



HOUSE OF REPRESENTATIVES FEDERAL REPUBLIC OF NIGERIA VOTES AND PROCEEDINGS

Wednesday, 25 April, 2018

1. The House met at 11.18 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, 24 April, 2018.
The Votes and Proceedings was adopted by unanimous consent.
3. **Announcement**
Defection:
Mr Speaker read a communication from Hon. Olamide Oni (*Ijero/Ekiti West/Efon*) informing the House of his defection from the Peoples Democratic Party (PDP) to the Social Democratic Party (SDP).
4. **Petition**
A petition from Prof. Yemi Akinseye-George, SAN & Partners (Legal Practitioners), on behalf of Kamoru Ogunlana, on the alleged falsification of his land title documents by Elizabeth Udeh, was presented and laid by Hon. Sadiq Ibrahim (*Fufore/Song Federal Constituency*).
Petition referred to the Committee on Public Petitions.
5. **Matters of Urgent Public Importance (Standing Order Eight, Rule 4)**
 - (i) **Attack by Army Personnel on Innocent Residents of Naka in Gwer-West Local Government Area of Benue State and the Inability of the Army and Other Security Agencies to put an end to the Incessant Murder of Indigenes of Benue State by Armed Herdsmen:**
Hon. Mark Terser Gbillah (*Gwer East/Gwer West 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.

Attack by Army Personnel on Innocent Residents of Naka in Gwer-West Local Government Area of Benue State and the Inability of the Army and Other Security Agencies to put an end to the Incessant Murder of Indigenes of Benue State by Armed Herdsmen:

The House:

Alarmed at numerous eye witness accounts of rampaging Nigerian Army personnel in several Hilux trucks, who on Thursday, 19 April, 2018 attacked Naka, the Headquarters of Gwer-West LGA of Benue State with Nigerian Army colours and number plates, wearing military fatigue with their name tags on and carrying weapons with Nigerian Army inscribed on them, intentionally burnt down hundreds of houses in Naka, resulting in the loss of lives, documents and life investments of a great number of the indigenes, having only the clothes on them as their only property left;

Very disturbed by the allegations that Army personnel deployed from the 72 Army Battalion in Makurdi, the Benue State capital, to stop the incessant killings of indigenes of Gwer-East, Gwer-West and several other LGAs in Benue State by unidentified armed herdsmen, took the law into their hands and attacked Naka town in retaliation for alleged killing of one of their colleagues by unknown persons in the bush, 1.5km from Naka;

Disappointed that in a manner reminiscent of the Nigerian Army's massacre of innocent Nigerians in Odi, Bayelsa State in 1999 and Zaki Biam, Benue State in 2001, the Nigerian Army has once again been accused of being the villain in extrajudicial actions against the citizens they are deployed to protect even in the face of their inability to stop the current siege on Benue State by armed herdsmen who, with impunity, unleash mayhem on communities in the State on a daily basis;

Aware that these attacks assumed a new dimension in the State on Tuesday 24 April, 2018, when two Catholic Priests, Fr Joseph Gor and Fr Felix Tyolaha, the Church Catechist and 16 other worshipers were murdered in cold blood during an early morning mass at St Ignatius Catholic Mission, Ukpo Ayar in Mbalom Gwer-East LGA, while several others who attended an early morning funeral near the Church were also killed and many others still missing in the wake of the mayhem;

Perturbed that the Security Agencies, including the Army, Police, Department of State Security (DSS) and the Civil Defence were not proactive in preventing the attacks despite repeated warnings and alarms by the Benue State Government in identifying the hide outs of the armed bandits located near Adaka in Makurdi Local Government Area and Gbaji environs in Gwer-West Local Government Area of the State;

Resolves to:

- (i) observe a minute silence in honour of the Army officer killed in the incident, victims of the alleged Army attack and victims of the recent attacks by armed herdsmen;
- (ii) urge the President and Commander-in-Chief of the Armed Forces to, within 24 hours deploy enough personnel and properly equipped to flush out the armed bandits and establish a permanent military bases in the identified locations in Benue State;

- (iii) caution the Army against extrajudicial action are taken on the 5 persons in their custody, whom they claim were implicated in the alleged killing of the Army Officer, and instead should be taken into the custody of the relevant law enforcement agencies that has the right to investigate the matter;
- (iv) request the President and Commander-in-Chief of the Armed Forces to provide the House within 7 days, details of those responsible for the attack on Naka town and action taken against them;
- (v) constitute an *Ad-hoc* committee to invite all relevant agencies and stakeholders to investigate the following:
 - (a) the circumstances surrounding the death of the Army Officer and his identity,
 - (b) the identity of the persons who attacked Naka town and those who ordered the attack,
 - (c) the casualties recorded during the attack,
 - (d) quantity and value of property destroyed by this attack;
- (vi) mandate the existing *Ad-hoc* Committee on the Security situation in Nigeria to carry out the following:
 - (a) investigate the allegations that the Army, Police and other security agencies are not proactive about their approach to quelling the incessant killing of innocent people in Benue State,
 - (b) also investigate the challenges being experienced by the Army, Police and other security agencies in carrying out their duty to secure the lives and property of Nigerians and protect the territorial integrity of Nigeria,
 - (c) liaise with the relevant Committees of the House to explore the possibility of emergency budgetary provisions for relevant security agencies in the 2018 Appropriation Bill for urgent intervention in the unending Benue massacres and report back within two (2) weeks for further legislative action (*Hon. Mark Terseer Gbillah — Gwer-East/Gwer-West Federal Constituency*).

Debate.

Amendments Proposed:

- (i) *Insert* a new Prayer (vii) as follows:
“Mandate the *Ad-hoc* Committee on Security Situation to investigate all the attacks and should turn in their reports immediately for further legislative action” (*Hon. Pwajok Edward Gyang — Jos South/Jos East Federal Constituency*).

Question that the amendment be made — Agreed to.

- (ii) *Insert* a new Prayer (viii) as follows:
“That the House meet with Mr President and Commander-in-Chief of the Army Forces, on a Legislative Day (House previously adjourned) specifically to discuss security matters” (*Hon. Yussuff Sulaimon Lasun — Irepodun/Olorunda/Osogbo/Orolu Federal Constituency*).

Question that the amendment be made — Agreed to.

(iii) *Insert a new Prayer (ix) as follows:*

“That the House should summon the President and Commander-in-Chief of the Army Forces, to answer question with regard to security matters in the country” (*Hon. Baballe Bashir — Minjibir/Ungogo Federal Constituency*).

Question that the amendment be made — Agreed to.

