalf of an account (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

"adoptive sibling" include adopted siblings that are legally adopted by both legal parents, adopted siblings that are adopted by only the legal mother only and adopted siblings that are legally adopted by legal father only (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

"affluent individual" means an a person who has liquid assets of the equivalent of more than one hundred thousand United States of America dollars available for investment (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

"Attorney-General" means Attorney-General of the Federation and Minister of Justice (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

"auditor" means any firm or individual who is qualified to, and responsible for evaluating and checking the accuracy, validity and reliability of a the financial statements of a company or other organization (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

"beneficial owner" has the meaning given to it in Schedule 1 to this Bill (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

"business" includes a venture or concern in trade or commerce, whether or not conducted on a regular, repetitive or continuous basis (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

"business relationship" means a business, professional or commercial relationship between a financial institution or designated non-financial business and profession and a customer, which is expected, at the time when contact is established, to have an element of duration (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

"cash" means money in the form of notes, coins or travellers' cheques in any currency (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

"casino" means the holder of a casino operating licence (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

"Centre" means the Nigeria Financial Intelligence Centre (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

"criminal enterprise" means participation, either solely or jointly with others, in any act mentioned in section 15 (3) of this Bill (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

"correspondent banking" means the provision of banking services by one bank (the "correspondent bank") to another bank (the "respondent bank") (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

"customer" includes client (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

"designated non-financial businesses and professions" include —

(*a*) automotive dealers;

(*b*) businesses involved in the hospitality industry;

(*c*) casinos;

(*d*) clearing and settlement companies;

(*e*) company service providers, who provide services to third parties;

(*f*) consultants and consulting companies;

(*g*) dealers in luxury items;

(*h*) dealers in mechanized farming equipment, farming equipment and machineries;

(*i*) dealers in precious metals and precious stones;

(*j*) dealers in real estate, estate developers, estate agents and brokers;

(*k*) high value dealers;

(*l*) hotels;

(*m*) law firms and notaries;

(*n*) licensed professional accountants

(*o*) mortgage brokers;

(*p*) non-profit organizations;

(*q*) practitioners of mechanized farming;

(*s*) religious and charitable organizations;

(*r*) supermarkets;

(*s*) tax consultants;

(*t*) trust and company service providers; or

(*u*) other businesses and professions as may be designated by the Attorney-General in regulations (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

Question that the meaning of the words "designated non-financial businesses and professions" be as defined in the interpretation to this Bill — ***Agreed to.***

"estate agent" means a firm or sole practitioner who, or whose employees, carry out estate Bureau work when in the course of carrying out such work, but a person is not acting as an estate agent where he acts —

(*a*) pursuant to instructions received by him in the course of his employment in relation to an interest in land where his employer is the person who, on his own behalf, wishes to dispose of or acquire that interest; or

(*b*) in relation to any interest in any property where the property is subject to a mortgage and he is the receiver of the income of it (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

"estate Bureau work" means things done by any person in the course of a business (including a business in which he is employed) pursuant to instructions received from another person (in this definition referred to as "the client") who wishes to dispose of or acquire an interest in land —

(*a*) for the purpose of, or with a view to, effecting the introduction to the client of a third person who wishes to acquire or, as the case may be, dispose of the interest; and

(*b*) after effecting the introduction, for the purpose of securing the disposal or, as the case may be, the acquisition of that interest, but does not include things done in the course of carrying out any survey or valuation pursuant to a contract which is distinct from that under which other things falling under paragraphs (*a*) and (*b*) of this definition (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

Question that the meaning of the words "estate Bureau work" be as defined in the interpretation to this Bill — ***Agreed to.***

"Financial Action Task Force" means the intergovernmental body created in 1989 under the aegis of the then G7 to generate the necessary political will to bring about legislative and regulatory reforms for the development and promotion of national and international policies to combat money laundering and terrorism financing (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

*Question that the meaning of the words "Financial Action Task Force" be as defined in the interpretation to this Bill — **Agreed to.***

"financial institution" means an undertaking, including a money service business, when it carries out one or more of the activities listed in Schedule 2 to this Bill other than —

(*a*) an undertaking whose only listed activity is trading for its own account in —

(*i*) money market instruments,

(*ii*) foreign exchange,

(*iii*) financial futures and options,

(*iv*) exchange and interest rate instruments, or

(*v*) transferable securities where the undertaking does not have a customer, (and, for this purpose, "customer" means a third party which is not a member of the same group as the undertaking);

(*b*) an insurance company whose products are limited to —

(*i*) a life insurance contract where the annual premium is no more than the equivalent of US$1,000 or where a single premium of no more than the equivalent of US$2,500 is paid; or

(*ii*) an insurance contract for the purpose of a pension scheme where the contract contains no surrender clause and cannot be used as collateral; or

(*c*) a collective investment undertaking when marketing or otherwise offering its units or shares (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

"firm" means any entity, whether or not a legal person, that is not an individual and includes a body corporate and a partnership or other unincorporated association (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

"funds" refers to assets of every kind whether tangible or intangible, movable or immovable, however acquired, and legal documents or instruments in any form, including electronic or digital, evidencing title to or interest in such assets, including but not limited to bank credits, travellers cheques, bank cheques, money orders, shares, securities, bonds, drafts or letters of credit (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

"high net-worth individual" means an individual who has in excess of the equivalent of one million United States of America dollars of liquid assets available for investment (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

Question that the meaning of the words "high net-worth individual" be as defined in the interpretation to this Bill — ***Agreed to.***

"high value dealer" means a firm or sole trader, including an auctioneer, who by way of business trades in goods when he receives, in respect of any transaction, a payment or payments in cash of the equivalent of at least US $15,000 in total, whether the transaction is executed in a single operation or in several operations which appear to be linked (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

Question that the meaning of the words "high value dealer" be as defined in the interpretation to this Bill — ***Agreed to.***

"liquid asset" means an asset that can be converted into cash in a short time with little or no loss in value (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

"Minister" means Attorney-General of the Federation and Minister of Justice (*Hon. Edward Pwajok Gyang — 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.***

"negotiable instrument" means a document contemplated by or consisting of a contract that may be transferred to a third-party and, which unconditionally promises the payment of money, either on demand or at a future date, without condition to the holder of the document (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

"Nigeria Financial Intelligence Centre" means the independent central body created by the Nigerian Financial Intelligence Centre Act that is responsible for receiving, requesting, analysing and disseminating financial intelligence reports on money laundering, terrorism financing and other relevant information to law enforcement, security and intelligence agencies, and other relevant authorities (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

Question that the meaning of the words "Nigeria Financial Intelligence Centre" be as defined in the interpretation to this Bill — ***Agreed to.***

"occasional transaction" means a transaction, carried out other than as part of a business relationship, amounting to the equivalent of US$15,000 or more, whether the transaction is carried out in a single operation or several operations which appear to be linked (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

"precious metal" means —

(*a*) gold;

(*b*) silver;

(*c*) platinum;

(*d*) palladium;

(*e*) iridium;

(*f*) osmium;

(*g*) rhodium;

(*h*) any alloy or other compound containing:

(*i*) gold;

(*ii*) silver;

(*iii*) platinum;

(*iv*) palladium;

(*v*) iridium;

(*vi*) osmium;

(*vii*) rhodium; or

(*viii*) a metal specified in the regulations; or

(*i*) any other metal, alloy or compound that may be specified by the Attorney General in regulations (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

"private banking customers" means affluent or high net-worth individuals who are offered banking services that assist them to manage their assets through investments and related services in exchange for commissions and fees (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

*Question that the meaning of the words "private banking customers" be as defined in the interpretation to this Bill — **Agreed to.***

"private legal practitioner" means a firm or sole practitioner who by way of business provides legal or notarial services to other persons, when that practitioner is participating in financial transactions or real property transactions, including —

(*a*) the buying and selling of real property or business entities;

(*b*) the managing of client money, securities or other assets;

(*c*) the opening or management of bank, savings or securities accounts;

(*d*) the organization of contributions necessary for the creation, operation or management of companies; and

(*e*) the creation, operation or management of trusts, companies or similar structures, and a person participates in a financial transaction by assisting in the planning or execution of the transaction or otherwise acting for or on behalf of a client in the transaction (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

Question that the meaning of the words "private legal practitioner" be as defined in the interpretation to this Bill — ***Agreed to.***

"property of a criminal origin" has the meaning given to it in section 15 of this Bill (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

Question that the meaning of the words "property of a criminal origin" be as defined in the interpretation to this Bill — ***Agreed to.***

"recommendations of the Financial Action Task Force" means counter-measures against money laundering and terrorism financing proposed by that body covering the criminal justice system and law enforcement, the financial system and its regulation, and international co-operation (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

Question that the meaning of the words "recommendations of the Financial Action Task Force" be as defined in the interpretation to this Bill — ***Agreed to.***

"sibling" means one of two or more individuals who have one or both parents in common and includes adoptive siblings (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

"terrorism", and "terrorism financing" have the respective meanings given to them under the Terrorism (Prevention) Act (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

"transaction" means an agreement between two or more parties to enter into a relationship that involves the exchange of items of value, either on a one-off basis or on an ongoing basis and includes any purchase, sale, loan, gift, transfer, deposit into, withdrawal from or transfer between accounts, exchange of currency, loan, extension of credit, purchase or sale of any stock, bond, certificate of deposit, or other monetary instrument, trading in any commodity, or product, use of a safe deposit box, or any other payment, transfer, or delivery by, through, or to a financial institution or designated non-financial business and profession, by whatever means effected (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

