



THE SENATE

FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Tuesday, 13th March, 2018

1. The Senate met at 10:54 a.m. The Senate President read Prayers.

2. **Closed Session:**

Closed Session — 11:04 a.m.

Open Session — 11:32 a.m.

The Senate President reported that the Senate in a Closed Session deliberated on issues bordering on the workings of the Senate in particular and the National Assembly in general; as well as the workings of the Central Bank of Nigeria (CBN).

3. **Votes and Proceedings:**

The Senate examined the Votes and Proceedings of Thursday, 8th March, 2018.

Question was put and the Votes and Proceedings were approved.

4. **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:

Presidential Decision to Decline Assent to the Electoral (Amendment) Bill, 2018:



**PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA**

8th March, 2018

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

Dear Distinguished Senate President,

**PRESIDENTIAL DECISION TO DECLINE ASSENT TO
THE ELECTORAL (AMENDMENT) BILL, 2018**

Pursuant to Section 58(4) of Constitution of the Federal Republic of Nigeria 1999 (as amended), I hereby convey to the Senate, my decision, on (3rd March, 2018) to decline Presidential Assent to the Electoral (Amendment) Bill 2018 recently passed by the National Assembly.

2. *Some of my reasons for withholding assent to the Bill include the following:*
 - a. *The amendment to the sequence of the elections in Section 25 of the Principal Act may infringe upon the constitutionally guaranteed discretion of the Independent National Electoral Commission to organize, undertake and supervise all elections provided in Section 15(a) of the Third Schedule to the Constitution;*
 - b. *The amendment to Section 138 of the Principal Act to delete two crucial grounds upon which an election may be challenged by candidates unduly limits the rights of candidates in elections to a free and fair electoral review process; and*
 - c. *The amendments to Section 152(3)-(5) of the Principal Act, may raise constitutional issues over the competence of the National Assembly to legislate over local government elections.*
3. *Please accept, Distinguished Senate President, the assurances of my highest consideration.*

*Yours Sincerely,
(Signed)
Muhammadu Buhari*

5. Announcement:

Acknowledgement:

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

- (i) Staff and Students of Nigerian Tulip International Colleges, Abuja
- (ii) Staff and Students of Early-Life Schools, Abuja;
- (iii) Staff and Students of Saints' Mary & Alfred, Schools, Abuja; and
- (iv) Staff and Students of New Hope International School, Kuje, Abuja.

6. Petition:

Rising on Rule 41, Senator Rafiu A. Ibrahim (*Kwara South*) drew the attention of the Senate to a petition from his constituent, Lt. Col. Timothy O. Oladuntoy (N/10338) Rtd., against the Nigerian Army, over wrongful retirement. He urged the Senate to look into the matter.

Petition laid and accordingly referred to the Committee on Ethics, Privileges and Public Petitions [Rule 41(3)] to report within two (2) weeks.

7. 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 July, 2017 suspension of confirmation of appointment of nominees of Statutory Agencies from Mr. President, Commander-in-Chief of the Armed Forces of the Federation by the Senate. He stated that the lack of confirmation of Monetary Policy Committee (MPC) members and Deputy Governors of the Central Bank of Nigeria (CBN) is affecting the Nigerian economy by discouraging Foreign Direct Investments and private sector's growth. The MPC meeting of January, 2018 could not hold and that of March 16th 2018, may equally be affected because of lack of quorum. He therefore appealed for the consideration of the nominees by the Senate to enable the MPC meet the required quorum in their next meeting.

Debate:

Proposed Resolution:

Question: That the Senate do mandate its Committee on Banking, Insurance and Other Financial Institutions to commence legislative actions on confirmation of the nominations of Mr. President, Commander-in-Chief of the Armed Forces of the Federation on Monetary Policy Committee (MPC) members and Deputy Governors of the Central Bank of Nigeria (CBN) — *Agreed to.*

Resolved:

That the Senate mandate its Committee on Banking, Insurance and Other Financial Institutions to commence legislative actions on confirmation of the nominations of Mr. President, Commander-in-Chief of the Armed Forces of the Federation on Monetary Policy Committee (MPC) members and Deputy Governors of the Central Bank of Nigeria (CBN) (S/Res/202/03/18).

