



HOUSE OF REPRESENTATIVES FEDERAL REPUBLIC OF NIGERIA VOTES AND PROCEEDINGS

Thursday, 8 February, 2018

1. The House met at 11.06 a.m. Mr Speaker read the Prayers.

2. **Votes and Proceedings**

Mr Speaker announced that he had examined and approved the *Votes and Proceedings* of Wednesday, 7 February, 2018.

The Votes and Proceedings was adopted by unanimous consent.

3. **Announcement**

Visitors in the Gallery:

Mr Speaker recognised the presence of Staff and Students of *Emmabena Nursery, Primary and Junior Secondary School*, Kugbo II, Abuja.

4. **Petitions**

Petitions from the following persons were presented and laid by Hon. Emmanuel Makoji Egwu (*Idah/Igalamela/Ibaji/Ofu Federal Constituency*):

- (i) Mrs J. A. Amego, on her premature retirement and non-compliance with House Resolution of Thursday, 18 November, 2004 by the Nigerian National Petroleum Corporation (NNPC); and

- (ii) CSP Ameh Omakoji James, on his dismissal by the Police Service Commission.

Petitions referred to the Committee on Public Petitions.

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

- (i) ***Need to Ensure Sanity in the Administration of Justice in the Fight Against Corruption in Nigeria by the Attorney-General of the Federation:***
Hon. Yakubu Umar Barde (*Chikun/Kajuru 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 Ensure Sanity in the Administration of Justice in the Fight Against Corruption in Nigeria by the Attorney-General of the Federation:

The House:

Recognises that the Attorney-General of the Federation and Minister of Justice, the Economic and Financial Crimes Commission (EFCC), and the Code of Conduct Tribunal (CCT) are indispensable in the fight against corruption;

Notes with concern, the recent turn of events whereby the Chairman of the Code of Conduct Tribunal, Danladi Umar, has been charged of corruption before the FCT High court by the EFCC;

Recalls that the same EFCC and the Attorney-General had previously cleared Danladi Umar of the same allegations that formed the basis of the two counts charge;

Concerned that the EFCC and Attorney-General are prosecuting cases before the CCT which Danladi Umar sits as Chairman;

Also concerned that the EFCC had previously issued a statement absolving Danladi Umar of any wrong doing, has now instituted fresh charges against him. At the same time the Code of Conduct Tribunal headed by Danladi Umar has been asked to try the Senate President with the tendency to give an impression that a game is being arranged to meet certain pre-determined result portraying our legal system as capable of being manipulated;

Worried that any possible convictions or findings which the CCT may make, could be nullified by the Court of Appeal, thereby frustrating the course of justice;

Disturbed that the Attorney-General of the Federation is instrumental to this unwholesome saga playing out in the administration of justice in Nigeria.

Resolves to:

- (i) condemn the manipulation of our legal system by the Attorney-General of the Federation and the Acting Chairman of the Economic and Financial Crimes Commission; and
- (ii) mandate the Committee on Judiciary to interface with the Attorney-General of the Federation to ensure that sanity is brought to bear on the case (*Hon. Yakubu Umar Barde — Chikun/Kajuru Federal Constituency*).

Debate.

Agreed to.

The House:

Recognised that the Attorney-General of the Federation and Minister of Justice, the Economic and Financial Crimes Commission (EFCC), and the Code of Conduct Tribunal (CCT) are indispensable in the fight against corruption;

Noted with concern, the recent turn of events whereby the Chairman of the Code of Conduct Tribunal, Danladi Umar, has been charged of corruption before the FCT High court by the EFCC;

Recalled that the same EFCC and the Attorney-General had previously cleared Danladi Umar of the same allegations that formed the basis of the two counts charge;

Concerned that the EFCC and Attorney-General are prosecuting cases before the CCT which Danladi Umar sits as Chairman;

Also concerned that the EFCC had previously issued a statement absolving Danladi Umar of any wrong doing, has now instituted fresh charges against him. At the same time the Code of Conduct Tribunal headed by Danladi Umar has been asked to try the Senate President with the tendency to give an impression that a game is being arranged to meet certain pre-determined result portraying our legal system as capable of being manipulated;

Worried that any possible convictions or findings which the CCT may make, could be nullified by the Court of Appeal, thereby frustrating the course of justice;

Disturbed that the Attorney-General of the Federation is instrumental to this unwholesome saga playing out in the administration of justice in Nigeria.

Resolved to:

- (i) condemn the manipulation of our legal system by the Attorney-General of the Federation and the Acting Chairman of the Economic and Financial Crimes Commission; and
 - (ii) mandate the Committee on Judiciary to interface with the Attorney-General of the Federation to ensure that sanity is brought to bear on the case (HR. 37/2018).
- (ii) ***Need for the Inclusion of Kaduna and Plateau States in the States Affected by Herdsmen-Farmers Crisis that the National Economic Council Working Group Sub-Committee will Visit for Consultations:***
Hon. Sunday Marshall Katung (Zangon-Kataf/Jaba 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 the Inclusion of Kaduna and Plateau States in the States Afflicted by the Herdsmen-Farmers Crisis that the National Economic Council Working Group Sub-Committee will Visit for Consultations:

The House:

Recalls that the Herdsmen-Farmers Crisis is perhaps currently the deadliest threat to Nigeria's national security;

Also recalls that apart from the wanton loss of lives and massive displacement of persons, it is reported that Nigeria loses enormous resources annually as a result of these clashes;

Encouraged that the Federal Government, under the auspices of the National Economic Council recently set up a Working Group Sub-Committee to be chaired by His Excellency, David Umahi, the Executive Governor of Ebonyi State, to visit States affected by the Herdsmen-Farmers Conflict to hold consultations with stakeholders and interested parties on how to bring an end to the conflicts;

Notes that the Press Release from the Office of the Vice-President of the Federal Republic of Nigeria on the setting up of the Sub-Committee named the affected States to be visited by the Committee as Benue, Taraba, Zamfara and Adamawa States;

Concerned that two (2) of the hot-beds of these conflicts, Kaduna and Plateau States, were presumably inadvertently omitted from the States to be visited by the Sub-Committee;

Bearing in mind that in post-election violence in 2011, hundreds of people were killed in a manner suggesting a fallout from the herdsmen-farmers conflict. In July 2017, thirty seven (37) persons were allegedly killed in Banono Village in Kajuru Local Government Area of Kaduna State; according to reports, over two thousand (2000) persons were killed in Benue and Kaduna States in 2016. Every write up regarding the conflict has always mentioned Kaduna State as one of the fore-grounds of the crisis;

Also bearing in mind that the crisis has assumed varying dimensions in Plateau State, sometimes under the characterization of "indigeneship-settlers" crisis. This is an age-long crisis in Plateau State and every discussion regarding the conflict has identified the State as one of the crisis-prone States;

Anxious that the omission of these two States from the interactions and consultations with the Sub-Committee will not comprehensively and conclusively address the matter as intended by the Federal Government;

Determined that every effort must be put in place to save Nigeria from these needless and brutal killings, and that the inclusion of Kaduna and Plateau States will advance this objective.

Resolves to:

Mandate the Committee on National Security and Intelligence to immediately liaise with the office of the Vice President to ensure the inclusion of Kaduna and Plateau States among the States affected by the crisis that the National Economic Council Working Group Sub-Committee will consult with and report back within four (4) weeks for further legislative action (*Hon. Sunday Marshall Katung — Jaba/Zangon Kataf and 4 Others*).

Debate.

Agreed to.

The House:

Recalled that the Herdsmen-Farmers Crisis is perhaps currently the deadliest threat to Nigeria's national security;

Also recalled that apart from the wanton loss of lives and massive displacement of persons, it is reported that Nigeria loses enormous resources annually as a result of these clashes;

- Encouraged* that the Federal Government, under the auspices of the National Economic Council recently set up a Working Group Sub-Committee to be chaired by His Excellency, David Umahi, the Executive Governor of Ebonyi State, to visit States affected by the Herdsmen-Farmers Conflict to hold consultations with stakeholders and interested parties on how to bring an end to the conflicts;

Noted that the Press Release from the Office of the Vice-President of the Federal Republic of Nigeria on the setting up of the Sub-Committee named the affected States to be visited by the Committee as Benue, Taraba, Zamfara and Adamawa States;

Concerned that two (2) of the hot-beds of these conflicts, Kaduna and Plateau States, were presumably inadvertently omitted from the States to be visited by the Sub-Committee;

Bearing in mind that in post-election violence in 2011, hundreds of people were killed in a manner suggesting a fallout from the herdsmen-farmers conflict. In July 2017, thirty seven (37) persons were allegedly killed in Banono Village in Kajuru Local Government Area of Kaduna State; according to reports, over two thousand (2000) persons were killed in Benue and Kaduna States in 2016. Every write up regarding the conflict has always mentioned Kaduna State as one of the fore-grounds of the crisis;

Also bearing in mind that the crisis has assumed varying dimensions in Plateau State, sometimes under the characterization of "indigeneship-settlers" crisis. This is an age-long crisis in Plateau State and every discussion regarding the conflict has identified the State as one of the crisis-prone States;

Anxious that the omission of these two States from the interactions and consultations with the Sub-Committee will not comprehensively and conclusively address the matter as intended by the Federal Government;

Determined that every effort must be put in place to save Nigeria from these needless and brutal killings, and that the inclusion of Kaduna and Plateau States will advance this objective.

Resolved to:

Mandate the Committee on National Security and Intelligence to immediately liaise with the office of the Vice President to ensure the inclusion of Kaduna and Plateau States among the States affected by the crisis that the National Economic Council Working Group Sub-Committee will consult with and report back within four (4) weeks for further legislative action (HR. 38/2018).

6. Presentation of Bills

The following Bills were read the *First Time*:

- (1) Trade Disputes Act (Amendment) Bill, 2018 (HB. 1320).
- (2) Council for the Registration of Travel Agents of Nigeria Bill, 2018 (HB. 1321).
- (3) Central Bank of Nigeria Act (Amendment) Bill, 2018 (HB. 1322).
- (4) Nigerian National Petroleum Corporation Act (Amendment) Bill, 2018 (HB. 1323).
- (5) Tertiary Education Trust Fund Act (Amendment) Bill, 2018 (HB. 1324).
- (6) Federal College of Agriculture, Okehi, Etche (Establishment) Bill, 2018 (HB. 1325).
- (7) Federal Polytechnic, Yala (Establishment) Bill, 2018 (HB. 1326).

7. Presentation of Reports**(i) Committee on Aviation:**

Motion made and Question proposed, "That the House do receive the Report of the Committee on Aviation on the Fact Finding Visits to Enugu, Port Harcourt, Lagos and Abuja Airports (Pursuant to Order Eighteen, Rule 17 (2) (a) of the Standing Orders of the House of Representatives)" (Hon. Nkeiruka C. Onyejeocha — Isuikwuato/Umunneochi Federal Constituency).

Agreed to.

Report laid.

(ii) Committee on Information, National Orientation, Ethics and Values:

Motion made and Question proposed, "That the House do receive the Report of the Committee on Information, National Orientation, Ethics and Values on a Bill for an Act to Amend the National Broadcasting Commission Act, Cap. N11, Laws of the Federation of Nigeria, 2004 to Provide for Competition in Nigeria, to Promote Efficiency and Expand Opportunities for Nigerian Participation in World Markets while at the same time Recognizing the Role of Foreign Competition in Nigeria; and for Related Matters" (Hon. Odebunmi Olusegun Dokun — Ogo-Oluwa/Surulere Federal Constituency).

Agreed to.

Report laid.

8. A Bill for an Act to Amend the Hydroelectric Power Producing Areas Development Commission (Establishment, etc.) Act, 2010 to make Provision for the Reduction of Percentage on Revenue Generated by any Company or Authority from the Operations of Hydroelectric Dams; and for Related Matters (HB. 1213) — Third Reading

Motion made and Question proposed, "That a Bill for an Act to Amend the Hydroelectric Power Producing Areas Development Commission (Establishment, etc.) Act, 2010 to make Provision for the Reduction of Percentage on Revenue Generated by any Company or Authority from the Operations of Hydroelectric Dams; and for Related Matters (HB. 1213) be now read the Third Time" (Hon. Femi Gbajabiamila — House Leader).

Question Agreed to.

Bill read the Third time and Passed.

9. A Bill for an Act to Provide that 20% of Jobs Available in all Federal Government Ministries, Departments and Agencies and Companies be Distributed among the Physically Challenged Persons in Nigeria; and for Related Matters (HB. 1261) — Second Reading

Motion made and Question proposed, "That a Bill for an Act to Provide that 20% of Jobs Available in all Federal Government Ministries, Departments and Agencies and Companies be Distributed among the Physically Challenged Persons in Nigeria; and for Related Matters (HB. 1261) be now read a Second Time" (Hon. Femi Gbajabiamila — Surulere I Federal Constituency).

Debate.

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

Bill read the Second Time.

Bill referred to the Committees on Women Affairs, and Employment, Labour and Productivity.

10. **A Bill for an Act to Establish Federal University of Agriculture, Kabba to make Comprehensive Provisions for its due Management and Administration; and for Related Matters (HB. 1259) — Second Reading**

Motion made and Question proposed, "That a Bill for an Act to Establish Federal University of Agriculture, Kabba to make Comprehensive Provisions for its due Management and Administration; and for Related Matters (HB. 1259) be now read a Second Time" (*Hon. Femi Gbajabiamila — House Leader*).

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.

11. **A Bill for an Act to Amend the Federal Colleges of Education Act, Cap. F8, Laws of the Federation of Nigeria, 2004 to align the Colleges of Education affected by Boundary Adjustments as a Result of States Creation and to Establish Federal College of Education, Malam Madori, Jigawa State to Address the Current Imbalance in the Establishment and Distribution of Federal Institutions in the State; and for Related Matters (HB. 1260) — Second Reading**

Motion made and Question proposed, "That a Bill for an Act to Amend the Federal Colleges of Education Act, Cap. F8, Laws of the Federation of Nigeria, 2004 to align the Colleges of Education affected by Boundary Adjustments as a Result of States Creation and to Establish Federal College of Education, Malam Madori, Jigawa State to Address the Current Imbalance in the Establishment and Distribution of Federal Institutions in the State; and for Related Matters (HB. 1260) be now read a Second Time" (*Hon. Femi Gbajabiamila — House Leader*).

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.

12. **A Bill for an Act to Establish Federal College of Education, Jama'Are, Bauchi State to Provide fulltime Courses, Teaching Instruction and Training in Technology, Applied Science, Arts, Social Sciences, Humanities and Management; and for Related Matters (HB. 1216) — Second Reading**

Motion made and Question proposed, "That a Bill for an Act to Establish Federal College of Education, Jama'Are, Bauchi State to Provide fulltime Courses, Teaching Instruction and Training in Technology, Applied Science, Arts, Social Sciences, Humanities and Management; and for Related Matters (HB. 1216) be now read a Second Time" (*Hon. Isa Hassan Mohammed — Jama'Are/Itas-Gadau 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 on Tertiary Education and Services.

13. Deploable Condition of the First Niger Bridge and Call for Preventive Maintenance of the Bridge

Motion made and Question proposed:

The House:

Notes that the First Bridge across River Niger linking Asaba in Delta State and Onitsha in Anambra State was built over 50 years ago during the Administration of Sir Abubakar Tafawa Balewa;

Also notes that the bridge was badly damaged during the Nigerian civil war and subsequently repaired and has been of immense benefits to Nigerians and foreign nationals alike who ply the South Eastern and South South routes:

Aware that the bridge is the only link between the South East, South South, South West and some Northern States, as the Second Niger Bridge is still at its early stage of construction;

Also aware that the first Niger bridge is currently in an advanced state of disrepair which is raising the threat of its collapse that would lead to traffic build up and excruciating pains to commuters, who sometimes experience traffic delays of up to eight or more hours in a bid to cross the Bridge;

Further aware that the poor state of the bridge has been of grave concern to well-meaning Nigerians, resulting in the conception of a Second Niger Bridge project as an alternative route to contain the very heavy traffic across the First Niger Bridge from all parts of the country;

Resolves to:

- (i) mandate the Committee on Works to pay a working visit to the First Niger Bridge to assess its condition;
- (ii) urge the Federal Ministry of Power, Works and Housing to undertake urgent technical assessment as well as immediate reinforcement, repairs and rehabilitation of the First Niger Bridge to avoid its collapse;
- (iii) call on the Ministry to develop and implement routine preventive maintenance programme for the First Niger Bridge, and indeed all bridges on Federal roads across the country; and
- (iv) also call on the Ministry to expedite work on the Second Niger Bridge project to relieve the pains and sufferings of Nigerians plying the First Niger Bridge (*Hon. Obinna Chidoka — Idemili North/Idemili South Federal Constituency*).

