



THE SENATE

FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Thursday, 12th April, 2018

1. The Senate met at 10:47 a.m. The Senate President read Prayers.
2. **Votes and Proceedings:**
The Senate examined the Votes and Proceedings of Wednesday, 11th April, 2018.

Question was put and the Votes and Proceedings were approved.

3. **Announcements:**
 - (a) **Special Invitation:**
The Senate President read a letter from Senator Akpan A. Bassey (*Akwa Ibom North-East*) as follows:



Constituency Briefing/Empowerment Programme of
SENATOR BASSEY ALBERT AKPAN
REPRESENTING AKWA IBOM NORTH EAST (UYO), SENATORIAL DISTRICT

SEN/OBA/P/VOL.2/51

April 09, 2018

*The Senate President,
Dr Abubakar Bukola Saraki,
National Assembly Complex,
Three Arms Zone,
Abuja, FCT.*

Your Excellency,

**SPECIAL INVITATION TO AKWA IBOM NORTH-EAST SENATORIAL DISTRICT
CONSTITUENCY BRIEFING AND EMPOWERMENT PROGRAMME**

I most humbly invite and request the presence of Your Excellency, the President of the Nigerian Senate as Special Guest and my Distinguished Colleagues to my Constituency Briefing and Empowerment Programme with the Theme: Celebrating God's Faithfulness, scheduled as follows:

Date: Friday, April 20, 2018
Time: 11.00 am
Venue: Uyo Township Stadium

I, my family and the entire Constituency will be greatly honoured by your esteemed presence at this epoch making event.

While appreciating you for this great honour, please be rest assured of my continued support and loyalty.

(Signed)

Senator Bassey Albert Akpan

Akwa Ibom North-East Senatorial District

(b) Re: Submission of Report on 2018 Appropriation Bill, 2018:

The Senate President read a letter from Senator Mohammed D. Goje (*Gombe Central*) as follows:



THE SENATE
FEDERAL REPUBLIC OF NIGERIA
COMMITTEE ON APPROPRIATIONS
NATIONAL ASSEMBLY COMPLEX
THREE ARMS ZONE,
P. M. B. 141, GARKI, ABUJA-NIGERIA

**NAMES OF COMMITTEES THAT HAVE NOT
SUBMITTED/DEFENDED THEIR BUDGET REPORT**

S/No	Sub- Committee
1.	<i>Defence</i>
2.	<i>Army</i>
3.	<i>Air Force</i>
4.	<i>Navy</i>
5.	<i>Industries</i>
6.	<i>F. C. T</i>
7.	<i>States & Local Governments</i>
8.	<i>Culture & Tourism</i>
9.	<i>Downstream Petroleum Resources</i>
10.	<i>Upstream Petroleum Resources</i>
11.	<i>Niger Delta</i>
12.	<i>SDGs</i>
13.	<i>Primary Healthcare & Communicable Diseases</i>
14.	<i>Health</i>
15.	<i>Capital Market</i>
16.	<i>Tertiary Institutions & TETFUND</i>
17.	<i>FERMA</i>
18.	<i>Works</i>
19.	<i>Power, Steel Development & Metallurgy</i>
20.	<i>Co-operation & Integration in Africa</i>

(Signed)

Sen. Mohammed Danjuma Goje

Chairman

(c) Conference Committee:

The Senate President named the following Senators as Conferees on National Transport Commission Bill, 2018 (SB. 242):

(i)	Senator Bareehu O. Ashafa	—	Chairman
(ii)	Senator Mao A. Oluabunwa	—	Member
(iii)	Senator Gershom O. H. Bassey	—	Member

- | | | | |
|------|-------------------------------|---|--------|
| (iv) | Senator Barnabas A. I. Gemade | — | Member |
| (v) | Senator Mohammed Hassan | — | Member |
| (vi) | Senator Kabiru I. Gaya | — | Member |

(d) Conference Committee:

The Senate President named the following Senators as Conferees on Nigeria Football Federation Bill, 2018 (SB. 154):

- | | | | |
|-------|---------------------------|---|----------|
| (i) | Senator Obinna J. Ogba | — | Chairman |
| (ii) | Senator Magnus N. Abe | — | Member |
| (iii) | Senator Abdulfatai Buhari | — | Member |
| (iv) | Senator Dino Melaye | — | Member |
| (v) | Senator Shehu Sani | — | Member |
| (vi) | Senator Suleiman M. Nazif | — | Member |

(e) Conference Committee:

The Senate President named the following Senators as Conferees on Witness Protection Programm Bill, 2018 (SB. 157):

- | | | | |
|-------|--------------------------------|---|----------|
| (i) | Senator David Umaru | — | Chairman |
| (ii) | Senator Godswill O. Akpabio | — | Member |
| (iii) | Senator Bala Ibn Na'Allah | — | Member |
| (iv) | Senator Fatimat O. Raji Rasaki | — | Member |
| (v) | Senator Samuel N. Anyanwu | — | Member |
| (vi) | Senator Isah H. Misau | — | Member |

(f) Conference Committee:

The Senate President named the following Senators as Conferees on Federal Roads Authority Bill, 2018 (SB. 219):

- | | | | |
|-------|-----------------------------|---|----------|
| (i) | Senator Kabiru I. Gaya | — | Chairman |
| (ii) | Senator Victor C. Umeh | — | Member |
| (iii) | Senator Akpan A. Bassey | — | Member |
| (iv) | Senator David Umaru | — | Member |
| (v) | Senator Nurudeen A. Adeleke | — | Member |
| (vi) | Senator Abubakar Kyari | — | Member |

4. Matter of Urgent Public Importance:

Rising on Rules 42 and 52, Senator Rafiu A. Ibrahim (*Kwara South*) drew the attention of the Senate to the dastardly armed robbery attack on Banks in Offa Local Government Area of Kwara State. He sought and obtained the leave of the Senate to present the matter forthwith:

The Senate:

notes with dismay the deadly armed robbery attacks on five Deposit Money Banks (DMBs) in Offa on the 5th of April, 2018 in which Nine (9) policemen and Nine (9) others including passersby lost their lives during the attacks as confirmed by the Nigeria Police. There are several others injured receiving treatment in various hospital in Offa and Ilorin. The DMB's include; Union Bank, Ecobank, GTbank, First Bank, Zenith Bank and a Microfinance Bank which suffered huge financial losses after the attack;

also note that the robbers numbering about thirty (30) shattered bank buildings, blew up the bank vaults with dynamites, terrorized workers, customers, passersby and traders within the vicinity and carted away a substantial amount of money;

aware that Offa Local Government in conjunction with the traditional ruler, The Oloffa of Offa and prominent personalities in Offa Community and its environs have put in place various measures including the provision of logistics to security agencies to prevent any re-occurrence of such incessant robberies and killings within the area in the past;

further aware that such robberies had happened in other areas such as Oro, Omu-aran and other towns in Kwara South Senatorial District;

concerned that the armed robbers carried sophisticated weapons and operated in organized command structures to ensure the accomplishment of their ignoble activity;

also concerned that this is the fourth time within ten years that such organized attacks had been carried out in the area;

worried that if such attacks are allowed to continue, it may lead to the closure of financial institutions in the town and this may cripple commercial activities in the town and its environs;

acknowledge that His Excellency, the Senate President, Senator (Dr) Abubakar Olubukola Saraki promptly visited the area to condole the Oloffo of Offa, Oba Mufutau Gbadamosi and the victims of the attacks; and

further acknowledge His Excellency, the Senate President who swung into action by contacting the Inspector-General of Police accordingly and the action is already yielding results.

