

REPORT OF THE SENATE COMMITTEE ON ESTABLISHMENT AND PUBLIC SERVICE ON THE PRESIDENTIAL DECISION TO DECLINE ASSENT TO THE INSTITUTE OF CHARTERED BIOCHEMISTS AND MOLECULAR BIOLOGISTS OF NIGERIA BILL, 2018.

1.0 Background

The Senate at its Plenary Sitting on Wednesday 23th January, 2018, deliberated on the Executive Communication from Mr. President and Commander-In-Chief of the Armed Forces of the Federation, whereby he relied on Section 58 (4) of the Constitution of the Federal Republic of Nigeria 1999, as amended, to decline assent to the Institute of Chartered Biochemists and Molecular Biologists of Nigeria Bill, 2018 and thereafter sent it back to the National Assembly on 5th November, 2018. After deliberations on the Executive Communication, the Senate resolved and referred the Bill to the Senate Committee on Establishment and Public Service for further legislative action.

2.0 Objectives of the Referral

The objectives of the referral are folds, that is:

1. To look into the observations raised by Mr. President on the Bill; and

2. To make appropriate recommendation(s) on the legislative action to be adopted by the Senate on the Bill.

3.0 Committee's Legislative Actions

In furtherance of its mandate on this referral, the Committee held several meetings to further deliberate on Mr. President's observations, to ascertain the rationale for his decisions to assent to the Bill. Consequently, the Committee analysed the observations in line with the relevant provisions of the Bill. The Committee also relied on the provisions of Section 58 (4) of the Constitution of the Federal Republic of Nigeria 1999, as amended, which Mr. President relied upon to decline assent to the Bill as well as Section 60, which empowers the Senate and the House of Representatives to regulate its own procedure. Due consideration was also given to the Senate Standing Orders 2015, as amended, particularly, Rule 88, which deals with assent to Bills.

4.0 Analysis of the Bill in line with Mr. President's Observations

In a nutshell, the Bill seeks to Establish the Institute of Chartered Biochemists 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.

In declining assent to this Bill, Mr. President observed as follows:

1. That the provision of section 13 (3) to give the Chartered Biochemist and Molecular Biologist of Nigeria, power to approve academic programmes and even close down programmes in tertiary institution would infringe on the mandate of the National Universities Commission and the National Board for Technical Education; and
2. That there are certain drafting and administrative issues in the Bill, including failure in section 13 (8), 14 and 20 (2) to designate a Chairman for both the Practice and Publicity Committee and or specific process for how a Chairman will emerge for either of the Education, Practice or Publicity Committees. This can lead to confusion in the administration of the Council

In line with observation no. 1 above, the Committee aligns itself with the reasoning of Mr. President because the intendment of the provisions of subsections (2) and (3) of clause 13 of the Bill is in conflict with the mandate of the National Universities Commission and the National Board for Technical Education, which are statutory institutions set by the government to undertake the function(s) contemplated by the provisions of these subsections. In this regard, the Committee has redrafted the provision of section 13 of the Bill as set out in the attached draft Bill in order to address the issues raised by Mr. President

On observation No. 2, the Committee is also in agreement with Mr. President's observation because there are indeed, some drafting and administrative issues in the Bill that if not resolved, will bring about confusion in the implementation of the Bill, when it is eventually passed into law. Accordingly, the Committee redrafted the provisions of sections 13 (8) and 14 to align with the provision of section 20 (2). With this amendment, the drafting and administrative issues in the Bill have been addressed.

Having, resolved the shortcomings of the Bill as pointed out by Mr. President in his Executive Communication to the Senate on this Bill, it is our hope that the Senate will approve the new amendment and pass the Bill again.

6.0 Observations/Findings

The Committee, having analysed the reasons why Mr. President declined assent to this Bill, and considering our comments, highlighted above, we hereby make the following observations and findings:

1. That the observations made by Mr. President on this Bill are appropriate as the passage of the Bill in its present form may stir up some administrative issues in its implementation. As a result, the Committee adopted the observations and redrafted the affected provisions accordingly; and

2. That with the reflection of Mr. President's observations on this Bill, the inherent shortcomings of the Bill have been addressed and its passage in this current form is highly recommended;

7.0 Recommendation

Flowing from the analysis and comments as well as our observations and findings, we hereby recommend as follows:

"That the Senate do consider and pass again the Institute of Chartered Biochemists and Molecular Biologists of Nigeria Bill, 2018".

I so move.

8.0 Conclusion

On behalf of Members of the Committee, I wish to thank the President of the Senate and my Distinguished colleagues for the opportunity to serve in this capacity. The copy of the Bill is attached herewith for your consideration and approval, please.



Senator Emmanuel Paulker

Chairman

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PROVISION OF THE BILL	COMMITTEE RECOMMENDATION	REMARKS
<p>13(2) For the purposes of performing the duty in sub-section (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.</p> <p>(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.</p> <p>(8) The Chairman shall be an academia in any tertiary institution in Nigeria.</p>	<p>13(2) For the purposes of performing the duty in Sub-section (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 appraisal of the program or examinations.</p> <p>(3)(a) The Institute shall collaborate with the National Universities Commission (NUC) or National Board of Technical Education (NBTE) in the accreditation of courses in tertiary institutions.</p> <p>(b) Graduates of institutions whose Biochemistry and Molecular Biology program are not accredited by the National Universities Commission (NUC) or National Board of Technical Education (NBTE) shall not be admitted to the Institute of Chartered Biochemists and Molecular Biologists.</p> <p>(8) The Chairman of the Committee shall be an academic in any tertiary institution in Nigeria and shall be elected like other members at the Annual meeting of the Institute.</p>	
<p>14 (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.</p>	<p>14(2) The Practice Committee shall consist of five members (including the Chairman) elected during the Institute's Annual General Meeting and all members shall be practicing Certified Biochemist or Molecular Biologist.</p>	



THE SENATE
FEDERAL REPUBLIC OF NIGERIA
Committee on Establishment & Public Service

ENDORSEMENT SHEET:

DATE 23-01-19

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AND PUBLIC SERVICE ON THE PRESIDENTIAL DECISION
TO DECLINE ASSENT TO THE INSTITUTE OF CHARTERED
BIOCHEMISTS AND MOLECULAR BIOLOGISTS OF NIGERIA
BILL, 2018.**

	Name	Status	Signature
1	Senator Emmanuel Paulker	Chairman	
2	Senator Sulaiman Nazif	Vice Chairman	
3	Senator Nurudeen Adeleke	Member	
4	Senator Olugbenga Ashafa	Member	
5	Senator Nelson Effiong	Member	
6	Senator George Akume	Member	
7	Senator Ahmed Lawan	Member	
8	Senator Foster Ogola	Member	
9	Senator Godswill Akpabio	Member	
	Edith O. Ajah (Mrs.)	Clerk	