



THE SENATE

FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Tuesday, 27th November, 2018

1. The Senate met at 11:03 a.m. The Senate President read Prayers.
2. **Votes and Proceedings:**
The Senate examined the Votes and Proceedings of Thursday, 22nd November, 2018.
Question was put and the Votes and Proceedings were approved.
3. **Message from Mr. President:**
The Senate President announced that he had received a letter from Mr. President, Commander-in-Chief of the Armed Forces of the Federation, which he read as follows:

Confirmation of Appointments:



**PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA**

23rd November, 2018

*Distinguished Senator Abubakar Bukola Saraki
President of the Senate,
Senate Chambers,
National Assembly Complex,
Three Arms Zone,
Abuja.*

Dear Distinguished Senate President,

APPOINTMENT OF CAREER AMBASSADORS-DESIGNATE

In accordance to section 171(1)(c) sub-section (4) of the 1999 Constitution of the Federal Republic of Nigeria as amended, I have the honour to forward for confirmation by the Senate, the underlisted three (3) nominees as Career Ambassadors-Designate. Copies of their Curriculum Vitae are attached herewith.

S/No.	Name	State
1.	Mr. Christopher C. Chejina	Delta
2.	Mr. Bukar Kolo	Yobe
3.	Mr. M. A. Mabdul	Benue

It is my hope that this request will receive the usual expeditious consideration of the Distinguished Senate.

Please accept, Distinguished Senate President, the assurances of my highest consideration.

*Yours sincerely,
(Signed)
Muhammadu Buhari*

4. Announcement:

Acknowledgment:

The Senate President acknowledged the presence of the following who were at the gallery to observe Senate Proceedings:

- (i) Members and Staff of Etsako West Legislative Council, Auchi, Edo State; and
- (ii) Staff and Students of King of Kings Academy, Lugbe, Abuja.

5. Presentation of a Bill:

Federal College of Forestry Technology and Research, Akamkpa (Establishment, etc.) Bill, 2018 (SB.707) — *Read the First Time.*

6. Committee on Tertiary Institutions and TETFUND:

Motion made: That the Senate do receive the Reports of the Committee on Tertiary Institutions and TETFUND on the following Bills:

- a. Federal University of Education Aguleri, Anambra State (Establishment, etc.) Bill, 2018 (SB.653);
- b. Federal Polytechnic, Daura (Establishment, etc.) Bill, 2018 (SB. 465);
- c. National Institute of Construction Technology and Management (Establishment, etc.) Bill, 2018 (SB. 630); and
- d. Federal Polytechnic, Ikom, Cross River State (Establishment, etc.) Bill, 2018 (SB. 672) (*Senator Tijjani Y. Kaura — Zamfara North*).

Question put and agreed to.

Reports Laid.

7. Joint Committee on Judiciary, Human Rights & Legal Matters; and Anti-Corruption & Financial Crimes:

Report on the Proceed of Crimes Bill, 2018 (SB. 376):

Motion made: That the Senate do receive the Report of the Joint Committee on Judiciary, Human Rights & Legal Matters; and Anti-Corruption & Financial Crimes on the Proceed of Crimes Bill, 2018 (*Senator David Umaru — Niger East*).

Question put and agreed to.

Report Laid.

8. Motion:

Committal of Bills to the Committee of the Whole:

Motion made: That the Senate do recall that the following Bills were passed by the Senate and the House of Representatives and were transmitted to the Clerk, National Assembly for onward transmission to the President, Commander-in-Chief of the Armed Forces of the Federation for Assent;

The Bills are:

- (i) Nigerian Aeronautical Search and Rescue Bill, 2018 (HB. 139);
- (ii) Climate Change (Establishment, etc.) Bill, 2018 (HB. 1020);
- (iii) Chartered Institute of Pension Practitioners of Nigeria (Establishment, etc.) Bill, 2018 (HBs. 726 & 727));
- (iv) Chartered Institute of Training and Development of Nigeria (Establishment, etc.) Bill, 2018 (HB. 401);
- (v) National Institute of Credit Administration (Establishment, etc.) Bill, 2018 (HB. 425);
- (vi) Digital Rights and Freedom (Establishment, etc.) Bill, 2018 (HB. 490); and
- (vii) Nigerian Film Corporation (Repeal & Re-enactment) Bill, 2018 (HB. 584).

Observes that after critical examination of the Bills, the Directorate of Legal Services of the National Assembly observes some fundamental issues which requires fresh legislative action on the following Clauses:-

- (i) Nigerian Aeronautical Search and Rescue Bill, 2018 (HB. 139), (Clauses 2 (1)(2);
- (ii) Climate Change (Establishment, etc.) Bill, 2018 (HB. 1020), (Clauses 2 (1)(4), 3(I)(f), 5(2), 7(I)(a) (2)(a), 8, 9, 17(1);
- (iii) Chartered Institute of Pension Practitioners of Nigeria (Establishment, etc.) Bill, 2018 (HBs. 726 & 727)), (Clause 11)
- (iv) Chartered Institute of Training and Development of Nigeria (Establishment, etc.) Bill, 2018 (HB. 401), (Clause 18 (2) & (6);
- (v) National Institute of Credit Administration (Establishment, etc.) Bill, 2018 (HB. 425), (Clauses 7 (3)(5) and 8 (1)(3);
- (vi) Digital Rights and Freedom (Establishment, etc.) Bill, 2018 (HB. 490) (Clause 4 (1)(2)(3); and
- (vii) Nigerian Film Corporation (repeal & Re-enactment) Bill, 2018 (HB. 584), (Clauses 13, 14, 15, 16, 17, 18 and 19).

aware that a Technical Committee of the Senate, House of Representatives and Directorate of Legal Services met and worked on the clauses; and

relying on Order I(b) and 53(6) of Senate Standing Order.