Accordingly resolves to:

- (i) observe a minute silence for the victims of the armed robbery attack;
- (ii) commend the Senate President for rising to the situation instantly by visiting Offa Local Government after the attack;
- (iii) urge the Inspector-General of Police to reinforce security measures to secure lives and properties in the area;
- (iv) urge the Federal Government through the Nigeria Army to consider the setting-up of Forward Operating Base (FOB) for Kwara South Senatorial District;
- (v) urge the Commercial banks to consider immediate re-opening of their branches for normal businesses as soon as the security atmosphere improves;
- (vi) mandate the Committees on Police Affairs; and National Security and Intelligence to investigate the matter and report to the Senate within two (2) weeks.

Debate:

Proposed Resolution (i):

Question: that the Senate do observe a minute silence for the victims of the armed robbery attack — *Agreed to.*

Proposed Resolution (ii):

Question: that the Senate do commend the Senate President for rising to the situation instantly by visiting Offa Local Government after the attack — *Agreed to.*

Proposed Resolution (iii):

Question: that the Senate do urge the Inspector-General of Police to reinforce security measures to secure lives and properties in the area — *Agreed to.*

Proposed Resolution (iv):

Question: that the Senate do urge the Federal Government through the Nigeria Army to consider the setting-up of Forward Operating Base (FOB) for Kwara South Senatorial District — *Agreed to.*

Proposed Resolution (v):

Question: that the Senate do urge the Commercial banks to consider immediate re-opening of their branches for normal businesses as soon as the security atmosphere improves — *Agreed to.*

Proposed Resolution (vi):

Question: that the Senate do mandate the Committees on Police Affairs; and National Security and Intelligence to investigate the matter and report to the Senate within two (2) weeks — *Agreed to.*

Resolved:

That the Senate:

- (i) observe a minute silence for the victims of the armed robbery attack;
- (ii) commend the Senate President for rising to the situation instantly by visiting Offa Local Government after the attack;
- (iii) urge the Inspector-General of Police to reinforce security measures to secure lives and properties in the area;
- (iv) urge the Federal Government through the Nigeria Army to consider the setting-up of Forward Operating Base (FOB) for Kwara South Senatorial District;
- (v) urge the Commercial banks to consider immediate re-opening of their branches for normal businesses as soon as the security atmosphere improves;
- (vi) mandate the Committees on Police Affairs; and National Security and Intelligence to investigate the matter and report to the Senate within two (2) weeks (S/Res/219/03/18).

One minute silence accordingly observed in honour of the deceased.

5. Personal Explanation:

Rising on Rule 43, Senator Chukwuka G. Utazi (*Enugu North*) drew the attention of the Senate to the Vanguard Newspaper publication dated 10th April, 2018, captioned “Federal Government Confirms Anambra State as Oil Producing State”. He stated that the newspaper authenticated the oil wells conflict between Anambra, Enugu and Kogi States by attributing it to Anambra State. He further stated that former President, Goodluck Jonathan’s Government on 30th August, 2017 invited the three (3) disputing States for a dialogue after which the matter was referred to the National Boundary Commission. He condemned the declaration of Prince Emuh Mike, Chairman of Host Community Producing Oil and Gas, who on 9th April, 2018, proclaimed that the oil wells (OPL 915, 916 and 917) belong to Anambra State without the mandate of Minister of Petroleum Resources and urged the Committee on Upstream Petroleum Resources to look into the matter.

By the leave of the Senate, Chairman, Committee on Upstream Petroleum Resources was mandated to look into the matter and report to Senate.

6. Committee on Science and Technology:**Report on the Chemical Weapons (Prohibition) Bill, 2018 (SB. 585):**

Motion made: That the Senate do receive the Report of the Committee on Science and Technology on the Chemical Weapons (Prohibition) Bill, 2018 (*Senator Robert A. Boroffice — Ondo North*).

Question put and agreed to.

Report Laid.

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

Report on the Confirmation of Nomination of Mr. Anthony Okechukwu Ojukwu as the Executive Secretary, (NHRC):

Motion made: That the Senate do receive the Report of the Committee on Judiciary, Human Rights and Legal Matters on the Confirmation of Nomination of Mr. Anthony Okechukwu Ojukwu as the Executive Secretary, National Human Rights Commission (*Senator David Umaru — Niger East*).

Question put and agreed to.

Report Laid.

8. Public Accounts Committee:

Report on the Investigation of all Subsidy Monies spent by the NNPC without recourse to National Assembly:

Motion made: That the Senate do receive the Report of the Public Accounts Committee on the Investigation of all Subsidy Monies spent by the Nigerian National Petroleum Corporation (NNPC) without recourse to National Assembly (*Senator Matthew A. Urhoghide — Edo South*).

Question put and agreed to.

Report Laid.

9. Joint Committee on Public Accounts; and Power, Steel Development and Metallurgy:

Report on the Monumental Fraud in the Power Sector:

Motion made: That the Senate do receive the Report of the Joint Committee on Public Accounts; and Power, Steel Development and Metallurgy on the Monumental Fraud in the Power Sector (*Senator Matthew A. Urhoghide — Edo South*).

Question put and agreed to.

Report Laid.

10. Executive Communication:

Confirmation of Nomination.

Motion made: That the Senate do consider the request of Mr. President, Commander-in-Chief of the Armed Forces of the Federation on the confirmation of the nomination of the following persons for appointment as Members of the National Population Commission:

S/N	Name	State of Origin
1.	Nwanne Johnny Nwabuisi	Abia
2.	Dr. Clifford T. O. Zirra	Adamawa
3.	Mr. Chidi Christopher Ezeoke mni,	Anambra
4.	Barr. Isa Audu Buratai	Borno
5.	Navy Captain Charles Iyam Ogwa (Rtd)	Cross River
6.	Sir Richard Odibo	Delta
7.	Okereke Darlington Onuabuchi	Ebonyi
8.	Mr. A. D. Olusegun Aiyejina	Edo
9.	Ejike Ezech	Enugu
10.	Hon. Abubakar Mohammed Danburam	Gombe
11.	Prof. Uba S. F. Nnabue	Imo
12.	Dr. Abdulmalik Mohammed Durunguwa	Kaduna
13.	Sulaiman Ismaila Lawal	Kano
14.	Prof. Jimoh Habibat Isah	Kogi
15.	Dr. Sa'adu Ayinla Alanamu	Kwara
16.	Nasir Isa Kwarra	Nasarawa
17.	Barr. Aliyu Datti	Niger
18.	Yeye (Mrs.) Seyi Adererinokun Olusanya	Ogun

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|-----|--------------------------------------|---------|
| 19. | Prince (Dr.) Oladiran Garvey Iyantan | Ondo |
| 20. | Senator Mudashiru Oyetunde Hussain | Osun |
| 21. | Mrs. Cecilia Arsun Dapoet | Plateau |
| 22. | Dr. Ipalibo Macdonald Harry | Rivers |
| 23. | Sale S. Saany | Taraba |

(Senate Leader).

Question put and agreed to.

Request accordingly referred to the Committee on National Identity and National Population to report within two (2) weeks.

11. Committee on Ethics, Privileges and Public Petitions:

Report on Complaint from Senator Dino Melaye against Senator Ovie Omo-Agege for Allegedly Insinuating through a Press Conference:

Motion made: That the Senate do receive and consider the Report of the Committee on Ethics, Privileges and Public Petitions in respect of a complaint from Senator Dino Melaye against Senator Ovie Omo-Agege for allegedly insinuating through a Press Conference that the Amendment to the Independent National Electoral Commission Act 2010 (Amendment) Bill, 2018 was targeted at President Muhammadu Buhari, GCFR (*Senator Samuel N. Anyanwu — Imo East*).

Report Laid and presented.

Question put and agreed to.

Debate:

Proposed Resolution:

Question: That Senator Ovie Omo-Agege be suspended for 181 legislative days from the date this resolution is taken to serve as deterrent to other Senators who might contemplate taking the Senate to court over its power to regulate or determine its internal matters.