Agreed to.

(HR. 39/2018).

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

14. Need to Restore the Oron-Calabar Ferry Services

Order read; deferred by leave of the House.

15. **Need to Investigate the Activities of the Bank of Industry on the Controversial Sales of its Shares and Equity Holdings without Due Process, Sales of Properties Previously Declared Missing, Violation of Hiring Procedures in the Appointment of Executive Directors and its Financial Activities from 2010 to 2015**
Motion made and Question proposed:

The House:

Notes the allegation that the Bank of Industry, which is one of the Nigeria's major development financial institutions with government and private ownership, controversially sold some of its assets and shares in WAMPCO Nigeria Plc as well as its equity holdings in Dangote Properties to the public without following due process;

Also notes that the Management of the Bank under Mr Rasheed Olaoluwa unilaterally awarded the sale of the shares to BGL Securities Limited despite the fact that the Bank of Industry Investment and Trust Company (BOITC), a subsidiary of the Bank could have effectively handled the transaction;

Further notes that awarding the sale contract to BGL Securities Limited may have been done with the intention of favouring cronies of the managing director to snap up the shares in WAMPCO that were valued at ₦40 billion and also to ensure that details of the transaction were kept secret;

Observes that the Bank's subsidiary company, BOITC lost about ₦400 million in revenues by being denied the deal and two staff of the bank, Mr Rakiya Zubairu and Mr Sonny Ekadayo, were sacked for revealing the deal and other unethical transactions and practices going on in the Bank;

Informed that some properties of the Bank that were declared missing were also disposed of inappropriately and the licence of BGL Securities Limited has been withdrawn by the regulatory authority and its top officials barred from practice over violations of rules governing capital market operations;

Also informed by inside sources that signatures of some past managing directors of the Bank are still active on the signature mandates in some accounts of the Bank;

Recalls the audit report which observed a deposit of ₦2 billion made on 13 May, 2011 into the Bank's account with the Central Bank of Nigeria which source was unknown and the money was not remitted to the Treasury Single Account (TSA) as was required by the Federal Government;

Concerned that a financial statement with several infractions was signed off by the Hon. Minister of Industry, Trade and Investment and the Acting Managing Director of the Bank;

Also concerned that the appointments of four (4) Executive Directors were made in violation of the hiring procedures in that while it is required for the Minister to make recommendation to the President who shall approve the nomination, the Bank went ahead with the appointments as there are no records of the approval of the President.

Resolves to:

Set up an *Ad-hoc* Committee to investigate the:

- (i) financial improprieties at the Bank of Industry from 2010 to 2015, including the Management of the Bank on the sales of over ₦40 billion of its shares in WAMPCO Nig. Plc without due process, its equity holdings in Dangote Properties and also the properties that had been declared missing; and
- (ii) procedures followed in the hiring of four (4) Executive Directors without the approval of the President of Nigeria (*Hon. Agbonayinma Johnson Ehiozuwa — Egor/Ikpoba/Okha Federal Constituency*).

Debate.

Agreed to.

The House:

Noted the allegation that the Bank of Industry, which is one of the Nigeria's major development financial institutions with government and private ownership, controversially sold some of its assets and shares in WAMPCO Nigeria Plc as well as its equity holdings in Dangote Properties to the public without following due process;

Also noted that the Management of the Bank under Mr Rasheed Olaoluwa unilaterally awarded the sale of the shares to BGL Securities Limited despite the fact that the Bank of Industry Investment and Trust Company (BOIITC), a subsidiary of the Bank could have effectively handled the transaction;

Further noted that awarding the sale contract to BGL Securities Limited may have been done with the intention of favouring cronies of the managing director to snap up the shares in WAMPCO that were valued at ₦40 billion and also to ensure that details of the transaction were kept secret;

Observed that the Bank's subsidiary company, BOIITC lost about ₦400 million in revenues by being denied the deal and two staff of the bank, Mr Rakiya Zubairu and Mr Sonny Ekadayo, were sacked for revealing the deal and other unethical transactions and practices going on in the Bank;

Informed that some properties of the Bank that were declared missing were also disposed of inappropriately and the licence of BGL Securities Limited has been withdrawn by the regulatory authority and its top officials barred from practice over violations of rules governing capital market operations;

Also informed by inside sources that signatures of some past managing directors of the Bank are still active on the signature mandates in some accounts of the Bank;

Recalled the audit report which observed a deposit of ₦2 billion made on 13 May, 2011 into the Bank's account with the Central Bank of Nigeria which source was unknown and the money was not remitted to the Treasury Single Account (TSA) as was required by the Federal Government;

Concerned that a financial statement with several infractions was signed off by the Hon. Minister of Industry, Trade and Investment and the Acting Managing Director of the Bank;

Also concerned that the appointments of four (4) Executive Directors were made in violation of the hiring procedures in that while it is required for the Minister to make recommendation to the President who shall approve the nomination, the Bank went ahead with the appointments as there are no records of the approval of the President.

Resolved to:

Set up an *Ad-hoc* Committee to investigate the:

- (i) financial improprieties at the Bank of Industry from 2010 to 2015, including the Management of the Bank on the sales of over ₦40 billion of its shares in WAMPCO Nig. Plc without due process, its equity holdings in Dangote Properties and also the properties that had been declared missing; and
- (ii) procedures followed in the hiring of four (4) Executive Directors without the approval of the President of Nigeria (**HR. 40/2018**).

16. **Need to Investigate the Alleged Diversion of Funds Appropriated for the Power Sector and Apparent Disregard of Due Process in the Awards of Power Projects**

Motion made and Question proposed:

The House:

Notes that the country has been grappling with challenges of power for a longtime now despite efforts by successive Administrations to address the situation due to the centrality of power in the development and economic advancement of any nation;

Also notes that the present Administration has made the provision of adequate power a cardinal programme in its scheme of projects that will herald the industrialization of the country;

Aware that funds were appropriated by the National Assembly in the 2016 and 2017 budgets for various power projects, some of which were awarded and are at various stages of completion, while others are yet to be awarded;

Further notes the allegation that the bulk of the funds appropriated in the 2016 and 2017 budgets for the power projects was expended without regard to due process as a result that contractors handling various projects are not being paid, a case in point being the Zungeru Hydro Power Project;

Concerned that failure to pay contractors might lead to increase in the costs of the projects, apart from heightening the restiveness of resettled communities which could present huge risks to the execution of the projects.

Resolves to:

Mandate the Committee on Power to investigate the alleged diversion of funds appropriated for the power sector and the apparent disregard of due process in the awards of power projects, and report back within six (6) weeks for further legislative action (*Hon. Abubakar Yunusa Ahmad — Yamaltu/Deba Federal Constituency*).

Debate.

Amendment Proposed:

Leave out all the words in the Prayer, and *insert* as follows:

“Set up an *Ad-hoc* Committee to investigate the alleged diversion of appropriated funds for the power sector and the apparent disregard of due process in the award of power projects, and report back within six (6) weeks for further legislative action” (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

Question that the amendment be made — Agreed to.

Question on the Motion as amended — Agreed to.

The House:

Noted that the country has been grappling with challenges of power for a longtime now despite efforts by successive Administrations to address the situation due to the centrality of power in the development and economic advancement of any nation;

Also noted that the present Administration has made the provision of adequate power a cardinal programme in its scheme of projects that will herald the industrialization of the country;

Aware that funds were appropriated by the National Assembly in the 2016 and 2017 budgets for various power projects, some of which were awarded and are at various stages of completion, while others are yet to be awarded;

Further noted the allegation that the bulk of the funds appropriated in the 2016 and 2017 budgets for the power projects was expended without regard to due process as a result that contractors handling various projects are not being paid, a case in point being the Zungeru Hydro Power Project;

Concerned that failure to pay contractors might lead to increase in the costs of the projects, apart from heightening the restiveness of resettled communities which could present huge risks to the execution of the projects.

Resolved to:

Set up an *Ad-hoc* Committee to investigate the alleged diversion of appropriated funds for the power sector and the apparent disregard of due process in the award of power projects, and report back within six (6) weeks for further legislative action (HR. 41/2018).

17. **Call for the Investigation of Nigeria Customs Service Surveillance Operatives Deployed at the Borders across the Federation**

Motion made and Question proposed:

The House:

Notes that the Nigeria Customs Service was established as a revenue collection agency with the responsibility to manage the nation's borders and curtail smuggling activities that reduce the revenues accruable to the coffers of the Federal Government;

Also notes that the Customs Service derives its budgetary allocations annually from the Federal Government in order to enable it train its personnel and procure needed equipment for optimal performance of its statutory responsibilities;

Aware of recurring allegations that officials of the Service routinely engage in corrupt activities aimed at self-enrichment to the detriment of enhancing the revenue base of the nation;

Also aware of allegations that some corrupt officials of the Service aid and abet smuggling, especially those dealing on Rice who pay their ways into the country, only for the same customs officials to start chasing traders who bought those bags of Rice for sale, at times raiding markets or mounting road blocks for the exercise, rather than preventing the smuggling of the products into the country, in the first place;

Concerned by incidents of random shooting of ordinary Nigerians by surveillance operatives of the Customs Service at various land borders in the guise of curtailing smuggling activities and also indiscriminate shooting at various cities across the nation;

Recalls specific shooting incidents of 17 January, 2018 when six (6) customs officials in a patrol van shot a person dead at Abule-Egba, Lagos while pursuing rice smugglers and that of 18 January, 2018 where operatives shot a pregnant woman, also at Lagos;

Cognizant of the need for the Federal Government to revamp the Customs Service for a more efficient and effective operations and to conform to international best practices;

Resolves to:

- (i) urge the Federal Government to put in place measures to ensure regular monitoring of surveillance operatives of the Nigeria Customs Service to avert unwarranted shooting of innocent citizens; and

- (ii) mandate the Committee on Customs and Excise to interface with the Management of the Nigeria Customs Service with a view to ascertaining whether its financial operations are in line with financial regulations and also investigate the unwarranted killings and shooting of people which are causing fear among the populace, and report back within eight (8) weeks for further legislative action (*Hon. Oyewole Dija Babafemi — Somoju Federal Constituency*).

Debate.

Agreed to.

The House:

Noted that the Nigeria Customs Service was established as a revenue collection agency with the responsibility to manage the nation's borders and curtail smuggling activities that reduce the revenues accruable to the coffers of the Federal Government;

Also noted that the Customs Service derives its budgetary allocations annually from the Federal Government in order to enable it train its personnel and procure needed equipment for optimal performance of its statutory responsibilities;

Aware of recurring allegations that officials of the Service routinely engage in corrupt activities aimed at self-enrichment to the detriment of enhancing the revenue base of the nation;

Also aware of allegations that some corrupt officials of the Service aid and abet smuggling, especially those dealing on Rice who pay their ways into the country, only for the same customs officials to start chasing traders who bought those bags of Rice for sale, at times raiding markets or mounting road blocks for the exercise, rather than preventing the smuggling of the products into the country, in the first place;

Concerned by incidents of random shooting of ordinary Nigerians by surveillance operatives of the Customs Service at various land borders in the guise of curtailing smuggling activities and also indiscriminate shooting at various cities across the nation;

Recalled specific shooting incidents of 17 January, 2018 when six (6) customs officials in a patrol van shot a person dead at Abule-Egba, Lagos while pursuing rice smugglers and that of 18 January, 2018 where operatives shot a pregnant woman, also at Lagos;

Cognizant of the need for the Federal Government to revamp the Customs Service for a more efficient and effective operations and to conform to international best practices.

Resolved to:

- (i) urge the Federal Government to put in place measures to ensure regular monitoring of surveillance operatives of the Nigeria Customs Service to avert unwarranted shooting of innocent citizens; and
- (ii) mandate the Committee on Customs and Excise to interface with the Management of the Nigeria Customs Service with a view to ascertaining whether its financial operations are in line with financial regulations and also investigate the unwarranted killings and shooting of people which are causing fear among the populace, and report back within eight (8) weeks for further legislative action (**HR. 42/2018**).

18. Need to Revisit the Establishment of Ekiti Airport

Motion made and Question proposed:

The House:

Notes that airports are important and integral part of economic infrastructure which contribute significantly to the economic growth, potential and development of any state or nation and provide the necessary connectivity and accessibility required in the movement of people and goods, thereby promoting industrialization, employment generation, wealth creation, revenue generation, provision of services and promotion of tourism;

Aware that sometime in 2007, the Federal Government gave technical approval for the establishment of airports in Bayelsa, Delta, Gombe and Ekiti States, which was re-stated by former President Goodluck Ebele Jonathan while on a State visit to Ekiti in 2011;

Also aware that while other States whose airport projects were approved alongside that of Ekiti had either made theirs operational or got them to various stages of completion through collaborative effort with the Federal Government, that of Ekiti State has been stalled by political considerations;

Cognizant of the fact that Ekiti State is home to Afe Babalola University (ABUAD), a world class University that can boast of having students from all over the States of the Federation and also the Ikogosi Warm Spring, Erinta Water Falls, Oroke Ewo War Centre, Ilupeju Ekiti, Erin Ayonigba Fish River, Erinyan Ekiti, and Fajuyi Park;

Also cognizant of the fact that the proposed airport would bring Ekiti State into limelight with its emerging economy and attract investors as well as tourists who have flair for comfort into the State, given that it does not have any railway line or any other alternative means of transportation save through the roads, with all the routes leading to the State in various state of disrepair;

Further cognizant that there is an urgent need for the establishment of an airport in Ekiti State in order to open it to the outside world and serve as a catalyst for the development of the State.

Resolves to:

Mandate the Committee on Aviation to liaise with the Federal Ministry of Transportation to revisit the airport project that was planned for Ekiti State and ensure its early completion to boost the economic, social and tourism potentials of the State (*Hon. Segun Alexander Adekola — Ekiti Southwest/Ikere/Ise/Orun Federal Constituency*).

Debate.

Agreed to.

(HR. 42/2018).

Motion referred to the Committee on Aviation, pursuant to Order Eight, Rule 9 (5).

19. Consideration of Reports

- (i) A Bill for an Act to Establish the Institute of Chartered Biochemists and Molecular Biologists charged with Responsibilities to, among other things, Determine the Standard of Knowledge and Skills to be attained by persons seeking to become registered Biochemists and Molecular Biologists, Register such Persons, Regulate and Control their Practice and Review those Standards from time to time, as Circumstances may Permit; and for Related Matters (HB.1142) (Committee of the Whole):**

Motion made and Question proposed. "That the House do consider a Bill for an Act to Establish the Institute of Chartered Biochemists and Molecular Biologists charged with Responsibilities to, among other things, Determine the Standard of Knowledge and Skills to

be attained by persons seeking to become registered Biochemists and Molecular Biologists, Register such Persons, Regulate and Control their Practice and Review those Standards from time to time, as Circumstances may Permit; and for Related Matters (HB. 1142) and approve the recommendations therein" (*Hon. Orker-Jev Emmanuel Yisa — Buruku 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 BIOCHEMIST AND MOLECULAR BIOLOGISTS CHARGED WITH THE RESPONSIBILITIES TO AMONG OTHER THINGS, DETERMINE STANDARD OF KNOWLEDGE AND SKILL TO BE ATTAINED BY PERSONS SEEKING TO BECOME REGISTERED BIOCHEMISTS AND MOLECULAR BIOLOGISTS, REGISTER SUCH PERSONS, REGULATE AND CONTROL THEIR PRACTICE AND REVIEW THOSE STANDARDS FROM TIME TO TIME AS CIRCUMSTANCES MAY PERMIT AND FOR RELATED MATTERS (HB. 1142)

Clause 1: Establishment of the Institute of Chartered Biochemists and Molecular Biologists of Nigeria.