(iv) *Insert a new Prayer (x) as follows:*

“Shut down of House Plenary for 3 legislative days as a mark of solidarity with Nigerians and also a strong signal that government must take action” (*Hon. Ismaili Muaza — Akko Federal Constituency*).

Question that the amendment be made — Agreed to.

(v) *Insert a new Prayer (xi) as follows:*

“all criminal herdsmen known and unknown should be declared terrorist, and cattle rearers should be duly registered” (*Hon. Mohammed Nur Sheriff — Bama/Ngala/Kalabalge Federal Constituency*).

Question that the amendment be made — Agreed to.

(vi) *Insert a new Prayer (xii) as follows:*

“That the House pass a vote of no confidence on all the security chiefs and urge Mr President to remove all the Service Chiefs from office and replace them” (*Hon. Agbadi Frederick — Ekeremor/Sagbama Federal Constituency*).

Question that the amendment be made — Agreed to.

Question on the Motion as amended — Agreed to.

The House:

Alarmed at numerous eye witness accounts of rampaging Nigerian Army personnel in several Hilux trucks, who on Thursday, 19 April, 2018 attacked Naka, the Headquarters of Gwer-West LGA of Benue State with Nigerian Army colours and number plates, wearing military fatigue with their name tags on and carrying weapons with Nigerian Army inscribed on them, intentionally burnt down hundreds of houses in Naka, resulting in the loss of lives, documents and life investments of a great number of the indigenes, having only the clothes on them as their only property left;

Very disturbed by the allegations that Army personnel deployed from the 72 Army Battalion in Makurdi, the Benue State capital, to stop the incessant killings of indigenes of Gwer-East, Gwer-West and several other LGAs in Benue State by unidentified armed herdsmen, took the law into their hands and attacked Naka town in retaliation for alleged killing of one of their colleagues by unknown persons in the bush, 1.5km from Naka;

Disappointed that in a manner reminiscent of the Nigerian Army's massacre of innocent Nigerians in Odi, Bayelsa State in 1999 and Zaki Biam, Benue State in 2001, the Nigerian Army has once again been accused of being the villain in extrajudicial actions against the citizens they are deployed to protect even in the face of their inability to stop the current siege on Benue State by armed herdsmen who, with impunity, unleash mayhem on communities in the State on a daily basis;

Aware that these attacks assumed a new dimension in the State on Tuesday 24 April, 2018, when two Catholic Priests, Fr Joseph Gor and Fr Felix Tyolaha, the Church Catechist and 16 other worshipers were murdered in cold blood during an early morning mass at St Ignatius Catholic Mission, Ukpo Ayar in Mbalom Gwer-East LGA, while several others who attended an early morning funeral near the Church were also killed and many others still missing in the wake of the mayhem;

Perturbed that the Security Agencies, including the Army, Police, Department of State Security (DSS) and the Civil Defence were not proactive in preventing the attacks despite repeated warnings and alarms by the Benue State Government in identifying the hide outs of the armed bandits located near Adaka in Makurdi Local Government Area and Gbaji environs in Gwer-West Local Government Area of the State;

Resolves to:

- (i) observe a minute silence in honour of the Army officer killed in the incident, victims of the alleged Army attack and victims of the recent attacks by armed herdsmen;
- (ii) urge the President and Commander-in-Chief of the Armed Forces to, within 24 hours deploy enough personnel and properly equipped to flush out the armed bandits and establish a permanent military bases in the identified locations in Benue State;
- (iii) caution the Army against extrajudicial action are taken on the 5 persons in their custody, whom they claim were implicated in the alleged killing of the Army Officer, and instead should be taken into the custody of the relevant law enforcement agencies that has the right to investigate the matter;
- (iv) request the President and Commander-in-Chief of the Armed Forces to provide the House within 7 days, details of those responsible for the attack on Naka town and the action taken against them;
- (v) constitute an *Ad-hoc* committee to invite all relevant agencies and stakeholders to investigate the following:
 - (a) the circumstances surrounding the death of the Army Officer and his identity,
 - (b) the identity of the persons who attacked Naka town and those who ordered the attack,
 - (c) the casualties recorded during the attack,
 - (d) quantity and value of property destroyed by this attack;
- (vi) mandate the existing *Ad-hoc* Committee on the Security situation in Nigeria to carry out the following:
 - (a) investigate the allegations that the Army, Police and other security agencies are not proactive about their approach to quelling the incessant killing of innocent people in Benue State,
 - (b) also investigate the challenges being experienced by the Army, Police and other security agencies in carrying out their duty to secure the lives and property of Nigerians and protect the territorial integrity of Nigeria,

- (c) liaise with the relevant Committees of the House to explore the possibility of emergency budgetary provisions for relevant security agencies in the 2018 Appropriation Bill for urgent intervention in the unending Benue massacres and report back within two (2) weeks for further legislative action;
- (vii) also mandate the *Ad-hoc* Committee on Security Situation to investigate all the attacks and should turn in their reports immediately for further legislative action;
- (viii) meet with Mr President and Commander-in-Chief of the Army Forces, on a Legislative Day (House previously adjourned) specifically to discuss security matters;
- (ix) summon the President and Commander-in-Chief of the Army Forces, to answer question with regard to security matters in the country;
- (x) shut down of House Plenary for 3 legislative days as a mark of solidarity with Nigerians and also a strong signal that government must take action;
- (xi) declare all criminal herdsmen known and unknown as terrorist, and cattle rearers should be duly registered; and
- (xii) pass a vote of no confidence on all the Security Chiefs and urge Mr President to remove all the Service Chiefs from office and replace them (HR. 147/04/2018).

The House observed a minute silence in honour of the deceased.

(ii) *Need to Halt the Displacement and Disenfranchisement of Registered Voters as a Result of the Proposed Split of Polling Units Across the Country:*

Hon. Omoregie Ogbeide-Ihama (*Oredo Federal Constituency*) introduced the matter and prayed the House to:

- (a) consider and approve the matter as one of urgent public importance; and
- (b) suspend Order Eight, Rule 4 (3) to allow debate on the matter forthwith.