Amendment Proposed:

Leave out the Proposed Resolution and *insert* the following instead thereof:

- “(i) mandate Senator Ovie A. Omo-Agege to withdraw his Court case against the Senate;
- (ii) mandate the Parliamentary Support Group (Senate) for President Muhammadu Buhari to disband its group forthwith;
- (iii) reduce the suspension of Senator Ovie A. Omo-Agege from One Eighty-One (181) days to Ninety (90) Legislative days (*Senator Samuel N. Anyanwu — Imo East*).

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

Resolved:

That the Senate:

- (i) mandate Senator Ovie A. Omo-Agege to withdraw his Court case against the Senate;
- (ii) mandate the Parliamentary Support Group (Senate) for President Muhammadu Buhari to disband its group forthwith; and
- (iii) reduce the suspension of Senator Ovie A. Omo-Agege from One Eighty-One (181) days to Ninety (90) Legislative days (S/Res/220/03/18).

12. Committee on Niger Delta:***Report on the Screening of the Nomination of the Members of the Niger Delta Development Commission (NDDC):***

Motion made: That the Senate do receive and consider the Report of the Committee on Niger Delta on the screening of the nomination of the following persons for appointment as Members of the Niger Delta Development Commission (NDDC):

S/N	Name	Position	State
(i)	Lucky Orimisan Aiyedatiwa	Non-Executive Director	Ondo
(ii)	Hon. Chuka Ama Nwauwa	Non-Executive Director	Imo
(iii)	Nwogu N. Nwogu	Non-Executive Director	Abia

(Senator Peter O. Nwaoboshi — Delta North).

Question put and agreed to.

Report Laid and presented.

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 the Report of the Committee on Niger Delta on the screening of the nomination of the following persons for appointment as Members of the Niger Delta Development Commission (NDDC).

Nominees recommended for confirmation:

(i)	Lucky Orimisan Aiyedatiwa (<i>Non-Executive Director</i>) (Ondo)	—	<i>Agreed to.</i>
(ii)	Hon. Chuka Ama Nwauwa (<i>Non-Executive Director</i>) (Imo)	—	<i>Agreed to.</i>
(iii)	Nwogu N. Nwogu (<i>Non-Executive Director</i>) (Abia)	—	<i>Agreed to.</i>

Chairman to report progress.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered the Report of the Committee on Niger Delta on the screening of the nomination of the following persons for appointment as Members of the Niger Delta Development Commission (NDDC) and approved their nominations.

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

Confirmation of nominations:***Question:***

“Will the Senate confirm the nomination of Lucky Orimisan Aiyedatiwa (*Non-Executive Director*) (Ondo) for appointment as Member of the Niger Delta Development Commission (NDDC)?” — *Resolved in the Affirmative.*

Nomination of Lucky Orimisan Aiyedatiwa (Non-Executive Director) (Ondo) for appointment as Member of the Niger Delta Development Commission (NDDC) accordingly confirmed.

Question:

“Will the Senate confirm the nomination of Hon. Chuka Ama Nwauwa (*Non-Executive Director*) (Imo) for appointment as Member of the Niger Delta Development Commission (NDDC)?” — *Resolved in the Affirmative.*

Nomination of Hon. Chuka Ama Nwauwa (Non-Executive Director) (Imo) for appointment as Member of the Niger Delta Development Commission (NDDC) accordingly confirmed.

Question:

"Will the Senate confirm the nomination of Nwogu N. Nwogu (Non-Executive Director) (Abia) for appointment as Member of the Niger Delta Development Commission (NDDC)?" — Resolved in the Affirmative.

Nomination of Nwogu N. Nwogu (Non-Executive Director) (Abia) for appointment as Member of the Niger Delta Development Commission (NDDC) accordingly confirmed.

13. Committee on Trade and Investment:

Report on the Industrial Development (Income Tax Relief) Act CAP 17 LFN 2004 Bill, 2018 (SB.638):

Motion made: That the Senate do consider the Report of the Committee on Industrial Development (Income Tax Relief) Act CAP 17 LFN 2004 Bill, 2018 (*Senator Sabo Mohammed — Jigawa South-West*).

Question put and agreed to.

Report presented.

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 AMEND THE INDUSTRIAL DEVELOPMENT (INCOME TAX RELIEF) ACT CAP.17, LAWS OF THE FEDERATION OF NIGERIA, 2004 AND FOR RELATED MATTERS, 2018.

Clause 1: Amendment of Section 1.

Section 1 of the Principal Act is amended -

- (a) by inserting a new "subsection (4)" immediately after the existing "subsection (3)", and renumbering accordingly

"(4) Notwithstanding the provisions of sections 1 (2) and (3), any company expanding its operations in a pioneer industry or pioneer product may apply under this Act for the issue of a new pioneer certificate, and nothing precludes any company whose application was rejected on the grounds of expansion from re-applying for reconsideration under this subsection"

- (b) In subsection (4) paragraph (a) and (b) by substituting for the figure "₦50,000", the figure "₦100,000,000", and the figure "₦150,000", the figure "₦120,000,000" respectively.

(a) in the case of an indigenous-controlled company, is not less than ₦100,000,000; or

(b) in the case of any other company, is not less than ₦120,000,000

(5) The President may from time to time, on any ground which appears to it sufficient, amend the list of pioneer industries and pioneer products provided that a three (3) years notice period is given for the commencement of the amendment.

- (c) In subsection (6) paragraph (b) by substituting for "paragraph (b)", a new "paragraph (b)"
- "(b) Notwithstanding the provisions of the subsection (5) and (6)(a) of this section, any pending application made before the deletion or removal of the industry or product from the list of pioneer industries and pioneer products shall be processed by the Minister and forwarded to the President for approval or disapproval".

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senator Sabo Mohammed — Jigawa South-West*) — *Agreed to.*

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

Clause 2: Amendment of Section 2.

Section 2 of the principal Act is amended-

- (a) in subsection (4) line 1, by substituting for the figure "₦100", the figure "₦200,000"
- (4) The application shall be accompanied by a fee of ₦200,000 (which sum shall not be refundable to the applicant, whether the application is approved or not) and the fee shall be credited to the Consolidated Revenue Fund of the Federation.
- (b) by inserting the following new subsections " (7) " immediately after the existing " subsection (6)", that is -
 - (7) All application for pioneer status certificate made pursuant to the provisions of this Bill shall be processed by the Minister and forwarded to the President and a Notice of disapproval or approval shall be issued within one (1) year from the date of submission of application".

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senator Sabo Mohammed — Jigawa South-West*) — *Agreed to.*

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

Clause 3: Amendment of Section 3.

Section 3 of the Principal Act is amended by inserting a new "subsection (7) "immediately after the existing "subsections (6)" to read as follows -

New subsection 3(6)(c)and(d)

- (c) for any company whose investment is in the rural area where infrastructures like road, electricity, housing, water etc are provided by the company, the pioneer certificate may specify the maximum tax relief period, not exceeding seven years; and
- (d) for any company whose investment is in Agriculture and Agro-processing, where over 90% of inputs are local materials, the pioneer certificate may specify the maximum tax relief period, not exceeding fifteen years.
 - (7) where an application for the issue of a pioneer certificate is made pursuant to section 1 (4) of this Bill , the company shall be required to prepare and maintain separate audited accounts in respect of income and expenditure from the expansion of the pioneer industry or pioneer product.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senator Sabo Mohammed — Jigawa South-West*) — Agreed to.

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

Clause 4: Amendment of Section 6.

Section 6 of the Principal Act is amended in subsection (11) paragraphs (a) and (b), by substituting for the sum "₦50,000", the figure "₦100,000,000", and for the figure "₦150,000", the figure "₦120,000,000" respectively

(11) Where a certificate issued by the Board Under subsection (5) of this section certifies that the pioneer company has on or before production day incurred qualifying capital expenditure of an amount which-

(a) in the case of an indigenous-controlled company, is less than ₦100,000,000; or

(b) in the case of any other company, is less than ₦120,000,000

the Commissioner shall report that fact to the President and the President shall cancel the pioneer certificate of the company.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senator Sabo Mohammed — Jigawa South-West*) — Agreed to.