Accordingly resolves to:

rescind its decision on the affected Clauses of the Bills as passed and re-commit same to the Committee of the Whole for re-consideration and passage (*Senate Leader*).

Debate:

Proposed Resolution:

Question: That the Senate do rescind its decision on the affected Clauses of the Bills as passed and re-commit same to the Committee of the Whole for re-consideration and passage — *Agreed to.*

Resolved:

That the Senate do rescind its decision on the affected Clauses of the Bills as passed and re-commit same to the Committee of the Whole for re-consideration and passage (*S/Res/045/04/18*).

(i) Nigerian Aeronautical Search and Rescue Bill, 2018 (HB. 139), (Clause 2 (1)(2));

Motion made: That the Senate do consider a Bill for an Act to Incorporate Annex 12 to the Convention on International Civil Aviation 1944, into Nigerian Law; to Establish the Nigerian Search and Rescue Service; and to Provide for Matters Connected Therewith, 2018(*Senate Leader*).

Question put and agreed to.

Motion made: That the Senate do resolve into the Committee of the Whole to consider the Report (*Senate Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO INCORPORATE ANNEX 12 TO THE CONVENTION ON INTERNATIONAL CIVIL AVIATION 1944, INTO NIGERIAN LAW; TO ESTABLISH THE NIGERIAN SEARCH AND RESCUE SERVICE; AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH, 2018

Clause 2(1)(2) The provisions of the Schedule to this Bill shall have effect with respect to the matters arising from the transfer of rights, interests, obligations, liabilities, property and other matters mentioned in the Schedule.

Committee's Recommendation:

That the provision of Clause 2(1)(2) be retained (*Senate Leader*) – *Agreed to.*

Question that Clause 2(1)(2) do stand part of the Bill, put and agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered a Bill for an Act to Incorporate Annex 12 to the Convention on International Civil Aviation 1944, into Nigerian Law; to Establish the Nigerian Search and Rescue Service; and to Provide for Matters Connected Therewith, 2018 and approved as follows:

Clause 2(1) — As Recommended

Question: That the Senate do approve the Report of the Committee of the Whole — *Resolved in the Affirmative.*

(ii) Climate Change (Establishment, etc.) Bill, 2018 (HB. 1020), (Clauses 2 (1)(4), 3(1)(f), 5(2), 7(1)(a) (2)(a)(6), 8, 9(1&2), 17(1);

Motion made: That the Senate do consider a Bill for an Act to Provide a Legal Framework for the Mainstreaming of Climate Change Responses and Actions into Government Policy Formulation, Implementation and the Establishment of the National Council on Climate Change and for Related Matters, 2018 (*Senate Leader*).

Question put and agreed to.

Motion made: That the Senate do resolve into the Committee of the Whole to consider the Report (*Senate Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO PROVIDE A LEGAL FRAMEWORK FOR THE MAINSTREAMING OF CLIMATE CHANGE RESPONSES AND ACTIONS INTO GOVERNMENT POLICY FORMULATION, IMPLEMENTATION AND THE ESTABLISHMENT OF THE NATIONAL COUNCIL ON CLIMATE CHANGE AND FOR RELATED MATTERS, 2018.

- Clause 2.** (1) There is established the National Council on Climate Change (in this Bill referred to as “The Council”) which shall be —
- (a) a body corporate with perpetual succession and a common seal;
 - (b) capable of suing and being sued in its corporate name;
 - (c) capable of acquiring, holding or disposing of any property movable or immovable for the purposes of performing its function;

Committee’s Recommendation:

That the provision of Clause 2(1) be retained (*Senate Leader*) – *Agreed to.*

Question that Clause 2(1) do stand part of the Bill, put and agreed to.

Clause 2(4): Deleted

Committee’s Recommendation:

Leave out the provision of Clause 2(4) (*Senate Leader*) – *Agreed to.*

Clause 3(1)(f): Perform all acts conferred on it by law.

Committee’s Recommendation:

That the provision of Clause 3(1)(f) be retained (*Senate Leader*) – *Agreed to.*

Question that Clause 3(1)(f) do stand part of the Bill, put and agreed to.

Clause 5(2): The Council shall set the qualifications for the members of the Technical Advisory Committee and shall provide all the resources to enable its operation and performance.

Committee’s Recommendation:

That the provision of Clause 5(2) be retained (*Senate Leader*) – *Agreed to.*

Question that Clause 5(2) do stand part of the Bill, put and agreed to.

- Clause 7:**
- (1) (a) allocation of 0.2 percentage to the Council from the National Annual Budget;
 - (2) (a) meet the operating expenses of the Council and Agency including salaries and allowances of staff;
 - (6) The Council shall —
 - (a) prepare and keep books and records of account of the income, expenditure and assets of the Agency; and

- (b) within a period of three months after the end of each financial year, cause the accounts of the Agency to be audited by the auditors appointed by the Council from a list of auditors supplied and in accordance with the guidelines issued by the Auditor-General for the Federation;

Committee's Recommendation:

That the provision of Clause 7 be retained (*Senate Leader*) – *Agreed to.*

Question that Clause 7 do stand part of the Bill, put and agreed to.