- (1) There is established a body to be known as the Institute of Chartered Biochemists and Molecular Biologists of Nigeria (in this Bill referred to as "the Institute").
- (2) The Institute:
 - (a) shall be a body Corporate with perpetual succession and a common seal and may sue and be sued in its corporate name; and
 - (b) may acquire, hold, mortgage, purchase and deal with property, whether movable or immovable, real or personal (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 2: Establishment and Composition of the Governing Council of the Institute.

- (1) There is established for the Institute a Council (in this referred Act to as the "Council") which shall be charged with the responsibility of administration and general management of the Institute.
- (2) The council shall consist of the following members, that is —
 - (a) the President of the Institute, who shall be the Chairman;
 - (b) the Vice-President of the Institute, who shall be the Vice Chairman;
 - (c) a representative each from the:
 - (i) Federal Ministry of Health,
 - (ii) Federal Ministry of Science and Technology,

- (iii) Federal Ministry of Education,
 - (iv) Federal Ministry of Agriculture, and
 - (v) Federal Ministry of Environment;
 - (d) past President of the Institute who shall be entitled to serve on the Council for a maximum period of three years from the expiration of their terms of office as President of the Institute;
 - (f) the Chairmen of all standing Committees of the Institute;
 - (g) six (6) Senior Academics of Professorial rank, who must be registered members of the Institute to represent Institutions of higher learning in Nigeria offering courses leading to approved qualifications, to be elected by the Institute, based on geo-political zones. Each geopolitical zone shall nominate representatives in rotation;
 - (h) two persons who shall be registered Biochemist and/or Molecular Biologist to be elected by the Institute to represent the organised private sector ; and
 - (i) the Registrar of the Institute who shall be the Secretary to the Council.
- (3) Where the President is unable to preside at the meetings of the Council by reason of death, incapacity or any other reason, the Vice President shall act in his stead for the unexpired portion of the term of office, or as the case may require, and references in this Bill to the President shall be construed accordingly.
- (4) The provisions set out in the First Schedule to this Bill shall have effect with respect to the qualifications and tenure of office of members of the Council and the other matters (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 3: Election of President and Vice President.

- (1) The President and the Vice President shall —
- (a) be fellows of the Institute (be members of the Institute with not less than 10 years post-qualification experience);
 - (b) be elected at the Annual General Meeting of the Institute; and
 - (c) hold office each for a term of two years renewable for another term and no more.
- (2) A person shall be qualified for election to the office of the President and Vice President of the Institute if he —
- (a) is a citizen of Nigeria;
 - (b) has paid all his or her dues for five consecutive years immediately preceding the year of election; and

- (c) has not been adjudged to be a lunatic or to be of unsound mind, or declared to be bankrupt (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 4: Membership of the Institute.

- (1) Subject to the provisions of this Bill, members admitted to the Institute shall —

- (a) possess adequate knowledge and understanding of Biochemistry and Molecular Biology and related matters and must be registered as members in the category of:

- (i) Fellow,
- (ii) Associate Members,
- (iii) Professional Members,
- (iv) Ordinary Members, or
- (v) Honorary Fellow and Members;

- (b) be registered as Biochemists and Molecular Biologists or such other classification of Biochemists and Molecular Biologists as the Institute may, from time to time, determine.

- (2) A person can be registered as —

- (a) a Fellow if —

- (i) he has been registered as an Associate member of the Institute, or has been qualified to be so registered for at least seven years and he satisfies the Council that for a continuous period of ten years immediately preceding the application he has been in practice as Biochemist or Molecular Biologist, and
- (ii) he is otherwise considered by the Council to be a fit and proper person to be so registered;

- (b) an Associate Member if —

- (i) he has been registered as a Professional member of the Institute or has been qualified to be so registered for at least six years immediately preceding the application; and
- (ii) he is otherwise considered by the Council to be a fit person and proper to be so registered.

- (c) a Professional Member if —

- (i) he has been registered as a member of the Institute and has been in practice as a Biochemist and Molecular Biologist for a period of at least two years immediately preceding the application; or

- (ii) he or she is otherwise considered by the Council to be a fit and proper person to be so registered;
- (d) an Ordinary Member if —
 - (i) he or she holds a certificate of the examination of the Institute or has any other qualification approved by the Council and he or she satisfies the provisions of section 8 of this Bill; or
 - (ii) he is otherwise considered by the Council to be a fit and proper person to be so registered.
- (e) an Honorary Fellow or Honorary Member of the Institute shall be a person admitted as such by a resolution of the Council.

Where a person is enrolled or registered by the Institute, he shall be entitled to the use of such letters after his name as may be authorized by the Council according to whether he is a Fellow, Associate, Professional Member or registered Biochemists and Molecular Biologists and when so enrolled or registered, he shall receive a certificate in such form as the Council may, from time to time, approve (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 5: Duties of Members.

- (1) It shall be the duty of a registered member of the Institution to abide by the rules, regulations, code of conduct and any other policy made by the Institute for the purpose of sound practice.
- (2) A member of the Institute shall conduct his or her behavior in a manner that upholds the dignity and reputation of the Institute.
- (3) No registered person shall practice as a Biochemist and/or Molecular Biologist in any year unless he or she has paid to the Institute in respect of that year, the appropriate practicing fee which shall be due every January as prescribed by the Institute.
- (4) Without prejudice to being fully registered, any person with at least "fifty years" post qualification experience shall not pay practice fee.
- (5) Every fully registered member who has paid his or her practice fee as prescribed in section (3) above or is exempted as in section (4) above shall be entitled to an annual practicing license authorizing him or her subject to any regulation in force to practice as a Biochemist and or Molecular Biologist (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 6: Powers of the Council.

The council shall have power to do anything which in its opinion is calculated to facilitate the activities of the Institute (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 7: Funds and Account of the Institute.

- (1) The Council shall establish and maintain a fund for the Institute.
- (2) There shall be paid and credited into the fund established pursuant to subsection (1) of this section —
 - (a) all fees and other moneys payable to Council in pursuance of this Bill; these include contribution from members and Fellows, levies, annual subscription/practice license fees and other dues payable by members;
 - (b) revenues accruing from investments, services and symposia, grants from local and international bodies, endowments, donations from benefactors, adhering bodies, educational activities and other donors;
 - (c) such moneys as may be payable to the Council in the course of the discharge of its functions under this Bill.
- (3) There shall be paid out of the fund of the Institute —
 - (a) all expenditure incurred by the Council in the discharge of its functions under this Bill ;
 - (b) the remuneration and allowances of the Registrar and other staff of the Institute; and
 - (c) such reasonable travelling and subsistence allowances of members of the Council in respect of the time spent on the duties of the Council, as the Council may determine.
- (4) The Council may, from time to time, borrow money for the purpose of the Institute and any interest payable on moneys so borrowed shall be paid out of the fund of the Institute.
- (5) The Council shall keep proper accounts on behalf of the Institute in respect of each year and proper records in relation to these accounts; and the Council shall cause the accounts to be audited by an auditor appointed from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation.
- (6) The auditor, appointed for the purposes of this section, shall not be a member of the Council.
- (7) The Council shall prepare and submit to the Minister not later than twelve months after its establishment and once in each year thereafter a report on the activities of the Council in the last preceding year and shall include in the report a copy of the audited accounts of the Council for that year and of the auditor's report thereon (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 8: Appointment of Registrar, Other Staff and their Duties.

- (1) It shall be the duty of the Council to appoint —

- (a) a fit and proper person who shall be a member of the Institute to be the Registrar who shall be the Chief Executive Officer of the Institute for the purposes of this Bill ; and
 - (b) such other persons as the Institute may, from time to time, think necessary.
- (2) It shall be the duty of the Registrar —
 - (a) to prepare and maintain, in accordance with rules made by the Council, a register of names, addresses and approved qualifications and of such other particulars as may be specified in the rules, of all persons who are entitled in accordance with the provisions of this Bill to be registered as members of the profession in the category of fellows, associates members, professional members, ordinary members, honorary fellows and members who, in the manner prescribed by such rules, apply to be so registered;
 - (b) to correct, in accordance with the directions of the Council, any entry in the register which the Council directs him to correct as being in the opinion of the Council an entry which was incorrectly made;
 - (c) to make, from time to time, any necessary alterations to the registered particulars of registered persons;
 - (d) to record the names of members of the Institute who are in default for more than six months in the 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) to cause the register to be printed, published and put on sale to members of the public not later than two years from the coming into force of this Bill;
 - (f) in each year after that in which a register is first published under paragraph (a) of this subsection, to cause to be printed, published and put on sale as aforesaid, either an updated or corrected edition of the register or list of alteration made to the register since it was last printed; and
 - (g) to cause a print of each edition of the register and of each list of corrections to be deposited at the principal office of the institute, and it shall be the duty of the Council to keep the register and lists so deposited available at all reasonable times for inspection by members of the public.
- (3) A document purporting to be print of an edition of a register published under this section by authority of the Registrar or documents purporting to be prints of an edition so published, shall (without prejudice to any other mode of proof) be admissible in any proceeding as evidence that any person specified in the document, or documents read together, as being registered, is so registered at the date of the edition or of the list of corrections, as the case may be, and that any person not so specified was not so registered.

- (4) Where in accordance with subsection (2) of this Section, a person is in any proceeding shown to have been registered at a particular date, he shall, unless the contrary is proved, be taken for the purposes of the proceeding as having at all material times thereafter continued to be or not be so registered.
- (5) If the Registrar—
- (a) sends by post to any registered person a registered letter addressed to him at his address on the register enquiring whether the registered particulars relating to him are correct and receives no reply to the letter within the period of six months from the date for 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; and
 - (c) the Registrar may remove the particulars relating to the person in question from the register:

Provided that the Council may, for any reason which seems to it sufficient, direct the Registrar to restore the appropriate part of the register any particulars removed therefrom under this subsection
(Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency).

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

Clause 9: Register of members.

- (1) The register shall consist of five parts of which the first part shall be in respect of honorary fellows and members, the second part shall be in respect of fellows, the third part shall be in respect of associate members, the fourth part in respect of professional members and the fifth part in respect of ordinary members.
- (2) Subject to the following provisions of this section, the Council may make rules with respect to the form and keeping of the register and the making of entries therein and in particular —
 - (a) regulating the making of applications for registration, and providing for the evidence to be produced in support of applications;
 - (b) providing for the notification to the Registrar, by the person to whom any registered particulars relate, of any change in those particulars;
 - (c) requiring a registered person to have any qualification which is in relation to Biochemists and Molecular Biologists, either an approved qualification for the purposes of this Bill, registered in relation to this name in addition to or, as he may elect, in substitution for any other qualifications 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 authorizing 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 failing to be specified under the foregoing provisions of this section:
- (3) Any rules made for the purpose paragraph (d) of subsection (2) of this section shall not come into force until they are confirmed at a special meeting of the Institute convened for the purpose or at the next Annual General Meeting, as the case may be (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 10: Registration of Certified Persons.

- (1) Subject to Section 18 of this Bill and the rules made under Section 8 of this Bill, a person shall be registered as a member of the profession if:
 - (a) he passes the qualifying examination for registration recognized or conducted by the Council under this bill and completes the practical training prescribed; or
 - (b) he holds a qualification granted and for the time being accepted by the institute and satisfies the council that he has had sufficient practical experience as a biochemist and molecular biologist; or
 - (c) he holds a qualification granted outside Nigeria and for the time being accepted by the Institute which entitles him or her to practice for all purposes as a Biochemist and Molecular Biologist in the country in which the qualification was granted, and he qualifies for registration as a member in any of the categories specified in Section 4 of this Bill.
- (2) An applicant for registration under this Bill 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, in its discretion, provisionally accept a qualification produced in respect of an application for registration under this section, or direct that the application be renewed within such period as may be specified in the direction.
- (4) Any entry directed to be made in the register under subsection (3) 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, from time to time, publish in the Gazette particulars of qualifications for the time being acceptable for registration by the Institute and includes:
 - (a) foreigners wishing to practice as professional Biochemist or Molecular Biologist in Nigeria must be certified by the Institute;

- (b) foreigners residing in Nigeria or elsewhere who apply for registration with the Institute shall be so admitted provided they satisfy the conditions specified in subsections (1) and (2) of this section and pay the specified membership fees; and
- (c) foreign members shall be entitled to the rights of membership as will from time to time be specified for international members (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 11: Functions of the Institute.

The functions of the Institute shall be to —

- (a) determining what standards of knowledge and skill are to be attained by persons seeking to become registered as Biochemists and Molecular Biologists and reviewing those standards from time to time as circumstances may permit;
- (b) securing in accordance with the provisions of this Bill the establishment and maintenance of a register of fellows, associate members, professional members, ordinary members and honorary fellows and members of the Institute and the publication from time to time of the lists of those persons;
- (c) provide for the training, education and conduct examination of persons desiring to become Biochemists and Molecular Biologists in accordance with the provisions of this Bill whether in Nigeria or elsewhere;
- (d) conduct induction courses for aspiring members for a specified period of time as may be determined by regulations of the Institute;
- (e) issue licenses to any persons qualified to practice as Biochemists and Molecular Biologists in Nigeria irrespective of where he obtains the qualification;
- (f) to promote and coordinate research efforts and other studies for the advancement of any of the aspects of Biochemistry and Molecular biology to disseminate information relating to research results, biochemical processes and technology;
- (g) to ensure that the curricular and courses of studies in Biochemistry and Molecular Biology in Nigerian Universities and Polytechnics are of theoretical and practical relevance to the growth and development of Biochemistry and Molecular Biology as well as to national growth and development
- (h) organize —
 - (i) conferences seminars symposia, meetings, workshop and lectures on Biochemistry and Molecular Biology and related issues,
 - (ii) post-qualification courses for its members;
- (i) regulate the discipline and professional conduct of its members; and
- (j) Perform through the Council the functions conferred on it by this Bill (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 12: Approval of Qualifications.

- (1) The Council may approve any qualification for the purposes of this Bill and may for those purposes approve —
 - (a) any course of training at an approved institution which is intended for persons who are seeking to become or are already Biochemists and Molecular Biologists and which the Council considers is designed to confer on persons completing it sufficient knowledge and skill for practice as a Biochemists and Molecular Biologists; and
 - (b) any qualification which, as a result of examination taken in conjunction with the 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 for practice as Biochemists and Molecular Biologists.
- (2) The Council may, if it deems fit, withdraw any approval given under this section in respect of any course, qualification or institution but before withdrawing such an approval the Council shall —
 - (a) give notice that it proposes to do so to persons 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 proposal; and
 - (c) take into consideration any representations made as respects the proposal in pursuance of paragraph (b) of this subsection.
- (3) As respects any period during which the approval of the Council under this section for a course, qualification or institution is withdrawn, the course, qualification or institution shall not be treated as approved under this section; but the withdrawal of such an approval shall not prejudice the registration or eligibility for registration of persons who obtained such qualifications before the approval was withdrawn.
- (4) The giving or withdrawal of an approval under this section shall have effect from such date, either before or after the execution of the instrument signifying the giving or withdrawal of the approval, as the Council may specify in the instrument and the Council shall —
 - (a) as soon as may be, publish a copy of every such instrument in the Gazette; and
 - (b) not later than seven days before its publication, send a copy of the instrument to the Minister of Health (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 13: Approval of Institution, Training and Examination.