"shell bank" means a bank that is not physically located country in which it is incorporated and licensed and which is unaffiliated with a regulated financial group that is subject to effective consolidated supervision and "physical presence" in relation to shell banks, means having structure and management located within a country and not merely the existence of a local agent or low level staff; and (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

"trust and company service provider" means a firm or sole practitioner who by way of business provides any of the following services to other persons —

(*a*) forming companies or other legal persons;

(*b*) acting, or arranging for another person to act —

  (*i*) as a director or secretary of a company,

  (*ii*) as a partner of a partnership, or

  (*iii*) in a similar position in relation to other legal persons;

(*c*) providing a registered office, business address, correspondence or administrative address or other related services for a company, partnership or any other legal person or arrangement; or

(*d*) acting, or arranging for another person to act, as —

  (*i*) a trustee of an express trust or similar legal arrangement, or

  (*ii*) a nominee shareholder for a person other than a company whose securities are listed on a regulated market, when providing such services (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

*Question that the meaning of the words "trust and company service provider" be as defined in the interpretation to this Bill — **Agreed to.***

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

Committee Recommendation:
Clause 56: Short Title.
This Bill may be cited as the Money Laundering (Prevention and Prohibition) Bill, 2019 (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

SCHEDULES

SCHEDULE I

[Sections 24 and 27]

MEANING OF BENEFICIAL OWNER

(1) "Beneficial owner" means, in the case of —

(*a*) a body corporate —

(*i*) any individual as respects anybody other than a company whose securities are listed on a regulated market, ultimately owns or controls, whether through direct or indirect ownership or control, including through bearer share holdings, more than 25% of the shares or voting rights in the body, or

(*ii*) as respects anybody corporate, otherwise exercises control over the management of the body;

(*b*) a partnership, any individual who —

(*i*) ultimately is entitled to or controls, whether the entitlement or control is direct or indirect, more than a 25% share of the capital or profits of the partnership or more than 25% of the voting rights in the partnership; or

(*ii*) otherwise exercises control over the management of the partnership; and

(*c*) a trust —

(*i*) any individual who is entitled to a specified interest in at least 25% of the capital of the trust property;

(*ii*) as respects any trust other than one which is set up or operates entirely for the benefit of individuals falling within sub-paragraph (*a*) of this sub-paragraph, the class of persons in whose main interest the trust is set up or operates; or

(*d*) any individual who has control over the trust.

(2) In paragraph (1) (*c*) of this Schedule —

(*a*) "specified interest" means a vested interest which is —

(*i*) in possession or in remainder or reversion; and

(*ii*) defeasible or indefeasible;

(*b*) "control" means a power (whether exercisable alone, jointly with another person or with the consent of another person) under the trust instrument or by law to —

(*i*) dispose of, advance, lend, invest, pay or apply trust property;

(*ii*) vary the trust;

(*iii*) add or remove a person as a beneficiary or to or from a class of beneficiaries;

(*iv*) appoint or remove trustees; or

(*v*) direct, withhold consent to or veto the exercise of a power such as is referred to in sub-paragraph (*b*) (*i*) to (*iv*) of this paragraph.

(3) For the purposes of paragraph (2) of this Schedule, where an individual is the beneficial owner of a body corporate which is entitled to a specified interest in the capital of the trust property or which has control over the trust, the individual is to be regarded as entitled to the interest or having control over the trust.

(4) In the case of a legal entity or legal arrangement that does not fall within paragraph (1) of this Schedule, "beneficial owner" means —

(*a*) where the individuals who benefit from the entity or arrangement have been determined, any individual who benefits from at least 25% of the property of the entity or arrangement;

(*b*) where the individuals who benefit from the entity or arrangement have yet to be determined, the class of persons in whose main interest the entity or arrangement is set up or operates; or

(*c*) any individual who exercises control over at least 25% of the property of the entity or arrangement.

(5) For the purposes of paragraph (4) of this Schedule, where an individual is the beneficial owner of a body corporate, which benefits from or exercises control over the property of the entity or arrangement, the individual is to be regarded as benefiting from or exercising control over the property of the entity or arrangement.

(6) In the case of an estate of a deceased person in the course of administration, "beneficial owner" means the executor, original or by representation, or administrator for the time being of a deceased person.

(7) In any other case, "beneficial owner" means the individual who ultimately owns or controls the customer or on whose behalf a transaction is being conducted.

(8) In this Schedule, "arrangement", "entity" and "trust" mean an arrangement, entity or trust that administers and distributes funds (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

SCHEDULE 2

[Sections 17(3) and

MONEY SERVICE BUSINESS

Money service businesses include businesses that undertake —

(*a*) lending including, consumer credit, mortgage credit, factoring, with or without re financing of commercial transactions, including forfeiting;

(*b*) financial leasing;

(*c*) money transmission services;

(*d*) issuing and administering means of payment, including debit cards, credit cards, travellers' cheques and bankers' drafts;

(*e*) guarantees and commitments;

(*f*) trading for own account or for account of customers in financial instruments and products, including —

(*i*) money market instruments;

(*ii*) foreign exchange;

(*iii*) financial futures and options;

(*iv*) exchange and interest-rate instruments;

(*v*) transferable securities; or

(*vi*) currencies in any form;

(*g*) a role in the issuance of securities and the provision of services related to such issues;

(*h*) the giving of advice to undertakings on capital structure, industrial strategy and related questions and advice as well as services relating to mergers and the purchase of undertakings;

(*i*) money broking;

(*j*) portfolio management and advice;

(*k*) safekeeping and administration of securities; and

(*l*) safe custody services; and

(*m*) any other type of business that may be designated as a money service business by the Attorney General in regulations (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

SCHEDULE 3

[Section 36 (7)]

SUPPLEMENTARY PROVISIONS RELATING TO THE ADVISORY BOARD AND OTHER MATTERS

Proceedings of the Board

1. Subject to this Bill and section 27 of the Interpretation Act, the Advisory Board shall have power to regulate its proceedings and may make standing orders with respect to the holding of its meetings, and those of its committees, notices to be given, the keeping of minutes of its proceedings, the custody and production for inspection of such minutes and such other matters as the Board may, from time to time determine.

2. There shall be at least three ordinary meetings of the Board in every calendar year and subject thereto, the Advisory Board shall meet whenever it is convened by the Chairman, and if the Chairman is requested to do so by notice given to him by not less than four other members, he shall convene a meeting of the Board to be held within 30 days from the date on which the notice was given.

3. Every meeting of the Advisory Board shall be presided over by the Chairman and if the Chairman is unable to attend a particular meeting, the members present at the meeting shall elect one of them to preside at the meeting.

4. The quorum of any meeting of the Board shall consist of the Chairman (or in an appropriate case, the person presiding at the meeting pursuant to paragraph 2 of this Schedule) and three other members.

5. A question put before the Advisory Board at a meeting shall be decided by consensus and where this is not possible, by a majority of the votes of the members present and voting.

6. The Chairman shall, in the case of an equality of votes, have a casting vote in addition to his deliberate vote.

7. Where the Advisory Board seeks the advice of any person on a particular matter, the Board may invite that person to attend, for such period as it deems fit, but a person who is invited by virtue of this paragraph shall not be entitled to vote at any meeting of the Board and shall not count towards the quorum.

8. The Advisory Board shall meet for the conduct of its business at such places and on such days as the Chairman may appoint.

9. Where the Board seeks the advice of any person on a particular matter, the Advisory Board may invite that person to attend for such period as it deems fit, but a person who is invited by virtue of this paragraph shall not be entitled to vote at any meeting of the Board and shall not count towards the quorum.

Committees

10. The Advisory Board may appoint one or more committees to carry out on behalf of the Board such of its functions as the Board may determine and report on any matter with which the Board is concerned.

11. A committee appointed under paragraph 10 of this Schedule shall be presided over by a member of the Advisory Board and shall consist of such number of persons (not necessarily all members of the Board) as, may be determined by the Board and a person other than a member of the Advisory Board shall hold office on the committee in accordance with the terms of his appointment.

12. A decision of a committee of the Board shall be of no effect until it is confirmed by the Advisory Board.

Miscellaneous

13. The fixing of the seal of the Bureau shall be authenticated by the signature of the Chairman and the Secretary to the Advisory Board.

14. A contract or an instrument which, if made or executed by any person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the Bureau by the Executive Director or by any person generally or specifically authorized to act for that purpose by the Board.

15. A document purporting to be a contract, an instrument or other document signed or sealed on behalf of the Bureau shall be received in evidence and until the contrary is proved, be presumed without further proof, to have been properly signed or sealed.

16. The validity of any proceeding of the Board or its committees shall not be affected by —

(*a*) any vacancy in the membership of the Board or its committees;

(*b*) reason that a person not entitled to do so took part in the proceedings; or

(*c*) any defect in the appointment of a member.

17. Any member of the Advisory Board or committee who has a personal interest in any arrangement entered into or proposed to be considered by the Advisory Board or any committee shall -

(*a*) disclose his interest to the Board or committee; and

(*b*) not vote on any question relating to the arrangement (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

Explanatory Memorandum:
(*This Memorandum does not form part of this Bill but is intended to explain its purport*)
This Bill provides for the repeal of the Money Laundering (Prohibition) Act, 2011 as amended to make comprehensive provisions to prohibit the laundering of the criminal activities, expand the scope of money laundering offences, provide protection for employees of various institutions, bodies and professions who may discover money laundering, enhance customer due diligence, provide appropriate penalties and expand the scope of supervisory bodies whilst recognizing the role of certain self-regulatory organizations to address the challenges faced in the implementation of a comprehensive anti-money laundering regime in Nigeria (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

Agreed to.