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

Clause 5: Amendment of Section 25.

Section 25 of the Principal Act is amended by inserting the definition of the words "Commission" means Nigeria Investment Promotion Commission (NIPC) immediately after the definition of the words "company"

"Board" means Federal Inland Revenue Service established under section 1 of the principal Act.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senator Sabo Mohammed — Jigawa South-West*) — Agreed to.

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

Clause 6: Amendment of Section 26.**Citation:**

This Bill may be cited as the Industrial Development (Income Tax Relief) Act CAP.17, Laws of the Federation of Nigeria, 2004 (Amendment) Bill, 2018.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senator Sabo Mohammed — Jigawa South-West*) — Agreed to.

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

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered the Report of the Committee on Industrial Development (Income Tax Relief) Act CAP. 17 LFN 2004 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.

14. Ad hoc Committee on Investigation of Arrest Episodes of Tuesday, 21st November, 2017 between Officers of Economic and Financial Crimes Commission (EFCC), National Intelligence Agency (NIA) and Directorate of State Security (DSS):

Motion made: That the Senate do consider the Report of the *Ad hoc* Committee on Investigation of Arrest Episodes of Tuesday ,21st November, 2017 between Officers of Economic and Financial Crimes Commission, National Intelligence Agency and Directorate of State Security Services (*Senator Francis A. Alimikhena — Edo North*).

Question put and agreed to.

Report presented.

Debate:

Proposed Resolution (i):

Question: That the Economic and Financial Crimes Commission (EFCC) when dealing with sister Agencies that are clandestine in nature must conduct its activities with minimum publicity in order to retain the integrity of the institutions. Public altercations as witnessed between these agencies must not be allowed to repeat itself — *Agreed to.*

Proposed Resolution (ii):

Question: That the President and Commander-in-Chief should investigate the matter with a view to ensuring that inter-agency rivalry or public exhibition of envy is avoided at all cost.

Amendment Proposed:

Leave out Proposed Resolution (ii) and *insert* the following instead thereof:

“That the President, Commander-in-Chief of the Armed Forces of the Federation should intervene in the inter-agency rivalry in the interest of the country” (*Senator Dino Melaye — Kogi West*).

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

Proposed Resolution (iii):

Question: That although there is no institution or individual that is above the law or immuned from investigation, however, the Security Agencies must be properly guided against blanket investigations as these can jeopardize our security operations and bring our country into disrepute both locally and internationally — *Agreed to.*

Proposed Resolution (iv):

Question: That the National Assembly should initiate the amendment of National Security Agencies Act CAP N74 LFN 2010 with a view to giving powers of control to the co-ordinator on National Security over these Agencies on behalf of the President — *Agreed to.*

Proposed Resolution (v):

Question: That search and arrest operation that may be conducted in the future on these Agencies must first have the Presidential Approval. It must be done in a discreet manner rather than in a full public glare — *Agreed to.*

Resolved:

- (i) That the Economic and Financial Crimes Commission (EFCC) when dealing with sister Agencies that are clandestine in nature must conduct its activities with minimum publicity in order to retain the integrity of the institutions. Public altercations as witnessed between these agencies must not be allowed to repeat itself;
- (ii) That the President, Commander-in-Chief of the Armed Forces of the Federation should intervene in the inter-agency rivalry in the interest of the country;
- (iii) That although there is no institution or individual that is above the law or immuned from investigation, however, the Security Agencies must be properly guided against blanket investigations as these can jeopardize our security operations and bring our country into disrepute both locally and internationally;
- (iv) That the National Assembly should initiate the amendment of National Security Agencies Act CAP N74 LFN 2010 with a view to giving powers of control to the co-ordinator on National Security over these Agencies on behalf of the President;
- (v) That search and arrest operation that may be conducted in the future on these Agencies must first have the Presidential Approval. It must be done in a discreet manner rather than in a full public glare (S/Res/221/03/18).

15. Committee on Establishment and Public Service:

Report of the Chartered Institute of Directors of Nigeria (Establishment, etc.) Bill, 2018 (SB.424):

Motion made: That the Senate do consider the Report of the Committee on Establishment and Public Service on Chartered Institute of Directors of Nigeria (Establishment, etc.) Bill, 2018 (Senator Emmanuel I. Paulker — Bayelsa Central).

Question put and agreed to.

Report presented.

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 DIRECTORS OF NIGERIA TO PROVIDE PROFESSIONAL TRAINING TO DIRECTORS IN THE PUBLIC AND PRIVATE SECTORS AND TO PROMOTE EFFECTIVE GOVERNANCE, PUBLIC ACCOUNTABILITY AND PROFESSIONAL EFFICIENCY IN ADMINISTERING THE PUBLIC AND PRIVATE SECTORS IN NIGERIA AND FOR RELATED MATTERS, 2018.

**PART I — APPLICATION, OBJECTIVES OF THE BILL
AND ESTABLISHMENT OF THE INSTITUTE**

Clause 1: Application.

This Bill shall apply to —

- (a) persons serving as Directors in both public and private sectors;
- (b) persons occupying the position of Director, by whatever designation the office may deem appropriate to address the position; or
- (c) person(s) who has the power to act on behalf of an Institution without the prior express written approval of the Board, subject only to certain limitations by the Board for substantial financial transactions.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*) —
Agreed to.

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

Clause 2: Establishment of the Institute.

- (1) There is established a body to be known as the Chartered Institute of Directors of Nigeria (in this Bill referred to as 'the Institute').
- (2) The Institute shall be a body corporate with perpetual succession and a common seal and may sue or be sued in its corporate name.
- (3) Subject to the provision of Land Use Act, the Institute shall have power to acquire, hold or dispose of any property, movable and immovable, for the purpose of carrying out any of its functions under this Bill.
- (4) The Institute shall not engage in any partisan activities nor shall any Director or Officer of the Institute engage in such activities on behalf of the Institute..

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*) —
Agreed to.

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

Clause 3: Objectives of the Institute.

The objectives of the Institute, are to —

- (a) promote the practice of Directorship in both the public and private sectors in Nigeria;
- (b) provide well educated Directors who are specialists with critical and analytical thinking and creative problem solving skills;
- (c) prepare knowledgeable, skilled, culturally competent, compassionate and reflective specialist corporate governance practitioners;
- (d) collaborate with individuals, organizations, and agencies whose interest is in building the human capacity of Nigeria's directors and corporate governance with the aim of developing professional and technical know-how and improving productivity;
- (e) promote high level of ethical standards in the practice of the profession and skills that shall be attained by persons seeking to qualify as members of the Institute;

- (f) ensure that its members maintain reputable and high standard of conducts expected of any professional practice;
- (g) provide for the training and examination of persons desiring to become members of the Institute and to promote and protect the interests of its members;
- (h) arrange conferences, seminars, symposia and meetings for discussions on practices related to the profession;
- (i) ensure the establishment and maintenance of a register of its members as well as the publication of their lists from time to time;
- (j) establish a library that will enhance the study of the profession in Nigeria and beyond;

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*) — Agreed to.

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

Clause 4: Offices of the Institute.

The Institute shall have its head office in Lagos or the Federal Capital Territory, Abuja with branch offices across the Federation.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*) — Agreed to.

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

Clause 5: Establishment of the Governing Council.