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

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

Need to Halt the Displacement and Disenfranchisement of Registered Voters as a Result of the Proposed Split of Polling Units Across the Country:

The House:

Notes the right of every Nigerian to vote and be voted for as preserved by the Electoral Act, 2010 as amended;

Also notes that the Independent National Electoral Commission (INEC) is vested with the powers to conduct free and fair elections into the State Legislatures, National Assembly, offices of the President and Governors of the 36 States of the Federation;

Aware that INEC has commenced preparation for the 2019 general elections which include a number of reforms;

Informed that as part of the reforms towards the 2019 general elections, INEC has decided to split existing polling units which have more than 750 registered voters into new units to be cited in completely different locations;

Worried that this split of polling units is done without recourse to the proximity of the new polling units to the places of abode of registered voters;

Concerned that if INEC is allowed to split polling units as they have indicated, it will work untold hardship on voters who registered at the present polling units due to its proximity to their place of abode;

Reckons that the ultimate result of this arbitrary and ill-prepared split of polling units will be the displacement and disenfranchisement of registered voters who will be hindered by immobility, particularly due to restricted movement on election days;

Believes that a better approach will be to maintain the polling units within the same locations/premises even if the polling unit is split to newer ones;

Cognizant that one of the key attributes of a free and fair election is the ability of registered voters to access their polling units with ease to perform their civic responsibilities;

Resolves to:

- (i) prevail on INEC to immediately discontinue their plan to split existing polling units to new ones cited at different locations;
- (ii) or, alternatively, maintain all split polling units within the same premises/vicinity with the mother unit; and.
- (iii) mandate the Committees on Electoral matters, Delegated Legislation, and Legislative Compliance to ensure compliance with these resolves and report back within two (2) weeks (*Hon. Omeregie Ogbeide-Ihama — Oredo Federal Constituency*).

Debate.

Agreed to.

The House:

Noted the right of every Nigerian to vote and be voted for as preserved by the Electoral Act, 2010 as amended;

Also noted that the Independent National Electoral Commission (INEC) is vested with the powers to conduct free and fair elections into the State Legislatures, National Assembly, offices of the President and Governors of the 36 States of the Federation;

Aware that INEC has commenced preparation for the 2019 general elections which include a number of reforms;

Informed that as part of the reforms towards the 2019 general elections, INEC has decided to split existing polling units which have more than 750 registered voters into new units to be cited in completely different locations;

Worried that this split of polling units is done without recourse to the proximity of the new polling units to the places of abode of registered voters;

Concerned that if INEC is allowed to split polling units as they have indicated, it will work untold hardship on voters who registered at the present polling units due to its proximity to their place of abode;

Reckons that the ultimate result of this arbitrary and ill-prepared split of polling units will be the displacement and disenfranchisement of registered voters who will be hindered by immobility, particularly due to restricted movement on election days;

Believed that a better approach will be to maintain the polling units within the same locations/premises even if the polling unit is split to newer ones;

Cognizant that one of the key attributes of a free and fair election is the ability of registered voters to access their polling units with ease to perform their civic responsibilities;

Resolved to:

- (i) prevail on INEC to immediately discontinue their plan to split existing polling units to new ones cited at different locations;
- (ii) or, alternatively, maintain all split polling units within the same premises/vicinity with the mother unit; and.
- (iii) mandate the Committees on Electoral matters, Delegated Legislation, and Legislative Compliance to ensure compliance with these resolves and report back within two (2) weeks (HR. 148/04/2018).

6. Consolidation of Bills:

Motion made and Question proposed, "That a Bill for an Act to Establish the Nigeria Natural Medicine Development Agency with a view to Conducting Research in Areas of Ethno-Medical and Veterinary Surveys, so as to Develop Comprehensive Inventory of Medicinal, Aromatic and Pesticidal Plants, Animal parts, Minerals and other Bio-Diversities used in Natural Medicine in Nigeria; and for Related Matters (HB. 1219), and a Bill for an Act to Provide for Establishment of the Nigeria Natural Medicine Development Agency to Provide Research, Develop, Promote, Collate, Document and Preserve Nigeria's Indigenous (Traditional) Healthcare Systems, Medications and Non-Medications Healing Arts, Sciences, Technologies, Bio-Resources and Facilitate their Integration into the National Healthcare Delivery System; and for Related Matters (HB. 1383) be now consolidated" (Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency).

Agreed to.

7. A Bill for an Act to Repeal the Small and Medium Scale Industries Development Agency (Establishment) Act, 2003 and to Re-Enact the Small and Medium Enterprises Development Agency of Nigeria (SMEDAN) Bill; and for Related Matters (HB. 803 and HB. 808) — Third Reading.

Motion made and Question proposed, "That a Bill for an Act to Repeal the Small and Medium Scale Industries Development Agency (Establishment) Act, 2003 and to Re-Enact the Small and Medium Enterprises Development Agency of Nigeria (SMEDAN) Bill; and for Related Matters (HB. 803 and HB. 808) be now read the Third Time" (Hon. Femi Gbajabiamila — House Leader).

Question Agreed to.

Bill read the Third Time and Passed.

8. A Bill for an Act to Establish the Chartered Institute of Loan and Risk Management of Nigeria, to Provide for the Control of its Membership and Promote the Practice of Loan and Risk Management in Nigeria; and for Related Matters (HB.78) — *Second Reading*
Motion made and Question proposed, "That a Bill for an Act to Establish the Chartered Institute of Loan and Risk Management of Nigeria, to Provide for the Control of its Membership and Promote the Practice of Loan and Risk Management in Nigeria; and for Related Matters (HB.78) be now read a Second Time" (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

Debate.

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

Bill read the Second Time.

Bill referred to the Committee of the Whole.

9. A Bill for an Act to Amend the Environmental Health Officers (Registration, etc.) Act, No. 11 of 2002 to give the Council more Professional Outlook; and for Related Matters (HB. 29) — *Second Reading*
Motion made and Question proposed, "That a Bill for an Act to Amend the Environmental Health Officers (Registration, etc.) Act, No. 11 of 2002 to give the Council more Professional Outlook; and for Related Matters (HB. 29) be now read a Second Time" (*Hon. Gideon Lucas Gwani — Kaura Federal Constituency*).

Debate.

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

Bill read the Second Time.

Bill referred to the Committees of the Whole.

10. A Bill for an Act to Establish the Federal University of Agriculture, Igbara, Odo Ekiti to Provide a Specialized University of Agriculture; and for Related Matters (HB.1375) — *Second Reading*
Motion made and Question proposed, "That a Bill for an Act to Establish the Federal University of Agriculture, Igbara, Odo Ekiti to Provide a Specialized University of Agriculture; and for Related Matters (HB.1375) be now read a Second Time" (*Hon. Segun Alexander Adekola — Ekiti South West/Ikere/Ise/Orun Federal Constituency*).

Debate.

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

Bill read the Second Time.

Bill referred to the Committees on Tertiary Education and Services.