Clause 8: *New Clause 8:*

Power to Borrow

The Council may borrow money from financial organisations or other institutions for the purpose of executing its mandate under this Act, subject to the approval of the Board;

Committee's Recommendation:

That the provision of Clause 8 be retained (*Senate Leader*) – *Agreed to.*

Question that Clause 8 do stand part of the Bill, put and agreed to.

Clause 9: *New Clause 9:*

Power to Accept Gift

- (1) The Council may accept gifts of land, money, or other property on such terms and conditions, if any, as may be specified by the person or organization making the gift;
- (2) The Council shall not accept any gift if the conditions attached by the person or organization making the gift are inconsistent with the functions of the Council or Agency under this Act.

Committee's Recommendation:

That the provision of Clause 9 be retained (*Senate Leader*) – *Agreed to.*

Question that Clause 9 do stand part of the Bill, put and agreed to.

- Clause 17:** (1) The Council shall liaise with a person, authority or entity for the purpose of climate risk and vulnerability assessment.

Committee's Recommendation:

That the provision of Clause 17(1) be retained (*Senate Leader*) – *Agreed to.*

Question that Clause 17(1) do stand part of the Bill, put and agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered a Bill for an Act to Provide a Legal Framework for the Mainstreaming of Climate Change Responses and Actions into Government Policy Formulation, Implementation and the Establishment of the National Council on Climate Change and for Related Matters, 2018 and approved as follows:

Clauses 2(1)(4),3(1)(f),5(2),7(1)(a)(2)(a)(6),8,9(1&2),17(1) — As Recommended

Question: That the Senate do approve the Report of the Committee of the Whole — *Resolved in the Affirmative.*

(iii) **Chartered Institute of Pension Practitioner of Nigeria (Establishment, etc.) Bill, 2018 (HBs. 726 & 727), (Clause 11):**

Motion made: That the Senate do consider a Bill for an Act to Establish the Chartered Institute of Pension Practitioners of Nigeria; and for Matters Connected Therewith, 2018 (*Senate Leader*).

Question put and agreed to.

Motion made: That the Senate do resolve into the Committee of the Whole to consider the Report (*Senate Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO ESTABLISH THE CHARTERED INSTITUTE OF PENSION PRACTITIONERS OF NIGERIA; AND FOR MATTERS CONNECTED THEREWITH, 2018.

Insert New Clause 11 and renumber the existing Clauses 11 - 15 as Clauses 12 - 16 respectively.

"when a person is deemed to be a practitioner.

Clause 11: A person is deemed to be a pension practitioner if, in consideration of remuneration received or to be received and whether by himself or in partnership with any other person he:

- (a) engages in the practice as a pension practitioner or holds himself out to the public as a pension practitioner;
- (b) renders professional service or assistance in or about matters of principle or detail relating to pension practitioner; or
- (c) renders any other service which may, by regulations made by the Council, be designated as service consulting practice as a pension practitioner."

Committee's Recommendation:

That the provision of Clause 11 be retained (*Senate Leader*) – *Agreed to.*

Question that Clause 11 do stand part of the Bill, put and agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered a Bill for an Act to Establish the Chartered Institute of Pension Practitioners of Nigeria; and for Matters Connected Therewith, 2018 and approved as follows:

Clause 11 — As Recommended

Question: That the Senate do approve the Report of the Committee of the Whole — *Resolved in the Affirmative.*

- (iv) **Chartered Institute of Training and Development of Nigeria (Establishment, etc.) Bill, 2018 (HB. 401), Clause 18 (2) & (6):**

Motion made: That the Senate do consider a Bill for an Act to Establish the Chattered Institute of Training and Development in Nigeria, a Body Charged with Responsibility to Regulate the Practice and Profession of Training Development; and for Related Matters, 2018 (*Senate Leader*).

Question put and agreed to.

Motion made: That the Senate do resolve into the Committee of the Whole to consider the Report (*Senate Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO ESTABLISH THE CHATTERED INSTITUTE OF TRAINING AND DEVELOPMENT IN NIGERIA, A BODY CHARGED WITH RESPONSIBILITY TO REGULATE THE PRACTICE AND PROFESSION OF TRAINING DEVELOPMENT; AND FOR RELATED MATTERS, 2018.

- Clause 18:** (2) If, on or after the commencement of this Bill, a person not a member of the Institute practices as a registered member of the profession of training and development for or in expectation of reward or token or uses any name, title, addition or description implying that he is in practice as a registered member of the profession of training and development, commits an offence provided that, in the case of a person falling within section 13 of this Bill:
- (a) This Subsection shall not apply in respect of anything done by him during the period of three months; and
- (6) Where an offence under this Section which has been committed by a body corporate is proved to have committed with the consent or connivance of, or the part of any director, manager, secretary or other similar officers of the body corporate or any person purporting to act in any capacity, he as well as the corporate body, shall be liable on conviction to a fine not exceeding ₦200,000.00.