8. Personal Explanation:

Rising on Rule 43, Senator Bala Ibn Na'Allah (*Kebbi South*) drew the attention of the Senate to its tradition of rejoicing with colleagues over landmark achievement. He stated that Senator Ike Ekweremadu (*Deputy Senate President*), has been conferred with Professorship of Southern University of Louisiana, United States of America. He congratulated him on behalf of the leadership and the entire Senate.

The Senate congratulated the Deputy Senate President and wishes him the very best in all his future endeavours.

9. Presentation of Bills:

- (i) Industrial Development (Income Tax Relief) Act CAP 117, LFN, 2004 (Amendment) Bill, 2018 (SB. 638) — *Read the First Time.*
- (ii) Federal Polytechnic Marama, Borno State (Establishment, etc.) Bill, 2018 (SB. 639) — *Read the First Time.*
- (iii) Federal College of Education (Technical) Abakiliki, Ebonyi State (Establishment, etc.) Bill, 2018 (SB.641) — *Read the First Time.*

10. Committee on Establishment and Public Service:

Report on the Chartered Polymer Institute of Nigeria (Establishment, etc.) Bill, 2018 (SB. 396):
Motion made: That the Senate do receive the Report of the Committee on Establishment and Public Service on the Chartered Polymer Institute of Nigeria (Establishment, etc.) Bill, 2018 (*Senator Emmanuel I. Paulker — Bayelsa Central*).

Question put and agreed to.

Report Laid.

11. Committee on Establishment and Public Service:

Report on the Pension Reform Act CAP P4 LFN (Amendment) Bill, 2018 (SB. 281):

Presentation of Report deferred to another Legislative Day.

12. Motions:

(a) *The need to Exercise Constitutional Powers of the National Assembly to ratify Treaties in Nigeria:*

Motion made: That the Senate notes that Section 12 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) provides that “no treaty between the Federal Government and any country shall have the force of law except to the extent to which any such treaty has been enacted into law by the National Assembly”;

notes that out of over 250 United Nations Treaties, Conventions, Charters and Protocols alone which Nigeria is a party, over 50 have not been ratified while many others require succession, signature, acceptance or notification;

amazed that there seems to be no comprehensive and accurate data on exact number of treaties entered into by Nigeria since independence as according to some records only 61 have been ratified out of about 300 and yet according to others, no exact number could be established from relevant institutions of government responsible for treaty management in Nigeria which raises the urgent need to call the attention of all Stakeholders to discharge their responsibilities to rectify the anomaly;

aware that the recent Roundtable on Treaties Management in Nigeria organized by the National Defence precisely on Tuesday, 13th February, 2018 observed that several treaties have been entered by various Ministries, Departments and Agencies (MDAs) without having the instrument of full powers and complying with other procedures required by the Treaty Making Procedure Act CAP T20 Laws of the Federation of Nigeria, 2004;

further notes with deep concern as further observed by the said Roundtables that the reluctance, bordering on persistent refusal by the MDAs to comply with the decision of the Federal Executive Council contained in a circular issued by the Head of Civil Service of the Federation Ref: HCSF/LU/FEC/M/38 dated 2nd March, 2017 to forward all Treaties/International Agreements to the Federal Ministry of Justice for deposition;

worried that a huge number of treaties have not been submitted to the National Assembly for domestication due to reliance on provisions of section 3(2) of the Treaty Making Procedure Act CAP T20 LFN, 2004 which classified treaties that require ratification by the National Assembly and those that do not;

established that the said provisions of the Treaty Making Procedure Act is inconsistent with the provisions of section 12 of the constitution which categorically subjects all treaties without any classification to ratification by the National Assembly;

cognizance that in the 5th Assembly, only 11 treaties were enacted into law by the National Assembly out of over 1000 Bills considered by the Assembly while only 61 Executive Bills out of 619 Bills considered by the 7th Senate with none on treaties and still in the 8th Senate, only 3 Executive Bills so far have been presented for ratification of treaties; and

regrets that the good reputation and image of Nigeria may continue to be low in the eyes of the international community and the country may suffer multi-dimensional loss if the National Assembly is denied its powers of ratifying treaties to acquire the force of law for municipal application in Nigeria.