- (1) There shall be a Committee, to be known as the Education and Admission Committee under this Bill (hereafter referred to as "Education Committee"), which shall be charged with the duty of keeping the Council informed on the nature of —
 - (a) the instructions given at approved institutions of persons attending approved course of training; and
 - (b) the examinations as a result of which approved qualifications are granted; and for the purposes of performing the duty Education and Admission Committee may appoint; either from among its members or otherwise, persons to visit approved institutions or attend such examinations.
- (2) For the purposes of performing the duty in subsection (1) of this section, the education Committee may appoint; either from among its members or otherwise, persons to visit approved institutions to undertake inspection of their laboratories and facilities for the purpose of accreditation or attend such examinations.
- (3) Any institution who's Biochemistry and Molecular Biology programme has not been accredited by the Institution of Chartered Biochemists and Molecular biology shall not be allowed to admit candidates for the training of Biochemistry and Molecular Biology and the Institute shall have power to direct closure of such programmes.
- (4) The Institution shall not recognize such certificates issued from such unaccredited programmes.
- (5) Subject to the provisions of this Bill, any person who has not obtained his or her first degree or other academic qualification from an accredited institution shall not be eligible to be registered as a certified Biochemist and Molecular Biologist with effect from the time such institution was unaccredited.
- (6) Subject to the provisions of this Bill, any person who is not a registered Biochemist and Molecular Biologist who parades himself or herself as one is liable on conviction to a fine of ₦500,000 or imprisonment for a term not exceeding two years, or both.
- (7) The Education Committee shall consist of five members elected during the Institute's Biannual Congress and all members shall be Certified Biochemists or Molecular Biologists.
- (8) The Chairman shall be an academia in any tertiary institution in Nigeria.
- (9) It shall be the duty of the Committee to report to the Council on:
 - (a) the sufficiency of the instruction given to persons attending approved course of training at institutions visited by them or their appointed representatives;
 - (b) the sufficiency of the examinations attended by them or their appointed representatives; and

- (c) any other matters relating to the instructions or examinations on which the Council may, either generally or in a particular case, request them to report; but no visitor shall interfere with the giving of any instruction or the holding of any examination.
- (10) On receiving a report made in pursuance of this section, the Council may, if it thinks fit, and shall if so required by the Institute, send a copy of the report to the person appearing to the Council to be in charge of the institution or responsible for the examinations to which the report relates requesting that person to make observations on the report to the council within such period as may be specified in the request, not being less than one month beginning with the date of the request (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 14: Practice Committee.

- (1) There shall be a Committee to be known as the Practice Committee, which shall be charged with the duty of —
 - (a) conducting a preliminary investigation into any case where it is alleged that a member has misbehaved in his/her capacity as a certified Biochemist or Molecular Biologist, or for any other reason be the subject of proceeding before the tribunal; and
 - (b) deciding whether the case should be referred to the tribunal.
- (2) The Practice Committee shall consist of five members elected during the Institute's Annual General Meeting and all members shall be practicing Certified Biochemist or Molecular Biologist.
- (3) The provision of second schedule to this Bill shall, so far as applicable to the Tribunal and Practice Committee respectively, have effect with respect to the two bodies.
- (4) The Council may make rules not inconsistent with this Bill as to acts which constitute professional misconduct (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 15: Professional Disciplinary Tribunal.

- (1) There shall be established a body to be known as the Chartered Biochemists and Molecular Biologists Disciplinary Tribunal (in this Bill referred to as "the tribunal"), which shall be charged with—
 - (a) the duty of considering and determining any case referred to it by the Practice Committee; and
 - (b) any other case of which the Tribunal has cognizance of under the provisions of this Bill.
- (2) The Tribunal shall consist of the President of the council and six other members of the Council appointed by the Council (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 16: Disciplinary Action.

- (1) Where —
 - (a) a person registered under this Bill is adjudged by the Tribunal to be guilty of infamous conduct in any professional respect; or
 - (b) a person registered under this Bill is convicted, by any court in Nigeria or elsewhere having power to award punishment for an offence (whether or not such offence is punishable with imprisonment) which in the opinion of the Tribunal is incompatible with the status of a member of the profession; or
 - (c) the Tribunal is satisfied that the name of any person has been fraudulently registered, the Tribunal may, if it thinks fit, give a direction reprimanding that person or ordering the Registrar to strike his name off the relevant part of the register; and
 - (d) in this part "professional misconduct" means any conduct considered by the council to be professional misconduct such as professional indiscipline, unjust enrichment of any individual in the course of professional duties which may include accreditation, abuse of office and other corrupt practice in the course of public service.
- (2) The Tribunal may, if it thinks fit, defer its decision as to the giving of a direction under subsection (1) of this section until a subsequent meeting of the Tribunal.
- (3) No decision of the Tribunal shall be deferred under subsection (2) of this section for periods exceeding one year in the aggregate.
- (4) As far as possible no person shall be a member of the Tribunal for the purposes of reaching a decision which has been deferred or further deferred, unless he was present as a member of the Tribunal when the decision was deferred.
- (5) For the purposes of subsection (1) of this section, a person shall not be treated as convicted unless the conviction stands at a time when no appeal or further appeal is pending or may (without extension of time) be brought in connection with the conviction.
- (6) When the Tribunal gives a direction under subsection (1) of this section, the Tribunal shall cause notice of the direction to be served on the person to whom it relates.
- (7) The person to whom such a direction relates may, at any time within 28 days from the date of service on him of the direction, appeal against the direction to the Federal High Court and the Tribunal may appear as respondent to the appeal and, for the purpose of enabling directions to be given as to the costs of the appeal and of proceedings before the Tribunal, the Tribunal shall be deemed to be a party thereto whether or not it appears on the hearing of the appeal.
- (8) A direction of the Tribunal given under subsection (1) of this section shall take effect where —

- (a) no appeal under this section is brought against the direction within the time limited for such an appeal, or 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; or
 - (c) such an appeal is brought and is dismissed.
- (9) A person whose name is removed from the register in pursuance of a direction of the Tribunal under this section shall not be entitled to be registered again except in pursuance of a direction in that behalf given by the Tribunal on the application of that person.
- (10) A direction under this section for the removal of a person's name from the register, may prohibit an application under subsection (9) of this section 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) or as may be specified in the direction (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 17: Retrospective Registration.

- (1) Any person not being a member of Nigerian Society for Biochemistry and Molecular Biology who, but for this Bill, would have been qualified to apply for and obtain membership of the Society may, within a period of six months from the commencement of this Bill, apply for the membership of the Institute in such a manner as may be prescribed by the Council.
- (2) Where an application under subsection (1) of the section is approved by the Council, the applicant shall be enrolled or registered, as the case may be, according to his qualification (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 18: When Persons are Deemed to Practice as Members of the Profession.

- (1) Subject to section (2) of this section, a person shall be deemed to practice as a Biochemist or Molecular Biologist if, in consideration of remuneration to be received, and whether by himself or in partnership with any person, he
 - (a) engages himself in the practice of Biochemistry and Molecular Biology or holds himself out to the public as a Biochemist or as a Molecular Biologist;
 - (b) renders professional service or assistance in or about matters of principle or detail relating to Biochemistry or Molecular Biology; and
 - (c) renders any other service which may by regulations made by the Council, with the approval of the Minister of Health, be designated as service constituting practice as a Biochemist or Molecular Biologist.
- (2) A person registered as a member shall be eligible to:
 - (a) practice as a healthcare, Biomedical, forensic, analytical and research scientist;

- (b) develop biochemical products and processes;
 - (c) practice the science of genomics and biotechnology;
 - (d) design, manufacture/import biochemicals and reagents including genomic primers.
- (3) Nothing in this section shall be construed so as to apply to persons who, while in the employment of any government or person, are required under the terms or in the course of such employment, to perform the duties of a Biochemist or Molecular Biologist (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 19: Rules on Subscription and License.

- (1) The Council may make rules for —
 - (a) the training with registered members of the Institute of suitable persons as Biochemists or Molecular Biologist; and
 - (b) the supervision and regulation of the engagement, training and transfer of such person.
- (2) The Council may also make rules for —
 - (a) prescribing the amount and date for payment of the annual subscription and for such purpose, different amounts as may be prescribed by the rules for Fellows, Associate Members, Professional Members, ordinary Members, Honorary Fellows and Members of the Institute;
 - (b) prescribing the form of license to practice to be issued annually or, if the Council thinks fit, by endorsement on an existing licence;
 - (c) restricting the right to practice as a Biochemist and Molecular Biologist if 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;
 - (d) restricting the right to practice as a Biochemist or Molecular Biologist if the qualification granted outside Nigeria does not entitle the holder to practice as a Biochemist or Molecular Biologist; and
 - (e) prescribing the period of practical training in the office of a member of the Institute in practice to be completed before a person qualifies for a license to practice as a Biochemist or Molecular Biologist.
- (3) Rules when made shall, if the Chairman of the Council so directs, be published in the Gazette (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 20: Publicity Committee.

- (1) There shall be a Committee, to be known as the Publicity Committee under this Bill hereafter referred to as "Publicity Committee", which shall act on behalf of the Institute to:

- (a) provide and maintain a library comprising electronic resources, books and publications for the advancement of knowledge of Biochemistry and Molecular Biology, and such other materials and publications as the Council may think necessary for the purpose; and
 - (b) undertake members enlightenment in particular and public awareness programmes in general for the advancement of the practice of Biochemistry and Molecular Biology.
- (2) The Publicity Committee shall consist of five members elected during the Institute's Biannual Congress and all members shall be Certified Biochemists and Molecular Biologists (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 21: Powers of the Minister.

The Minister may give to the Council directions of a general character or relating generally to particular matters (but not to any individual person or case) with regard to the exercise by the Council of its functions and it shall be the duty of the Council to comply with the directives (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 22: Powers of Council to Make Regulation.

The Council may subject to the provision of this Bill, make staff regulation relating generally to the condition of service of the employees, such regulation may provide for the appointment, promotion, discipline and appeals of the staff (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 23: Regulations.

- (1) Any regulations made under this Bill shall be published in the Federal Government Gazette as soon as they are made and a copy of the regulations shall be forwarded to the Ministry of Health and Office of the Head of Service not less than seven days before they are published.
- (2) Rules made for the purpose of this Bill shall be subject to confirmation by the Institute at its next Annual General meeting or at any special meeting of the Institute convened for the purpose, and if then annulled shall cease to have effect on the day after the date of annulment, but without prejudice to anything done in pursuance or intended pursuance to the rules (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 24: Offences.

- (1) If any person for the purpose of procuring the registration of any name, qualification or other matter —
 - (a) makes a statement which he believes to be false in a material particular; or
 - (b) recklessly makes a statement which is false in a material particular, he is guilty of an offence.

- (2) If, on or after the relevant date, any person who is not a member of the Institute practices as a Biochemist and Molecular Biologist for or in expectation of reward or takes or uses any name, title, addition or description implying that he is in practice as a Biochemist and Molecular Biologist, he is guilty of an offence.
- (3) In the case of a person falling within section 16 of this Bill —
- (a) the provisions of subsection (2) of this section 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, the provisions of subsection (2) of this section shall not apply in respect of anything done by him between the end of that period and the date on which he is registered or is notified as aforesaid.
- (4) If the Registrar or any other person employed by or on behalf of the Institute willfully makes any falsification in any matter relating to the register, he/she is guilty of an offence.
- (5) A person guilty of an offence under this Section is liable —
- (a) on summary conviction, to a fine of an amount not exceeding ₦200,000.00 or
- (b) on conviction on indictment, to a fine of an amount not exceeding ₦500,000.00 or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment.
- (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 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, he, as well as the body corporate, shall be deemed to be guilty of the offence and shall be —
- (a) deemed to be guilty of the offence; and
- (b) liable to be proceeded against and punished accordingly (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Clause 25: Interpretation.
In this Bill —

"Council" means the Council established as the governing body of the Institute under Section 2 of this Bill (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

"Fees" includes annual subscriptions and any other fees (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

"Institute" means the Institute of Chartered Biochemists and Molecular Biologists of Nigeria established under section 1 of this Bill (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

"Member" means a Fellow, Associate Member, Professional Member, Ordinary Member, Honorary Fellow or Member of the Institute (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

"Minister" means the Minister charged with responsibility for matters relating to health (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

"Panel" has the meaning assigned thereto by section 11 of this Bill (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

"President" and "Vice-President" mean respectively the office holders under those names in the Institute (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

"Register" means the register maintained in pursuance of section 6 of this Bill (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

"Tribunal" has the meaning assigned thereto by section 11 of this Bill (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

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

Clause 26: Citation.

This Bill may be cited as the Institute of Chartered Biochemists and Molecular Biologists of Nigeria Bill, 2018 (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

SCHEDULES

FIRST SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL AND THE INSTITUTE

Qualifications and Tenure of Office of Members

1. (1) Subject to the provisions of this paragraph, a member of the Council shall hold office for a period of three (3) years beginning with the date of his appointment or election.
- (2) In the case of a person who is a member by virtue of having been President of the Institute, he or she shall hold office for a period of three years from the date of his or her having ceased to be President of the Institute.
- (3) Any member of the Institute who ceases to be a member thereof shall, if he or she is also a member of the Council, cease to hold office on the Council.
- (4) Any elected member may, by notice in writing under his or her hand addressed to the President of the Institute, resign his office, and any appointed member may, with the consent of the Minister, in the same manner resign his or her office.
- (5) 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 reappointed.
- (6) Members of the Council shall at its meeting next before the bi-annual meeting of the Institute arrange for the five members of the Council appointed or elected and longest in office to retire at that bi-annual meeting.
- (7) 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 hands.
- (8) If for any reason, there is a vacation of office by a member and —
 - (a) such member was appointed by the Minister, the Minister shall appoint another fit and proper person to replace such member; or
 - (b) such member was elected, the Council may, if the time between the unexpired portion of the term of office and the next meeting of the Institute appears to warrant the filling of the vacancy, co-opt some fit and proper person for such time as aforesaid.

Power of Council

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

Proceedings of Council

3. (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, the Council or any of the Council's or Institute's committees.

- (2) The standing orders shall provide for decisions to be taken by a majority of the members, and, in the event of equality of votes, the President of the Institute or the Chairman, as the case may be, shall have a second or casting vote.
- (3) The standing orders made for a committee shall provide that the Committee reports back to the Council on any matter within its competence to decide.
- (4) 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

4. (1) The Council shall convene the annual meeting of the Institute on 30 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 annual meeting not more than fifteen months shall elapse between the respective dates of the two meetings.
- (2) A special meeting of the Institute may be convened by the Council at any time, and if not less than twenty percent (20%) of the subsisting members of the Institute require it by notice in writing addressed to the Registrar of the Institute setting out the objects of the proposed meeting, the Chairman of the Council shall convene a special meeting of the Institute.
- (3) The quorum of any meeting of the Institute shall be ten (10%) of the subsisting members and that of any special meeting of the Institute shall be fifteen (15%).

Meeting of the Council

5. (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 seven other members, he shall summon a meeting of the Council to be held within seven days from the date on which the notice is given.
- (2) At any meeting of the Council, the chairman or in his absence the vice-chairman shall preside, but if both are absent, the members present at the meeting shall appoint one of their number to preside at that meeting.
- (3) Where the Council desires to obtain the advice of any person on a particular matter, the Council may co-opt him as a member for such period as the Council thinks fit; but a person who is a member by virtue of this sub-paragraph shall not be entitled to vote at any meeting of the Council and shall not count towards a quorum.
- (4) Notwithstanding anything in the foregoing provisions of this paragraph, the first meeting of the Council shall be summoned by the Minister, who may give such directions as he thinks fit as to the procedure which shall be followed at the meeting.

Committees

6. (1) The Council may appoint one 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 appointed under this paragraph shall consist of the number of persons determined by the Council, of whom not more than one third shall 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 is appointed.
- (3) A decision of a committee of the Council shall be of no effect until it is confirmed by the Council.

Miscellaneous

Seal of Authority

7. (1) The fixing of the seal of the Institute shall be authenticated by the signature of the President of the Institute 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 of the Council, as the case may require, by 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.

Validity of Decisions

8. The validity of any proceeding of the Institute or the Council or of a committee of the Council shall not be adversely affected by any vacancy in membership, or by any defect in the appointment of a member of the Institute or of the Council or of a person to serve on the committee or by reason that a person not entitled to do so took part in the proceedings.