Committee's Recommendation:

That the provision of Clause 18(2)(6) be retained (*Senate Leader*) – *Agreed to.*

Question that Clause 18(2)(6) do stand part of the Bill, put and agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered a Bill for an Act to Establish the Chattered Institute of Training and Development in Nigeria, a Body Charged with Responsibility to Regulate the Practice and Profession of Training Development; and for Related Matters, 2018 and approved as follows:

Clause 18(2)(6) — As Recommended

Question: That the Senate do approve the Report of the Committee of the Whole — *Resolved in the Affirmative.*

- (v) **National Institute of Credit Administration (Establishment, etc.) Bill, 2018 (HB. 425), Clauses 7 (3)(5) and 8 (1)(3);**

Motion made: That the Senate do consider a Bill for an Act to Establish the National Institute of Credit Administration and for Matters Connected Therewith, 2018 (*Senate Leader*).

Question put and agreed to.

Motion made: That the Senate do resolve into the Committee of the Whole to consider the Report (*Senate Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO ESTABLISH THE NATIONAL INSTITUTE OF CREDIT ADMINISTRATION AND FOR MATTERS CONNECTED THEREWITH, 2018.

New insertion:

Clause 7: President, Vice Presidents and Treasurer of the Institute.

- (3) The President and the First and Second Vice-Presidents shall respectively be Chairman and Vice Chairman on rotation, of the Council established by Sections 8 of this Bill.
- (5) There shall be a Treasurer of the Institute, who shall be a fellow of the Institute to be elected by members of the Institute at the Institute's Annual General Meeting and shall each hold office for a term of two years from the date of election.

Committee's Recommendation:

That the provision of Clause 7(3)(5) be retained (*Senate Leader*) – *Agreed to.*

Question that Clause 7(3)(5) do stand part of the Bill, put and agreed to.

Clause 8: *New insertion:*

- (1) There is established a Governing Council for the Institute charged with responsibility for the policy matter of the Institute.
- (3) The Members of the Governing Council of the Institute shall be appointed by Members of the Institute at the Annual General Meeting.

Committee's Recommendation:

That the provision of Clause 8(1)(3) be retained (*Senate Leader*) – *Agreed to.*

Question that Clause 8(1)(3) do stand part of the Bill, put and agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered a Bill for an Act to Establish the National Institute of Credit Administration and for Matters Connected Therewith, 2018 and approved as follows:

Clauses 7(3)(5) and 8(1)(3) — As Recommended

Question: That the Senate do approve the Report of the Committee of the Whole — *Resolved in the Affirmative.*

- (vi) **Digital Rights and Freedom (Establishment, etc.) Bill, 2018 (HB. 490) (Clause 4 (1)(2)(3);**
Motion made: That the Senate do consider a Bill for an Act to Provide for the Protection of Rights Online, to Protect Internet Users in Nigeria from Infringement of Their Fundamental Freedoms and Guarantee Application of Human Rights from Users of Digital Platforms and or Digital Media; for Related, 2018 (*Senate Leader*).

Question put and agreed to.

Motion made: That the Senate do resolve into the Committee of the Whole to consider the Report (*Senate Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO PROVIDE FOR THE PROTECTION OF RIGHTS ONLINE, TO PROTECT INTERNET USERS IN NIGERIA FROM INFRINGEMENT OF THEIR FUNDAMENTAL FREEDOMS AND GUARANTEE APPLICATION OF HUMAN RIGHTS FROM USERS OF DIGITAL PLATFORMS AND / OR DIGITAL MEDIA; FOR RELATED, 2018.

- Clause 4:**
- (1) Every person may access the internet and communicate electronically using instruments, including technical systems, which protect their anonymity and prevent the collection of personal data, in particular with a view to exercising civil and political freedoms without being subject to discrimination or censorship.
 - (2) Restriction may be imposed only when they are based on the need to safeguard a major public interest and are necessary, proportional or grounded in law and in accordance with the basic features of a democratic society.
 - (3) in the event of violations of the dignity and Fundamental rights of any person, as well as in other cases provided for by the law, the court may require the identification of the author of a communication with a reasoned order.

Committee's Recommendation:

That the provision of Clause 4(1 - 3) be retained (*Senate Leader*) – *Agreed to.*

Question that Clause 4(1 - 3) do stand part of the Bill, put and agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered a Bill for an Act to Provide for the Protection of Rights Online, to Protect Internet Users in Nigeria from Infringement of Their Fundamental Freedoms and Guarantee Application of Human Rights from Users of Digital Platforms and / or Digital Media; for Related, 2018 and approved as follows:

Clauses 4(1 - 3) — As Recommended

Question: That the Senate do approve the Report of the Committee of the Whole — *Resolved in the Affirmative.*

- (vii) **Nigerian Film Corporation (Repeal & Re-enactment) Bill, 2018 (HB. 584), Clauses 13, 14, 15, 16, 17, 18, 19 and Schedule):**

Motion made: That the Senate do consider a Bill for an Act to Repeal the Nigerian Film Corporation Act, CAP. N109, Laws of the Federation of Nigeria, 2004 and Enact the Nigerian Film Commission Bill, to Regulate and Develop the Film Industry in Nigeria; and for Related Matters, 2018 (*Senate Leader*).

Question put and agreed to.