- (1) There is established for the Institute, a Governing Council (in this Bill referred to as 'the Council'), which shall be responsible for the general administration and management of the Institute.
- (2) The Council shall consist of —
 - (a) the President of the Institute, who shall be the Chairman;
 - (b) the 1st Vice President of the Institute who shall be the Vice Chairman;
 - (c) the 2nd Vice President of the Institute;
 - (d) the last three Presidents of the Institute;
 - (e) three Chairmen of branches of the Institute on a rotational basis;
 - (f) the Registrar of the Institute;
 - (g) the Honorary Legal Adviser;
 - (h) the Honorary Treasurer;

- (i) twelve (12) other elected members at the general meeting of the Institute, one-third of which would retire by rotation, subject to at the Annual General Meeting of the Institute;
- (j) a representative of —
 - i. the Federal Ministry responsible for trade and investment, not below the rank of a Director, to be nominated by the Minister;
 - ii. the Federal Ministry responsible for education, not below the rank of a Director, to be nominated by the Minister;
 - iii. the Securities and Exchange Commission, not below the rank of a Director;
 - iv. the Corporate Affairs Commission, not below the rank of a Director;
 - v. the Financial Reporting Council of Nigeria, not below the rank of a Director; and
 - vi. the academia not below the rank of a Professor, to be approved by the Council.

Schedule.

- (3) The provisions set out in the Schedule to this Bill shall have effect with respect to the qualifications and tenure of office of members of the Council, meetings of the Council and other matters therein mentioned.
- (4) All Council members shall act in a manner consistent with their obligations to the Institute and applicable laws, regardless of any other affiliation, membership or position.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*) —
Agreed to.

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

Clause 6: Powers of the Council.

The powers of the Council shall be to —

- (a) appoint and discipline the Registrar and other staff of the Institute;
- (b) approve the remuneration of staff and allowances of members of the Council;
- (c) approve the recommendation, from the Registrar of the Institute, for the establishment of branch office(s) for the Institute;
- (d) establish committees or specialised departments for the purpose of effective regulation and discharge of the administrative functions of the Institute under the Bill;
- (e) issue rules or regulation for the Institute;
- (f) prescribe costs or penalties for violation of the provision of this Bill;

- (g) prescribe yearly dues for members of the Institute;
- (h) enforce the provisions of this Bill;
- (i) approve donations for charitable purposes; and
- (j) do any other thing for the purpose of achieving the objectives of this Bill.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*) — Agreed to.

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

Clause 7: Resignation, Cessation or Removal of Members of the Council.

- (1) The President of the Institute and members of the Governing Council may resign their appointments by notice in writing addressed to the —
 - (i) Governing Council, in the case of the President; and
 - (ii) President, in the case of members of the Council.
- (2) A Member of the Council may cease membership, if he —
 - (a) dies or becomes of unsound mind;
 - (b) becomes bankrupt;
 - (c) is convicted of a felony or of any offence involving dishonesty;
 - (d) is guilty of serious misconduct in relation to the office; or
 - (e) is disqualified or suspended from practicing the profession.
- (3) A member of the Council may be removed, at any time, from office by the Council, if the Council is satisfied that it is not in the interest of the Institute or the public that the member should continue to hold office.
- (4) Where vacancy exists in the membership of the Council, the vacancy shall be filled —
 - (a) in the case of an elected member, by bye-election; and
 - (b) in the case of an appointed person, by the President from where the vacancy exists, to complete the remainder of the term of office of the predecessor and shall be eligible for renewal, subject to satisfactory performance.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*) — Agreed to.

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

Clause 8: Tenure of the President and the Vice Presidents of the Institute.

- (1) The President, and two Vice Presidents, who shall be elected by the Council under this Bill shall hold office for a term of two (2) years from the date of assumption of duty and eligible for further term of 2 years and no more.

- (2) If vacancy exists in the office of the President, the 1st Vice President shall act in his stead for the unexpired portion of his term of office, and in the absence of the 1st Vice President, the 2nd Vice President shall act and in the absence of all of them, the Council shall fill the vacancy in accordance with the provisions of this Bill.
- (3) The President shall be the Chairman of the Council while the 1st Vice President shall be Vice Chairman of the Council.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*) — Agreed to.

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

PART II — STAFF OF THE INSTITUTE

Clause 9: Appointment of Registrar and Other Staff of the Institute.

- (1) There shall be appointed for the Institute by the Council, a fit and proper person who shall be the Registrar and the Chief Executive Officer of the Institute, and such other persons as the Council may, from time to time think necessary to assist the Registrar in the performance of his function under this Bill.
- (2) The Registrar shall hold office for the term of three years, and, subject to satisfactory performance, be eligible for re-appointment for further term of three years and no more.
- (3) The Registrar shall report to the Council, and shall receive such salary and allowances as approved by the Council.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*) — Agreed to.

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

Clause 10: Qualification of the Registrar.

A person shall be qualified to be appointed as Registrar of the Institute if the Person—

- (a) is a Director or fellow of the Institute;
- (b) is a citizen of Nigeria;
- (c) possesses relevant qualification from a recognized institution of higher learning; and
- (d) has at least Ten (10) years cognate experience in the relevant profession.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*) — Agreed to.

Question that Clause 10 do stand part of the Bill, put and agreed to.

Clause 11: Duties of the Registrar.

The Registrar shall —

- (a) abide by the duties assigned to the office in the letter of appointment;
- (b) superintend the affairs of the Institute;
- (c) prepare and maintain a register of the names, addresses, qualifications, and such other particulars as may be specified in the rules of the Institute;
- (d) correct, in accordance with the Council's directions, any entry in the register;
- (e) make, from time to time, any necessary alteration to the registered persons;
- (f) remove from the register the name of any registered person who has died;
- (g) record the names of the members of the Institute who are in default for more than six months in the payment of annual subscription and to take necessary action, including removal of names from the register as the Council may direct.

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*) — Agreed to.

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

Clause 12: Appointment of Legal Adviser and Treasurer for the Institute.

- (1) There shall be appointed for the Institute, an Honorary Legal Adviser and Honorary Treasurer, both of whom shall be officers appointed by Council on the recommendation of the President and their tenure expires with the tenure of the President.
- (2) The Honorary Legal Adviser shall —
 - (a) be a Legal Practitioner, having not less than Ten (10) years of cognate experience in corporate law or related areas of law;
 - (b) provide legal advice to the Institute;
 - (c) serve as secretary to the Council; and
 - (d) be answerable to the Council.
- (3) The Honorary Treasurer shall —
 - (a) be a chartered accountant for a period of at least, five years;
 - (b) keep regularly, the financial records of the Institute;
 - (c) be a co-signatory to the Bank accounts of the Institute; and
 - (d) take part in the budget processes of the Institute.

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*) — Agreed to.

Question that Clause 12 do stand part of the Bill, put and agreed to.

Clause 13: Other Staff of the Institute.

The Council shall appoint management staff for the Institute, while other staff of the Institute shall be appointed by the Management Committee of the Institute, which shall consist of the Registrar and all Directors of the Institute, in line with staff regulation issued by the Council.

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*) — Agreed to.

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

Clause 14: Removal of Registrar or Other Staff of the Institute.

The Registrar or other staff of the Institute may be removed from office in line with disciplinary procedure issued by the Council.

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*) — Agreed to.

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

PART III — STRUCTURES OF THE INSTITUTE**Clause 15: Department, Division and Units of the Institute.**

- (1) There is established for the Institute such number of, Departments, Divisions, and Units as determined by the Council.
- (2) Each Department shall be headed by a Director who shall be professionally qualified person appointed through competitive process by the Institute.
- (3) While each Divisions, and Units shall be headed by Deputy Director and Assistant Director who shall be professionally qualified person appointed through competitive process by the Council.

Committee's Recommendation:

Leave out the provision in Clause 15 (*Senator Emmanuel I. Paulker — Bayelsa Central*) — Agreed to.

Clause 16: Management Committee of the Institute.

- (1) There is established for the Institute, a Management Committee, comprising of the Registrar and all the Directors of the Institute.
- (2) The Registrar of the Institute shall be the head of the Committee and the Director responsible for human capital shall be the Secretary of the Committee.
- (3) The Management Committee shall be responsible for the general administration of the Institute, particularly, in recruitment, promotion, and discipline of staff of the Institute.

Committee's Recommendation:

That the provision in Clause 16 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*) — Agreed to.

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

PART IV — FUNCTIONS OF THE INSTITUTE

Clause 17: Functions of the Institute.