Declaration of Interest

9. 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 or a committee thereof, shall forthwith disclose his interest to the President of the Institute or to the Council, as the case may be, and shall not vote on any question relating to the contract or arrangement (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

SECOND SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY
TRIBUNAL AND PRACTICE COMMITTEE

Disciplinary Tribunal

1. The quorum of the Tribunal shall be four of whom at least two shall be members of the profession.

2. (1) The Attorney-General of the Federation may make rules as to the selection of members of the Tribunal for the purposes of any proceeding and as to the procedure to be followed and the rules of evidence to be observed in proceedings before the Tribunal.
- (2) The rules shall in particular provide —
 - (a) for securing that notice of the proceedings shall be given at such time and in such manner as may be specified by the rules, to the person who is the subject of the proceedings;
 - (b) for determining who in addition to the person aforesaid, shall be party to the proceedings;
 - (c) for securing that any party to the proceedings shall, if so required, be entitled to be heard by the Tribunal;
 - (d) for enabling any party to the proceedings to be represented by a legal practitioner;
 - (e) subject to the provisions of section 12 (7) of this Bill, as to the costs of proceedings before the Tribunal;
 - (f) for requiring in a case where it is alleged that the person who is subject of the proceedings is guilty of infamous conduct in any professional respect, that where the Tribunal adjudges that the allegation has not been proved it shall record a finding that the person is not guilty of such conduct in respect of the matters to which the allegation relates;
 - (g) for publishing in the Gazette notice of any direction of the Tribunal which has taken effect providing that a person's name shall be struck off a register.
3. For the purposes of any proceedings before the Tribunal, any member of the Tribunal may administer oaths and any party to the proceedings may issue out of the registry of the Federal High Court writs of *subpoena ad testificandum* and *duces tectum*; but no person appearing before the Tribunal shall be compelled —
 - (a) to make any statement before the Tribunal tending to incriminate himself; or
 - (b) to produce any document under such a writ which he could not be compelled to produce at the trial of an action.
4. For the purpose of advising the Tribunal on question of law arising in the proceedings before it, there shall in all such proceedings be an assessor to the Tribunal who shall be appointed by the Council on the nomination of the Attorney-General of the Federation and shall be a legal practitioner of not less than ten years' standing.
5. (1) The Attorney-General of the Federation shall make rules as to the function of assessors appointed under this paragraph, and in particular such rules shall contain provisions for securing that—
 - (a) where an assessor advises the 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 Tribunal is deliberating in private, that every such party or person as aforesaid shall be informed what advice the assessor has tendered;

- (b) every such party or person as aforesaid shall be informed if in any case the Tribunal does not accept the advice of the assessor on such a question as aforesaid.
- (2) 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 instrument by which he is appointed.
6. (1) The quorum of the Committee shall be three.
- (2) The committee may, at any meeting of the Panel attended by all the members of the Panel, make standing orders with respect to the Panel.
- (3) Subject to the provisions of any such standing orders, the Panel may regulate its own procedure.

Miscellaneous

7. (1) A person ceasing to be a member of the Tribunal or the Panel shall be eligible for re-appointment as a member of that body.
- (2) A person may, if otherwise eligible, be a member of both the Tribunal and the Panel; but no person who acted as a member of the Panel with respect to any case shall act as a member of the Tribunal with respect to that case.
8. The Tribunal or the Panel may act notwithstanding any vacancy in its membership; and the proceedings of either body shall not be invalidated by any irregularity in the appointment of a member of that body, or (subject to paragraph 9 (2) of this Schedule) by reason of the fact that any person who was not entitled to do so took part in the proceedings of that body.
9. Any document authorised or required by virtue of this Bill to be served on the Tribunal or the Panel shall be served on the Registrar appointed in pursuance of section 6 of this Bill.
10. Any expenses of the Tribunal or the Panel shall be defrayed by the Institute (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

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

Explanatory Memorandum:

This Bill seeks to Establish the Institute of Chartered Biochemist and Molecular Biologists to be Charged with the Responsibilities of Determining the Standard of Knowledge and Skills to be Attained by Persons Seeking to become Registered Biochemists and Molecular Biologists, and to Regulate and Control the Practice; and for Related Matters (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

Agreed to.

Long Title:

A Bill for an Act to Establish the Institute of Chartered Biochemist and Molecular Biologists Charged with the Responsibilities to Among Other Things, Determine Standard of Knowledge and Skill to be Attained by Persons Seeking to Become Registered Biochemists and Molecular Biologists, Register Such Persons, Regulate and Control their Practice and Review those Standards from Time to Time as Circumstances may Permit and for Related Matters (HB. 1142) (*Hon. Orker-Jev Emmanuel Yisa — Buruku 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 Institute of Chartered Biochemists and Molecular Biologists charged with Responsibilities to, among other things, Determine the Standard of Knowledge and Skills to be attained by persons seeking to become registered Biochemists and Molecular Biologists, Register such Persons, Regulate and Control their Practice and Review those Standards from time to time, as Circumstances may Permit; and for Related Matters (HB. 1142) and approved Clauses 1 - 26, 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 Commerce:

Motion made and Question proposed, "That the House do consider the Report of the Committee on Commerce on a Bill for an Act to Establish the Chartered Institute of Commodity Brokers of Nigeria (CICBN); and for Related Matters (HB. 417) and approve the recommendations therein" (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

Agreed to.

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

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

A BILL FOR AN ACT TO ESTABLISH CHARTERED INSTITUTE OF COMMODITY BROKERS OF NIGERIA (CICBN) AND OTHER RELATED MATTERS (HB. 417)

**PART I — ESTABLISHMENT OF THE CHARTERED INSTITUTE OF
COMMODITY BROKERS OF NIGERIA**

Committee Recommendation:

Clause 1: Establishment of Chartered Institute of Commodity Brokers of Nigeria.

- (1) There is hereby established a body to be known as the Chartered Institute of Commodity Brokers of Nigeria (in this Bill referred to as "the Institute").
- (2) The Institute —
 - (a) shall be a corporate body with perpetual succession and a common seal;
 - (b) may sue and be sued in its corporate name; and may acquire, hold and dispose of any property, movable and immovable (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Committee Recommendation:

Clause 2: Membership of the Institute.

- (1) Subject to the provisions of this act, membership of the Institute shall be in two categories, viz. corporate and individual.

- (2) All persons employed in institutions in Nigeria such as commodity exchange, stock exchange, Securities and Exchange Commission or any other financial institutions in Nigeria are eligible to be registered by the Institute in any of the following categories:

- (a) Ordinary Member;
- (b) Associate Member;
- (c) Honorary Senior Member;
- (d) Honorary Fellow; and
- (e) Fellow:

Provided they meet the criteria set by the Council for regeneration in the respective category from time to time.

- (3) Pursuant to subsection (1) of the section, all corporate members shall cause their staff to register with the Institute for ethical standards, Professionalism and self-regulation in commodity brokerage and provision of financial services in the capital market.

- (4) A person registered under this Bill shall be enrolled to a higher membership status in any of the following categories —

- (a) as an Ordinary Member if he —

- (i) satisfies the Council that he is eligible to be so registered,
- (ii) works in a commodity/stock exchange, bank or other financial institutions, and
- (iii) does not fall within any of the other categories specified in paragraphs (b) - (e) of this subsection;

- (b) as an Associate Member if he —

- (i) satisfies the Council that he is eligible to be so registered and has for ten years been registered as an Associate member or a holder of approved academic qualifications, and
- (ii) has acquired on the job practical commodity brokerage or related experience for such number of years as may be specified by the Council;

- (c) as an Honorary Senior Member if he —

- (i) satisfies the Council that he is eligible to be so registered,
- (ii) has obtained such academic, professional or other qualification(s) as may be prescribed by the Council from time to time.
- (iii) has held senior management positions in a commodity/stock exchange, bank or other financial institutions, and

- (iv) is neither a Fellow or an Associate;
 - (d) as an Honorary Fellow if he satisfies the Council that he is eligible to be awarded the Honorary Fellowship of the Institute;
 - (e) as a Fellow if he —
 - (i) satisfies the Council that he is eligible to be so registered and has for a number of years (to be specified by the Council) been an associate member or a holder of approved academic qualifications, and
 - (ii) satisfies all other criteria as may be specified by the Council from time to time;
 - (f) as a Corporate Member if it —
 - (i) satisfies the Council that it is eligible to be so registered, and
 - (ii) satisfies all other criteria as may be specified by the Council from time to time.
- (5) A member or corporate member of the Institute shall be entitled to receive, from Council, a letter of registration of membership for category of membership for which he or it is registered.
- (6) A Fellow, Honorary Fellow, or an Associate shall be entitled to the use of such letter after his name as may be authorized by the Council from time to time as follows —
 - (i) a member registered into the category of membership of Fellow shall be entitled to use the initials "FCICB" if he a financial member and has spent at least ten (10) years as an associate member;
 - (ii) a member registered into the category of membership of Honorary Fellow shall be entitled to use the initials "HCICB"; and
 - (iii) a member registered into the category of membership of Associate shall be entitled to use the initials "ACICB".
- (7) No person shall be entitled to be employed or appointed or engaged to head any of the Technical Departments of a Commodity Exchange or commodity brokerage firm unless he is duly registered as a member of the Institute. Likewise only members of the institute shall practice the trade of commodity Brokerage in Nigeria (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

PART II — RESPONSIBILITIES OF THE INSTITUTE

Committee Recommendation:

Clause 3: Responsibilities of the Institute.

The Institute shall have responsibly to —

- (a) determine the standards of knowledge and skill to be attained by persons seeking to become members of the Commodity Brokerage profession;
- (b) secure in accordance with the provisions of this Act, the establishment and maintenance of two separate registers for individual and corporate members of the Commodity Brokerage profession in the categories of ordinary members, student members, associates, honorary fellows and fellows of the Institute and a register of corporate members;
- (c) conduct professional examinations leading to the award of certificates as may be prescribed by the Institute, and collaborate with other institute anywhere in the world; and
- (d) ensure the furtherance, maintenance and observance of ethical standards and professionalism among practitioners of the Commodity Brokerage profession in Nigeria (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

PART III — ELECTION OF PRESIDENT AND VICE-PRESIDENTS OF THE INSTITUTE

Committee Recommendation:

Clause 4: Election of President and Vice-Presidents of the Institute.

- (1) There shall be a President and two Vice-Presidents of the Institute who shall either be an Associate or a Fellow of the Institute.
- (2) The President and Vice-Presidents shall be elected at the Annual General Meeting of the Institute and shall each hold Office for a term of two years from the date of the election.
- (3) The President shall be the Chairman of the Governing Council established under section 5 of this Bill and in his absence the First Vice-President shall be Chairman of the Governing Council.
- (4) The President shall preside at meetings of the Institute and in the event of his absence, death, permanent incapacity or disability, the First Vice-President or in the absence of the First Vice-President, the Second Vice-President shall preside.
- (5) The First Vice-President shall in the event of the death, permanent incapacity or disability of the President act for the unexpired terms of his office whereas the Second Vice-President shall assume the Office of the First Vice-President and the Council shall appoint one of its members to assume the post of the Second Vice-President and reference in this Bill to the President shall be construed accordingly.
- (6) If the President or any of the Vice-Presidents ceases to be a member of the Institute, he shall ipso facto cease to hold any of the offices designated under his section (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

PART IV — MEMBERSHIP OF GOVERNING COUNCIL OF THE INSTITUTE, ETC.

Committee Recommendation:**Clause 5: Membership of Governing Council of the Institute.**

- (1) There is established for the Institute a Governing Council (in this Bill referred to as "the Council") which shall be charged with the responsibility for the administration and general management of the Institute.
- (2) The Council shall consist of the following members —
 - (a) a Chairman who shall be the President of the Institute;
 - (b) two Vice-Chairmen;
 - (c) a National Treasurer;
 - (d) Representatives of Commodity Exchanges in Nigeria
 - (e) the Director General of the Securities and Exchange Commission and Head of any Regulatory agency set up to regulate Commodity Exchange in Nigeria or his/her representative;
 - (f) six Managing Directors/Chief Executive of Commodity Brokerage Firms to be appointed by the Council;
 - (g) six persons elected by the Institute;
 - (h) two Past Presidents of the Institute;
 - (i) a representative each of the following Federal Ministries:
 - (i) Industry, Trade and Investment,
 - (ii) Agriculture and Rural Development,
 - (iii) Finance, and
 - (iv) Education;
 - (j) a representative from the Commercial Warehouse Operators;
 - (k) a representative each of the National Universities Commission (NUC) and the National Board for Technical Education (NBTE);
 - (l) a representative of branches in each zone of the Institute and such other zones as may be created by the Council from time to time; and
 - (m) the Registrar/Chief Executive who shall serve as the Secretary.
- (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 the other matters mentioned therein (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

PART V — POWERS OF THE GOVERNING COUNCIL

*Committee Recommendation:***Clause 6: Power of the Governing Council.**

- (1) The Council shall have responsibility for policy and general administration of the Institute and shall do anything in its good opinion to further the activities.
- (2) The Council shall, from time to time, publish in the Institute's journal, Brochure and Website, the entire Registration of members and particulars of qualifications for the time being accepted as aforesaid.
- (3) The Council may approve any qualification 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 members of the commodity brokerage profession and which the council considers is designed to confer on persons completing it, sufficient knowledge and skill for registration with 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 having reached a standard at the examination, indicating in the opinion of the Council that the candidates have sufficient knowledge and skill to be registered with the Institute.
- (4) The Council may, if it thinks fit, withdraw any approval 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 persons 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 a person an opportunity of making to the Council representations with regard to the proposal; and
 - (c) take into consideration any representations made in respect of the proposal in pursuance of paragraph (b) of this subsection.
- (5) A course, qualification or institution shall not be treated as approved during any period the approval is withdrawn under Section (6) subsection (6).
- (6) Notwithstanding the provisions of section (8) subsection (3) of this bill, the withdrawal of an approval under subsection (2) of section (8) 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 or experience), immediately before the approval was withdrawn.
- (7) The giving or withdrawal of an approval under this section, shall have effect from such date, whether before or after the execution of the instrument signifying the giving or withdrawal of the approval, as the Council may specify in the instrument and the Council shall:

- (a) as soon as may be possible, publish a copy of every such instrument; and
 - (b) not later than seven days before its publication, as aforesaid, send a copy of the instrument to the institution affected.
- (8) It shall be the duty of the Council to keep itself informed of the nature of:
- (a) the instrument given at approved institutions to persons attending approved course of training; and
 - (b) the examinations as a result of which approved qualifications are granted, and for the purposes 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.
- (9) It shall be the duty of a person appointed under subsection (4) of this section to report to the Council on:
- (a) the adequacy of the instructions 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.
- (10) On receiving a report made in pursuant 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 (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

PART VI — FINANCIAL PROVISIONS

Committee Recommendation:

Clause 7: Financial Provisions.

- (1) There shall be established for the Institute a Fund which shall be managed and controlled by the Council.
- (2) There shall be paid into the Fund established pursuant to subsection (1) of this section —
 - (a) all fees, charges and moneys payable to the Institute in pursuance of this Bill; and
 - (b) such other monies as may be received by the Institute, in the course of its operations or in relation to the exercise of any of its functions under this Bill.
- (3) There shall be paid out of the Fund of the Institute —

- (a) the remuneration and allowances of the Registrar and other employees of the Institute;
 - (b) such reasonable travelling 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
 - (c) any other expenses incurred by the Council in the discharge of its functions under this Bill.
- (4) The Council may invest monies from the Fund in any security created or issued by or on behalf of the Federal Republic of Nigeria or in any other securities in Nigeria approved by the Council.
- (5) The Council may, from time to time, borrow money for the purposes of the Institute and any interest payable on monies so borrowed shall be paid out of the fund.
- (6) All the Corporate members in Nigeria shall cause to be paid to the fund, an annual subscription as may be agreed by the Council from time to time.
- (7) The Council shall on behalf of the Institute keep proper books of accounts in respect of each year and proper records in relation to those accounts and the Council shall cause the accounts to be audited by an external auditor and when audited, the accounts shall be submitted the other members of the Institute for approval at a General Meeting of the Institute (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

PART VII — APPOINTMENT OF A REGISTRAR

Committee Recommendation:

Clause 8: Appointment of a Registrar, etc.