Motion made: That the Senate do resolve into the Committee of the Whole to consider the Report (*Senate Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO REPEAL THE NIGERIAN FILM CORPORATION ACT, CAP. N109, LAWS OF THE FEDERATION OF NIGERIA, 2004 AND ENACT THE NIGERIAN FILM COMMISSION BILL, TO REGULATE AND DEVELOP THE FILM INDUSTRY IN NIGERIA; AND FOR RELATED MATTERS, 2018.

Clause 13: Regulations

The Commission may, with the approval of the Board, make regulations and guidelines generally for the purpose of giving effect to the provisions of this Bill.

Committee's Recommendation:

That the provision of Clause 13 be retained (*Senate Leader*) – *Agreed to.*

Question that Clause 13 do stand part of the Bill, put and agreed to.

Clause 14: Limitation of Suits (New insertion)

- (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 section 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.

Committee's Recommendation:

That the provision of Clause 14 be retained (*Senate Leader*) – *Agreed to.*

Question that Clause 14 do stand part of the Bill, put and agreed to.

Clause 15: Service of Documents (New insertion)

The notice referred to in section 14 and any summons or other documents 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.

Committee's Recommendation:

That the provision of Clause 15 be retained (*Senate Leader*) – *Agreed to.*

Question that Clause 15 do stand part of the Bill, put and agreed to.

Clause 16: Offences and Penalties (New insertion)

- (1) 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 year imprisonment or both.
- (2) 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, shall be liable to a fine of One Million Naira (₦1,000,000.00) or two years imprisonment or both for each of the person(s) found liable.
- (3) 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 years imprisonment or both for each of the person(s) found liable.
- (4) 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.
- (5) 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) or two (2) years imprisonment.
- (6) 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.
- (7) 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 year imprisonment.

- (8) 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.
- (9) 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.

Committee's Recommendation:

That the provision of Clause 16 be retained (*Senate Leader*) – *Agreed to.*

Question that Clause 16 do stand part of the Bill, put and agreed to.

Clause 17: Repeal and Savings (New insertion)

- (1) The Nigerian Film Corporation Act is repealed.
- (2) The Nigerian Film Corporation established by the Nigerian Film Corporation Act is hereby dissolved.
- (3) 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.
- (4) 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.
- (5) 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.

Committee's Recommendation:

That the provision of Clause 17 be retained (*Senate Leader*) – *Agreed to.*

Question that Clause 17 do stand part of the Bill, put and agreed to.

Clause 18: Interpretation.

In this Bill:

"Board" means the Governing Board established pursuant to section 2 of this Bill;

"Chairman" means the person appointed as the Chairman of the Commission pursuant to section 2 (1) of this Bill;

"Commission" means the Nigerian Film Commission;

"Director General" means the Director General of the Commission appointed pursuant to section 9(1) of this legal framework;

"Ex-Officio" means members of the Board appointed by virtue of their position in the Commission;

"Film and Video" means all media of project images, notwithstanding whether the medium of projection is the small screen (video) or the large screen of the cinema (celluloid);

"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;

"member" means a member of the Commission including the Chairman;

"Minister" means the Federal Minister in charge of information and culture matters;

"Ministry" means the Federal Ministry in charge of information and culture matters;

"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.

Committee's Recommendation:

That the provision of Clause 18 be retained (*Senate Leader*) – *Agreed to.*

Question that Clause 18 do stand part of the Bill, put and agreed to.

Clause 19: Citation

This Bill may be cited as the Nigerian Film Commission Bill, 2018.

Committee's Recommendation:

That the provision of Clause 19 be retained (*Senate Leader*) – *Agreed to.*

Question that Clause 19 do stand part of the Bill, put and agreed to.

SCHEDULE (New insertion)

Supplementary Provision Relating to the Commission, etc.

Proceedings of the Commission.

1. (1) Subject to this Bill and Section 27 of the Interpretation Act, the Commission may make standing orders regulating its proceedings or those of any of its committees.
- (2) The quorum of the Commission shall be the Chairman or the person presiding at the meeting and three other members of the Commission and the quorum of any committee of the Commission shall be determined by the Commission.
2. (1) The Commission shall meet not less than four times in each and subject thereto, the Commission shall meet wherever it is summoned by the Chairman and if the Chairman is required to do so by notice given to him by not less than 3 other members, he shall summon a meeting of the Commission to be held within twenty-eight days from the date on which the notice is given.
- (2) At any meeting of the Commission, the Chairman shall preside but if he is absent, the members present shall appoint one of them to preside at that meeting.
- (3) Where the Commission desires to obtain the advice of any person on a particular matter, the Commission may co-opt him for such period as it deems fit, but a person who is in attendance by virtue of this sub paragraph shall not be entitled to vote at any meeting of the Commission and shall not count towards a quorum.

Committees.

3. (1) The Commission may appoint one or more committees to carry out, on behalf of the Commission, such functions as the Commission may determine.
- (2) A committee appointed under this paragraph shall consist of such number of persons as may be determined by the Commission and a person shall hold office in the Committee in accordance with the terms of his appointment.
- (3) A decision of a committee shall be of no effect until it is confirmed by the Commission.