11. **Call to Address the Plight of Victims of Fire Inferno at Gajiram Town, Headquarters of Nganzai Local Government Area of Borno State**

Motion made and Question proposed:

The House:

Notes that in the first week of April 2018, a fire disaster ravaged Gajiram, the Headquarters of Nganzai Local government Area of Borno State;

Aware that the inferno burnt almost all the houses in Gajiram and consequently rendered the inhabitants homeless and destroyed food stuff and goods worth millions of Naira;

Also notes that the fire incident started from the Internally Displaced Persons Camp in Gajiram town, which has rendered the Camp uninhabitable;

Worried that the effect of such incident could result into famine if not timeously addressed;

Also aware of the primary responsibility of government to provide shelter, suitable and adequate food for the citizenry;

Resolves to:

- (i) urge the National Emergency Management Agency (NEMA) to provide relief materials to victims of the fire incident in order to ameliorate their conditions; and
- (ii) mandate the Committee on Emergency and Disaster Preparedness to ensure compliance (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

Agreed to.

(HR. 149/04/2018).

Motion referred to the Committee on Emergency and Disaster Preparedness, pursuant to Order Eight, Rule 9 (5).

12. **Need to Regulate Blockchain Applications and Internet of Things Technology**

Motion made and Question proposed:

The House:

Notes the excitement surrounding the Blockchain in technology which has the potency of eradicating poverty in many African Countries;

Also notes that Blockchain as a digital and decentralization ledger technology that records all transactions without the need for financial intermediary bank is new to humanity and can be a core payment facilitator for financial services Industry;

Aware that the world economic leaders at the G20 Finance Ministers Meeting have set a time frame of July 2018 as deadline for the first step towards a unified regulation of crypto currency;

Also aware that the United States of America is ahead of other countries in providing a legal framework for the regulations of this emerging technology, countries like United Kingdom, Russia, Venezuela and Kenya are not left behind;

Further aware of the recommendations adopted at the extraordinary meeting on Blockchain Technology by the US Congress which require that:

- Policy makers and the public should become more familiar with digital currency and other uses of Blockchain Technology, which has a wide range of applications in the future;
- Regulators should continue to coordinate among each other to guarantee coherent policy frameworks, definitions and jurisdictions;
- Government Agencies at all levels should consider and examine new uses for this technology that could make Government more efficient in performing its functions,

Equally aware of the warning issued by the Central Bank of Nigeria (CBN) and Nigeria Deposit Insurance Corporation (NDIC) to Nigerians not to trade in crypto currency, but there is need to put in place a legal framework for the regulation of this technology in order to check its negative effect in our society;

Resolves to:

Mandate the Committees on Banking and Currency, Insurance and Actuarial Matters, Finance, Capital Market and Institutions, and Science and Technology to invite the Central Bank of Nigeria, the Nigeria Deposit Insurance Corporation, the Securities and Exchange Commission, the Ministry of Finance, and the Federal Ministry of Science and Technology to share with the Committees their knowledge of Blockchain and Internet:

- (i) of things technology and report back to the House within six (6) weeks for further legislative action;
- (ii) urge the Central Bank of Nigeria to engage technological experts and crypto currency enthusiasts to educate the National Assembly on the benefits of Blockchain to enable it evolve appropriate legislation;
- (iii) also urge the Central Bank of Nigeria to establish desk offices on Blockchain technology in the Central Bank of Nigeria, Nigeria Deposit Insurance Corporation, Ministry of Finance and the Ministry of Science and Technology; and
- (iv) constitute a Committee on Blockchain and Internet of things Technology to interface with relevant Establishments (*Hon. Solomon Adaeli — Obingwa/Osisioma/Ugunagbo Federal Constituency*).

Debate.

Amendment Proposed:

Leave out Prayer (iv) and *insert* the following:

“Mandate the Committee on Information Technology (ICT), to interface with the relevant establishment and report back within six (6) weeks” (*Hon. Oghene Emma Egoh — Amuwo-Odofin Federal Constituency*)

Question that the amendment be made — Agreed to.

Question on the Motion as amended — Agreed to.

- (i) he satisfies the Council that he is eligible to be so registered,
 - (ii) he has been an Ordinary Member, and
 - (iii) he has obtained the academic qualifications prescribed by the Council for Student Membership;
- (c) as a Graduate Member if:
- (i) he satisfies the Council that he is eligible to be so registered,
 - (ii) he has been a Student Member, and
 - (iii) he has passed Associate ship examination but has not met other conditions in paragraph (d) of this subsection;
- (d) as an Associate Member if:
- (i) he satisfies the Council that he is eligible to be so register and has passed the Associateship examination, and
 - (ii) he has acquired on the job practical experience in the capital market or related fields for such number of years as may be specified by the Council;
- (e) as an Honourary Fellow if he satisfies the Council that he is eligible to be awarded the Honourary fellowship of the Institute;
- (f) as a Fellow if:
- (i) he satisfies the Council that he is eligible to be so registered and has for a number of years (to be specified by Council) been an associate member or the holder of an approved academic and or professional qualifications, and
 - (ii) he satisfies all other criteria as may be specified by the Council from time to time; and
- (g) as an Institutional Member if:
- (i) the Institution satisfies the Council that it is eligible to be so registered, and
 - (ii) it satisfies all other criteria as may be specified by the Council from time to time.

(3) A member or institutional member of the Institute shall be entitled to receive, from the Council, a certificate in such form as the Council may approve for that purpose and a fellow or an associate member shall be entitled to use such letters after his name as may be authorized by the Council from time to time as follows:

- (a) a member registered into the category of membership of Fellow shall use the initials "FCMR";

- (b) a member registered into the category of membership of Associate shall be entitled to use the initials "FCMR" (*Hon. Yusuf Ayo Tajudeen — Ijumu/Kabba-Bunu Federal Constituency*).

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

Clause 3: Office of President and Vice Presidents of the Institute.

- (3) The President shall be the Chairman of the Governing Council established by section 1 of this Bill and in his absence the First Vice-President, and in the absence of the First Vice-President the Second Vice-President shall be the Chairman of the Governing Council (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Clause 5: Tenure of office, etc of members of the Council.

- (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 election or appointment (*Hon. Yusuf Ayo Tajudeen — Ijumu/Kabba-Bunu Federal Constituency*).

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

Clause 8: Fund of the Institute.

- (3) (b) such reasonable traveling and subsistence allowances of members of the Council in respect of the time spent on the business of the Council as the Council may determine; and (*Hon. Yusuf Ayo Tajudeen — Ijumu/Kabba-Bunu Federal Constituency*).

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

PART VII — PROFESSIONAL DISCIPLINE

Clause 14: Establishment of Investigating Panel and Disciplinary Tribunal.

- (1) There shall be constituted a body to be known as the Chartered Market Registrar's Investigating Committee (in this Bill referred to as "Committee") which shall be charged with the duty to Institute of Capital "the Investigating" (*Hon. Yusuf Ayo Tajudeen — Ijumu/Kabba-Bunu Federal Constituency*).

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

Clause 20: Offences and penalties.