Long Title:
A Bill for an Act to Repeal the Money Laundering (Prohibition) Act, 2011 (as amended) and Enact the Money Laundering (Prevention and Prohibition) Act to Provide for Measures for the Prevention and Prohibition of Money Laundering in Nigeria and for Other Related Matters (HB. 390 and HB. 410) (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in Committee of the Whole resumed consideration of the Report of the Committee on Financial Crimes on a Bill for an Act to Repeal the Money Laundering (Prohibition) Act, 2011 and Enact the Money Laundering (Prevention and Prohibition) Bill; and for Related Matters (HB. 391 and HB. 410) and approved Clause 1, approved Clauses 2 - 3 as amended, rejected Clause 4, approved Clause 5 as amended, approved Clauses 6 - 13, rejected Clauses 14 - 15, approved Clauses 16 - 18 as amended, rejected Clause 19, approved Clause 20 as amended, approved Clause 21, approved Clauses 22 - 23, approved Clause 24 as amended, approved Clause 25, approved Clauses 26 - 28 as amended, approved Clauses 29 - 30, approved Clauses 31 -32 as amended, approved Clauses 33 - 47, approved Clause 48 as amended, approved Clause 49, rejected Clause 50, approved Clause 51 as amended, approved Clause 52, approved Clauses 53 - 56, 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.***

(*iii*) ***A Bill for an Act to Amend the Energy Commission of Nigeria Act, Cap. E10, Laws of the Federation of Nigeria, 2004 to establish a Renewable and Alternative Energy Development and Utilization Fund, Grant Priority to the Promotion and Development of Renewable and other Alternative Energy; and for Related Matters (HB.72) (Committee of the Whole):*** *Motion made and Question proposed,* "That the House do consider the Report on a Bill for an Act to Amend the Energy Commission of Nigeria Act, Cap. E10, Laws of the Federation of Nigeria, 2004 to establish a Renewable and Alternative Energy Development and Utilization Fund, Grant Priority to the Promotion and Development of Renewable and other Alternative Energy; and for Related Matters (HB.72)"(*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

Agreed to.

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

(HOUSE IN COMMITTEE)

(*Mr Deputy Speaker in the Chair*)

A BILL FOR AN ACT TO AMEND THE ENERGY COMMISSION OF NIGERIA ACT, CAP. E10, LAWS OF THE FEDERATION OF NIGERIA, 2004 TO ESTABLISH A RENEWABLE AND ALTERNATIVE ENERGY DEVELOPMENT AND UTILIZATION FUND, GRANT PRIORITY TO THE PROMOTION AND DEVELOPMENT OF RENEWABLE AND OTHER ALTERNATIVE ENERGY; AND FOR RELATED MATTERS

Clause 2: (2) The Commission shall consist of —

(*a*) the Department of —

(*viii*) Conventional Energy (Fossil Fuel and Power)

(*ix*) Nuclear Energy and Technology

(*xiv*) Special Duties (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

PART II — OFFENCES

Clause 3: The Commission shall consist of the President, as Chairman and, in the absence of the President, another person as may be designated by the President in that behalf to get as Chairman, and —

(*b*) the Director-General of the Commission who shall also be the Secretary of the Commission (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

Clause 5: **Functions of the Commission.**

(2) The Commission shall —

(*l*) Promote and encourage the manufacturers of renewable energy and energy efficiency equipment and systems.

(*m*) gather and disseminate information relating to the technology, supply, demand, and national policies and programmes in the field of renewable energy and energy efficiency and to link such activities with the National Energy Bank of the Commission.

(*n*) advise the Government of the Federation or State as to grants and other financial disbursement on new and renewable energy;

(*p*) recommend for exemption from custom duties and levies such equipment and machinery necessary for the sources of new and renewable energy;

(*q*) promote the manufacturing of local components to facilitates the rapid growth of renewable energy and energy efficiency;

(*r*) promote plans for training and supporting local experts in the field of renewable energy and energy efficiency.

(3) Without prejudice to the functions of the Commission specified under section 5, the Commission shall grant priority to new and renewable energy efficiency and conservation in order to —

(*e*) plan and promote energy efficiency and conservation best practices;

(*f*) plan a nation-wide renewable energy infrastructure for the attainment of energy security in Nigeria;

(*g*) promote indigenous research and development in the fields of renewable energy and energy efficiency;

(*i*) work with relevant security agencies to ensure adequate security for all sustainable energy infrastructure.

(4) In addition to the priority directed to be accorded to renewable energy; energy efficiency and conservation, the commission shall —

(*b*) develop and formulate ways and means of providing incentives and other encouragement to individuals and bodies corporate engaged in the development of new and renewable energy sources and energy efficiency;

(5) Subject to the provisions of this Act and sections 5, the commission shall — (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

Committee Recommendation:
Clause 8: Funds of the Commission, etc.

(5) Subject to the provisions of this Act and sections 5, the commission shall —

(*a*) 1% of profits of all fossil energy and related registered businesses in Nigeria. The fund shall be known as Renewable Energy and Energy Efficiency and Conservation Fund (REEECF).

(*d*) re-number the subsisting subsections accordingly.

(7) The REEECF fund shall be utilized for the promotion of new and renewable energy and efficiency and conservation (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in Committee of the Whole considered the Report on a Bill for an Act to Amend the Energy Commission of Nigeria Act, Cap. E10, Laws of the Federation of Nigeria, 2004 to establish a Renewable and Alternative Energy Development and Utilization Fund, Grant Priority to the Promotion and Development of Renewable and other Alternative Energy; and for Related Matters (HB.72) approved Clauses 2, 3, 5, 8 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 Chartered Institute of Mediators and Conciliators of Nigeria to determine what Standards of Knowledge and Skills to be attained by Persons seeking to become Registered Members of the Mediation and Conciliation Profession; and for Related Matters*** **(HB 1605)** (***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 Chartered Institute of Mediators and Conciliators of Nigeria to determine what Standards of Knowledge and Skills to be attained by Persons seeking to become Registered Members of the Mediation and Conciliation Profession; and for Related Matters (HB 1605) and approve the recommendations therein" (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

Agreed to.

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

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

A BILL FOR AN ACT TO ESTABLISH THE INSTITUTE OF CHARTERED MEDIATORS AND CONCILIATORS OF NIGERIA TO DETERMINE WHAT STANDARDS OF KNOWLEDGE AND SKILLS TO BE ATTAINED BY PERSONS SEEKING TO BECOME REGISTERED MEMBERS OF THE MEDIATION AND CONCILIATION PROFESSION; AND FOR RELATED MATTERS

PART I — ESTABLISHMENT OF INSTITUTE OF CHARTERED MEDIATORS AND CONCILIATORS

Clause 1: **Establishment of the Institute of Chartered Mediators and Conciliators.**

(1) There is established the Institute of Chartered Mediators and Conciliators of Nigeria (in this Bill referred to as "the Institute") which —

(*a*) shall be a body corporate with —

(*i*) perpetual succession; and

(*ii*) a common seal which shall be kept in such custody as the Council may direct;

(*b*) may sue and be sued in its corporate name; and

(*c*) may, subject to the Land Use Act, hold, acquire and dispose of any property moveable or immovable.

(2) The Institute is charged with the general duty of —

(*a*) determining what standards of knowledge and skill are to be attained by persons seeking to become registered members of the mediation and conciliation profession and reviewing those standards from time to time, as circumstances may permit;

(*b*) promoting the highest standards of competence, practice and conduct among members of the profession;

(*c*) securing, in accordance with the provisions of this Bill the establishment and maintenance of a register of fellows, members, associates, students, and honorary members of the profession and the publication, from time to time, of lists of those persons; and

(*d*) performing, through the Council established under section 5 of this Bill, the functions conferred on it by this Bill (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

Clause 2: Membership of the Institute.

(1) Subject to the provisions of this Bill, persons admitted as members of the Institute shall be enrolled as mediators and conciliators in the category of —

(*a*) Fellows;

(*b*) Members;

(*c*) Associate members;

(*d*) Honorary members; or

(*e*) Student members.

(2) Persons enrolled by the Council under this Bill as Mediators and Conciliators shall be called Mediators and Conciliators (M.C), and shall be enrolled as —

(*a*) Fellows, if they satisfy the Council that for the period of 10 years immediately preceding the date of application in that behalf, they have been fit persons and have, in addition to being the holders of approved academic qualifications, been in continuous active practice on their own account as Mediators and Conciliators or in partnership with other Mediators and Conciliators;

(*b*) Members, if for the period of not less than five years immediately preceding the date of application in that behalf (the period of membership of the Institution, in the discretion of the Council, counting in that behalf) they have been enrolled as associates, or qualified to be so enrolled and are otherwise fit persons; and

(*c*) Associates, if they satisfy the Council that they have passed examinations prescribed or accepted by the Institute and are otherwise fit persons to be enrolled in the Register (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

Clause 3: Use of abbreviations in respect of membership.