The Institute shall be responsible for —

- (a) determining the standards of knowledge and skill to be attained by persons seeking to be members of this Institute;
- (b) establishing, maintaining and improving the standards of performance of all the powers and duties, which are attached to the offices or positions of Directors under whatever guise;
- (c) advancing the theory and practice of good corporate governance of the public and private sectors in line with international best practices;
- (d) promoting and maintaining observance of high standards of ethical values and professional conduct, including certification and accreditation, amongst persons seeking to hold or holding the office of Director;
- (e) building a body of professionals who are skilled, knowledgeable and experienced in administration; and
- (f) securing admission into membership of the Institute in accordance with the provisions of this Bill, including the establishment, registration and maintenance of a Register for each categories of members stipulated under this Bill;
- (g) facilitating the exchange of views and opinions, promote a better understanding, and inform the public as well as express professional opinion on subject of directorship, good governance, corporate governance, corporate management and the problems connected therewith;
- (h) organising and conducting examinations for members and prospective members, in areas requiring the understanding of the evolving rights, obligations and liabilities of Directors, the theory and practice of good corporate governance;
- (i) establishing and maintaining a library for the use of members and the public, and to collect, print, publish and distribute to members and others, newspapers, periodicals, journals, books, circulars, leaflets and information;
- (j) recommending to government department or other body corporate, regarding any changes in the law relating to Directors, corporate governance; and promote and support any policies calculated to improve any aspect of corporate governance; and
- (k) promoting such other functions in furtherance of the objectives of this Bill.

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*) — Agreed to.

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

PART V — MEMBERSHIP OF THE INSTITUTE

Clause 18: Membership of the Institute.

- (1) Subject to the provisions of this Bill, the category of persons to be admitted as members of the Institute are —
 - (a) associate member;
 - (b) member;
 - (c) fellow;
 - (d) honorary fellow;
 - (e) distinguished fellow;
 - (f) chartered Director; and
 - (g) such other category that may be created by the Council from time to time.
- (2) The requirements for each category of persons to be admitted as member of the Institute under sub-clause (1) of this Clause are provided in the regulation as issued by the Council.
- (3) Where a person is registered as a member of this Institute under this Clause, the person shall be entitled to use such suffix after his name as provided in the regulation of the Council.

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*) —
Agreed to.

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

Clause 19: Conditions for Registration.

Upon fulfillment of the requirements for registration under Clause 18 of this Bill, the applicant must —

- (a) be of good character;
- (b) attain the age of 21 years;
- (c) not be an ex-convict, of offence involving fraud or dishonesty, within and outside Nigeria;
- (d) be of sound mind;
- (e) not be declared bankrupt; and
- (f) fulfill all conditions stipulated by the Council.

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*) —
Agreed to.

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

Clause 20: Approval of Qualification.

- (1) The Council may, for the purpose of this Bill, accredit institutions offering training, which is intended for persons who are seeking to become members of the Institute or for efficient performance of their duties, as members of the Institute.
- (2) The Council may, where it appears that the standard of studies or required facilities, have fallen below the minimum standard, suspend or revoke the accreditation given to the Institution, until such a time the Institution meets the minimum standard of the Council.
- (3) Before withdrawal or suspension of accreditation under this section, the Council shall —
 - (a) give sufficient notice to the affected institution, of the Council's intention to revoke or suspend the accreditation; and
 - (b) give the affected institution, the opportunity to make presentation relating to the issues raised under paragraph (a) of this subsection;

Committee's Recommendation:

That the provision in Clause 20 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*) — Agreed to.

Question that Clause 20 do stand part of the Bill, put and agreed to.

Clause 21: Qualified Members Before Commencement of the Bill.

Any person, who qualified to be registered as a member of this Institute before the commencement of this Bill, shall immediately after the commencement of the Bill or at the time provided by the Council, apply in an appropriate form for registration under the qualified category.

Committee's Recommendation:

That the provision in Clause 21 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*) — Agreed to.

Question that Clause 21 do stand part of the Bill, put and agreed to.

PART VI — REGISTER OF MEMBERS**Clause 22: Register of Members.**

The Register shall consist of such parts as may be necessary to reflect the categories of Members in line with the provision of section 18 of this Bill.

Committee's Recommendation:

That the provision in Clause 22 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*) — Agreed to.

Question that Clause 22 do stand part of the Bill, put and agreed to.

Clause 23: Correction of Register.

The Registrar, with the approval of the Council, shall be responsible for effecting corrections in the Register of members, the corrections shall include—

- (a) correction of wrong entry;
- (b) deregistration of the name of deceased member of the Institute;

- (c) removal of names of members that failed to comply with the provision of this Bill;
- (d) removal of the names of suspended or expelled members of the Institute; and
- (e) removal of name of a member of the Institute for any other reason which the Council considered sufficient, for the furtherance of the objectives of this Bill.

Committee's Recommendation:

That the provision in Clause 23 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*) — Agreed to.

Question that Clause 23 do stand part of the Bill, put and agreed to.

Clause 24: Restoration of Names of Suspended or Expelled Members.

- (1) Where the name of a member is removed from the Register on the account of an issue that can be rectified, upon rectification of such issue, or compliance with the law, the Council may direct the Registrar to restore the name of the member in the Register.
- (2) The Registrar shall publish the corrected register in line with the directives of the Council under subsection (1) of this section, each edition of the Register and of each list of corrections to be deposited at the principal offices of the Institute and shall made available to the public for sale.
- (3) The Register shall be available at reasonable times for inspection by any member of the public.

Committee's Recommendation:

That the provision in Clause 24 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*) — Agreed to.

Question that Clause 24 do stand part of the Bill, put and agreed to.

PART VII — FINANCIAL PROVISIONS

Clause 25: Funds of the Institute.

- (1) The Institute shall establish, maintain and manage a Fund where all moneys of the Institute shall be paid into. The moneys include —
 - (a) annual subscriptions, levies or fees collected for services rendered by the Institute;
 - (b) penalties imposed for violation of this Bill and the Rules and Regulations made there under this Bill; and
 - (c) donations from government, philanthropists, and other donor institutions for the purpose of achieving the objectives of this Bill.
- (2) The Institute shall maintain and operate such Bank accounts for its Funds, as may be approved by the Council.

Committee's Recommendation:

That the provision in Clause 25 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*) — Agreed to.

Question that Clause 25 do stand part of the Bill, put and agreed to.

Clause 26: Application of the Fund.

- (1) The Institute shall apply its Funds established under section 25 of this Bill in —
- (a) the general administration of the Institute;
 - (b) the salaries, remuneration and allowance of the Members of the Council, Registrar and other employees of the Institute;
 - (c) such reasonable traveling and subsistence allowance of members of the Council and staff of the Institute as the Council may approve; and
 - (d) any other expenses approved by the Council in the discharge of its functions under this Bill.
- (2) The Institute, with the approval of the Council, may also invest its funds in equities and in such other areas that the Council believe will bring a better returns for the Institute.

Committee's Recommendation:

That the provision in Clause 26 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*) — Agreed to.

Question that Clause 26 do stand part of the Bill, put and agreed to.

Clause 27: Borrowing Power.

The Institute may, with the approval of the Council, from time to time, borrow money for the purpose of its assignment and any interest payable on the moneys so borrowed, shall be paid out of the Fund.

Committee's Recommendation:

That the provision in Clause 27 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*) — Agreed to.

Question that Clause 27 do stand part of the Bill, put and agreed to.

Clause 28: Accounts and Audit.

- (1) The Institute shall keep proper books of records in respect of each financial year; and the Council shall cause the accounts to be audited by auditors, not later than the first quarter of each following year, and when audited, the Council shall submit the accounts to the members of the Institute for approval at the next Annual General Meeting.
- (2) The Auditors, for the purpose of subsection (1) of this section, shall be appointed at the Annual General Meeting of the Institute, and the auditors so appointed shall not be members of Council.