Accordingly resolves to:

- (i) urge the Federal Ministry of Justice to produce a comprehensive record of all the treaties that were entered into by Nigeria, those that were ratified by the National Assembly, those that are yet to be presented for ratification by the Executive and many others that require different forms of action by relevant institutions of government responsible for treaty management in Nigeria;

- (ii) urge the Federal Ministry of Justice and the Federal Ministry of Foreign Affairs to establish a comprehensive database on status and management of treaties in Nigeria;
- (iii) urge the Executive to submit all Bills on all outstanding treaties that require ratification by the National Assembly; and
- (iv) mandate Committees on Judiciary, Human Rights and Legal Matters; and Foreign Affairs to liaise with the relevant Federal Ministries affected by the resolution to facilitate collation of the documents and report to the Senate within 4 weeks (*Senator Bala Ibn Na' llah — Kebbi South*).

Debate:

Proposed Resolution(i):

Question: That the Senate do urge the Federal Ministry of Justice to produce a comprehensive record of all the treaties that were entered into by Nigeria, those that were ratified by the National Assembly, those that are yet to be presented for ratification by the Executive and many others that require different forms of action by relevant institutions of government responsible for treaty management in Nigeria — *Agreed to.*

Proposed Resolution(ii):

Question: That the Senate do urge the Federal Ministry of Justice and the Federal Ministry of Foreign Affairs to establish a comprehensive database on status and management of treaties in Nigeria — *Agreed to.*

Proposed Resolution(iii):

Question: That the Senate do urge the Executive to submit all Bills on all outstanding treaties that require ratification by the National Assembly — *Agreed to.*

Proposed Resolution(iv):

Question: That the Senate do mandate Committees on Judiciary, Human Rights and Legal Matters; and Foreign Affairs to liaise with the relevant Federal Ministries affected by the resolution to facilitate collation of the documents and report to the Senate within 4 weeks — *Agreed to.*

Resolved:

That the Senate:

- (i) urge the Federal Ministry of Justice to produce a comprehensive record of all the treaties that were entered into by Nigeria, those that were ratified by the National Assembly, those that are yet to be presented for ratification by the Executive and many others that require different forms of action by relevant institutions of government responsible for treaty management in Nigeria;
- (ii) urge the Federal Ministry of Justice and the Federal Ministry of Foreign Affairs to establish a comprehensive database on status and management of treaties in Nigeria;
- (iii) urge the Executive to submit all Bills on all outstanding treaties that require ratification by the National Assembly; and
- (iv) mandate Committees on Judiciary, Human Rights and Legal Matters; and Foreign Affairs to liaise with the relevant Federal Ministries affected by the resolution to facilitate collation of the documents and report to the Senate within 4 weeks (*S/Res/203/03/18*).

(b) *The need for sustainable Tourism Policy in Nigeria:*

Motion made: That the Senate notes that according to the 2008 United Nations (UN) Recommendations on Tourism Statistics, tourism is a social, cultural and economic phenomenon which entails the movement of people to countries or places outside their usual environment for leisure, business, religion, health and for other purposes:

notes further that sustainable tourism on the other hand entails the adoption of policies and programmes that take into account the expectations of tourists and the desire of the communities affected by tourism projects to entrench environmentally friendly practices that minimize carbon dioxide emissions associated with operation of transport and other tourism facilities as well as ensure efficient use and conservation of energy, water, biodiversity, cultural heritage, traditional values, and generally promote intercultural understanding with a view to generating local income and facilitating integration of local communities;

aware of the importance and potential contribution of tourism to Nigeria's quest for economic diversification and creation of employment opportunities to the teeming youth population and the recognition of tourism by the United Nations (UN) as one of the ten sectors capable of making significant contributions to sustainable development because of its close linkages to other sectors of the economy;