(1) Persons accorded by the Council under this Bill, the status of Mediators and Conciliators in the categories of —

(*a*) Fellows, are entitled to use the abbreviation FIMCN (Fellow Institute of Chartered Mediators and Conciliators of Nigeria);

(*b*) Members, are entitled to use the abbreviation MIMCN (Member Institute of Chartered Mediators and Conciliators of Nigeria); and

(*c*) Associate members, are entitled to use the abbreviation AMIMCN (Associate Member, Institute of Mediators and Conciliators of Nigeria).

(2) Where a person is enrolled or registered, as the case may be, in the Institute, he is entitled to use such letters after his name as may be authorised by the Council as the status of a Fellow, a Member and an Associate member, including the use of the abbreviations M.C. (Mediator and Conciliator) and shall, when enrolled or registered, as the case may be, receive a certificate in such form as the Council may approve for the purpose.

(3) Subject to the provisions of this Bill, a person shall not practise or carry on business under any name, style or title containing the words "Chartered Mediator and Conciliator" or any combination of them, unless he is registered under this Bill (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

Clause 4: Officials of the Institute.

(1) There shall be a President and first and second Vice- Presidents of the Institute who —

(*a*) shall be nominated by the Council from among members of the Council and elected by members of the Institute;

(*b*) shall each hold office for a term of two years from the date of election; and

(*c*) may be re-elected for a further term of two years and no more.

(2) The President shall be the presiding officer at meetings of the Institute, but in the event of his death, incapacity or inability for any reason, the first Vice- President, and in his absence, the second Vice President, shall preside at the meeting or act as President for the un-expired term of office.

(3) The President and the Vice President shall respectively be Chairman and Vice Chairman of the Council of the Institute under this Bill.

(4) If the President or any of the Vice-Presidents cease to be a member of the Institute, he shall cease to hold any of the offices designated under this section.

(5) There shall be appointed for the Institute persons in the position of patrons.

(6) The patrons shall be men and women of repute and integrity.

(7) Their function shall be limited to providing advice to the Council on the management of the Institute.

(8) The number of patrons shall not be less than four and not more than ten.

(9) The patrons shall serve for a term of four years and may thereafter be re-nominated, except for the incumbent Chief Justice of the Federal Republic of Nigeria who shall be a permanent patron of the Institute by virtue of his office (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

Clause 5: The Council of the Institute.

(1) There is established the Governing Council of the Institute (in the Bill referred to as "the Council") charged with the administration and general management of the Institute.

(2) The Council shall consist of —

(*a*) a Chairman who shall be the President of the Institute;

(*b*) first Vice Chairman and second Vice Chairman who shall be the First and Second Vice-Presidents of the Institute;

(*c*) 15 other persons elected by the Institute who shall be members in practice as Mediators and Conciliators;

(*d*) all past Presidents of the Institute;

(*e*) a representative each of the —

(*i*) Federal Ministry of Justice,

(*ii*) Nigeria Bar Association,

(*iii*) Federal Ministry of Education;

(*f*) two persons to represent institutions of higher learning in Nigeria offering courses leading to an approved qualification in mediation and conciliation to be appointed by the Minister of Education, in rotation, and the two shall not come from the same institution; and

(*g*) the Registrar of the Institute who shall serve as the secretary to the Council.

First Schedule.

(3) The provisions of the First Schedule to this Bill shall have effect with respect to the qualifications and tenure of office of members of the Council and other matters mentioned in the Schedule.

(4) The Council may assign functions and portfolios to some of its members for the purpose of ensuring the effective management of the Institute (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

PART II — FINANCIAL PROVISIONS

Clause 6: Funds of the Institute.

(1) The Council shall establish and maintain a fund (in the Bill referred to as "the Fund") for the Institute, to be managed and controlled by the Council.

(2) There shall be paid into the Fund of the Council —

(*a*) all fees and other money payable to the Council in pursuance of this Bill; and (*b*) such money as may be payable to the Council, whether in the course of the discharge of its functions or not.

(3) There shall be paid out of the Fund of the Council —

(*a*) the remuneration and allowances of the Registrar and other employees of the Council;

(*b*) such reasonable travelling and subsistence allowance of members of the Council in respect of the time spent on the business of the Council as the Council may approve;

(*c*) any other expenses approved and incurred by the Council in the discharge of its functions under this Bill.

(4) The Council may invest money in the Fund in any security created or issued by or on behalf of the Government of the Federation or in any other securities in Nigeria approved by the Council.

(5) The Council shall keep proper accounts on behalf of the Institute in respect of each financial year and proper records in relation to those accounts and the Council shall cause the accounts to be audited by an Auditor, approved by the Institute and when audited, the accounts shall be submitted to the members of the Institute for approval at a meeting of the Institute (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

PART III — THE REGISTRAR AND THE REGISTER

Clause 7: Appointment of Registrar, etc and preparation of Register.

(1) The Council shall, appoint a fit and proper person to be the Registrar of the Institute, and such other persons as the Council may, from time to time, think necessary to assist the Registrar in the performance of his functions under this Bill.

(2) The Registrar —

(*a*) shall hold office for a term of four years ; and

(*b*) upon satisfactory performance may be eligible for re-appointment for further term of four years, and no more.

(3) The Register shall consist of five parts —

(*a*) the first part shall be in respect of Fellows;

(*b*) the second part shall be in respect of Members;

(*c*) the third part shall be in respect of Associate Member;

(*d*) the fourth part shall be in respect of Honorary Members; and

(*e*) the fifth part shall be in respect of Student Members.

(4) Subject to the foregoing provision of this section, the Council shall make rules with respect to the form and keeping of the Register and the making of entries in the Register, and in particular —

(*a*) regulating the making of applications for enrolment or registration, as the case may be, and providing for the evidence to be produced in support of such application;

(*b*) providing for the notification to the Registrar, by the person to whom any registered particulars relates, of any change in those particulars;

(*c*) authorizing an enrolled or registered person to have any qualification which is in relation to the relevant division of the profession, either an approved qualification or an accepted qualification for the purposes of this Bill, registered in relation to his name in addition to or, as he may elect, in substitution for any other qualification so registered;

(*d*) specifying the fees, including any annual subscription, to be paid to the Institute in respect of the entry of names on the Register, and authorising the Registrar to refuse to enter a name on the Register until any fee specified for the entry has been paid; and

(*e*) specifying anything not specified under this section.

(5) For the purposes of subsection (4) (*d*), the rules shall not come into force until they are confirmed at a meeting of the Institute.

(6) The Registrar shall —

(*a*) correct in accordance with the Council's directions, 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*) make, from time to time, any necessary alteration to the registered particulars of registered persons;

(*c*) remove from the Register, the name of any enrolled or registered persons who have died; and

(*d*) record the names of members of the Institute who are in default for more than six months in payment of annual subscriptions, and to take such action in relation thereto (including removal of the names of defaulters from the Register) as the Council may direct or require;

(*e*) 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;

(*f*) in each year cause to be printed, published and put on sale as aforesaid, either a corrected edition of the Register or a list of corrections made to the Register since it was last printed;

(*g*) cause a print of each edition of the Register and each list or corrections to be deposited at the principal office of the Institute;

(*h*) keep the Register and lists so deposited to be made available to members of the public at all reasonable times for inspection.

(6) A document purporting to be a print of an edition of a register published under this section by the authority of the Registrar, or documents purporting to be prints of an edition of a register so published and of the list of corrections to that edition so published, shall (without prejudice to any other mode of proof) be admissible in any proceedings as evidence that any person specified in the document, or the documents read together, as being registered or enrolled was so registered or enrolled at 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 or enrolled.

(7) Where in accordance with subsection (6) of this section, a person is, in any proceeding shown to have been or not to have been registered or enrolled at a particular date, he shall, unless the contrary is proved, be taken for the purposes of those proceedings as having at all material times continued to be, or not to be so registered or enrolled.

(8) If the Registrar —

(*a*) sends by post to any registered person or enrolled person a registered letter addressed to him at his address on the Register enquiring whether the registered or enrolled particulars relating to him are correct and receives no reply to the letter within the period of six months from the date of posting it; and

(*b*) upon the expiration of that period, sends in the like manner to the person in question a second similar letter and receives no reply to that letter within three months from the date of posting it, the Registrar may remove the particulars relating 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. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

PART IV — REGISTRATION

Clause 8: **Registration of Mediators and Conciliators.**

(1) Subject to section 13 of this Bill, and to rules made under section 7 (4) of this Bill, a person is entitled to be registered as a mediator and conciliator if —

(*a*) he passes the qualifying examination for membership conducted by the Council under this Bill and complete the practical training prescribed;

(*b*) holds a qualification granted outside Nigeria and for the time being accepted by the Institute and is by law entitled to practice for all purpose as a Mediator and Conciliator in the country in which the qualification was granted and, if the Council so requires, he satisfied the Council that he has had sufficient experience as a Mediator and Conciliator;

(*c*) before the commencement of this Bill, he holds a Bachelors Degree or a Higher National Diploma in Mediation from a recognized higher institution;

(*d*) he holds an approved Degree in Peace studies or its equivalent from a recognised higher institution and has passed the professional examinations conducted by the Council;

(*e*) he has attended a minimum of forty hours training in mediation by institutions recognized by the Council and demonstrates evidence of having practical experience; and

(*f*) he is a serving or retired judge in Nigeria.

(2) An applicant for registration shall in addition to evidence of qualification, satisfy the Council that —

(*a*) he is of good character;

(*b*) he has attained the age of 21 years; and

(*c*) he has not been convicted in Nigeria or elsewhere of an offence involving fraud or dishonesty.