- (1) The Council shall appoint a fit and proper holder of the Fellowship certificate of the institute and who has been involved in Capital Market operation for at least fifteen (15) years to be the Registrar for the purposes of this Bill, and such other persons as the Council may, from time to time, deem necessary to assist the Registrar in the performance of his functions under this Bill.
- (2) The Registrar shall in addition to his other functions under this Bill, be the Secretary to the Council and shall keep minutes of the proceedings of all meetings of the Council.
- (3) The Registrar appointed under subsection (1) of this section shall be the Chief Executive of the Institute and shall report to the President/Chairman of the Council of the Institute.
- (4) There shall be for the purposes of this Bill two registers as follows —
 - (a) the register of members which shall consist of five parts of which shall —
 - (i) the first part shall be in respect of Ordinary Members,
 - (ii) the second part shall be in respect of Associate Members,

- (iii) the third part shall be in respect of Student Members,
 - (iv) the fourth part shall be in respect of Honorary Fellows, and
 - (v) the fifth part shall be in respect of Fellows;
 - (b) the register of corporate members.
- (5) Subject to the foregoing provisions of this section, the Council shall make rules with respect to the form and keeping of the register and the making of entries therein, and in particular —
- (a) regulate the making of applications for registration, as the case may be, and provide for the evidence to be produced in support of such applications;
 - (b) provide for the notification to the Registrar, by the person to whom any registered particulars relate, of any change in those particulars;
 - (c) authorize a 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, entered in relation to his name in addition to or, as he may elect, in substitution for any other qualifications so registered; and
 - (d) specify the fees, including any annual subscription, to be paid to the Institute in respect of the entry of names on the register, and authorize the Registrar to refuse to enter a name on the register until any fee specified for the entry has been paid provided that the rules made for the purposes of this subsection shall not come into force until they are confirmed at a meeting of the Institute.
- (6) The Registrar shall have power —
- (a) to correct any entry in the register in accordance with the Council's direction;
 - (b) to make, from time to time, any necessary alteration in respect of the particulars of registered members as may be directed by the Council;
 - (c) to remove from the register the name of a deceased person, suspended person, deregistered persons; and
 - (d) to record the names of members of the Institute who are in default for more than one year in the 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 any person whose name is removed from the register for being in default of payment of subscription for one year may be re-registered subject to payment of outstanding subscriptions and re-registration fees as may be approved by the Council from time to time.

(7) If the Registrar —

- (a) sends by post or email to any registered or enrolled person a registered letter addressed to him at his address on the register enquiring whether the registered particulars relating to him are correct and receives no reply to the letter within a period of six months from the date of posting it; and
- (b) upon the expiration of that period, sends in like manner to the person in question a second similar letter and receives no reply to that letter within three months from the date of posting or mailing it, the Registrar may include the name of the person in the list of special cases under subsection for the Council's consideration and may if directed by the Council, remove the particulars relating to the person in question from the register. Provided that, the Council may direct the Registrar to restore to the appropriate part of the register any particulars removed therefrom pursuant to this subsection (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Committee Recommendation:

Clause 9: Publication of Registers and Lists of Correction, etc.

(1) The Registrar shall —

- (a) cause the register to be displayed on website, printed and, published for sale as aforesaid to members of the public not later than two years from the commencement of this Bill;
 - (b) thereafter in each year, to cause to be printed, published and put on sale as aforesaid, either a corrected edition of the register or list of corrections made to the register, since it was last printed;
 - (c) cause a print of each edition of the register and of each list of corrections to be deposited at the principal office of the Institute; and
 - (d) keep the register and lists so deposited and to make the register and such lists available to members of the public at all reasonable times for inspection.
- (2) 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 proceeding as evidence that any person specified in the document or the documents read together, as being registered, was so registered at the date of the edition or of the list of corrections, as the case may be, and that any person not so specified was not so registered.
- (3) Where in accordance with subsection (2) of this section, a person is, in any proceeding, shown to have been or not to have been registered at a particular date, he shall, unless the contrary is proved, be taken for the purposes of those proceedings as having at all material times thereafter continued to be, or not to be so registered (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

PART VIII — REGISTRATION OF MEMBERS

Committee Recommendation:

Clause 10: Registration of Members.

(1) An individual, other than one whose membership has been suspended by a directive of the Disciplinary Tribunal shall be entitled to be registered as a member in the following categories:

- (a) Ordinary Member, where the person does not satisfy the conditions for registration as an Associate, Honorary Senior Member, Honorary Fellow or Fellow specified in paragraphs (b) to (e) of this section;
- (b) Associate Member where the person —
 - (i) has passed the associate-ship examination specified by the Council;
 - (ii) not being a member of the Institute at the time of application for membership, has passed the qualifying examinations of an Institute of Commodity Brokers in any other country acceptable to the Council; or
 - (iii) has had a period of on-the-job practical experience not less than the minimum period prescribed by the Council for the category of membership sought; or
 - (iv) has been elected by any recognized foreign Institute to that category of membership.
- (c) Honorary Senior Member, where the person —
 - (i) does not satisfy the condition for registration as an Associate or Fellow specified in paragraphs (b) and (e) of this subsection, but has obtained the academic qualifications prescribed by the Council for honorary senior membership; and
 - (ii) occupies a senior management position in a Commodity/Stockbroking firm, bank, any other financial institution or tertiary educational institution;
- (d) Honorary Fellow, where the person —
 - (i) has contributed immensely to the growth of the commodity or securities market, banking and finance industry and the Institute; or
 - (ii) is considered by the Board of Fellows and the Council as a fit and proper person to be awarded the honorary fellowship of the Institute;

- (e) Fellow, where the person —
 - (i) satisfies the Council that he is a fit and proper person to be so registered and has for a number of years (to be specified by the Council) been an Associate Member, and
 - (ii) satisfies all other criteria as may be specified by the Council from time to time.
- (2) An applicant for registration shall in addition to evidence of qualification, satisfy the Council that -
 - (a) he is of good character; and
 - (b) he has not been convicted in Nigeria or elsewhere of an offence involving fraud or dishonesty.
- (3) Any organization in the commodity market shall be entitled to be registered as a corporate member where it has —
 - (a) been incorporated or and licensed to carry out the business of commodity brokerage in Nigeria and or deals in any form of commodities in Nigeria; and
 - (b) satisfied any other condition which the Council may from time to time approve.
- (4) The Council shall, from time to time, publish in the Institute's journal, particulars of qualifications for the time being accepted as aforesaid (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

PART IX — PROFESSIONAL DISCIPLINE

Committee Recommendation:

Clause 11: Professional Discipline.

- (1) There shall be constituted a body to be known as the Chartered Institute of Commodity Brokers of Nigeria Investigating Panel (in this Bill referred to as "the Investigating Panel") which shall be charged with the duty to -
 - (a) conduct a preliminary investigation into any case where it is alleged that a member of the Institute has violated the provisions of the Institute's Code of Conduct or shall for any other reason be the subject of proceedings before the Disciplinary Tribunal;
 - (b) decide whether the case should be referred to the Disciplinary Tribunal or not.
- (2) Notwithstanding the provisions of subsection (1) of this section, the Securities and Exchange Commission or any other regulatory body that may be set up by law to regulate commodity exchange operations in Nigeria shall not be subject to the activities of the Investigation Panel.
- (3) The Investigating Panel shall be appointed by the Council and shall consist of five members as follows —

- (a) two members of the Council, one of whom shall be Chairman of the Panel; and
- (b) three members of the Institute who are not members of the Council.
- (4) The tenure of any member of the Investigating Panel shall be two years renewable for a further period of two years.
- (5) The Council may make rules that are consistent with this Bill as regards Bills which constitute professional misconduct.
- (6) The Investigating Panel shall act independently in the receiving and investigation of allegations under paragraph (a) of subsection (1) of this section and shall have power to receive complaints directly from any individual or organization.
- (7) There shall be established a Tribunal to be known as the Chartered Institute of Commodity Brokers of Nigeria Disciplinary Tribunal (in this Bill referred to as "the Disciplinary Tribunal") which shall be charged with the duty of considering and determining any case referred to it by the Investigating Panel constituted under subsection (1) of this section.
- (8) The Disciplinary Tribunal shall be appointed by the Council and shall consist of the Second Vice-President of the Institute who shall be the Chairman, three other members of the Council and three members of the Institute who are not members of the Council.
- (9) The provisions of the Second Schedule to this Bill shall, so far as applicable to the Investigating Panel and Disciplinary Tribunal respectively, have effect with respect to those bodies (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Committee Recommendation:

Clause 12: Penalties for Unprofessional Conduct.

(1) Where —

- (a) a person is adjudged by the Disciplinary Tribunal to be guilty of unprofessional conduct in any professional respect; or
 - (b) a person is convicted, by any court or tribunal in Nigeria or elsewhere having power to award imprisonment for an offence (whether or not punishable with imprisonment) which in the opinion of the Disciplinary Tribunal is incompatible with the conduct required of a member of the commodity brokerage profession; or
 - (c) the Disciplinary Tribunal is satisfied that the name of the person has been fraudulently registered, the Tribunal shall, after receiving the confirmation of its decision from the Council, convey a direction to the person concerned reprimanding that person or ordering the Registrar to strike his name off the relevant part of the register.
- (2) A person who commits an offence and is found guilty by the decision of the Disciplinary Tribunal shall be liable to the maximum sanction of having his name struck out from the register of members.

- (3) The Disciplinary Tribunal may, if it thinks fit, defer or further defer its decision as to the giving of a direction under subsection (1) of this section until a subsequent meeting of the Disciplinary Tribunal, but —
- (a) no decision shall be deferred under this subsection for periods exceeding three months from the conclusion of proceedings in the case; and
 - (b) no person shall be a member of the Disciplinary Tribunal for the purposes of reaching a decision which has been deferred or further deferred, unless he was present as a member of the Disciplinary Tribunal when the decision was deferred.
- (4) For the purposes of paragraph (b) of subsection (1) of this section, a person shall not be treated as guilty as therein mentioned, unless the guilt stands at a time when no appeal or further appeal is pending or may (without extension of time) be brought in connection with the direction.
- (5) When the Disciplinary Tribunal gives a direction under subsection (1) of this section, the Disciplinary Tribunal shall cause notice of the direction to be served on the person to whom it relates.
- (6) The person to whom such a direction relates may, at any time within twenty-eight days from the date of service on him of the notice of the direction, appeal against the direction to the Federal High Court and where necessary to the Court of Appeal and the Disciplinary Tribunal shall appear as respondent to the appeal and, for the purpose of enabling directions to be given as to the costs of the appeal and of proceedings before the Federal High Court or Court of Appeal the Disciplinary Tribunal shall be deemed to be a party thereto whether or not it appears at the hearing of the appeal.
- (7) A direction of the Tribunal given under subsection (1) of this section, shall take effect where —
- (a) no appeal under this section is brought against the direction, within the time limited for such an appeal, or 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;
 - (c) such an appeal is brought and is not withdrawn or struck out as aforesaid, if and when the appeal is dismissed and shall not take effect except in accordance with the foregoing provisions of this subsection.
- (8) A person whose name is struck off the register in pursuance of a direction of the Disciplinary Tribunal under this section, shall not be entitled to be registered again, except, in pursuance of a direction in that behalf; and a direction under this section for the striking off of a person's name from the register prohibits him from making an application for membership or restoration of his membership until after the period specified by the direction that his name should remain struck off, and if he makes an application during the currency of the prohibition such an application shall be invalid (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

PART X — APPLICATION OF THIS BILL TO UNREGISTERED PERSONS

Committee Recommendation:**Clause 13: Application of this Bill to Unregistered Persons.**

A person who is not a member of the Commodity Brokers' Association of Nigeria established before the commencement of this Bill, who but for this Bill is qualified to apply for and obtain membership of the Institute may apply for membership of the Chartered Institute of Commodity Brokers of Nigeria established by this Bill, in such manner as may be prescribed by rules made by the Council and shall be registered in the category of membership appropriate in the current period for holders of the qualification he possesses (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Committee Recommendation:**Clause 14: Practice as a Member of the Commodity Brokerage Profession.**

A person other than a corporate member shall be deemed to practice as a member of the commodity brokerage profession if, in consideration of remuneration received or to be received and whether by himself or in partnership with any other person —

- (a) he engages himself in the practice of commodity brokerage or holds himself out to the public as a member of the commodity brokerage profession; or
- (b) he renders professional service or assistance in or about matters or principle or detail relating to commodity brokerage procedure; or
- (c) he renders any other service which may be by regulations made by the Council, be designated as service constituting practice as a member of the commodity brokerage profession (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

PART XI — RULES AS TO PRACTICE, AND PROVISIONS OF LIBRARY FACILITIES

Committee Recommendation:**Clause 15: Rules as to Practice.**

- (1) The Council may make rules to guide training in commodity brokerage methods and practice.
- (2) The Council may also make rules —
 - (a) prescribing the amount and due date for payment of the annual subscription and for such purposes, different amounts may be prescribed by the rules according to whether the person is registered as an Ordinary Member, Associate Member, Honorary Senior Member, Honorary Fellow or Fellow; and
 - (b) restricting the right to membership of the Institute in default of payment of the amount of the annual subscription where the default continues for more than one year or such period as may be prescribed by the rules.
- (3) Rules when made under this section shall be published in the Institute's Journal, Brochures, and Website.

- (4) Any member of the Institute who fails to pay the annual subscription for one year or such period as may be prescribed by the Council may have his name removed from the register of members (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Committee Recommendation:

Clause 16: Provision of Library Facilities.

The Institute shall —

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

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

PART XII — OFFENCES, ETC.

Committee Recommendation:

Clause 17: Offences and Penalties.

- (1) A person for the purpose of procuring the registration of any name, qualification or other matter who —
- (a) makes a statement which he believes to be false in a material particular; or
- (b) recklessly makes a statement which is false in a material particular, is guilty of an offence.
- (2) If, on or after the relevant date, any person who is not a member of the Institute practices or holds himself out to practice as a commodity broker for or in expectation of reward or takes or uses any name, title, addition or description implying that he is in practice as a commodity broker, he shall be guilty of an offence: Provided that, in the case of a person falling within section 17 of this Bill —
- (a) this subsection shall not apply in respect of anything done by him during the period of three months mentioned in that section; and
- (b) if within that period 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.
- (3) The Registrar or any other person employed by or on behalf of the Institute who willfully makes any falsification in any matter relating to the register, he shall be guilty of an offence.

- (4) 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 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, he, as well as the body corporate, shall be deemed to have committed the offence and is liable on conviction by a court of competent jurisdiction in the case of an individual to the punishment prescribed in subsection (4) of this section and in the case of a body corporate, to a fine of not less than ₦500,000.00 (Five Hundred Thousand Naira) only.
- (5) A person who shall be guilty of an offence under this section is liable on conviction to imprisonment for a term not exceeding two years or to a fine not less than ₦200,000.00 (Two Hundred Thousand Naira) only or to both imprisonment and fine (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Committee Recommendation:

Clause 18: Regulations.

- (1) Any regulations, made pursuant to this Bill shall be published in the Institute's Journal, Brochure and Website.
- (2) Rules made for the purposes of this Bill shall be subject to confirmation by the Council at its next general meeting or 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 or intended pursuance of any such rules (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Committee Recommendation:

Clause 19: Interpretation.

In this Bill —

"Chartered Commodity Broker" means a person who has passed the professional examinations and has been elected an Associate or Fellow of the Chartered Institute of Commodity Brokers of Nigeria (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

Question that the meaning of the words "Chartered Commodity Broker" be as defined in the interpretation to this Bill — Agreed to.

"Commodity" means anything that can be bought or sold (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

"Corporate Member" means any institutions operating in the commodity market and/or financial sector such as Commodity/Stock Brokerage companies, Commodity trading companies, Central Bank of Nigeria, Banks, Development Finance Banks and Discount Houses, Mortgage Banks and Micro-Finance Banks in Nigeria (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

"Council" means the Council established as the governing body of the Institute under section 5(1) of this Bill (Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency).

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

"Disciplinary Tribunal" means the Chartered Institute of Commodity Brokers of Nigeria Disciplinary Tribunal established under section 12 of this Bill (Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency).

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

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

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

"Fit Person" means a person of good character, who is not an undischarged bankrupt and has not been convicted in Nigeria or elsewhere of any offence involving fraud or dishonesty or has not been so convicted since a period to be specified from time to time by the Council (Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency).

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

"Institute" means the Chartered Institute of Commodity Brokers of Nigeria established under section 1 of this Bill (Hon. Sylvester Ogbaga — Abakaliki/Izzi 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 Chartered Institute of Commodity Brokers Investigating Panel established under section 11(1) of this Bill (Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency).

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

"Member of the Commodity Brokerage Profession" means a person registered by the Institute as a member in the category of an Ordinary Member, Associate Member, Honorary Senior Member, Honorary Fellow and Fellow (Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency).

Question that the meaning of the words "Member of the Commodity Brokerage Profession" be as defined in the interpretation to this Bill — Agreed to.

"President", "Vice-President" and "National Treasurer" mean the Office holders under those names in the Institute respectively (Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency).