notes that over the last decades, tourism has emerged as one of the largest economic sectors accounting for 9% of the world GDP and over 200 million jobs with business volume of tourism reported to equal or even surpass that of oil exports, food products or automobile. Tourism offers millions of direct and indirect entry point into the workforce, particularly for youths and women ensuring diversity of investment opportunities for young entrepreneurial talents;

observes that Nigeria is yet to formulate and adopt policies that would develop the tourism sector in a sustainable manner and leverage on the sector as a wealth creator, major source of foreign exchange earner and most viable economic development strategy with positive impact on poverty alleviation; and

convinced that it has become absolutely necessary for the Senate to intervene in a manner that would ensure that tourism is given priority in our development agenda because of its globally recognized potentials in contributing to the growth of local economies.

Accordingly resolves to:

- (i) mandate the Committees on Information and National Orientation; and Culture and Tourism to summon the Minister of Information and Culture to brief the Committee on the performance of the culture and tourism sectors and the efforts being made to reposition the sector as a major foreign exchange earner and to report within two (2) weeks;
- (ii) urge the Federal Government to adopt a comprehensive sustainable tourism policy with a view to showcasing tourism as an important tool for economic diversification; conservation of natural resources and creation of employment;
- (iii) urge the Federal Government to consider de-merging "culture and tourism" from the Federal Ministry of Information to ensure effective implementation of a sustainable tourism policy that would ensure the optimum realization of the recognized potentials of the tourism sector to our economy; and
- (iv) urge the Nigerian Immigration Service and the Federal Ministry of Health to intensify surveillance and monitoring of tourist traffic to forestall cross-border crimes and epidemics at Nigeria's international borders (*Senator Fatimat O. Raji-Rasaki — Ekiti Central*).

*Debate:**Proposed Resolution(i):*

Question: That the Senate do mandate the Committees on Information and National Orientation; and Culture and Tourism to summon the Minister of Information and Culture to brief the Committee on the performance of the culture and tourism sectors and the efforts being made to reposition the sector as a major foreign exchange earner and to report within two (2) weeks — *Agreed to.*

Proposed Resolution(ii):

Question: That the Senate do urge the Federal Government to adopt a comprehensive sustainable tourism policy with a view to showcasing tourism as an important tool for economic diversification; conservation of natural resources and creation of employment — *Agreed to.*

Proposed Resolution(iii):

Question: That the Senate do urge the Federal Government to consider de-merging “culture and tourism” from the Federal Ministry of Information to ensure effective implementation of a sustainable tourism policy that would ensure the optimum realization of the recognized potentials of the tourism sector to our economy — *Agreed to.*

Proposed Resolution(iv):

Question: That the Senate do urge the Nigerian Immigration Service and the Federal Ministry of Health to intensify surveillance and monitoring of tourist traffic to forestall cross-border crimes and epidemics at Nigeria's international borders — *Agreed to.*

Resolved:

That the Senate:

- (i) mandate the Committees on Information and National Orientation; and Culture and Tourism to summon the Minister of Information and Culture to brief the Committee on the performance of the culture and tourism sectors and the efforts being made to reposition the sector as a major foreign exchange earner and to report within two (2) weeks;
 - (ii) urge the Federal Government to adopt a comprehensive sustainable tourism policy with a view to showcasing tourism as an important tool for economic diversification; conservation of natural resources and creation of employment;
 - (iii) urge the Federal Government to consider de-merging “culture and tourism” from the Federal Ministry of Information to ensure effective implementation of a sustainable tourism policy that would ensure the optimum realization of the recognized potentials of the tourism sector to our economy; and
 - (iv) urge the Nigerian Immigration Service and the Federal Ministry of Health to intensify surveillance and monitoring of tourist traffic to forestall cross-border crimes and epidemics at Nigeria's international borders (S/Res/204/03/18).
- (c) *Urgent need for the declaration of Emergency in the Public Health Sector over the decay of infrastructure:*
- Motion made:* That the Senate notes with alarm the decay of infrastructure in public healthcare institutions in the country occasioned by epileptic power and inadequate water supply resulting in unhygienic conditions which further increases the risk of hospital acquired and transmitted infections;