(3) The Council may, provisionally, accept a qualification produced in respect of an application for registration under this section or direct that the application be renewed within such period as may be specified in the direction.

(4) Any entry directed to be made in the Register, under subsection (4) of this section, shall show that the registration is provisional and no entry so made, shall be converted to full registration without the consent of the Council, signified in writing in that behalf.

(5) The Council shall publish in the Federal Government Gazette particulars of qualifications for the time being accepted for registration under this Bill (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

Clause 9: Approval of Training Institutions.

(1) The Council may approve any institution for the purposes of this Bill and may for those purposes approve —

(*a*) any course of training at any approved institution which is intended for persons seeking to become or are already Mediators and Conciliators and which the Council considers is designed to confer on persons completing it with sufficient knowledge and skill for admission to the Institute; and (*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 Council that the candidates have sufficient knowledge and skill to practice as mediators and conciliators.

(2) The Council may, if it thinks 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 each person in Nigeria appearing to the Council to be a person by whom the course is conducted or the qualification is granted or the institution is controlled, as the case may be;

(*b*) afford such person an opportunity of making to the Council representations with regard to the proposals; and

(*c*) take into consideration any representation made in respect of the proposal in pursuance of paragraph (*b*) of this subsection.

(3) A course, qualification or institution shall not be treated as approved during any period, which the approval of the Council is withdrawn under subsection (2).

(4) Notwithstanding the provisions of subsection (3), the withdrawal of an approval under subsection (2), shall not prejudice the registration or eligibility for registration of any person who, by virtue of the approval, was registered or was eligible for registration (either unconditionally or subject to his obtaining a certificate of experience) immediately before the approval was withdrawn.

(5) The giving or withdrawal of an approval under this section, shall have effect from such date, either before or after the execution of the instruments signifying the giving or withdrawal of the approval, as the Council may specify in the instrument and the Council shall —

(*a*) publish a copy of every 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 of Education (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

Clause 10: **Compilation of approved establishments for training leading to approved qualifications.**

(1) The Council shall compile the list of establishments or institutions, which maintain adequate facilities for the training of Mediators and Conciliators.

(2) The Council shall keep itself informed of the nature of the —

(*a*) instruction given at approved institutions to persons attending approved courses of training; and

(*b*) examination as a result of which approved qualifications are granted, and for the purpose of performing that duty, the Council may appoint, either from among its members or otherwise, persons to visit approved institutions or to observe such examinations.

(3) A person appointed under this section shall report to the Council on —

(*a*) the adequacy of the instruction given to persons attending approved courses of training at institutions visited by him;

(*b*) the adequacy of the examinations attended by him; and

(*c*) any other matters relating to the institutions or examinations on which the Council may, either generally or in a particular case, request him to report, but no such person shall interfere with the giving of any instruction or the holding of any examination.

(4) On receiving a report made in pursuance of this section, the Council may, if it thinks fit, and shall, if so required by the institution send a copy of the report to the person appearing to the Council to be in charge of the institution or responsible for the examination to which the report relates, requesting that person to make an observation on the report to 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. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

Clause 11: Annual Registration of Organisations, etc.

(1) The Council shall register annually all organizations or firms providing mediation and conciliation services or consultancy services.

(2) No person, organisation or firm shall practice as Mediators or Conciliators in Nigeria unless he or she is registered by the Council (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

PART V — PROFESSIONAL DISCIPLINE

Clause 12: Establishment of Investigating Panel and Disciplinary Tribunal.

(1) There is established the Institute of Chartered Mediators and Conciliators of Nigeria Investigating Panel (in this Bill referred to as "the Panel") charged with the duties of-

(*a*) conducting a preliminary investigation into any case where it is alleged that a person registered has misbehaved in his capacity as a Mediator and Conciliator or should for any other reason be the subject of proceedings before the Tribunal; and

(*b*) deciding whether the case should be referred to the Tribunal.

(2) The Tribunal shall consist of the Chairman of the Council and six other members of the Council appointed by the Council, except that the members of the Investigating Panel on any particular case shall not be members of the Tribunal for the purposes of considering the report of the Investigating Panel.

(3) There is established the Institute of Chartered Mediators and Conciliators of Nigeria Disciplinary Tribunal (in this Bill referred to as "the Tribunal") which shall be charged with the duty of considering and determining any case referred to it by the Investigative Panel, and any other case of which the Tribunal has taken cognisance under this Bill.

(4) The Panel shall be an *Ad-hoc* panel appointed as the occasion demands by the Council, and shall consist of three members of the Council and two other members of the Institute.

(5) The provisions of the Second Schedule to this Bill shall, so far as is applicable to the Tribunal and Panel respectively, have effect with respect to those bodies.

(6) The Council may make rules not inconsistent with this Bill as to acts, which constitute professional misconduct (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

Clause 13: Penalties for unprofessional conducts, etc.

(1) Where —

(*a*) a member is judged by the Tribunal to be guilty of infamous conduct in any professional respect; or

(*b*) a member is convicted, by any court or Tribunal in Nigeria or elsewhere having power to award imprisonment, of an offence (whether or not punishable with imprisonment), which in the opinion of the Tribunal is incompatible with the status of a Mediator and Conciliator;

(*c*) the Tribunal is satisfied that the name of any person has been fraudulently enrolled or registered:

the Tribunal may, if it thinks fit, give a direction reprimanding that person or ordering the Registrar to strike his name off the relevant part of the Register.

(2) The Tribunal may, if it thinks fit, defer its decision as to the giving of a direction under subsection (1) until a subsequent meeting of the Tribunal, but —

(*a*) no decision shall be deferred under this subsection for a period exceeding two years in the aggregate; and

(*b*) no person shall be a member of the Tribunal for the purposes of reaching a decision, which has been deferred, unless he was present as a member of the Tribunal when the decision was deferred.

(3) For the purpose of subsection (1), a person shall not be treated as convicted, unless the conviction stands at a time when no appeal or further appeal is pending or may (without extension of time) be brought in connection with the conviction.

(4) When the Tribunal gives a direction under subsection (1), the Tribunal shall cause notice of the direction to be serve on the person to whom it relates.

(5) A person to whom a direction relates may, at any time within 28 days from the date of service on him of the notice of the direction, appeal against the direction to the Court of Appeal and the Tribunal may appear as respondent to the appeal and, for the proceedings before the Court of Appeal, the Tribunal shall be deemed to be a party whether or not it appears on the hearing of the appeal.

(6) A direction of the Tribunal under subsection (1), shall take effect only where —

(*a*) no appeal is brought against the direction within the time limit for such an appeal, on the expiration of that time;

(*b*) such an appeal is brought and is withdrawn or struck out for want of prosecution, on the withdrawal or striking out of the appeal; and

(*c*) such an appeal is brought and is not withdrawn or struck out as aforesaid, if and when the appeal is dismissed.

(7) A person whose name is struck off the Register in pursuance of a direction of the Tribunal 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 Tribunal on the application of that person; and a direction under this section for the striking off 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. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

PART VI — MISCELLANEOUS

Clause 13: **Application of the Bill to un-enrolled person.**
Any person who is not a member of the Institute of Chartered Mediators and Conciliators incorporated under the Companies and Allied Maters Act (in this Bill referred to as "the Incorporated Institute") who but for this Bill, would have been qualified to apply for and obtain membership of the incorporated Institute may, within the period of three months beginning from the commencement of this Bill, apply for membership of the Institute in such manner as may be prescribed by rules made by the Council and if approved, shall be enrolled and registered, as the case may be, according to his qualifications (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

Clause 15: **Persons deemed to practice as Mediators and Conciliators.**
Subject to subsection (2) of this section, a person shall be deemed to practice as a Mediator and Conciliator, if, in consideration of remuneration received or to be received, and whether individualy or in partnership with any other person —

(*a*) engages in the practice of mediation and conciliation or holds himself out to the public as a Mediator and Conciliator;

(*b*) renders professional service or assistance in or about matters of principle or detail relating to mediation and conciliation; or

(*c*) renders any other service which may by regulations made by the Council, be designated as service constituting mediation and conciliation practice (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

Clause 16: **Rules as to practices, fees.**
(1) The Council may make rules —

(*a*) for the training of suitable persons in mediation and conciliation methods and practice; and

(*b*) for the supervision and regulation of the engagement, training and transfer of such persons.

(2) The Council may also make rules —

(*a*) prescribing the amount and due date for payment of the annual subscription and for such purpose different amounts may be prescribed by the rules according to whether the person is enrolled as a fellow, member, associate member or a student;

(*b*) prescribing the form of licence to practice to be issued annually or, if the Council thinks fit, by endorsement on an existing licence;

(*c*) restricting the right to practice in default of payment of the amount of the annual subscription where the default continues for longer than such period as may be prescribed by the rules; and

(*d*) for mandatory professional education to be held annually or for such period as the Council may prescribe, as a condition for the renewal of licence to practice.

(3) Rules when made under this section shall, if the Chairman of the Council so directs, be published in the Federal Government Gazette (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

Clause 17: **Provision of Library.**
The Institute shall —

(*a*) provide and maintain a library comprising books and publications for the advancement of knowledge of mediation and conciliation and such other books and publications as the Council may think necessary for the purpose; and

(*b*) encourage research into mediation and conciliation methods and allied subjects to the extent that the Council may think necessary for the purpose (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

Clause 18: Offences and Penalties.