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

"Profession" means the commodity brokerage profession (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

"Register" means the register kept in pursuance of section 8 (4) of this Bill (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

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

Committee Recommendation:

Clause 20: Short Title.

This Bill may be cited as the Chartered Institute of Commodity Brokers of Nigeria Bill, 2018 (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

Question that Clause 20 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

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 in the first instance and for another term of two years and no more.
- (2) A member of the Institute who ceases to be a member thereof shall, if he is also a member of the Council cease to hold Office in the Council.
- (3) Any member of the Council may, by notice in writing under his hand addressed to the President, 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) Members of the Council shall at its meeting next before the general meeting of the Institute, arrange for the four elected members of the Council who are longest in Office to retire at that general meeting.
- (6) 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 secret ballot.
- (7) If for any reason there is vacation of Office by a member and —

- (a) such member was appointed by the Council or any other body, the Council or that other 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 unexpired 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.

Power of the Council

- 2. The Council shall have power to do anything which in its opinion is calculated to facilitate the carrying out of the activities of the Institute.

Standing Orders

- 3.
 - (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 powers 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 decision to be taken by a majority of the members, and, in the event of equality of votes, the President or the Chairman, as the case may be, shall have a second or casting vote.
 - (3) Standing orders made for a committee shall, provide for the committee to report back to the Council on any matter referred to it by the Council.
 - (4) The quorum of the Council shall be seven and the quorum of a committee of the Council shall be fixed by the Council.

General Meeting of the Institute

- 4.
 - (1) The Council shall convene the Annual General Meeting of the Institute on 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, no more than fifteen months shall elapse between the respective dates of the two meetings: Provided that, notice of the annual general meeting shall be given to all members of the Institute not later than twenty-one days from the date of the meeting.
 - (2) A special meeting of the Institute may be convened by the Council at anytime and if not less than twenty members of the Institute so require, by notice in writing addressed to the Chairman of the Council setting out the object and objective of the proposed meeting, the chairman of the Council shall convene a special general meeting of the Institute: Provided that, notice of the special general meeting shall be given to all member of the Institute not later than twenty-one days from the date of the meeting.
 - (3) The quorum of any Annual General Meeting of the Institute and that of any special general meeting of the Institute shall each be twenty members.

Meeting of the Council

5. (1) Subject to the provisions of any standing order 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 no less than five other members, he shall summon a meeting of the Council to be held within fourteen days from the date on which the notice is given.
- (2) At any meeting of the Council, the Chairman, or in his absence any one of the Vice-Chairmen stated in section (5) (2) (b) of this Bill in the descending order of their status shall preside, but if the Chairman and the two Vice-Chairmen are absent, the members present at the meeting shall appoint one of their member 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 count towards a quorum.
- (4) Notwithstanding anything in the foregoing provisions of this paragraph, the first meeting of the Council shall be summoned by the President of the Institute.

Committees

6. (1) The Council may appoint one or more committees to carry out on behalf of the Institute or Council such functions as the Council may determine.
- (2) A committee appointed under this paragraph shall consist of the number of persons determined by the Council, of whom not more than one-third 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 is appointed.
- (3) A decision of a committee of the Council shall be of no effect until it is confirmed by the Council.

Miscellaneous

7. (1) The fixing of the seal of the Institute shall be authenticated by the signature of the Chairman or of some other members of the Council authorized 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 of the Council, as the case may require, by any person generally or specially authorized to act for that purpose by the Council.
- (3) Any document purporting to be a document, duly executed under the seal of the Institute shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.
8. The validity of any proceedings of the Institute or the Council or of a committee of the Council shall not be adversely affected by any vacancy in membership or by any defect in the appointment of a member of the Institute or of the Council or of a person to serve on the committee or by reason that a person not entitled to do so, took part in the proceedings.

9. Any member of the Institute, or of the Council or 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 by a committee of the Council on behalf of the Council, shall forthwith disclose his interest to the Committee or to the Council, as the case may be, and shall not vote on any question relating to the contract or arrangement.
10. 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. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

SECOND SCHEDULE

[Section 11 (7)]

SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY TRIBUNAL AND INVESTIGATING PANEL

The Disciplinary Tribunal

1. The quorum of the Disciplinary Tribunal shall be four members.
2. (1) The Governing council of the institute shall make rules as to the selection of members of the Disciplinary Tribunal for the purposes of any proceeding, and as to the procedure to be followed and the rules of evidence to be observed in proceedings before the Disciplinary Tribunal.
- (2) The rules shall in particular provide —
 - (a) for securing that notice of the proceedings shall be given at such time and in such manner, as may be specified by the rules, to the person who is the subject of the proceedings;
 - (b) for determine who, in addition to the person aforesaid, shall be a party to the proceedings;
 - (c) for securing that any party to the proceeding shall, if he so require, be entitled to be heard by the Tribunal;
 - (d) for securing that any party to the proceedings may be represented by a legal practitioner;
 - (e) subject to the provisions of section 11 (7) of this Bill, as to the costs of proceedings before the Disciplinary Tribunal;
 - (f) for requiring, in any case where it is alleged that the person who is the subject of the proceedings involved himself in unprofessional 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 notice of any direction of the Tribunal which has taken effect, providing that a person's name shall be struck off a register.

3. For the purposes of any proceedings before the Tribunal, any member of the Tribunal may administer Oaths and any party to the proceedings may issue out of the registry of the Federal 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 statement before the Tribunal tending to incriminate himself; or
 - (b) to produce any document under such a writ which he could not be compelled to produce at the trial of an Billion.
4.
 - (1) For the purposes of advising the Tribunal on question of law arising in proceedings before it, there shall in all such proceedings be an assessor to the Disciplinary Tribunal who shall be appointed by the Council on the nomination of the Attorney-General of the Federation and shall be a legal practitioner of not less than seven years standing.
 - (2) The Attorney-General of the Federation shall make rules as to the functions of Assessors appointed under this paragraph and in particular such rules shall contain provisions for securing that —
 - (a) 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 there or, if the advice is tendered while the Tribunal is deliberating in private, that every such party or person as aforesaid shall be informed what advice the assessor had tendered;
 - (b) every such party or person as aforesaid shall be informed if in any case the Disciplinary Tribunal does not accept the advice of the assessor on such a question as aforesaid.
 - (3) An assessor may be appointed under this paragraph either generally or for any particular proceedings or class of proceedings and shall hold and vacate office in accordance with the terms of the letter by which he is appointed.

The Investigating Panel

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

Miscellaneous

7.
 - (1) A person ceasing to be a member of the Investigating Panel or the Disciplinary Tribunal shall be eligible for re-appointment as a member of the Investigating Panel or Disciplinary Tribunal, as the case may be, however, nobody shall serve in the Investigating Panel for more than two consecutive terms totaling four years.
 - (2) A person may, if otherwise eligible, be a member of both the Disciplinary Tribunal and the Investigating 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 Investigating Panel or the Disciplinary Tribunal 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 (2) of this Schedule by reason of the fact that any person who was not entitled to do so took part in the proceedings of that body.
9. Any document authorized or required by virtue of this Bill to be served on the Disciplinary Tribunal or the Investigating Panel shall be served on the Registrar.
10. Any expenses of the Disciplinary Tribunal or the Investigating Panel shall be defrayed by the Institute (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Long Title:

A Bill for an Act to Establish Chartered Institute of Commodity Brokers of Nigeria (CICBN) and Other Related Matters (HB. 417) (*Hon. Sylvester Ogbaga — Abakaliki/Izzi 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 Commerce on a Bill for an Act to Establish the Chartered Institute of Commodity Brokers of Nigeria (CICBN); and for Related Matters (HB. 417) and approved Clauses 1 - 19, the Schedules and the Long Title of the Bill.

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

(iii) Committee on Information, National Orientation, Ethics and Values:

Motion made and Question proposed, "That the House do consider the Report of the Committee on Information, National Orientation, Ethics and Values on a Bill for an Act to Repeal the Nigerian Film Corporation Act, Cap. N109, Laws of the Federation of Nigeria, 2004 and Re-enact the Nigerian Film Commission Bill, 2018 to Regulate and Develop the Film Industry in Nigeria; and for Related Matters (HB. 584) and approve the recommendations therein" (*Hon. Odebunmi Olusegun Dokun — Ogo-Oluwa/Surulere 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 NIGERIAN FILM CORPORATION ACT, CAP. N109, LAWS OF THE FEDERATION OF NIGERIA, 2004 AND RE-ENACT THE NIGERIAN FILM COMMISSION ACT, 2018, TO REGULATE AND DEVELOP THE FILM INDUSTRY IN NIGERIA; AND FOR RELATED MATTERS (HB. 584)

Committee Recommendation:**Clause 1: Establishment of Nigerian Film Commission.**

- (1) There is established a body to be known as the Nigerian Film Commission (in this Bill referred to as the "Commission").
- (2) The Commission:
 - (a) shall be a body corporate with perpetual succession and a common seal and may sue or be sued in its corporate name; and
 - (b) may acquire, hold or dispose of any property, movable or immovable in its corporate name, for the purpose of carrying out its functions under this Bill.
- (3) Objects of the Commission:
 - (a) develop and regulate a result oriented productivity commission geared towards revenue generation that will reduce total dependence on Government subvention;
 - (b) provide and create a framework for a viable sustainable growth and orderly development of a globally competitive Nigerian film and video industry.
 - (c) project and protect the rich cultural heritage and the values of the people of Nigeria by encouraging the production of high quality Nigerian films and videos for both domestic consumption and for export;
 - (d) ensuring the professionalism of the film industry by supervising the activities of the regulatory body of Guilds and Associations in the film industry for the orderly development of the industry; and
 - (e) encourage the standardization of film and video production, distribution and exhibition facilities (*Hon. Odebunmi Olusegun Dokun — Ogo-Oluwa/Surulere Federal Constituency*).

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

Committee Recommendation:**Clause 2: The Board of the Commission.**

- (1) The Board of the Commission shall consist of a Chairman and the following members appointed by the President on the advice of the Minister.
 - (a) three persons who by reasons of their ability, experience or specialized knowledge of the film industry or of business or professional attainment are capable of making useful contributions to the work of the Commission;
 - (b) one representative of the Federal Ministry in charge of Information and Culture matters;
 - (c) two most Senior Directors of the Commission;
 - (d) the Director General of the Commission;

- (e) members of the Board other than the Director General and the two Directors of the Commission shall be part-time members.
- (2) The Board shall:
- (a) regulate its proceedings and make standing orders with respect to the holding of its meetings; notices to be given, the keeping of minutes of its proceedings and such other matters as the Board may, from time to time determine.
 - (b) develop performance measurement criteria and targets for Management;
 - (c) recommend the appointment, discipline and removal of the Director General to the President through the supervising Minister;
 - (d) approve Financial and Banking Policies including borrowings;
 - (e) approve appropriation to be done in accordance with the constitution and powers of the National Assembly;
 - (f) determine tariffs and charges for goods or services produced or rendered within the Utilities Charges Commission's limitations;
 - (g) appoint, promote and discipline senior Staff as recommended by Management;
 - (h) do such other things which in its opinion are necessary to ensure the efficient performance of the objects of the Commission.
- (3) Subject to the provisions of this Bill, a person appointed a member of the Commission (not being an *ex-officio* member) shall hold office for a period of three years from the date of his appointment and shall be eligible for reappointment for one further period of three years.
- (4) Any member may resign his appointment by a letter addressed to the Minister and his resignation shall take effect on the date of receipt by the Minister of such letter.
- (5) The office of the Chairman and Members of the Board shall become vacant where —
- (a) he resigns his office by notice in writing under his hand addressed to the President;
 - (b) he becomes of unsound mind or incapable of carrying out his duties;
 - (c) he becomes bankrupt or makes compromise with his creditors;
 - (d) he is found guilty of gross misconduct relating to his duties;
 - (e) the President is satisfied that it is not in the interest of the Commission or of the public for the person appointed to continue in office;

- (f) members of the Board shall be entitled to sitting allowances; travel expenses and such other benefits as may be determined from time to time by the appropriate authority (*Hon. Odebunmi Olusegun Dokun — Ogo-Oluwa/Surulere Federal Constituency*).

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

Committee Recommendation:

Clause 3: Powers and Functions of the Commission.

- (1) The Commission shall carry out the following functions, that is -
- (a) initiate and implement national film policies and establish the framework for the growth and development of the film sector in collaboration with development partners;
 - (b) ensure that the guidelines and standards set by the appropriate agencies of government on the establishment of film and video infrastructure such as film schools, film villages, film production studios and film multi-media centres by the public and private sector are complied with;
 - (c) encourage the establishment of film production facilities such as studios, film villages and cinema theatres across the country in collaboration with Federal agencies, States, Local Governments and private investors;
 - (d) advise the Federal Government generally on regulatory and developmental matters relating to the film and video industry;
 - (e) manage, disburse and monitor the proper application of the National Film Development Fund and other government interventions and grants for the film sector;
 - (f) source for and provide grants from government and other sources to any person, organization or institution for the development and promotion of the film and video industry;
 - (g) use lottery as a means of raising funds for the development of the film industry;
 - (h) maintain a database of persons, organizations, institutions, equipment facilities connected with the film and video industry;
 - (i) provide and encourage the provision of facilities for training and advancing the skills and talents of persons employed in the Nigerian film and video industry;
 - (j) encourage, organize and participate in national and international film festivals, fairs, markets and similar activities to rebrand and enhance the exposure of Nigerian film and video industry;
 - (k) issue shooting licenses to foreign crew upon accreditation by the Ministry and the Commission will intervene to resolve permit dispute in accordance with the guidelines;
 - (l) acquire, distribute and exhibit films of national interest for training and educational purposes; and

- (m) perform any other functions that are necessary or expedient for the full discharge of all or any of its functions under this Bill.

(2) The Commission shall have powers to:

- (a) produce films for domestic and international consumption;
- (b) establish a Directorate of Film Festival that will be responsible for the organization and sustenance of international film festival of Nigeria and participation in other international film festivals and markets;
- (c) establish a National Film, Video and Sound Archive as a mandatory depository of all films and video related materials
- (d) establish the National Film Institute and Media Arts Studies (NAFIMAS) (in this Bill referred to as The "Institute", which shall:
 - (i) provide training and capacity building for The Nigerian Motion Picture Industry for the development of highly technical and professionally competent film practitioners,
 - (ii) award degrees, diplomas, certificates and other distinctions,
 - (iii) establish other teaching and research campuses and centers subject to the approval of the relevant government agencies,
 - (iv) to do all such acts or things, whether or not incident to the foregoing powers as may advance the objects of the Institute;
- (e) to encourage professionalism in the motion picture industry by ensuring the proper take off of the body for the regulation of motion picture practices;
- (f) establish a Fund for the development of the film and video industry which shall be known as the National Film Development Fund (NFDF):
 - (i) the Fund shall be the repository of all government grants, funds and financial incentives to the film and video industry as well as monies, donations and grants from other sources as may be received on behalf of the Fund and shall be administered by a Committee set up by the Commission.
 - (ii) the Fund Committee shall have a Chairman, appointed by the Commission, who shall be a person, with experience and specialized knowledge in any of the trades of the film and video industry or business or professional attainment capable of contribution to the Fund.
 - (iii) the Fund Committee shall be made up of two representative from the Commission & one each from the Federal Ministry of Information, one each from MOPICON and two members representing the Guilds and Associations;

- (g) the Committee shall recommend projects to be funded from the fund
(*Hon. Odebunmi Olusegun Dokun — Ogo-Oluwa/Surulere Federal Constituency*).

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

Committee Recommendation:

Clause 4: Powers of the Minister.

The Minister may, after consultation with the Commission, give to the Commission directions of a general character as to the discharge by the Commission of its functions in relation to matters appearing to the Minister to affect the public interest
(*Hon. Odebunmi Olusegun Dokun — Ogo-Oluwa/Surulere Federal Constituency*).

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

Committee Recommendation:

Clause 5: Appointment of the Director General and Other Staff of the Commission.