- (6) Where an offence under this section which has been committed by a body corporate is proved to have been committed with the consent or connivance of or 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, he, as well as the body corporate shall be deemed to have committed the offence and shall be liable on conviction by court of competent jurisdiction in the case of an individual to the punishment prescribed in subsection (5) of this section and in the case of

a body corporate, to a fine of ₦500,000 (Five Hundred Thousand Naira) and or imposition of a ban on practice of share registration for a specific period of time not less than Five (5) years (*Hon. Yusuf Ayo Tajudeen — Ijumu/Kabba-Bunu Federal Constituency*).

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

Clause 23: Interpretation.

“Council” means the Governing Council established for the Institute under section 5 of this Bill (*Hon. Yusuf Ayo Tajudeen — Ijumu/Kabba-Bunu Federal Constituency*).

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

“Disciplinary Panel” means the Chartered Institute of Capital Market Registrars Disciplinary Panel, established under subsection (6) of section 14 of this Bill (*Hon. Yusuf Ayo Tajudeen — Ijumu/Kabba-Bunu Federal Constituency*).

Question that the meaning of the words “Disciplinary Panel” be as defined in the interpretation to this Bill — Agreed to.

“Investigation Committee” means the Chartered Institute of Capital Market Registrars Investigating Committee, established under subsection (1) of section 14 of this Bill (*Hon. Yusuf Ayo Tajudeen — Ijumu/Kabba-Bunu Federal Constituency*).

Question that the meaning of the words “Investigation Committee” be as defined in the interpretation to this Bill — Agreed to.

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

FIRST SCHEDULE

General Meeting of the Institute

- (3) The quorum of any general meeting of the Institute and that of any special meeting of the Institute shall be thirty-five members (*Hon. Yusuf Ayo Tajudeen — Ijumu/Kabba-Bunu Federal Constituency*).

Question that the provision of the First Schedule stands part of the Bill — Agreed to.

SECOND SCHEDULE

Transfer of Properties

- (2) Other documents referring, whether specifically or generally to the Incorporated Institute shall be constructed in accordance with subparagraph (1) of this paragraph so far as applicable (*Hon. Yusuf Ayo Tajudeen — Ijumu/Kabba-Bunu Federal Constituency*).

Question that the provision of the Second Schedule stands part of the Bill — Agreed to.

Explanatory Memorandum:

(This Note does not Form a Part of the above Act but is Intended to Explain its Purpose)

This Bill seeks to establish the Chartered Institute of Capital Market Registrars charged, with the responsibility of advancing share registration (*Hon. Yusuf Ayo Tajudeen — Ijumu/Kabba-Bunu Federal Constituency*).

Agreed to.

Long Title:

A Bill for an Act to Establish the Chartered Institute of Capital Market Registrars to Regulate and Control the Practice of Share Registration; and for Other Related Matters (*Hon. Yusuf Ayo Tajudeen — Ijumu/Kabba-Bunu Federal Constituency*).

Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in Committee of the Whole considered the Report of the Conference Committee on a Bill for an Act to Establish the Chartered Institute of Capital Market Registrars to Regulate and Control the Practice of Share Registration; and for Related Matters (HB. 79) and approved Clauses 1, 2, 3, 5, 8, 14, 20, 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.

(ii) Committee on Ports, Harbours and Waterways:

Motion made and Question proposed, "That the House do consider the Report of the Committee on Ports, Harbours and Waterways on a Bill for an Act to Amend the Coastal and Inland Shipping (Cabotage) Act, No. 5, 2003; and for Related Matters (HB. 529) and approve the recommendations therein" (*Hon. Patrick Asadu — Nsukka/Igboeze North 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 COASTAL AND INLAND SHIPPING (CABOTAGE) ACT, NO. 5, 2003 TO RESTRICT THE USE OF FOREIGN VESSELS IN DOMESTIC COASTAL AND INLAND COMMERCIAL ACTIVITIES TO PROMOTE THE DEVELOPMENT OF INDIGENOUS TONNAGE AND TO ESTABLISH A CABOTAGE VESSEL FINANCING FUND AND FOR RELATED MATTERS

Amendment of Cabotage Act, No. 5, 2003.

The Coastal and Inland Shipping (CABOTAGE) Act, No. 5, of 2003 (in this Bill referred to as "the Principal Act") is amended as set out in this Bill (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

Agreed to.

PART I — OBJECTIVES AND ADMINISTRATION OF THE ACT

Clause 1: New Insertion: The Objectives of the Act.

The objectives of the Act are:

- (a) to restrict the use of foreign vessels in coastal and inland commercial activities on Nigerian waters;
- (b) to promote the development of indigenous tonnage and capacity;
- (c) to establish a cabotage vessel financing fund;
- (d) to regulate vessels or craft used in coastal and inland commercial activities on Nigerian waters; and
- (e) for related matters (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

Clause 2: New Insertion: Administration of the Act.

The Agency of Government responsible for the administration of this Bill shall be the Nigerian Maritime Administration and Safety Agency (in this Bill referred to as “the Agency”) (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

PART II — RESTRICTION OF VESSEL IN COASTAL AND INLAND
COMMERCIAL ACTIVITIES ON NIGERIAN WATERS**Clause 3: Amendment of Section 7: Rebuilt Vessels.**

- (1) In the case of rebuilding a vessel, such vessel, shall be eligible for cabotage services if the entire rebuilding include the construction of any major components of the hull or superstructure of the vessels is effected in Nigeria (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

Clause 4: Amendment of Section 8: Application to foreign vessels.

- (1) The provisions of sections 3,4,5 and 6 of this Bill shall apply to every foreign vessel except any foreign vessel that is —
 - (a) engaged in salvage operation as determined by the Minister to be beyond the capacity of Nigerian owned and operated salvage vessels and companies; provided such salvage vessels operation is in compliance with the International Convention on Salvage 1989 and its amendments, and industry standards;
- (2) Notwithstanding the provisions of subsection (1) of this section, the requirement for ministerial determination shall not apply to any vessel engaged in salvage operations for the purpose of rendering assistance to persons, vessels or aircraft in danger or distress in Nigerian waters (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

PART III — WAIVERS

Clause 5: Amendment of Section 9: Waiver on Wholly Nigerian Ownership.

The Agency acting under the authority of the Minister may upon the receipt of an application grant a waiver to a duly registered vessel on the requirement for a vessel under this Bill to be wholly owned by Nigerian citizens where it is established that there is no wholly Nigerian owned vessel that is suitable and available to provide the services or perform the activity described in the application; provided that such waivers shall be granted within a period of seven (7) to fourteen (14) working days, and in the event of not granting the waiver, a notification shall be given to the applicant (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

Clause 6: Amendment of Section 10: Waiver on Manning Requirement.