(1) Any person, not being a Mediator and Conciliator, registered with the Council, who —

(*a*) for or in expectation of reward 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 authorised by law to practice as a registered Mediator and Conciliator :

Commits an offence.

(2) A person who, for the purpose of procuring the registration of any name, qualification or other matter —

(*a*) makes a statement, which he knows or ought to know to be false in a material particular; or

(*b*) recklessly makes a statement which is false:

Commits an offence.

(3) In the case of a person falling within section 14 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 he duly applies for membership of the Institute then, unless within that 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 is notified as aforesaid.

(4) The Registrar or any other person employed by or on behalf of the Institute, who wilfully makes any false entry in any matter relating to the Register, commits an offence.

(5) A person guilty of an offence under this section shall be liable —

(*a*) on summary conviction to a line of an amount not exceeding ₦50,000; or

(*b*) on conviction or indictment, to a fine of an amount not exceeding ₦150,000.00 or to imprisonment for a term not exceeding two years or both.

(6) Where an offence, has been committed by a body corporate and is proved to have been committed with the consent or connivance of or to be 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, the officer and the body corporate, shall be liable to be proceeded against and punished accordingly (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

Clause 19: **Proof of Validity of Certificate.**

(1) A certificate required by any written law from any class of persons for whom a Register is maintained under this Bill shall not be valid, unless the person signing it is registered in accordance with this Bill.

(2) Subject to the provisions of this Bill, any person, not registered in accordance with this Bill, shall not be entitled to hold any appointment, or be granted a licence by any establishment in the Public Service of the Federation or of a state or in any public or private establishment, body or institution, if the holding of such appointment or the grant of such licence involves the performance by him in Nigeria of any net pertaining to the profession of mediation and conciliation for gain.

(3) Notwithstanding the provisions of any other law or enactment, no remuneration shall be recoverable by legal proceedings in respect of any act done or omitted to have been done by a person not registered under this Bill, in pursuance of any contract while purporting to act as a registered Mediator and Conciliator or by any person who is prohibited from performing such act or gain (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

Clause 20: **Regulations.**

(1) Any power to make regulations, rules or orders by this Bill shall include power to make —

(*a*) provisions for such incidental and supplementary matters as the authority making the instrument considers expedient for the purposes of the instrument; and

(*b*) different provisions for different circumstances.

(2) 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 regulation shall be sent to the Minister of Education not later than seven days before they are so published.

(3) Rules made for the purposes of this Bill, shall be subject to continuation by the Institute at its next general meeting or at any special meeting of the Institute convened for that purpose, and if annulled, shall cease to have effect on the day after the date of annulment, but without prejudice to anything done in pursuance of any such rules (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

Clause 21: **Savings and Transitional provisions.**

(1) On the commencement of this Bill —

(*a*) all property held immediately before that day by or on behalf of the Incorporated Institute shall by virtue of this subsection and without further assurance, vest in the Institute and be held by it for the purposes of the Institute;

(*b*) the Incorporated Institute shall cease to exist; and

(*c*) subject to subsection (2), any act or thing made or done by the Incorporated Institute shall cease to have effect.

Third Schedule.

(2) The provisions of the Third Schedule to this Bill shall have effect with respect to matters arising from the transfer by this section to the Institute of the property of the Incorporated Institute and with respect to the other matters mentioned therein (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

Clause 22: **Interpretation.**

In this Bill —

"AIMCN" means Associate Institute of Chartered Mediators and Conciliators of Nigeria (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

"Council" means the Governing Council of the Institute established under section 5 (1) of this Bill (*Hon. Edward Pwajok Gyang — 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.***

"Disciplinary Tribunal" means the Institute of Chartered Mediators and Conciliators of Nigeria Disciplinary Tribunal established under section 12 (3) of this Bill (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

"Enrolled" in relation to a Fellow, a Member or an Associate Member means registered in the part of the Register relating to Fellows, Members or Associate Members as the case may be (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

"Fees" include annual subscriptions (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

"FIMCN" means Fellow Institute of Chartered Mediators and Conciliators of Nigeria (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

"Incorporated Institute" means the Institute of Chartered Mediators and Conciliators of Nigeria incorporated under the Companies and Allied Matters Act, 2004 (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

"Institute" means the Institute of Chartered Mediators and Conciliators of Nigeria established by section 1 of this Bill (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

"Investigating Panel" means the Institute of Chartered Mediators and Conciliators of Nigeria Investigation Panel established under section 12 (1) of this Bill (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

"M.C. means Mediator and Conciliator (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

"Mediation practitioner" means a Mediator enrolled as a Fellow, Member or Associate Member of the Institute (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

"Mediator and Conciliator" means any person who is registered under this Bill in any of the categories of membership (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

Question that the meaning of the words "Mediator and Conciliator" be as defined in the interpretation to this Bill — ***Agreed to.***

"MIMCN" means Member Institute of Chartered Mediators and Conciliators of Nigeria (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

"Member of the Institute" means a registered member of the Institute (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

"Minister" means the Minister of the Government of the Federation charged with the responsibility for Education (*Hon. Edward Pwajok Gyang — 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.***

"President" and "Vice President" respectively means the office holders under those names in the Institute (*Hon. Edward Pwajok Gyang — Jos South/Jos East 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 of mediation and conciliation (*Hon. Edward Pwajok Gyang — 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.***

"Register" means the register maintained in pursuance of section 8 of this Bill (*Hon. Edward Pwajok Gyang — Jos South/Jos East 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.***

Clause 23: **Citation.**
This Bill may be cited as the Institute of Chartered Mediators and Conciliators of Nigeria Bill, 2019 (*Hon. Edward Pwajok Gyang — Jos South/Jos East 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

Qualifications and Tenure of office of Members of the Council

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 shall, if he is also a member of the Council cease to hold office in the Council.

(3) Any elected member of the Council may, by notice in writing under his hand addressed to the President, resign his office and any appointed member may with the consent of the Minister in the same manner resign his office.

(4) A person who retires from or otherwise ceases to be an elected member of the Council shall be eligible again to become a member of the Council and any appointed member may be re-appointed.

(5) Elections to the Council shall be held in such manner as may be prescribed by rules made by the Council and until so prescribed they shall be decided by a show of hand.

(6) If for any reason, there is a vacation of office by a member and —

(*a*) such member was appointed by the Minister or any other body, the Minister or that body may appoint another fit person from the area in respect of which the vacancy occurs; or

(*b*) such member was elected, the Council may, if the time between the un-expired period of the term of office and the next general meeting of the Institute appears to warrant the filling of the vacancy, co-opt some fit person for such time as aforesaid.

Proceedings of the Council

2. (1) Subject to the provisions of this Bill, 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 power under this Bill, may set up committees in the general interest of the Institute and make standing orders thereof.

(2) Standing orders shall provide for decisions to be taken by a majority of the members and, in the event of an equality of votes, the President or the Chairman, shall have a second or casting vote.

(3) The quorum of the Council shall be seven and the quorum of a Committee of the Council shall be determined by the Council.

Meetings of the Institute

3. (1) The Council shall convene the meeting of the Institute on or about 30th April in every year or on such other day as the Council may, from time to time, appoint, so however, that if the meeting is not held within one year after the previous meeting, not more than 15months 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 twenty members of the Institute (or such number of members as the Council might subsequently determine and approved by the Institute) so require, by notice in writing addressed to the Secretary of the Council setting out the objects of the proposed meeting, the Chairman of the Council shall convene a special meeting of the Institute.

(3) The quorum for any general meeting of the Institute shall be fifteen members and that of any special meeting of the Institute shall be fifteen members.

(4) Without prejudice to the foregoing, the Council may in its discretion, based on the increase in the membership of the Institute, revise the quorum for general and special meetings of the Institute.

Meetings of the Council

4. (1) Subject to the provisions of any standing orders of the Council, the Council shall meet whenever it is summoned by the Chairman and if the Chairman is required to do so, by notice in writing given to him by not less than ten other members, he shall summon a meeting of the Council to be held within 14 days from the date on which the notice is given.

(2) At any meeting of the Council, the President or in his absence the Vice-Presidents shall preside but if both are absent, the members present at the meeting shall appoint one of their number to preside at the 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 the Council thinks fit but a person who is a member by virtue of this subparagraph, 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 section, the first meeting of the Council shall be summoned by the President of the Institute.

Committees

5. (1) The Council may set up or more committees to carry out on behalf of the Institute or of the Council such functions as the Council may determine.

(2) A committee set up under this paragraph shall consist of the number of persons determined by the Council of whom not more than three-fifths 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 letter by which he was appointed.

(3) A decision of a committee of the Council shall be of no effect until it is confirmed by the Council.

Miscellaneous

6. (1) The fixing of the seal of the Institute shall be authenticated of the signature of the Chairman or of some other member of the Council authorised generally or specially by the Institute to act for that purpose.

(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 Institute or the Council as the case may require any person generally or specially authorised to act for that 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 and shall unless the contrary is proved, be deemed to be so executed.

7. The validity of any proceeding of the Institute or of the Council or of a committee of the Council is not adversely affected by —

(*a*) any vacancy in the membership;

(*b*) by any defect in the appointment of a member of the Institute;

(*c*) Council or a person to serve on the committee; or

(*d*) reason that a person not entitled to do so took part in the proceedings.