Committee's Recommendation:

That the provision in Clause 28 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*) — Agreed to.

Question that Clause 28 do stand part of the Bill, put and agreed to.

Clause 29: Establishment of Investigative Panel.

- (1) There is established a body to be known as the Investigative Panel (in this Bill referred to as "the Panel"), which shall be responsible for —
 - (a) conducting preliminary investigation into any case of alleged misconduct by a member, or which, for any other reason, shall be subject of proceedings before a tribunal to be established under this Bill; and
 - (b) deciding whether the case is to be referred to the Tribunal.
- (2) The Panel, to be appointed by the Council, shall consist of three (3) members and one of them shall be a legal practitioner of not less than seven years (7) post call experience, and a member of the Council.

Committee's Recommendation:

That the provision in Clause 29 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*) — *Agreed to.*

Question that Clause 29 do stand part of the Bill, put and agreed to.

Clause 30: Establishment of Disciplinary Tribunal.

- (1) There is established a body to be known as the Disciplinary Tribunal (in this Bill referred to as "the Tribunal"), which shall be responsible for considering and determining any case referred to it by the Panel, established under section 29 of this Bill and any other case of which the Tribunal has cognisance of, under the provisions of this Bill.
- (2) The Tribunal shall consist of a Chairman and four (4) other members, including a legal practitioner of not less than ten years (10) post call experience, who are not members of the Council, to be appointed by the Council.
- (3) Appeal from the decision of the Tribunal shall be made to the Federal High Court.

Committee's Recommendation:

That the provision in Clause 30 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*) — *Agreed to.*

Question that Clause 30 do stand part of the Bill, put and agreed to.

Clause 31: Penalties for Unprofessional Conduct.

Where —

- (a) a person registered under this Bill is found to be guilty by the Disciplinary Tribunal of infamous conduct in any professional respect;
- (b) a person is convicted of an offence, by any court or tribunal in Nigeria or elsewhere having power for 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 Disciplinary Tribunal may, give direction reprimanding the person or ordering the Registrar to strike out the name of the person off the register.

Committee's Recommendation:

That the provision in Clause 31 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*) —
Agreed to.

Question that Clause 31 do stand part of the Bill, put and agreed to.

Clause 32: Offences.

- (1) A person who —
 - (a) makes misrepresentation of qualifications, experience, or any other thing related to the requirement for registration of members of the Institute and obtain registration;
 - (b) violates any of the provisions contained in the rules of professional conduct;
 - (c) parades himself as a member of this Institute and practices the profession without valid registration;
 - (d) violates any of the provision of this Bill, commits an offence and shall be liable on conviction to a fine of Five Hundred Thousand Naira or imprisonment for a term of not less than 1 year or both.
- (2) Where the offence is committed by a body corporate under the connivance or negligence of a Director, Manager, Secretary, employee, or agent of the body corporate —
 - (a) Retained as in the Bill
 - (b) the Director, Council Member, Secretary, employee, or agent of the body corporate, shall be punished in accordance with the provision of subsection (1) of this section.
- (3) The offences under this section shall be tried by the Federal High Court.

Committee's Recommendation:

That the provision in Clause 32 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*) —
Agreed to.

Question that Clause 32 do stand part of the Bill, put and agreed to.

PART IX — MISCELLANEOUS**Clause 33: Provision for Library.**

The Institute shall —

- (a) establish and maintain a library comprising books and publications for the advancement of knowledge of the profession; and
- (b) encourage research and publication.

Committee's Recommendation:

That the provision in Clause 33 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*) —
Agreed to.

Question that Clause 33 do stand part of the Bill, put and agreed to.

Clause 34: Pre-action Notice.

A person who has a cause of action against the Institute shall —

- (a) give the Institute three months' notice, in writing, of intention to commence an action, disclosing the cause of action and served the processes to the principal office of the Institute; and
- (b) commence the legal action within two years from the date the cause of action arose.

Committee's Recommendation:

That the provision in Clause 34 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*) —
Agreed to.

Question that Clause 34 do stand part of the Bill, put and agreed to.

Clause 35: Indemnity.

- (1) In the event that any person who is or was a Director, officer, employee, trustee, authorised representative, or agent of the Institute, acting in good faith and in a manner reasonably believed to be in the best interests of the Institute, has been made party, or is threatened to be made a party, to any action or proceeding by reason of being a representative, whether civil, criminal, administrative, or investigative, such representative may be indemnified against reasonable expenses and liabilities, including attorney fees actually and reasonably incurred.
- (2) The indemnity provided under this section shall not be deemed exclusive of any other rights to which those seeking indemnity may be entitled under any law, and any such indemnity shall continue as to a person who has ceased to be a director, officer, employee, trustee, authorised representative, or agent, and shall inure to the benefit of the heirs, executors, and administrators of such person.
- (3) The Indemnity made pursuant to this section shall not be made in any case where the act, or failure to act, giving rise to the claim for indemnity is determined by a court to have constituted willful misconduct or recklessness of the Director, officer, employee, trustee, authorised representative, or agent of the Institute.

Committee's Recommendation:

That the provision in Clause 35 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*) —
Agreed to.

Question that Clause 35 do stand part of the Bill, put and agreed to.

Clause 36: Insurance.

The Institute shall have power to —

- (a) require members to take up insurance;
- (b) maintain such liability insurance or bonding scheme for which members shall subscribe to and pay for; and
- (c) maintain such other funds for protection of third parties against director's liability for gross negligence, breach of fiduciary obligations, fraud, defalcation, etc.

Committee's Recommendation:

That the provision in Clause 36 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*) — Agreed to.

Question that Clause 36 do stand part of the Bill, put and agreed to.

Clause 37: Transitional Provision.

- (1) All assets and liabilities held or incurred immediately before the commencement date of this Bill, by or on behalf of the Institute of Directors Nigeria, shall vest in the Chartered Institute of Directors of Nigeria, established under this Bill and be held by it for the purpose of the Institute.
- (2) The provision of the second schedule to this Bill shall have effect with respect to the matters arising from transfer of assets and liabilities to the Chartered Institute, the properties of the Institute of Directors of Nigeria and with respect to other matters mentioned in the schedule.

Committee's Recommendation:

That the provision in Clause 37 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*) — Agreed to.

Question that Clause 37 do stand part of the Bill, put and agreed to.

Clause 38: Regulation.

The Council may subject to the provisions of this Bill, make regulations, for—

- (a) the proceedings of the Panel and the Tribunal;
- (b) electing the President, Vice Presidents other members of the Council;
- (c) determining the procedure of becoming a member of the Institute;
- (d) disciplinary procedure for members of the Institute;
- (e) appointment, promotion and discipline of staff of the Institute;
- (f) all categories of training suitable for the purposes of the objectives of this Bill;
- (g) prescribing the amount and due date for payment of annual subscriptions and for any other levy;
- (h) restricting right to practice as Directors, in default of payment of the annual subscriptions;
- (i) establishing the professional scale of rates chargeable by members for the various types of Directorial services;
- (j) making of applications for enrolment or registration and providing for the evidence to be produced in support of such applications;
- (k) specifying the particulars for notification to the Registrar, by the person to whom any registered particulars relate, or any change in those particulars;
- (l) authorising a registered person to have any qualification which, in relation to the relevant division of the profession, is either an approved qualification or an accepted qualification for the purpose of this Bill, registered in relation to his name in addition to, or as he may elect in substitution for any other qualifications so registered; and

- (m) any other thing for effective implementation of the provision of this Bill.

Committee's Recommendation:

That the provision in Clause 38 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*) —
Agreed to.

Question that Clause 38 do stand part of the Bill, put and agreed to.

Clause 39: Interpretation.