The Agency acting under the authority of the Minister may upon the receipt of an application grant a waiver to a duly registered vessel on the requirement for a vessel under this Bill to be wholly manned by Nigerian citizens where it is established that there is no qualified Nigerian officer or crew for the position specified in the application; provided that such waivers shall be granted within a period of seven (7) to fourteen (14) days, and in the event of not granting the waiver, a notification shall be given to the applicant (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

Clause 7: Amendment of Section 11: Waiver on Nigerian Built Vessels.

- (1) The Agency acting under the authority of the Minister may upon the receipt of an application grant a waiver to a duly registered vessel on the requirement for a vessel under this Bill to be built in Nigeria, where it is established that no Nigerian shipbuilding Company has the capacity to construct the particular type and size of vessel specified in the application.
- (2) The Ministry shall immediately after the commencement of this Bill compile and publish information on the type, size and characteristic of vessels and craft which are built in Nigeria (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

Clause 8: New Insertion: Condition for grant of Waiver.

- (1) Any application for a waiver under this Bill, shall include a plan by the applicant committing to comply with the Nigerian content requirement with respect to employment, training, succession planning, as may be stipulated under the Nigerian Content development Act, any other legislation with provisions relating thereto and any guidelines made pursuant to this Bill.
- (2) Any other conditions or guidelines as may be stipulated by the Agency pursuant to this Bill (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

Clause 9: Amendment of Section 12: Order for Granting of Waivers.

Where the circumstances described in Sections 9, 10 and 11 of this Bill apply, and the Agency has determined that a waiver be granted, the order for granting the waiver shall be —

- (ii) the percentage so determined to be held by Nigerian joint venture partner(s) is held by Nigerian citizen(s) free from any trust or obligation in favour of non-Nigerians; and (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

Clause 10: Amendment of Section 14: Minister to issue Guidelines on Waivers.

- (2) The Minister shall have power to review, revoke or vary any waiver granted under this Bill (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

PART IV — LICENCE TO FOREIGN VESSEL**Clause 11: Amendment of Section 15: Grant of licence to foreign vessels and conditions.**

- (1) Upon application for a licence by a person resident in Nigeria acting on behalf of a foreign owned vessel, the Minister may issue a restricted license for the foreign owned vessel to be registered for participation in the Coastal and inland commercial activities on Nigerian waters, where the Minister is satisfied that —
 - (a) any of the circumstances in the provisions of sections 9, 10, 11 and 12 of this Bill is applicable (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

Clause 12: Amendment of Section 16: Terms and Conditions of Licence.

- (1) Subject to the provisions of section 15 of this Bill, the Minister may issue a licence under any terms and conditions that the Minister considers appropriate including without restricting the generality of the terms and conditions under section 15 of this Bill respecting—
 - (a) the service or foregoing that is to be performed by the foreign vessel to which the license relates; and
 - (b) the place or places where the foreign vessels' may perform that service or activity.
- (2) Any license granted under section 15 of this Bill, shall be for a fee and the Minister shall, by a notice in the Gazette, specify the amount of the license fee and the terms thereof (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

Clause 13: Amendment of Section 21: Operating without Licence.

A foreign owned and foreign crewed vessels shall not participate in the coastal and inland commercial activities on Nigerian waters without the license and authorization required by the provisions of this Bill (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

PART V — REGISTRATION**Clause 14: Amendment of Section 22: Registration.**

- (1) Notwithstanding the provisions of any other laws and subject to section 47 of this Bill, every vessel intended for use under this Bill shall be duly registered by the Registrar of Ships in the Special Register for Vessels and Ship Owning Companies engaged in Cabotage and shall meet all the requirements for eligibility as set forth under this Bill and the Merchant Shipping Act and its amendments to the extent that the said Merchant Shipping Act is not inconsistent with the provisions of this Bill.
- (2) A vessel intended for use in the coastal and inland commercial activities on Nigerian waters shall obtain all the applicable licenses and permits as shall from time to time be determined by the Minister and the relevant Agencies of the Government.
- (5) Vessels eligible for registration under this Bill shall include but not limited to passenger vessels; crew boats; passenger crew boats, security boats, bunkering vessels, fishing vessels and trawlers, barges, off-shore service vessels, tugs, anchor handling tugs and supply vessels, floating petroleum storage, dredgers, tankers, carriers, drilling rigs, mobile offshore drilling rigs, seismic survey vessels, data vessels, floating storage and offloading platforms, floating production storage and offloading platforms, and any other craft or vessel used for carriage on, through or underwater, of persons, property or any substance whatsoever (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

Clause 15: Amendment of Section 23: Ownership requirements.

- (1) Subject to sections 9, 10, 11 and 12 of this Bill, a vessel shall not be registered for use in the coastal and inland commercial activities on Nigerian waters unless the Minister is satisfied that:
 - (e) the vessel is exclusively manned by officers and crew of Nigerian citizenship except where Section 10 of this Bill applies; and
- (2) A vessel shall not be registered for use in the coastal and inland commercial activities on Nigerian waters, unless the controlling interest in the company is owned by Nigerian Citizens.
- (3) The controlling interest shall not be deemed to be vested in Nigerian Citizens unless —

- (i) the title to a majority of the shares thereof or at least 40 of the 64 shares of a vessel are not held by such citizen free from any trust or fiduciary obligation in favour of any person not a citizen of Nigeria; or (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

Clause 16: Amendment of Section 25: Deletion from Registry.

- (b) the required certification and documentation has expired or
- (c) it is no longer eligible for registration under the Shipping Act or under this Bill (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

Clause 17: Amendment of Section 26: Citizen Requirement for Ship Financing.

- (1) (b) and the charterer or mortgagees shall meet the citizenship requirement for operating vessels in the coastal and inland commercial activities in Nigerian waters under Parts II and IV of this Bill;
- (2) In addition to the requirements under subsection (1) of this section, the charterer or mortgagee shall before registration produce an affidavit sworn to by the financial institutions in a court of superior records certifying that the financial institutions interest is solely and primarily a financial investment without the ability and intent to contract the vessels operation to a non-citizen and that it does not derive a majority of its aggregate revenue from the operation or management of the vessel (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

Clause 18: Amendment of Section 27: Temporary Registration.

The Minister shall immediately after the commencement of this Bill issue regulations and guidelines which shall permit foreign owned vessels engaged in the coastal and inland commercial activities on Nigerian waters, a temporary registration in the Nigerian Registry, which registration shall cover the duration of the contract for which the vessels are employed (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

Clause 19: Amendment of Section 28: Age of Vessels.