further notes that critical diagnostic equipment such as MRI, CT Scan, Ultrasound etc. essential for providing efficient diagnosis are either non-functional or unavailable and coupled with lack of life-saving medicaments and drugs which are inadequate and in most cases unavailable to dispense to the patients who throng these facilities in search of treatment for their various conditions;

concerned that this situation has compounded the dearth of ability to attract the required calibre of health professionals and skilled manpower in our public health institutions with doctors and other healthcare professionals leaving for greener pastures to private medical facilities or even abroad where they can practice with ease;

further concerned that the sorry situation in our public health institutions has resulted in increased medical tourism by Nigerians, with the attendant outflow of hard earned foreign currency to the tune of several millions of dollars spent on medical care annually in Europe, America, Asia and even some African countries to the detriment of our own Health Institutions;

regrets that this sorry state of affairs has rendered our hospitals, and other healthcare facilities ineffective resulting in dire consequences for the citizenry; and

recalls that recently, UNICEF in its latest statistics on child mortality ranked Nigeria second highest in the world with losses of about 2,300 under-five year olds and 145 women of child bearing age daily.

Accordingly resolves to:

- (i) urge the Executive to declare a state of emergency in the public health sector in the country; and
- (ii) urge the Executive to provide special funding for overhaul of at least one Government owned medical facility in each of the six geo-political zones of the country every year (*Senator Suleiman O. Hunkuyi — Kaduna North*).

Debate:

Proposed Resolution(i):

Question: That the Senate do urge the Executive to declare a state of emergency in the public health sector in the country — *Agreed to.*

Proposed Resolution(ii):

Question: That the Senate do urge the Executive to provide special funding for overhaul of at least one Government owned medical facility in each of the six geo-political zones of the country every year — *Agreed to.*

Additional Proposed Resolution:

Insert Additional Proposed Resolution as follows:

"That the Senate do urge the National Assembly to ensure compliance in the 2018 budget in funding of National Health Act 2010" (*Senator Aliyu S. Abdullahi — Niger North*).

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

Resolved:

That the Senate:

- (i) urge the Executive to declare a state of emergency in the public health sector in the country;

- (ii) urge the Executive to provide special funding for overhaul of at least one Government owned medical facility in each of the six geo-political zones of the country every year; and
- (iii) urge the National Assembly to ensure compliance in the 2018 budget in funding of National Health Act 2010 (S/Res/205/03/18).

13. Digital Right and Freedom Bill, 2018 (HB. 490) - Concurrence:

Motion made: That a Bill for an Act to Provide for the Protection of Human Rights Online, to Protect Internet Users in Nigeria from Infringement of their Fundamental Freedoms and to Guarantee Application of Human Rights for Users of Digital Platforms and/or Digital Media and for Related Matters, 2018 be read the Second Time (*Deputy Senate Leader*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee of the Whole.

Motion made: Pursuant to Rule 81, that the Senate do resolve into the Committee of the Whole to consider a Bill for an Act to Provide for the Protection of Human Rights Online, to Protect Internet Users in Nigeria from Infringement of their Fundamental Freedoms and to Guarantee Application of Human Rights for Users of Digital Platforms and/or Digital Media and for Related Matters, 2018 (*Concurrence*) (*Deputy 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 HUMAN RIGHTS ONLINE, TO PROTECT INTERNET USERS IN NIGERIA FROM INFRINGEMENT OF THEIR FUNDAMENTAL FREEDOMS AND TO GUARANTEE APPLICATION OF HUMAN RIGHTS FOR USERS OF DIGITAL PLATFORMS AND/OR DIGITAL MEDIA AND FOR RELATED MATTERS, 2018.

PART I — PRELIMINARY

Clause 1: Objectives.