8. Any member of the Institute or of the Council and any person holding office on a committee of the Council, who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Council on behalf of the Institute or on behalf of the Council thereof, shall forthwith disclose his interest to the President or to the Council, as the case may be, and shall not vote on any question relating to the contract or agreement.

9. A person shall not by reason only of his membership of the Institute be treated as holding an office in the Public Service of the Federation (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

SECOND SCHEDULE

Section 12(5)

SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY TRIBUNAL AND INVESTIGATIVE PANEL

The Disciplinary Tribunal

1. The quorum of the Disciplinary Tribunal shall be four of whom at least two shall be members of Council.

2. (1) The Attorney-General of the Federation may make rules with regard to the procedure to be followed by the Disciplinary Tribunal and the Investigation Panel and on the rules of evidence in such proceedings.

(2) Until the rules are made, the Disciplinary Tribunal and the Investigation Panel shall conduct their proceedings in such manner as to provide —

(*a*) that notice of the proceedings shall be given in good time and shall clearly specify the complaint, to the person who is the subject of the proceedings;

(*b*) for determining who, in addition to the person aforesaid, shall be a party to the proceedings;

(*c*) for securing that any party to the proceedings shall, if he so requires, be entitled to be heard by the Disciplinary Tribunal;

(*d*) for securing that any party to the proceedings may be represented by a legal practitioner;

(*e*) subject to the provisions of section 12 (5) of this Bill, as to the costs of proceedings before the Disciplinary Tribunal;

(f) for requiring, in a case where it is alleged that the person who is the subject of the proceedings is guilty of infamous conduct in any professional respect, that where the Disciplinary Tribunal adjudges that the allegation has not been proved, it shall record a finding that the person is not guilty of such conduct in respect of the matters to which the allegation relates; and

(g) for publishing in the Federal Government Gazette notice of any direction of the Disciplinary Tribunal, which has taken effect providing that a person's name shall be struck off a register.

3. For the purposes of any proceedings before the Disciplinary Tribunal, any member of the Disciplinary Tribunal may administer oath and any party to the proceedings may issue out of the Registry of the High Court writs of subpoena ad testificandum and duces tecum but no person appearing before the Disciplinary Tribunal shall be compelled-

(a) to make any incriminating statement before the Disciplinary Tribunal; or

(b) to produce any document under such a writ which could not be compelled to be produced at the trial of an action.

4. (1) For the purpose of advising the Disciplinary Tribunal on questions of law arising in proceedings before it, there may in all such proceedings be an assessor to the Disciplinary Tribunal (who may be the legal adviser to the Institute or may be appointed by the Council) and who shall be a legal practitioner of not less than ten years standing.

(2) The Attorney-General of the Federation may make rules as to the functions of assessors appointed under this paragraph and in particular such rules shall contain provisions for securing —

(a) that where an assessor advises the Disciplinary Tribunal on any question of law as to evidence, procedure or any other matters specified by the rules, he shall do so in the presence of every party or person representing a party to the proceedings who appears thereat or, if the advice is tendered while the Disciplinary Tribunal is deliberating in private, that every such party or person as aforesaid shall be informed what advice the assessor has tendered;

(b) that every such party or person as aforesaid shall be informed if in any case where the Disciplinary Tribunal does not accept the advice of the assessor on such a question as aforesaid;

(3) An assessor may be appointed under this paragraph either generally or for any particular proceedings or class of proceedings and shall hold and vacate office in accordance with the terms of the letter by which he is appointed.

The Investigating Panel

5. The quorum of the Investgating Panel shall be three.

6. The Panel may, at any of its meeting attended by all the members of the Panel, make standing orders with respect to its proceedings.

Miscellaneous

7. A person may, if otherwise eligible, be a member of both the Disciplinary Tribunal and the Panel but no person who acted as a member of the Investigating Panel with respect to any case shall act as a member of the Disciplinary Tribunal with respect to that case.

8. The Disciplinary Tribunal or the Investigation Panel may act notwithstanding any vacancy in its membership, and the proceedings of either body shall not be invalidated by any irregularity in the appointment of a member of that body or subject to paragraph 7 (1) of this schedule, by reason of the fact that any person who was not entitled to do so took part in the proceedings of that body.

9. Any document authorized or required by virtue of this Bill to be served on the Disciplinary Tribunal or the Investigation Panel shall be served on the Secretary to the Council.

10. Any expenses of the Disciplinary Tribunal or the Investigation Panel shall be defrayed by the Institute (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

THIRD SCHEDULE

Section 21 (2)

TRANSITIONAL PROVISIONS AS TO PROPERTY

Transfer of Property

1. Without prejudice to the generality of section 21 of this Bill, all assets and liabilities of the Incorporated Institute shall become assets and liabilities of the Institute.

2. (1) All agreements, contracts, deeds or other instruments to which the Incorporated Institute was a party shall, so far as possible and subject to any necessary modifications, have effect as if the Institute has been a party thereto in place of the Incorporated Institute.

(2) Documents not falling within subparagraph (1) of this paragraph, which refer either specially or generally to the Incorporated Institute shall be construed in accordance with the said subparagraph as far as possible.

(3) Any legal proceedings or application to any authority pending on the day this Bill comes into force by or against the Incorporated Institute and relating to property transferred to the Institute by this Bill may be continued on or after that day by or against the Institute.

Registration of Transfer

3. If the law in force at the place where any property transferred by this Bill is situate provides for the registration of transfer of property of the kind in question (whether by reference to any instrument of transfer or otherwise) the law shall, so far it provides for alterations of a register (but not for avoidance of transfers, the payment of fees or any other matter) apply with the necessary modifications to the transfer of the property aforesaid and it shall be the duty of the Institute to furnish the necessary particulars of the transfer to the proper office of the registration authority and of that officer to register the transfer accordingly.

Transfer of function, etc.

4. (1) As soon as possible after the commencement of this Bill, the President shall summon a general meeting of the Institute to elect the Institute's representatives on the Council of the Institute.

(2) At its first meeting, the Council shall fix a date (not later than six months after the day this Bill comes into force) for the annual meeting of the Institute.

(3) The persons who were members of the Executive Committee of the Incorporated Institute immediately before the commencement of this Billshall be deemed to be members of the Council of the Institute and their term of office shall continue as if they were elected to the Council under this Bill.

(4) Any person who immediately before the commencement of this Bill held office as the President or Vice President of the Council of the Incorporated Institute by virtue of the Constitution of the Incorporated Institute, shall on the day this Bill comes into force, become the President or Vice-President, as the case may be, of the Institute and shall be deemed —

(*a*) to have been appointed to that office in pursuance of the provisions of this Bill corresponding to the relevant provisions in the said Constitution; and

(*b*) to have been so appointed on the date on which he took office or last took office, in pursuance of the relevant provision of the Constitution.

(5) The persons who were members of the Incorporated Institute shall, as from the commencement of this Bill, be enrolled or registered, as the case may be, as members of the Institute and without prejudice to the generality of the provisions of this Schedule relating to the transfer of property, any person who immediately before the commencement of this Bill, was a member of the staff of the Incorporated Institute shall on that day become the holder of an appointment with the Institute with the status, designation and function which correspond as nearly as may be possible to those which appertained to him in his capacity as a member of the staff.

(6) Any person being an office holder, or member of the Council of the Incorporated Institute immediately before the commencement of this Bill and deemed under this paragraph to have been appointed to any like position in the Institute, or on the Council of the Institute, and thereafter ceases to hold office otherwise than by reason of his misconduct, shall be eligible for appointment to office in the Institute or to membership of the Council, as the case may be.

(7) All regulations, rules and similar instructions made for the purposes of the Incorporated Institute and in force immediately before the commencement of the Bill shall, except in so far as they are subsequently revoked or amended by any authority having power in that behalf have effect with any necessary modifications as if duly made for the corresponding purposes of the Institute (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

Explanatory Memorandum:
This Bill seeks to establish the Institute of Chartered Mediators and Conciliators of Nigeria and gives the Institute the responsibility, among others, to determine the standard of knowledge and skill to be attained by persons seeking to become members of the Institute (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

Agreed to.

Long Title:
A Bill for an Act to Establish the Institute of Chartered Mediators and Conciliators of Nigeria to Determine What Standards of Knowledge and Skills to be Attained by Persons Seeking to Become Registered Members of the Mediation and Conciliation Profession; and for Related Matters (HB. 1605) (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in Committee of the Whole considered the Report on a Bill for an Act to Establish the Chartered Institute of Mediators and Conciliators of Nigeria to determine what Standards of Knowledge and Skills to be attained by Persons seeking to become Registered Members of the Mediation and Conciliation Profession; and for Related Matters (HB 1605) 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.

(*v*) **A Bill for an Act to Repeal the National Board for Technical Education Act and Enact the National Commission for Technical, Vocational and Entrepreneurial Education Bill as a Body Corporate to advise the Federal Government on all aspects of Technical, Vocational and Entrepreneurial Education which fall outside the scope of Universities; and for Related Matters (HB. 1634).**

Order read; deferred by leave of the House.

(*vi*) **A Bill for an Act to Repeal the National Health Insurance Scheme Act, Cap. N42, LFN 2004 and Enact the National Health Insurance Commission Bill; and for Related Matters (HB. 1639).**

Order read; deferred by leave of the House.