Miscellaneous

4. (1) The fixing of the seal of the Commission shall be authenticated by the signature of the Chairman, Director-General or any other person generally or specifically authorized by the Commission to act for that purpose.
- (2) Any document purporting to be a document duly executed under the seal of the Commission shall be received in evidence and shall, unless the contrary is proved, be presumed to be so executed.
- (3) The validity of any proceeding of the Commission or of a Committee shall not be adversely affected by —
 - (a) a vacancy in the membership of the Commission or committee;
 - (b) a defect in the appointment of a member of the Commission or committee; or
 - (c) the reason that a person not entitled to do so took part in the proceedings of the Commission or committee.

Question that the new Schedule stand part of the Bill, put and agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of Whole considered a Bill for an Act to Repeal the Nigerian Film Corporation Act, CAP. N109, Laws of the Federation of Nigeria, 2004 and Enact the Nigerian Film Commission Bill, to Regulate and Develop the Film Industry in Nigeria; and for Related Matters, 2018 and approved as follows:

Clauses 13 - 19 — As Recommended

Schedule — As Recommended

Question: That the Senate do approve the Report of the Committee of the Whole — Resolved in the Affirmative.

(Deputy Senate President in Chair)

9. Committee on Anti-Corruption and Financial Crimes:

Report on the Confirmation for Appointment as the Secretary of the Economic and Financial Crimes Commission (EFCC):

Motion made: That the Senate do receive and consider the report of the Committee on Anti-Corruption and Financial Crimes on the Confirmation of Olanipekun Olukoyede, Esq for Appointment as the Secretary of the Economic and Financial Crimes Commission (EFCC) (*Senator Chukwuka G. Utazi — Enugu North*).

Question put and agreed to.

Report Laid and presented.

Debate:

By the leave of the Senate, the Chairman was mandated to meet with Committee Members for their endorsements and to report the next Legislative Day.

10. Conference Committee:

Report on the National Biotechnology Development Agency Bill, 2018 (HB. 33):

Motion made: That the Senate do consider the Report of the Conference Committee on the National Biotechnology Development Agency Bill, 2018 (*Senator Robert A. Boroffice — Ondo North*).

Question put and agreed to.

Report presented.

**REPORT OF THE JOINT SENATE AND HOUSE OF REPRESENTATIVES CONFERENCE COMMITTEE ON
HARMONISATION OF THE BILL TO ESTABLISH THE NATIONAL BIOTECHNOLOGY DEVELOPMENT
AGENCY (ESTABLISHMENT, ETC.) (HB.33) AND FOR RELATED MATTERS BILL, 2018**

SENATE	HOUSE OF REPS	CONFERENCE COMMITTEE REMARK
Part I, Clause 2: Establishment and Membership of the Governing Board Clause 2: Membership of the Governing Board (2) The Board shall consist of: (a.) Chairman, who shall be appointed by the President on recommendation of the Honourable Minister of Science and Technology, be a person who is capable of making outstanding contribution to the Field of Biotechnology by reason of his ability, experience or specialized knowledge of biotechnology (b.) A representatives each of the following Federal Ministries and agencies which are responsible for; - Science and Technology; <i>Agricultural Research Council of Nigeria (ARCN);</i> - Interior; - Finance; - Health; - Environment; - Organized Private Sector; - Industry, Trade and Investment; - Education; and - National Planning Commission	Part I, Clause 2: Establishment and Membership of the Governing Board Clause 2: Membership of the Governing Board (2) The Board shall consist of: (a.) Chairman, who shall be appointed by the President on recommendation of the Honourable Minister of Science and Technology, be a person who is capable of making outstanding contribution to the Field of Biotechnology by reason of his ability, experience or specialized knowledge of biotechnology (b.) A representatives each of the following Federal Ministries and agencies which are responsible for; - Science and Technology; - Agricultural and Rural Development; - Interior; - Finance; - Health; - Environment; - Organized Private Sector; - Industry, Trade and Investment; - Education; and - National Planning Commission	Part I, Clause 2: Establishment and Membership of the Governing Board: <i>Senate recommendation Adopted (Agricultural Research Council of Nigeria (ARCN) to replace Agricultural and Rural Development.)</i>

(c.) A representative of Biotechnology Society of Nigeria; (d.) A representative of Biotechnology Centers of Excellence; (e.) A representative of Nigeria Association of Chambers of Commerce, Industry, Mines and Agriculture (NACCIMA); (f.) A representative of Manufacturing Association of Nigeria (MAN); (g.) A representative of Small Medium Scale Enterprises; (h.) Two other persons with specialized knowledge in Biotechnology; and (i.) The Director General of the Agency who shall be the Secretary of the Board.	(c.) A representative of Biotechnology Society of Nigeria; (d.) A representative of Biotechnology Centers of Excellence; (e.) A representative of Nigeria Association of Chambers of Commerce, Industry, Mines and Agriculture (NACCIMA); (f.) A representative of Manufacturing Association of Nigeria (MAN); (g.) A representative of Small Medium Scale Enterprises; (h.) Two other persons with specialized knowledge in Biotechnology; and (i.) The Director General of the Agency who shall be the Secretary of the Board.	
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Report accordingly adopted.

11. Committee on Establishment and Public Service:

Report on the Counselling Practitioners Council of Nigeria (Establishment, etc.) Bill, 2018 (SB.636):

Consideration of Report deferred to another Legislative Day.