1. The Objectives of this Bill are to —
 - (a) promote the freedoms of expression assembly and association online;
 - (b) guarantee the fundamental privacy rights of citizens and define the legal framework regarding surveillance;
 - (c) clearly outline provisions for lawful and authorized interception of communications within the digital environment and online without sacrificing the freedom of citizens or their constitutional right to communicate freely;
 - (d) accord data privacy more priority and thus safeguarding sensitive citizen data currently being held by numerous government and private institutions;
 - (e) guarantee application of the human rights which apply offline within the digital environment and online;

- (f) provide sufficient safeguards against abuse and provide opportunities for redress where infringement occurs;
- (g) safeguard the digital liberty of Nigerians, now and in the future;
- (h) seek to guarantee the inviolability of communications, except by order of Court obtained in accordance with the due process of Law; and
- (i) equip the judiciary with the necessary legal framework to protect human rights online.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Deputy Senate Leader*) — *Agreed to.*

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

Clause 2: **Application.**

The provisions of this Bill shall apply throughout the Federal Republic of Nigeria.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Deputy Senate Leader*) — *Agreed to.*

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

PART II — FUNDAMENTAL RIGHTS AND FREEDOMS

Clause 3: **Right to Digital Privacy.**

- (1) Unlawful, unauthorised and undue interference with the online privacy of any person, is prohibited under this Bill.
- (2) Except the context otherwise provides, the Rule of Confidentiality shall apply to the entire provisions of this Bill.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Deputy Senate Leader*) — *Agreed to.*

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

Clause 4: **Anonymity.**

- (1) Every person shall have the right to communicate anonymously online without fear of interference with correspondence.
- (2) Every person shall have the right to express themselves anonymously online and shall not be compelled to adopt real name registration systems.
- (3) Internet Service Providers shall uphold and respect the human rights of customers by supporting the exercise of anonymous speech.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Deputy Senate Leader*) — *Agreed to.*

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

Clause 5: **Data and Information Privacy.**

- (1) Every person is guaranteed the confidentiality of his personal data.

- (2) The integrity and confidentiality of personal data and information of citizens is inviolable and therefore guaranteed.
- (3) There shall be clear procedures by which the private data of individuals, stored by intermediaries, can be accessed.
- (4) Requests for private data shall follow legally stipulated procedures and Court warrants shall be necessary in order for an intermediary to honour a request for private data, which request shall be reported to the concerned individual.
- (5) Every private entity in Nigeria holding citizen data - personal details of private individuals - shall publish in two National Newspapers bi-annual periodic reports detailing the nature and frequency of government requests.
- (6) All entities that collect, store and/or process personal data in the course of their activities shall have data privacy policies that are readily and easily accessible to the public.
- (7) Under certain exceptional situations where the State may limit the right to privacy for the purposes of administration of criminal justice or prevention of crime, such measures shall be in compliance with the international human rights framework, with adequate safeguards against abuse.
- (8) Measures referred to in sub-clause (7) include ensuring that any measure to limit the right to privacy is taken on the basis of a specific decision by a State Authority expressly empowered by law to do so, and shall respect the principles of necessity and proportionality.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Deputy Senate Leader*) — *Agreed to.*

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

Clause 6: Data in the Cloud.

- (1) Every data owner is entitled to the ownership of his or her data stored in the cloud regardless of where it is stored.
- (2) Every cloud storage provider offering services in Nigeria shall be responsible for keeping the data available and accessible, and the physical environment protected and running on behalf of the data owner.
- (3) Every data owner shall have the ability to access personal data and transfer it in the event that the cloud provider goes bankrupt.
- (4) A cloud provider shall give a data owner a seven-day warning before declaring bankruptcy to afford data subjects ample time to get their data off of that server.
- (5) A data owner reserves the right to be informed about the success or liability in the event that such provider is bought out by another company.
- (6) A data owner shall be notified by the host whenever his data is subpoenaed, in order to file a response in court where the need arises.

- (7) A Provider shall make backup of data and guarantee uptime, and where the Provider loses data belonging to the owner, such a Provider shall be liable for damages commensurate to the value of the data lost, plus interest at the prevailing rate.
- (8) A Provider shall give a data Owner guarantees as to the constant availability of his account on the cloud at all times.
- (9) A data Owner shall have the right to know the status of Cyber Risk insurance and certification of the Provider.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Deputy Senate Leader*) — *Agreed to.*

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

Clause 7: Data Ownership.