(*vii*) ***Report of the Conference Committee on a Bill for an Act to Establish the National Roads Fund for the Purpose of Financing Routine and Periodic Maintenance of National Roads; and for Related Matters:***
Motion made and Question proposed, "That the House do consider the Report of the Conference Committee on a Bill for an Act to Establish the National Roads Fund for the Purpose of Financing Routine and Periodic Maintenance of National Roads; and for Related Matters and approve the recommendations therein"(*Hon. Toby Okechukwu — Aninri/Agwu/Oji-River Federal Constituency*).

Agreed to.

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

(HOUSE IN COMMITTEE)

(*Mr Deputy Speaker in the Chair*)

A BILL FOR AN ACT TO ESTABLISH THE NATIONAL ROADS FUND FOR THE PURPOSE OF FINANCING ROUTINE AND PERIODIC MAINTENANCE OF NATIONAL ROADS AND FOR OTHER RELATED MATTERS

Clause 4 **Sources of the Roads Fund.**

(1) From the commencement of this Bill revenue accruing from all of the following sources shall be chargeable and paid into the Roads Fund as prescribed under the Second Schedule to this Bill —

(*a*) Fuel Levy on Imported Petroleum Products;

(*b*) Fuel Levy on Locally Refined Petroleum Products;

(*c*) Axle Load Control Charges;

(*d*) Toll Fees;

(*e*) International Vehicle Transit Charges;

(*f*) Inter-State Mass Transit User Charge;

(*g*) Roads Fund Surcharge;

(*h*) Lease, License or other Fees from Non-Vehicular Road Usages;

(*i*) grants and loans to the Roads Fund by the federal, state or local government, statutory corporations in the Federation, or any agency or institutions of any government, any international organization, or private foundation or any person whatsoever;

(*j*) gifts of land, money or other property upon such terms and conditions, if any, as may be specified by the person or organization making the gift, provided such terms and conditions are not inconsistent with the objectives of the Roads Fund under this Bill; and,

(*k*) all other assets which may, from time to time, accrue to the Roads Fund (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

Clause 6: **Establishment of the Governing Board of Directors.**

(3) The Board shall consist of:

(*a*) a non-Executive Chairman who shall be appointed from the private sector;

(*b*) one representative from each of the following Ministries —

(*i*) Federal Ministry of Finance,

(*ii*) Federal Ministry responsible for roads;

(*c*) one representative from each of the following bodies —

(*i*) the Nigerian Association of Chambers of Commerce and Industry,

(*ii*) Nigerian Society of Engineers and the Nigerian Institution of Highway and Transportation Engineers jointly,

(*iii*) Petroleum Products Pricing and Regulatory Agency,

(*iv*) Federal Roads Maintenance Agency and or any relevant Agency in charge of roads maintenance;

(*v*) Nigerian Association of Road Transport Owners,

(*vi*) the Agency responsible for the marketing of petroleum products, and

(*vii*) the Nigerian Institute of Quantity Surveyors;

(*d*) one (1) person from a state Road Agency to be selected from each of the six (6) geopolitical zones, which shall be rotationally selected in an alphabetical order of state names within each zone, to represent the zone (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

Clause 25: **Penalties.**

(1) Except as otherwise provided under this Bill, a person guilty of an offence under this Bill shall upon conviction, be liable to imprisonment for a term of six (6) months or to a fine not exceeding one million Naira (₦1,000,000.00) or both (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

SECOND SCHEDULE

PROVISIONS RELATED TO CHARGING, PAYMENT AND COLLECTION OF LEVIES, FEES, CHARGES, SURCHARGES OR OTHER STIPULATED SOURCES OF FUNDING UNDER THIS BILL

Roads Fund Surcharge

7. (*a*) There shall be paid into the Roads Fund a surcharge of 0.5% on the assessed value of any vehicle imported at any time into Nigeria;

(*b*) The surcharge shall be paid in full into the designated accounts of the Roads Fund by the importer of any vehicle and the evidence of the payment shall be provided to the Nigeria Customs Service for the purposes of clearing and permitting the importation of a vehicle;

(*c*) The Nigeria Customs Service shall be responsible for assessing and ensuring the accurate remittance of the payable Roads Fund Surcharge into the designated accounts of the Roads Fund and shall render reports and accounts to the Board of the Roads Fund of the total amounts from receipts of payment of such levies to the Roads Fund account; and

(*d*) The Minister shall have the power to review and determine the amount to be charged as Roads Fund Surcharge from time to time.

Fuel Levy on Imported Petroleum Products

8. (*a*) There shall be paid into the Roads Fund a levy of One Naira (₦ 1) per litre on any volume of petrol anddiesel products imported into Nigeria;

(*b*) The levy shall be deducted from the pump price of petrol and diesel and paid into the Roads Fund;

(*c*) The levy shall be paid in full directly into the designated accounts of the Roads Fund by the importer and the evidence of payment shall be required to be provided to the Nigerian Customs Service for the purposes of clearing and permitting the importation of such products;

(*d*) The Nigerian Customs Service shall at all times be responsible for assessing and ensuring the accurate remittance of the payable Fuel Levy into the designated accounts of the Roads Fund and shall render reports and accounts to the Board of the Roads Fund of the total amounts from receipts of payment of such levies to the Roads Fund account; and

(*e*) The Minister shall in consultation with the Minister for Petroleum have the power to review and determine the amount to be charged as Fuel Levy from time to time, from the commencement of this Bill.

Fuel Levy on Locally Refined Petroleum Products

2. (*a*) There shall be paid into the Roads Fund a levy of One naira (₦1) per litre on any volume of petrol and diesel products refined or sold in Nigeria;

(*b*) The levy shall be deducted from the pump price of petrol and diesel and paid into the Roads Fund;

(*c*) The refinery and the agency in charge of marketing petroleum products in Nigeria shall be responsible for assessing and ensuring the accurate payment or remittance of the payable Fuel Levy into the designated accounts of the Roads Fund; and,

(*d*) The Fuel Levy payable on locally refined petroleum products under subsection (*a*) and (*b*) of this section shall be payable no later than thirty (30) days after the delivery of the petroleum products from the refinery.

(*e*) The Minister shall have the power to review and determine the amount to be charged as Fuel Levy from time to time, from the commencement of this Bill (*Hon. Edward Pwajok Gyang — Jos South/Jos East Federal Constituency*).

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

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in Committee of the Whole considered the Report of the Conference Committee on a Bill for an Act to Establish the National Roads Fund for the Purpose of Financing Routine and Periodic Maintenance of National Roads; and for Related Matters and adopted the Conference Committee Report.

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

(*ix*) ***Committees on Finance, Commerce, Industry and Aids, Loans and Debt Management:*** *Motion made and Question proposed*, "That the House do consider the Report of the Committees on Finance, Commerce, Industry and Aids, Loans and Debt Management on the need to investigate the Infraction and also Halt the Planned Diversion of Funds under the World Bank Funded Growth and Employment (GEM) project, (HR.143/2017)"(*Hon. Husaini Abubakar Moriki — Shinkafi/Zurmi Federal Constituency*).

Agreed to.

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

(HOUSE IN COMMITTEE)

(*Mr Deputy Speaker in the Chair*)

Recommendation (i):
"That the Committees sustain the closure of the project on the 29 March, 2019" (*Hon. Husaini Abubakar Moriki — Shinkafi/Zurmi Federal Constituency*).

Agreed to.

Recommendation (ii):
"That the GEM project coordinator should be allowed to pay all the committed funds (goods and services) based on the available windows four (4) months after the closure of the project" (*Hon. Husaini Abubakar Moriki — Shinkafi/Zurmi Federal Constituency*).

Agreed to.

Recommendation (iii):
"That the Minister of Industry, Trade and Investment should engage the World Bank to see the possibility of reviewing the project to enable utilization of the cancelled fund ($76m) while taking into consideration the faulty complex and technical nature of the project" (*Hon. Husaini Abubakar Moriki — Shinkafi/Zurmi Federal Constituency*).

Agreed to.

Chairman to report Proceedings.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in Committee of the Whole considered the Report of the Committees on Finance, Commerce, Industry and Aids, Loans and Debt Management on the need to investigate the Infraction and also Halt the Planned Diversion of Funds under the World Bank Funded Growth and Employment (GEM) project (**HR.143/2017**) and approved Recommendations (*i*) - (*iii*) of the report.

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

(*x*) ***Ad-hoc Committee to Investigate the Non-Remittance of Trillions of Naira of Stamp Duties into the Federation Account*:**
That the House do consider the Report of the *Ad-hoc* Committee to Investigate the Non-Remittance of Trillions of Naira of Stamp Duties into the Federation Account (**HR. 23/04/2019**).

Order read; deferred by leave of the House.

(*xi*) ***Committee on Gas Resources:***
That the House do consider the Report of the Committee on Gas Resources on the Need to Investigate the Contract for the Modification of the EGP 3B Production Platform following the Joint Venture Agreement between the Nigerian National Petroleum Corporation and Chevron Nigeria Limited.

Order read; deferred by leave of the House.

(*xii*) ***Committee on Gas Resources*:**
Report of the Committee on Gas Resources on the Need to Investigate the Contract for the Upgrade of OML 58 Upgrade 1, the Execution of Obite-Ubeta-Rumuji (OUR) Pipeline and the Northern Option Pipeline Projects.

Order read; deferred by leave of the House.

18. Adjournment
That the House do adjourn till Thursday, 23 *May*, 2019 *at* 11.00 *a.m.* (*Hon. Pally Iriase — Owan East/Owan West Federal Constituency*).

The House adjourned accordingly at 3.48 *p.m.*

Yakubu Dogara
Speaker