- (1) There shall be for the Commission a Director General who shall be appointed by the President on the recommendation of the Minister in charge of Information and Culture matters, who shall:
- (a) be the chief executive and accounting officer of the Commission;
 - (b) be responsible for the day to day administration of the Commission; and
 - (c) shall hold office for a period of four years and may be re-appointed for another term of four years and no more.
- (2) The Commission, shall —
- (a) employ such number of employees as may in its opinion be expedient and necessary for the proper and efficient performance of the objects of the Commission;
 - (b) determine the terms and conditions of service including disciplinary measures on the employees of the Commission;
 - (c) fix a competitive remuneration, allowances and benefits for the employees of the Commission;
- (3) (a) There shall be a Secretary to the Commission appointed by the Board who shall also be the Legal Adviser to the Commission.
- (b) The Secretary shall be a legal practitioner of not less than ten years post call cognate experience.
- (c) The Secretary shall:
- (i) have custody of the Commission's seal;
 - (ii) keep the records and conduct the correspondences of the Board;
 - (iii) render legal advisory services to the Commission; and

- (iv) perform such other functions as the Board may from time to time direct.
- (4) The Commission shall appoint, Heads of various Departments who shall together with the Director General form the Management of the Commission.
- (5) The Commission may, from time to time, appoint such other staff as may be required for the purposes of the efficient performance of the functions conferred on the Commission.
- (6) The Board may delegate to the Director General, generally or specifically, the power to appoint such categories of staff of the Commission as the Commission may from time to time specify (*Hon. Odebunmi Olusegun Dokun — Ogo-Oluwa/Surulere Federal Constituency*).

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

Committee Recommendation:

Clause 6: Financial Provisions of the Commission.

- (1) The Commission shall maintain a fund into which shall be paid:
 - (a) such sums as may be provided to it by the government of the federation;
 - (b) such sum as may from time to time be lent to it by any person;
 - (c) 1% of proceeds from value added tax (VAT) or film and entertainment related activities and services;
 - (d) fees from the licensing of foreign production companies; and from the issuance of permits to foreign crews;
 - (e) fees from the issuance of import permits to any importer of film equipment, film facilities, films and video works;
 - (f) 2% of revenue from levy charged on admission tickets for film screenings, rentals, and sale of local and foreign films;
 - (g) monies paid to the Commission by users of its services;
 - (h) donations, contributions and endowments;
 - (i) grants to the Commission including contributions from philanthropic organizations and development partners;
 - (j) income from investments;
 - (k) 1% of the proceeds from television license from the National Broadcasting Commission (NBC);
 - (l) 1% of the proceeds from licenses of the National Lottery Commission of Nigeria;
 - (m) such revenue generated by the Commission through the discharge of its functions.

- (2) Funds of the National Film Development Fund:
- (a) Take-off Grant for the establishment of the fund and sustainable funding interventions by the Federal Government.
 - (b) 10 % revenue generated by the Commission on film related activities.
 - (c) 10% of all the levies collected by the National Film and Video Censors Board from licensing of Distributors and Exhibitors of film works
 - (d) 5% of proceeds from Value Added Tax (VAT) on film related activities.
 - (e) development support loans from international finance and investment institutions and special development agencies in Nigeria.
 - (f) grants and endowments from foreign and local donors, foundations, agencies, multi-national companies and conglomerates; and local councils.
 - (g) any other source that may be identified from time to time by the Fund (*Hon. Odebunmi Olusegun Dokun — Ogo-Oluwa/Surulere Federal Constituency*).

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

Committee Recommendation:

Clause 7: Expenditure of the Commission.

- (1) The Commission may, from time to time, apply the proceeds of the Fund established in pursuance of section 15:
- (a) to the cost of administration of the Commission;
 - (b) for the execution of approved capital projects of the Commission;
 - (c) for reimbursing members and staff of the Commission or any Committees set up by the Commission and in accordance with the rates approved in that behalf of the Commission; and
 - (d) to the payment of fees, salaries and other remunerations or allowances and pensions and other retirement benefits payable to the employees of the Commission; and
 - (e) for the maintenance of the Commission's property (*Hon. Odebunmi Olusegun Dokun — Ogo-Oluwa/Surulere Federal Constituency*).

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

Committee Recommendation:

Clause 8: Power to Accept Gifts.

- (1) The Commission may accept 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.

- (2) The Commission shall not accept any gift if the conditions attached by the person or organization making the gift are inconsistent with the objects of the Commission (*Hon. Odebunmi Olusegun Dokun — Ogo-Oluwa/Surulere Federal Constituency*).

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

Committee Recommendation:

Clause 9: Borrowing Power.

The borrowing power of the Commission is subject to the Federal Government financial regulations that may be given, from time to time, by the relevant government agencies (*Hon. Odebunmi Olusegun Dokun — Ogo-Oluwa/Surulere Federal Constituency*).

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

Committee Recommendation:

Clause 10: Annual Estimates Account and Audit.

- (1) The Commission shall submit its audited annual account within three months of the end of the financial year to the Supervising Ministry and Auditor General of the Federation.
- (2) The Commission shall keep proper accounts and records in relation thereto and shall prepare in respect of each financial year a statement of accounts in such form as the Minister may direct.
- (3) The accounts of the Commission shall be audited at the end of each financial year by auditors appointed by the Commission and the fees of the auditors and the expenses of the audit generally shall be paid from the funds of the Commission (*Hon. Odebunmi Olusegun Dokun — Ogo-Oluwa/Surulere Federal Constituency*).

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

Committee Recommendation:

Clause 11: Annual Report.

The Commission shall, not later than 30th of June in each year, submit to the Minister a report on the activities of the Commission during the immediately preceding year and shall include in such report, the audited accounts of the Commission (*Hon. Odebunmi Olusegun Dokun — Ogo-Oluwa/Surulere Federal Constituency*).

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

Committee Recommendation:

Clause 12: Staff Regulations and Pension.

- (1) Service in the Commission shall be pensionable under the Pension Reform Act and accordingly employees of the Commission shall, in respect of their services, be entitled to pension and other retirement benefits.
- (2) Notwithstanding the provisions of subsection (1) of this section, nothing shall prevent the appointment of a person to any office on terms which preclude the grant of pension in respect of that office.

- (3) The Commission may, with the approval of the Board make staff regulations relating generally to the conditions of service of the employees of the Commission and without prejudice to the generality of the foregoing, such regulations may provide for the appointment, promotion and disciplinary control of the employees of the Commission and appeals by such employees against dismissal or other disciplinary measures;
- (4) Staff regulations made under subsection (3) of this section shall not have effect until approved by the Board, the Commission shall cause them to be brought to the notice of all affected persons in such manner as it may, from time to time, determine (*Hon. Odebunmi Olusegun Dokun — Ogo-Oluwa/Surulere Federal Constituency*).

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

Committee Recommendation:

Clause 13: The President may make regulations generally for the proper carrying into effect of the provisions of this Bill and the due administration thereof (*Hon. Odebunmi Olusegun Dokun — Ogo-Oluwa/Surulere Federal Constituency*).

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

Committee Recommendation:

Clause 14: Interpretation.
In this Bill:

"Board" means the Governing Board established pursuant to section 2 of this Bill (*Hon. Odebunmi Olusegun Dokun — Ogo-Oluwa/Surulere Federal Constituency*).

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

"Chairman" means the person appointed as the Chairman of the Commission pursuant to section 2 (1) of this Bill (*Hon. Odebunmi Olusegun Dokun — Ogo-Oluwa/Surulere Federal Constituency*).

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

"Commission" means the Nigerian Film Commission (*Hon. Odebunmi Olusegun Dokun — Ogo-Oluwa/Surulere Federal Constituency*).

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

"Director General" means the Director General of the Commission appointed pursuant to section 9(1) of this legal framework (*Hon. Odebunmi Olusegun Dokun — Ogo-Oluwa/Surulere Federal Constituency*).

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

"Ex-Officio" means members of the Board appointed by virtue of their position in the Commission (*Hon. Odebunmi Olusegun Dokun — Ogo-Oluwa/Surulere Federal Constituency*).

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

"Film and Video" means all media of projected images, notwithstanding whether the medium of projection is the small screen (video) or the large screen of the cinema (celluloid) (Hon. Odebunmi Olusegun Dokun — Ogo-Oluwa/Surulere Federal Constituency).

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

"film and video industry" means all trades, practices, specialization, branches, disciplines concerned with the film and video including all aspects of production, distribution, exhibition, instruction, documentation and research (Hon. Odebunmi Olusegun Dokun — Ogo-Oluwa/Surulere Federal Constituency).

Question that the meaning of the words "film and video industry" be as defined in the interpretation to this Bill — Agreed to.

"member" means a member of the Commission including the Chairman (Hon. Odebunmi Olusegun Dokun — Ogo-Oluwa/Surulere Federal Constituency).

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

"Minister" means the Federal Minister in charge of information and culture matters (Hon. Odebunmi Olusegun Dokun — Ogo-Oluwa/Surulere Federal Constituency).

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

"Ministry" means the Federal Ministry in charge of information and culture matters (Hon. Odebunmi Olusegun Dokun — Ogo-Oluwa/Surulere Federal Constituency).

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

"Practitioner" means anyone who practices any of the trades or specializations in any of the branches of the motion picture industry and registered with any guild or association (Hon. Odebunmi Olusegun Dokun — Ogo-Oluwa/Surulere Federal Constituency).

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

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

Clause 15: An Act to Repeal the Film Corporation Act, Cap. NI09, Laws of the Federation of Nigeria, 2004 and enact the Nigerian Film Commission Act 2014.

Committee Recommendation:

Leave out the provision of Clause 14 (Hon. Odebunmi Olusegun Dokun — Ogo-Oluwa/Surulere Federal Constituency).

Agreed to.

Committee Recommendation:**Clause 16: Repeal.**

- (1) The Nigerian Film Corporation Act is repealed.
- (2) The Nigerian Film Corporation established by the Nigerian Film Corporation Act is hereby dissolved (*Hon. Odebunmi Olusegun Dokun — Ogo-Oluwa/Surulere Federal Constituency*).

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

Committee Recommendation:**Clause 17: Citation.**

This Bill may be cited as the Nigerian Film Commission Bill, 2018 (*Hon. Odebunmi Olusegun Dokun — Ogo-Oluwa/Surulere Federal Constituency*).

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

SCHEDULE**SUPPLEMENTARY PROVISION RELATING TO THE COMMISSION PROCEEDING*****Limitation of suits against the Commission***

1.
 - (1) No suit against the Commission, or member of staff of the Commission for any act done in pursuance or execution of any enactment or law, or of any public duties of the Commission or in respect of alleged neglect, or default in the execution of enactment of law, shall lie or be instituted in any court unless it is commenced within twelve months of the neglect or default complained of and in the case of a continuance of damage or injury, within twelve months next after the ceasing thereof.
 - (2) No suit shall be commenced against the Commission before the expiration of a period of one month after a written notice of intention to commence the suit shall have been served upon the Commission by the intending plaintiff or his agent.
 - (3) The notice referred to in subsection (2) of this sanction shall clearly state the:
 - (a) cause of action;
 - (b) particulars of the claim;
 - (c) name and place of abode of the intending plaintiff; and
 - (d) relief which the plaintiff claims.

Service of documents

2. The notice referred to in section 20 and any summons or other document required or authorized to be served on the Commission under the provisions or any other enactment or law may be served by:
 - (a) delivering the same to the Director General of the Commission; or
 - (b) sending it by registered post addressed to the Director General at the Head Office of the Commission.

Offences and Penalties

3. (i) Any person in breach of a provision of this Bill for which no specific penalty is imposed under this Bill, if found guilty shall be liable on conviction to a fine of not less than Five Hundred Thousand Naira (₦500,000.00) or one (1) year imprisonment or both.
- (ii) Any person who aids or abets the commission of any offence under this Bill shall be guilty of an offence and if found guilty on conviction, liable to a fine of One Million Naira (₦1,000,000.00) or two (2) years imprisonment or both for each of the person(s) found liable.
- (iii) In the case of a corporate body, where an offence is proved to have been committed with the consent or connivance of, or to be attributed to any neglect on the part of a Director, Manager, Secretary, or any person (s) who was purporting to act in any such capacity, he as well as the Corporate body shall be guilty after investigations and prosecuted and if found guilty, liable to a fine of One Million Naira (₦100,000.00) or two (2) years imprisonment or both for each of the person(s) found liable.
- (iv) Any foreign production company carrying out shooting activities in Nigeria without obtaining a shooting license from the Commission shall be guilty of an offence and liable on conviction to a fine of Two Million Naira (₦2,000,000.00) or four years imprisonment.
- (v) Any Nigerian company or individual aiding or collaborating with any foreign production company to carry out shooting activities in Nigeria without securing a shooting license for the foreign production company from the Commission shall be guilty of an offence and liable on conviction to a fine of One Million Naira (₦1,000,000.00) or two (2) years imprisonment.
- (vi) Any film school, film village, production studio and festival held or established in Nigeria without following the necessary guidelines or set standards provided by the Commission and obtaining the license or register with the Commission shall be guilty of an offence and liable on conviction to a fine of Two Million Naira (₦2,000,000.00) or two years imprisonment.
- (vii) Any person who contravenes the rules and regulations in accordance with the National Film policy for the development of film in Nigeria shall be guilty of an offence and liable on conviction to a fine of One Million Naira (₦1,000,000.00) or one (1) year imprisonment.
- (viii) It is an offence under this Bill for any person(s) to neglect or refuse to follow the rules and regulations in respect of acquisition, preservation and usage of the materials in all audiovisual archives in Nigeria without maintaining a database of these materials.
- (ix) The Commission shall have power to prosecute any of the offences created by and defend actions arising from carrying out the provisions of this Bill, subject to the powers of the Attorney-General.

Savings

4. (1) From the commencement of this Bill, all assets, funds, resources and other movable or immovable property which immediately before the commencement of this Bill were vested in the Nigerian Film Corporation (the Corporation) shall be vested in the Commission.

- (2) From the commencement of this Bill, all rights, interests, obligations and liabilities of the Corporation existing immediately before the commencement of this Bill, shall by virtue of this Bill be assigned to and vested in the Commission.
- (3) A person in the employment of the Corporation immediately before the commencement of this Bill shall be deemed to hold the employment in the Commission under this Bill.

Power to make Regulations

5. The Commission, may, with the approval of the Board, make regulations and guidelines generally for the purpose of giving effect to the provisions of its laws (*Hon. Odebunmi Olusegun Dokun — Ogo-Oluwa/Surulere Federal Constituency*).

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

Explanatory Memorandum:

This Bill seeks to Repeal the Nigerian Film Corporation Act Cap. N109, LFN., 2004 and To Enact the Nigerian Film Commission Act, 2018 to Regulate and develop the Film Industry in Nigeria (*Hon. Odebunmi Olusegun Dokun — Ogo-Oluwa/Surulere Federal Constituency*).

Agreed to.

Long Title:

A Bill for an Act to Repeal the Nigerian Film Corporation Act, Cap. N109, Laws of the Federation of Nigeria, 2004 and Re-Enact the Nigerian Film Commission Act, 2018, to Regulate and Develop the Film Industry in Nigeria; and for Related Matters (HB. 584) (*Hon. Odebunmi Olusegun Dokun — Ogo-Oluwa/Surulere 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 Report of the Committee on Information, National Orientation, Ethics and Values on a Bill for an Act to Repeal the Nigerian Film Corporation Act, Cap. N109, Laws of the Federation of Nigeria, 2004 and Re-enact the Nigerian Film Commission Bill, 2018 to Regulate and Develop the Film Industry in Nigeria; and for Related Matters (HB. 584) and approved Clauses 1 - 14, rejected Clause 15, approved Clauses 16 - 17, the Schedule, the Explanatory Memorandum, and the Long Title of the Bill.

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

20. Adjournment

That the House do adjourn till Tuesday, 13 February, 2018 at 11.00 a.m. (Hon. Femi Gbajabiamila — House Leader).

The House adjourned accordingly at 2.20 p.m.

Yakubu Dogara
Speaker

CORRIGENDA

In the *Votes and Proceedings* of Wednesday, 7 February, 2018:

- (i) page 1,816, item 3 (b) include the names:
 - (1) Hon. Halliru Dauda Jika
 - (2) Hon. Udende Emmanuel Memga
- (ii) page 1,821, item 10, in the prayer, line 1, immediately after the words "time of", *leave out* the word and figure "eight (8)" and *insert* the word and figure "one (1)".