- (1) Every person shall be entitled to the ownership of online content created by themselves or their agents, and shall be responsible for them.
- (2) The digital assets or data sets of an owner such as passwords, instructive memos, digital contracts, digital receipts, pictures, medical information, bank accounts, writings, social interactions or anything else that a user has access to primarily in the digital space is inheritable to be managed and owned by his heirs or next of kin.
- (3) Service providers shall strictly protect the privacy rights of owners against violation by third parties and by the service providers themselves or their agents howsoever; the occurrence of which shall give rise to compensation as shall be determined by the court having due regard to the extent of damage.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Deputy Senate Leader*) — *Agreed to.*

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

Clause 8: Phishing.

No person, masquerading as a legal entity or otherwise, is entitled to hold and own sensitive information on the internet such as usernames, passwords, credit card or bank information, and similar information of an individual without authorised access.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Deputy Senate Leader*) — *Agreed to.*

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

Clause 9: Surveillance and Lawful Interception.

- (1) Notwithstanding the provisions of section 5 of this Bill, the right to privacy shall be derogated only in the following conditions —
 - (a) any interference with privacy rights shall be properly published in a Gazette and available to the general public. Any person who is the subject of such lawful interference shall be duly notified within seven days upon the completion of such lawful interference;

- (b) where interference is unavoidable, the collection, interception and retention of communications data, shall only be lawfully carried out with an appropriate Court Order having been sought and obtained, and a period specified;
 - (c) any measure to undertake lawful interference shall not be applied in a manner that discriminates on the basis of ethnicity, sex, religion, political or other opinion, national, property, or other status;
 - (d) communications Surveillance shall be strictly based on the principle of necessity and as a last resort; it shall only be conducted when it is the only means of achieving a legitimate aim, or, when there are multiple means, it is the means least likely to infringe upon human rights. The onus of establishing this justification shall always be on the Government, and/or the entity seeking to carry out the surveillance;
 - (e) any instance of Communications Surveillance authorised by the court shall be appropriate, proportionate and adequate to fulfil the specific legitimate aim identified;
 - (f) government decisions and policies about Communications Surveillance shall consider the sensitivity of the information accessed and the severity of the infringement on human rights and other competing interests;
 - (g) user notification shall be issued to anyone whose communications are being under surveillance with enough time and information as appropriate in the circumstance to enable him challenge the decision or seek other remedies and shall have access to the materials presented in support of the application for authorization;
 - (h) any delay in notification as stipulated in sub-section (a) of this section 13 (a) above shall only be justified in the following circumstances enumerated hereunder—
 - (i) notification would seriously jeopardize the purpose for which the Communications Surveillance is authorized, or there is an imminent risk of danger to human life;
 - (ii) authorization to delay notification is granted by a court of competent jurisdiction; and
 - (iii) the User affected is notified as soon as the risk is lifted as determined by a Competent Judicial Authority in Sub-paragraph (ii);
 - (iv) the obligation to give notice rests with the State; however communications service providers may notify individuals of the Communications Surveillance, voluntarily or upon request.
- (2) Citizens and lawful residents of Nigeria shall be at liberty to send electronic communications to one another free from the fear of surveillance, monitoring, interception or any other violation of privacy.