12. Committee on Finance:

Report on the Urgent Need to Review the Excise Tariff Increment in Order to Save Local Distillers of Beverages from Looming Extinction:

Motion made: That the Senate do consider the Report of the Committee on Finance on the urgent need to review the Excise Tariff Increment in order to save Local Distillers of Beverages from looming extinction (*Senator Umar I. Kurfi — Katsina Central*).

Question put and agreed to.

Report presented.

Debate:

Proposed Resolution (i):

Question: That the Federal Government should suspend the implementation of the Excise Tariff increment until all relevant stakeholders are appropriately and adequately consulted and engaged for serious discussion which will give an avenue for consensus rates and implementation approach — *Agreed to.*

Proposed Resolution (ii):

Question: That an increment of not more than 50% at maximum should be adopted, as it becomes necessary for the Federal Government to increase the tariff rate in order to boost revenue generation as the rate will provide more leniency to the affected manufacturers and give more hope for the survival of the indigenous companies

Amendment Proposed:

Immediately after the word “adopted” in line 1, insert the words “after consultation with Stakeholders” (Senator Ibrahim A. Gobir — Sokoto East).

Question that the amendment be made, put and agreed to.

Proposed Resolution (iii):

Question: That there is the need to increase the import duties of foreign alcoholic beverages and tobacco products in order to give local indigenous companies more competitive edge as this will provide for a less price differentiation — *Agreed to.*

Proposed Resolution (iv):

Question: That the Federal Government should sensitize and carry along the producers and consumers of the Alcoholic and Tobacco Products to understand the need for the increase and its advantage in adding to the economic fortune of the country, as well as providing the Government with more resources to invest in health services of the nation — *Agreed to.*

Resolved:

- (i) That the Federal Government should suspend the implementation of the Excise Tariff increment until all relevant stakeholders are appropriately and adequately consulted and engaged for serious discussion which will give an avenue for consensus rates and implementation approach;

- (ii) That an increment of not more than 50% at maximum should be adopted after consultation with Stakeholders, as it becomes necessary for the Federal Government to increase the tariff rate in order to boost revenue generation as the rate will provide more leniency to the affected manufacturers and give more hope for the survival of the indigenous companies;
- (iii) That there is the need to increase the import duties of foreign alcoholic beverages and tobacco products in order to give local indigenous companies more competitive edge as this will provide for a less price differentiation; and
- (iv) That the Federal Government should sensitize and carry along the producers and consumers of the Alcoholic and Tobacco products to understand the need for the increase and its advantage in adding to the economic fortune of the country, as well as providing the Government with more resources to invest in health services of the Nation (S/Res/046/04/18).

13. Committee on Special Duties:

Report on the National Commission for Refugees, Migrants and Internally Displaced Persons Bill, 2018 (SB. 335):

Consideration of Report deferred to another Legislative Day.

14. Committee on Judiciary, Human Rights and Legal Matters:

Report on the Firearms Act (Amendment) Bill, 2018 (SB. 489).

Motion made: That the Senate do resume consideration of the Report of the Committee on Judiciary, Human Rights and Legal Matters on the Firearms Act (Amendment) Bill, 2018 (*Adjourned Consideration, Tuesday, 21st November, 2018 — Clause 1*) (*Senator David Umaru — Niger East*).

Question put and agreed to.

Report Laid and presented.

(SENATE IN THE COMMITTEE OF THE WHOLE)

RESUMED CONSIDERATION OF A BILL FOR AN ACT TO AMEND THE FIREARMS ACT, CAP F28, LAWS OF THE FEDERATION OF NIGERIA, 2004 TO PROVIDE FOR INCREASE OF FINE AND PROVIDE FOR DESTRUCTION OF FIREARMS ILLEGALLY IMPORTED INTO THE COUNTRY OR IN POSSESSION OF INDIVIDUALS WITHOUT VALID LICENCE AND FOR OTHER MATTERS CONNECTED THEREWITH, 2018.

Clause 1: Amendment of the Principal Act.

The Firearms Act Cap. F28, Laws of the Federation of Nigeria, 2004 (in this Bill, referred to as "the principal Act") is amended as set out in this Bill.

Committee's Recommendation:

That the provision of Clause 1 be retained (*Senator David Umaru — Niger East*) – *Agreed to.*

Question that Clause 1 do stand part of the Bill, put and agreed to.

Clause 2: Penalties:

Section 27 (1) (c) subparagraph (v) of the Principal Act is amended in the punishment provision to read as follows -

- (v) Section 12 of this Act (which relates to the stamping of all firearms sold or transferred), to a fine of one million naira or imprisonment for a term of two years or to both such fine and imprisonment.

Committee's Recommendation:

That the provision of Clause 2 be retained (*Senator David Umaru – Niger East*) – *Agreed to.*

Question that Clause 2 do stand part of the Bill, put and agreed to.

Clause 3: Production of licence.

Section 28 of the principal Act is amended in line 3 by substituting for the words "one hundred naira", the words, "one hundred thousand naira".

Committee's Recommendation:

That the provision of Clause 3 be retained (*Senator David Umaru – Niger East*) – *Agreed to.*

Question that Clause 3 do stand part of the Bill, put and agreed to.

Clause 4: President May Prohibit Possession or Dealing.

Section 35 (2) of the principal Act is amended in line 4 by substituting for the words "one thousand naira", the words, "one million naira".