Any vessel registered under this Nigerian Registry at the date of coming into force of this Bill and who is over 15 years old shall continue to be eligible for participation in the coastal and inland commercial activities on Nigerian waters for a period of five years after the commence of this Bill provided the vessel possesses a certificate of registry and a certificate of seaworthiness from a recognized classification Authority (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

PART VI — ENFORCEMENT

Clause 20: Amendment of Section 31: Powers of Enforcement Officers.

- (d) where necessary enlist the assistance of any relevant government agency
(Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency).

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

Clause 21: Amendment of Section 33: Port Clearance to Vessels.

Notwithstanding the provisions of any other laws, no port clearance shall be granted to a vessel engaged in shipping coastal and inland commercial activities on Nigerian waters unless the owner, charterer, master or agent satisfies the proper customs or such other authority authorized to issue port clearance that the vessel is licensed to engage in shipping coastal and inland commercial activities on Nigerian waters or has the prescribed waiver (Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency).

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

Clause 22: Amendment of Section 34: Publishing Requirements for Employment Vessels.

Any person engaged in the business of employing vessels for the coastal and inland commercial activities on Nigerian waters shall specify and publish all the requirements to be satisfied with respect to the employment of vessels (Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency).

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

PART VII — OFFENCES, PENALTIES AND JURISDICTION

Clause 23: Amendment of Section 35: Offences and Penalties.

- (1) A vessel commits an offence if the vessel contravenes the provisions of —
- (a) sections 3, 4, 5 and 6 of this Bill and is liable on conviction to a fine of not less than ₦20,000,000.00 and or forfeiture of the vessel involved in the offence or such higher sum as the court may deem fit.
- (b) section 21 and is liable on conviction to a fine of not less than ₦250,000,000.00 and or forfeiture of the vessel or such higher sum as the Court may deem fit and (Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency).

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

Clause 24: Amendment of Section 36: Failure to Comply with a Requirement etc. off an Enforcement Officer.

- (1) Any person who fails to comply with a requirement made, or direction given, by an enforcement officer under this Bill or fails to make a required disclosure commits an offence and is liable to imprisonment for a term of six (6) months and where it is a body corporate, be liable to fine of not less than ₦100,000,000.00.

- (2) When the offence is of a continuous nature or a repeated one, the offender shall upon conviction be sentenced to imprisonment for a term not less than five (5) years without any option of fine.
- (3) Where an offence under this Bill or regulations made pursuant to it, has been committed by a company or other body of persons, any person who at the time of the commission is a Director, Manager, or Partner in the corporate body or other body of persons, who acted in such capacity may be charged with the same offence and shall be liable upon conviction to a fine of not less than ₦5,000,000.00 (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

Clause 25: Amendment of Section 37: False or misleading statement.

- (1) A person shall not, in purported compliance with a requirement under this Bill or for any other reason provide to the relevant governmental Authorities or an enforcement officer —
 - (a) information that is, to the person's knowledge false or misleading particular; or
 - (b) any document containing information that is, to the person's knowledge false or misleading in a material particular.
- (2) Any person who contravenes subsection (1) of this section, shall be guilty of an offence and upon conviction —
 - (a) where it is an individual be liable to a fine not less than ₦5,000,000.00 or imprisonment for a term of not less than six (6) months, or both fine and imprisonment; and
 - (b) where it is a body corporate to a fine not less than ₦100,000,000:00 and or forfeiture of the vessel involved with the offence.

When an offence is committed by a vessel under sections 3,4,5,6 and 21 on more than one day or is continued by the vessel for more than one day, it shall be deemed to be a separate offence for each day on which the offence is committed or continued (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

Clause 26: Amendment of Section 39: Liability of Ship Owners, Companies and Officers.

- (3) An officer may be prosecuted and convicted of an offence under subsection (1) of this section, whether or not the body corporate has been prosecuted for or convicted of the offence (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

- Clause 27: Amendment of Section 40: Strict liability and general penalty jurisdiction.**
Any person who contravenes any provision of this Bill or any regulations made there under commits an offence and shall on conviction, where no specific penalty is prescribed thereof, be liable to a fine not less than ₦5,000,000.00 (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

PART VIII — CABOTAGE VESSEL FINANCING FUND

- Clause 28: Amendment of Section 42: Cabotage Vessel and Financing Fund.**
- (1) There is established a fund to be known as the Cabotage Vessel Financing Fund (herein this Bill referred to as "the Fund")
 - (2) The purposes of the Fund shall be to promote the development of indigenous ship acquisition, ship building, ship repair and capacity development by providing financial assistance to Nigerian operators in the coastal and inland commercial activities.
 - (3) Five percent (5%) of the Fund shall be applied to the Maritime Security Fund for Maritime Safety and Security (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

- Clause 29: Amendment of Section 43: Funding.**
There shall be paid into the Fund —
- (a) a surcharge of 2 per centum of the contract sum performed by any vessel engaged in the coastal and inland commercial activities on Nigerian waters;
 - (c) monies generated under this Bill including the tariffs, fines and fees for licences and waivers on coastal and inland commercial activities on Nigerian waters; and (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

- Clause 30: Amendment of Section 44: Collection, etc. Fund.**
The fund shall be collected by the Agency and deposited in a designated account in the Central Bank of Nigeria and administered under guidelines that shall be proposed by the Minister and approved by the National Assembly (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

- Clause 31: Amendment of Section 45: Beneficiaries.**
- (1) The beneficiaries of the Fund shall be Nigerian citizens and shipping companies wholly owned by Nigerians.
 - (2) The Maritime Security Fund shall benefit from five percent (5%) of the Fund (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

PART IX — MISCELLANEOUS

Clause 32: Amendment of Section 52: Vessels with valid licence.

In the case of any vessel that, immediately prior to the coming into force of this Bill, is operating pursuant to a valid coastal trade licence under the Merchant Shipping Act or Sea Fisheries Act, the provisions of this Bill shall apply to vessel in respect of any activity authorised to be performed by the licence would otherwise have expired had this Bill not come into force (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

Clause 33: Amendment of Section 53: Repeals and Amendments.

Any provision of any existing law with respect to the registration of vessels including its ownership, size and type, or participation in coastal and inland commercial activities on Nigerian waters in whatever form that is inconsistent with the provisions of this Bill is repealed in so far as it affects matters under this Bill and in particular as set out in the Schedule to this Bill (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

Clause 34: New Insertion: Interpretation.