In this Bill —

"Appointed Day" means the commencement date of this Bill;

"Council" means the Governing Council established pursuant to this Bill;

"Director" includes all categories of members of the Institute;

"Fees" includes annual subscriptions and license fees;

"Fund" includes all income, investments and liquid assets of the Institute

"Panel" means Investigative Panel of the Institute;

"President, 1st and 2nd Vice Presidents" mean elected members of the Council to act in those capacities.

"Un-enrolled person" means a person not admitted to membership under this Bill.

Committee's Recommendation:

That the provision in Clause 39 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*) —
Agreed to.

Question that Clause 39 do stand part of the Bill, put and agreed to.

Clause 40: Short Title.

This Bill may be cited as the Chartered Institute of Directors of Nigeria (Establishment, Etc.) Bill, 2018.

Committee's Recommendation:

That the provision in Clause 40 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*) —
Agreed to.

Question that Clause 40 do stand part of the Bill, put and agreed to.

FIRST SCHEDULE

[Clause 5 (3)]

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

Qualifications and Tenure of Office of Members.

1. Subject to the provisions of the Bill and this schedule, a member of the Council shall hold office for a period of two (2) years, beginning from the date of his election or nomination.
2. Any member of the Institute who ceases to be a member thereof, shall, if he is also a member of the Council, cease to be a member of the Council.
3. Any elected member may, by notice in writing under his hand addressed to the President, resign his office, and any nominated member may, with the consent of the nominating authority, likewise so 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 nominated member may likewise be re-appointed.
5. Members of the Council shall at its meeting next before the Annual General Meeting of the Institute, arrange for Four (4) members of the Council elected and longest in office, to retire at the Annual General Meeting.
6. Election to the Council shall be held in such manner as may be prescribed by Rules and Regulations made by the Council and until so prescribed, they shall be decided by a show of hands.
7. If for any reason there is a vacation of office by a member and —
 - (a) such member was appointed by the appointing authority, that appointing authority shall appoint another person from the establishment in respect of which the vacancy occurs; or
 - (b) such member was elected, the Council may, if the time between the unexpired portion of the term of office and the next general meeting of the Institute appears to warrant the filling of the vacancy, co-opt another member for such time as aforesaid.

Powers of Council.

The Council shall have power to do anything, which in its opinion, is considered to facilitate the carrying on of the functions of the Institute.

Quorum of the Council and Committees.

The quorum of the Council shall be Nine (9); and the quorum of a Committee of the Council shall be as determined by the Council.

Meetings of the Institute.

1. The Council shall convene the Annual General Meeting of the Institute not later than six (6) months after the year end or on such other days as the Council may, from time to time, determine, in so far as not more than fifteen (15) months shall elapse between the respective dates of the two meetings.
2. An extraordinary general meeting of the Institute may be convened by the Council at any time, if not less than twenty (20) members of the Institute require it by notice in writing addressed to the President of the Institute, setting out the objects of the proposed meeting, the President of the Institute shall convene an extraordinary general meeting of the Institute for that purpose.
3. The quorum of any general meeting of the Institute shall be twenty (20) members, and that of any extraordinary general meeting of the Institute shall be twenty-five (25) members.
4. The notice of any general meeting of the Institute shall be 21 days and that of any extraordinary general meeting shall be 14 days.
5. Notices and reports may be issued and served on members electronically.

Meeting of the Council.

1. Subject to the provisions of the Rules and Regulations of the Institute, the Council shall have its regular meetings whenever it is summoned by the Chairman; if notice in writing is given to the Chairman by not less than five (5) members of Council, the Chairman is required to summon a meeting of the Council to be held within seven (7) days from the date on which the notice is given.

2. At any meeting of the Council, the Chairman or in his absence, the 1st Vice Chairman shall preside; or in the absence of the 1st Vice Chairman, the 2nd Vice Chairman shall preside; but if all are absent, after 30 minutes from the time the meeting is scheduled to commence, the members present at the meeting shall appoint one of their members 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/ her as a member for such period as the Council deems 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 Chairman, and the Council shall approve such directions as it deems fit as to the procedure which shall be followed at the meetings.

Committees.

1. The Council may appoint one or more Committees to carry out on behalf of the Institute or the Council, such functions as the Council may determine.
2. A decision of a Committee appointed under this paragraph shall not be adversely affected by any defect in the appointment of a member of the Committee, or by reason that a person not entitled to do so, took part in the proceedings.
3. 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, investigation, complaint, investigation or other related matters or arrangements entered into or under consideration by the Council on behalf of the Institute, or on behalf of the Council or a Committee thereof, shall forthwith disclose his interest in writing to the President or the Council and shall not vote on any question relating to the matter, contract or arrangement.
4. A person shall not by reason only of his membership of the Institute be required to disclose any interest relating solely to the audit of the accounts of the Institute.
5. A decision of a Committee of the Council shall be of no effect until it is laid before and confirmed by the Council.

Miscellaneous.

1. The fixing of the seal of the Institute shall be authenticated by the signature of the President and the Secretary of the Institute or any other member 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 be, 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.
4. The validity of any proceedings of the Institute or the Council or a Committee of the Council shall not be affected by any vacancy in the membership or by Council.

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

SECOND SCHEDULE

[Clause 37 (2)]

Transfer of Properties.

1. (1) Every agreement to which the incorporated Institute was a part immediately before the commencement of this Bill, whether it is in writing or not and whether or not is in such nature that the rights, liabilities and obligations there-under could be assigned by the incorporated Institute, shall unless the terms or subject matter make it impossible that it should have effect or been modified in the manner provided by this subparagraph have effect from the appointed day so far it relates to property transferred by this bill to the Council as if —
 - (a) The Institute had been a party to the agreement;
 - (b) For any reference (however worded and, whether express or implied) to be incorporated Institute, there were substituted as respects anything failing to be done on or after the commencement of bill, a reference to the Council; and
 - (c) For any reference (however worded and whether express or implies) to a member or members of the Council of the incorporated Institute there were substituted, as respect anything failing to be done on or after the commencement of bill, a reference to a member or members of the Council under this Bill.
2. Other documents which refer, whether specifically or generally, to the incorporated Institute shall be constructed in accordance with sub-paragraph (1) of this paragraph so far as applicable.
3. Without prejudice to the generality to be the foregoing provisions of this schedule, whereby the right, liability or obligation shall vest in the Institute and all other persons shall, as from the commencement of this Bill, have the same rights as to the taking or resisting of legal proceedings of enforcing that rights as to the taking or resisting of legal proceedings of the making or resisting of applications to any authority for ascertaining, perfecting or enforcing that right, liability or obligation of the Institute.
4. Any legal proceeding or application to any authority pending on the commencement of this Bill or against the incorporated Institute may be combined on or after that day or against the Institute.
5. On the commencement of this Bill, any person holding any paid appointment in the incorporated Institute shall hold corresponding appointment in the Chartered Institute on the same terms and conditions as to tenure or otherwise but shall not be entitled to receive remuneration both from the incorporated Institute in respect of the same period of service.
6. If the law in force at the place where any property transferred by this Bill is situated provides for registration or transfer of property of the kind question (whether by reference to instrument of transfer or otherwise), the law shall, so far as it provided for alternation of a register (but not for avoidance to transfer the payment of fees or any other matter), apply with the necessary modifications to the property and the Institute shall transfer to the officer of the registration authority and the transfer accordingly.

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

Chairman to report Bill.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered the Report of the Committee on Establishment and Public Service on Chartered Institute of Directors of Nigeria (Establishment, etc.) Bill, 2018 and approved as follows:

Clauses 1- 40 — As Recommended

Schedules 1- 2 — 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.

- 16. Committee on Establishment and Public Service:**
Report on the Chartered Polymer Institute of Nigeria (Establishment, etc.) Bill, 2018 (SB. 396):

Consideration of Report deferred to another Legislative Day.

- 17. Adjournment:**

Motion made: That the Senate do now adjourn till Tuesday, 17th April, 2018 at 10:00 a.m. (*Senate Leader*).

Adjourned accordingly at 1:38 p.m.

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