Committee's Recommendation:

That the provision of Clause 4 be retained (*Senator David Umaru – Niger East*) – *Agreed to.*

Question that Clause 4 do stand part of the Bill, put and agreed to.

Clause 5: The Principal Act is amended by adding immediately after the existing section 38, new sections 39 - 42, as follows:

39. Power to Seize and Destroy Confiscated and Illegal Firearms

- (1) It shall be lawful for any officer of the Nigerian Armed Forces, Nigeria Police Force, Nigerian Customs Service, Nigeria Security and Civil Defence Corps and officers of any other law enforcement agency to seize and confiscate any illicit and illegal firearms imported into the country without any valid import documents or firearms in possession of any individual without any valid licence.
- (2) The head of the agency or organisation responsible for the seizure, shall create a place for safe custody of the firearms in question and designate officer (record keeper) who shall record the details of the firearms in question in a database, containing the following information, namely -
 - (a) make, model, caliber and serial number of the firearm;
 - (b) country of manufacture;
 - (c) country of import;
 - (d) date of confiscation or seizure; and

- (e) date of delivery to the National Security Adviser.
- (3) After the confiscation or seizure of illegal firearms imported into the country or in possession of any individual, the organisation or agency responsible for the confiscation/seizure, shall within Fourteen (14) days deposit the confiscated and seized firearms with the Office of the National Security Adviser, who shall act as the Central Coordinating Body for all illicit and illegal firearms confiscated or seized by any law enforcement agency.
- (4) Upon receipt of the confiscated or seized illicit or illegal firearms referred to in subsection (3) of this section, the Office of the National Security Adviser shall -
 - (a) in collaboration with the Armed Forces assess and separate the firearms that are of military serviceable grades; and
 - (b) record the details of the firearms in question in a database, which include the following information, namely -
 - (i) make, caliber and serial number of the firearm;
 - (ii) country of manufacture;
 - (iii) country of import;
 - (iv) date of receipt; and
 - (v) a list of beneficiaries of the military serviceable grades of firearms.
- (5) Pursuant to subsection (4) of this section, the firearms that are confirmed to be of military serviceable grades, shall be accounted for and be deployed for that purpose while arrangements shall be put in place by the National Security Adviser for the physical destruction of the unserviceable ones at a destruction ceremony, on a date and location to be communicated to all the heads of security agencies.
- (6) The Office of the National Security Adviser shall ensure the presence of media coverage and independent observers at the firearms destruction ceremony and ensure compliance with international best practices on destruction of weapons, most especially, the International Small Arms Control Standards (ISACS), developed by the United Nations Coordinating Action on Small Arms (CASA).
- (7) The firearms destruction ceremony referred to in subsection (6) of this section, shall be conducted by the Office of the National Security Adviser within a maximum period of Two (2) months after seizure except there is a valid court order preventing destruction of such firearms.
- (8) The firearms subject to seizure and destruction in this Bill includes, small arms and light weapons relinquished during Amnesty programme or forming part of weapons collection programme or recovered in crime or identified as surplus requirements of the Armed Forces.

Offences

40. (1) Any person who tampers with the firearms seized or confiscated pursuant to Section 39 of this Bill is guilty of an offence and liable on conviction to a minimum sentence of 10 years imprisonment.
- (2) Any person who assists, encourages and or colludes with the record keeper or any person in charge of the firearms to steal, remove or deal with the firearms in question is guilty of an offence and liable on conviction to a minimum sentence of 10 years imprisonment.

Recycling and reusing waste materials from destroyed firearms

41. (1) The President may delegate to the Minister in charge of Defence the power to make regulations for recycling and reusing waste materials such as metal, wood and plastic derived from destruction of firearms seized pursuant to the provision of this Bill in order to generate revenue and produce objects with practical artistic and symbolic value.
- (2) The revenue generated through recycling and reusing waste materials from destruction of seized firearms shall be paid into the Consolidated Revenue Account of the Federation.

Report to the President

42. Subject to Section 39 of this Bill, the National Security Adviser shall submit to the President, a biannual report of destruction of unserviceable firearms, and of beneficiaries of serviceable military grades firearms.

Committee's Recommendation:

That the provision of Clause 5 be retained (*Senator David Umaru – Niger East*) – *Agreed to.*

Question that Clause 5 do stand part of the Bill, put and agreed to.

Clause 6: Citation.

This Bill may be cited as Firearms Act (Amendment) Bill, 2018.

Committee's Recommendation:

That the provision of Clause 6 be retained (*Senator David Umaru – Niger East*) – *Agreed to.*

Question that Clause 6 do stand part of the Bill, put and agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The Deputy Senate President reported that the Senate in the Committee of Whole resumed consideration of the Report of the Committee on Judiciary, Human Rights & Legal Matters Bill, 2018 and approved as follows:

Clauses 1- 6 — As Recommended

Question: That the Senate do approve the Report of the Committee of the Whole — *Resolved in the Affirmative.*

Motion made: That the Bill be now Read the Third Time (*Senate Leader*).

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

15. Adjournment:

Motion made: That the Senate do now adjourn till Wednesday, 28th November, 2018 at 10:00 a.m. (*Senate Leader*).

Adjourned accordingly at 12:40 p.m.

Abubakar Olubukola Saraki, CON
President,
Senate of the Federal Republic of Nigeria.