In this Bill —

“Agency” Means Nigerian Maritime Administration and Safety Agency (NIMASA) (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

“Cargo” means goods carried in or on a vessel whether or not of commercial value and includes livestock (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

“Coastal and inland Commercial activities” means —

- (a) the carriage of persons/passengers or goods by vessels from any place in Nigeria to any place above or under Nigerian waters to any place in Nigeria or from any place above Nigerian waters to the same place or to any other place above or under Nigerian waters and includes the carriage of persons/passengers or goods in relation to the exploration and/or exploitation of the mineral, living or non-living resources in or under Nigerian waters;
- (b) any activity of commercial nature within Nigerian waters, including but not limited to the carriage of goods and persons, for exploration or exploitation of mineral and other natural resources in or under Nigerian waters;

- (c) the carriage of goods, persons/passengers by vessel or any other mode of transport from one place in Nigeria or above Nigerian waters to any place in Nigeria or above or Nigerian waters; either directly or through a place within Nigerian waters and includes but not limited the carriage of goods, persons/passengers is in relation to the exploration or exploitation of transportation of mineral, living or non-living natural resources or material of any kind in or under Nigerian waters; and
- (d) the engaging, by vessel, in any other marine transportation activity of a commercial nature in Nigerian waters and, the carriage of any goods or substances whether or not of commercial value within the waters of Nigeria (Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency).

Question that the meaning of the words "Coastal and Inland Commercial activities" be as defined in the interpretation to this Bill — Agreed to.

"conventional vessels" means vessels of 500gross tonnage GRT) and above or such vessels covered by International (IMO) Shipping Convention (Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency).

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

"Enforcement officer" means a person so designated to be an enforcement officer for the purpose of this Bill (Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency).

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

"Enforcement unit" means the department within the national maritime Authority charge with the responsibility of enforcing the provisions of this Bill (Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency).

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

"Exclusive Economic Zone" has the meaning given to it under the Exclusive Economic Zone Act, Cap. 116, Laws of the federation of Nigeria 1990 (Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency).

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

"Foreign vessel" means a vessel other than a Nigerian vessel (Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency).

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

"Hull" means the shell, or outer casting, and internal structure below the main deck which provide both the floatation envelope and structural integrity to the vessel in its normal operation (Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency).

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

"In-transit call" means any call, other than an emergency or technical call, by a vessel at any place where passenger go ashore temporarily but re-board the vessel before the vessel leaves that place or are transported by land to another location to re-board the same vessel and include cargo not discharge at the transit call (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

Question that the meaning of the words "In-transit call" be as defined in the interpretation to this Bill — Agreed to.

"Inland waters" has the meaning given to it under the National Inland Waterways Authority Act, 1997 (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

"License" means a document issued pursuant to the Act, authorizing a foreign ship or vessel to be registered for participation in the coastal trade while in Nigerian waters (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

"Master" in relation to a vessel has the same meaning as in the merchant shipping Act, Cap. 224, Laws of the Federation of Nigeria, 1990 (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

"Minister" means the head of the ministry for the time being charge with the responsibility for matters relating to shipping and "Ministry" has the corresponding meaning (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

"Nigerian citizen" means a citizen of Nigeria as defined in the Nigerian constitution (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

"Nigerian vessel" means a vessel which is registered in Nigeria and has the meaning given to it in section 23 (1) or (2) (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

"Nigerian waters" shall include inland waters, territorial waters or waters of the exclusive Economic Zone (respectively, together or any combination thereof) and the meaning given to them by the National Inland Waterways Authority Act, 1997 (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

"Owner" in relation to a vessel, includes the person having for the time being, either by law or by contract, the right of the owner of the ship as regards the possession and use thereof (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

"Place above Nigerian waters" in the context of coastal and inland commercial activities on Nigerian waters includes any vessel, offshore drilling unit, production platform, artificial island, sub sea installation, pumping station, living accommodation, storage structure, loading or landing platform, dredge, floating crane, pipe laying or other barge or pipeline, rigs, floating production storage and offloading platform (FPSO), floating storage unit (FSU) and any anchor cable or rig pad used in connection therewith (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

Question that the meaning of the words "Place above Nigerian waters" be as defined in the interpretation to this Bill — Agreed to.

"Superstructure" means the main deck and any other structural part above the main deck (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

"Territorial waters" have the meaning given to it under the Territorial Waters (Amendment) Act, 1998 (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

"Un-Conventional vessels" means vessels of less than 500 gross tonnage (GRT) that are not covered by International (IMO) Shipping Conventions (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

Question that the meaning of the words "Un-Conventional vessels" be as defined in the interpretation to this Bill — Agreed to.

"Vessel" includes any description of vessel, ship, boat, hovercraft or craft, including air cushion vehicles and dynamically supported craft, designed, used or capable of being used solely or partly for marine navigation and used for the carriage on through or under water of persons or property without regard to method or lack of propulsion (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

"Vessel built in Nigeria" means where all the major component of its hull and superstructure are fabricated in Nigeria or assembled entirely in Nigeria (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

Question that the meaning of the words "Vessel built in Nigeria" be as defined in the interpretation to this Bill — Agreed to.

"Vessel wholly manned by Nigerians" means where all the shipboard officers and crew employed aboard the vessel is exclusively of Nigerian citizens (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

Question that the meaning of the words "Vessel wholly manned by Nigerians" be as defined in the interpretation to this Bill — Agreed to.

"Wholly owned Nigerian vessel" means a vessel which is owned and registered in Nigeria whose 64 shares are beneficially owned by Nigerian citizens or a company registered in Nigeria with hundred per centum of its share capital beneficially owned by Nigerian citizens and the share in the vessel and the ship owning company shall be held by Nigerian citizens free from any trust or obligation in favour of non-Nigerians (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

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

Clause 35: New Insertion: Short Title.

This Bill may be cited as the Coastal and Inland Shipping (CABOTAGE) Act (Amendment) Bill, 2018 (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

Explanatory Memorandum:

This Bill restricts the use of foreign vessels in domestic Coastal Trade, promotes the development of indigenous tonnage and establishes a Cabotage Vessel Financing Fund (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

Agreed to.

Long Title:

A Bill for an Act to Amend the Coastal And Inland Shipping (CABOTAGE) Act, No. 5, 2003 to Restrict the use of Foreign Vessels in Domestic Coastal and Inland Commercial Activities to Promote the Development of Indigenous Tonnage and to Establish a Cabotage Vessel Financing Fund and for Related Matters (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in Committee of the Whole considered the Report of the Committee on Ports, Harbours and Waterways on a Bill for an Act to Amend the Coastal and Inland Shipping (Cabotage) Act, No. 5, 2003; and for Related Matters (HB. 529), and approved Clauses 1 - 35, 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.

15. Adjournment

That the House do adjourn till Thursday, 26 April, 2018 at 11.00 a.m. (Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency).

The House adjourned accordingly at 3.20 p.m.

Yakubu Dogara
Speaker