- (3) Mass or indiscriminate surveillance of the people and the monitoring of their communications shall not be carried out.
- (4) The State shall apply transparency in its use and scope of Communications Surveillance policies, regulations, activities, powers, or authorities; It shall publish, at a minimum, aggregate information on the specific number of requests approved and rejected, a disaggregation of the requests by service provider and by investigation authority, type, and purpose, and the specific number of individuals affected by each.
- (5) The State shall provide individuals with sufficient information to enable them to fully comprehend the scope, nature, and application of the laws permitting Communications Surveillance. States should not interfere with service providers in their efforts to publish the procedures they apply when assessing and complying with State requests for Communications Surveillance, adhere to those procedures, and publish records of State requests for Communications Surveillance.
- (6) The State shall establish independent public oversight mechanisms in addition to any oversight already provided through another branch of government, to ensure transparency and accountability of Communications Surveillance.
- (7) Government agencies shall obtain a search warrant based on probable cause before it can compel any service provider to disclose a user's private communications or documents stored online.
- (8) Government agencies shall obtain a search warrant based on probable cause before they can track, prospectively or retrospectively, the location of a cell phone or other mobile communications devices.
- (9) Before obtaining transactional data in real time about when and with whom an individual communicates using email, instant messaging, text messaging, the telephone or any other communications technology, government agencies shall demonstrate to a court that such data is relevant to an authorized criminal investigation.
- (10) Monitoring of communications made over the Internet or telephone, and in particular, the data at issue or information on who individuals email with, share instant messages with, send text messages to, and the Internet Protocol addresses of the Internet sites individuals visit shall not be lawful without a court order.
- (11) Before obtaining transactional data about multiple unidentified users of communications or other online services when trying to track down a suspect, government agencies shall first demonstrate to a court that the data is needed for its criminal investigation and obtain a Court Order.
- (12) Government agencies shall not arbitrarily employ the use of subpoenas to get information in bulk about broad categories of telephone or Internet users.
- (13) Government agencies shall seek, with the leave of court, the records of specific individuals that are relevant to an investigation.

- (14) After material obtained through Communications Surveillance has been used for the purpose for which information was given, the material shall not be retained, but instead be immediately destroyed or returned to those affected.
- (15) Whistle-blowers are also adequately protected by this Bill from any form of sanction, attack, arrest or subjected to any civil or criminal proceedings.
- (16) All persons affected by illegal surveillance activities shall be adequately compensated by the surveilling entity.
- (17) Every person shall have the right to due process in relation to any legal claims or violations of the law regarding the Internet. Standards of liability, including defences in civil cases, shall take into account the overall public interest in protecting both the expression and the forum in which it is made.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Deputy Senate Leader*) — *Agreed to.*

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

Clause 10: Personal Data Protection.

- (1) Every person is entitled to the collection, use and disclosure of personal data by Organizations in a manner that recognizes both the right of individuals to protect their personal data, including rights of access and correction, as well as the need of organizations to collect, use or disclose personal data for legitimate and reasonable purposes as appropriate in the circumstances.
- (2) The use of Personal Data under this clause shall be in accordance with the following —
 - (a) consent - Organizations may collect, use or disclose personal data only with the individual's knowledge and consent;
 - (b) purpose - Organizations may collect, use or disclose personal data in an appropriate manner for the circumstances, and only if they have informed the individual of purposes for the collection, use or disclosure; and
 - (c) reasonableness - Organizations may collect, use or disclose personal data only for purposes that would be Personal Data Protection, considered appropriate to a reasonable person in the given circumstances.
- (3) The obligations of an Organization with respect to personal data include —
 - (a) an Organization is responsible for personal data in its possession or under its control;
 - (b) in meeting its responsibilities under this clause an Organization shall consider what a reasonable person would consider appropriate in the circumstances;
 - (c) an Organization shall designate one or more individuals to be responsible for ensuring that the Organization complies with the provision of this clause;
 - (d) an individual designated under Paragraph (c) above may delegate to another individual the responsibility conferred by that designation;

- (e) an Organization shall make available to the public the business contact information of at least one of the individuals designated under Paragraph (c) or delegated under paragraph (d);
 - (f) the designation of an individual by an Organization under paragraph (c) shall not relieve the Organization of any of its obligations under this clause.
- (4) An Organization shall have the same obligation under this clause in respect of personal data processed on its behalf and for its purposes by a data intermediary as if the personal data were processed by the Organization itself.
- (5) This Bill shall not apply in respect of —
 - (a) personal data about an individual that is contained in a record that has been in existence for at least 100 years;
 - (b) personal data about a deceased individual except that the provisions relating to the disclosure of personal data shall apply in respect of personal data about an individual who has been dead for 25 years;
 - (c) this clause shall also apply to business contact information.
- (6) An Organization shall not, on or after the appointed day, collect, use or disclose personal data about an individual unless —
 - (a) the individual gives, or is deemed to have given, his consent under this Bill to the collection, use or disclosure, as the case may be; or
 - (b) the collection, use or disclosure, as the case may be, without the consent of the individual is required or authorized under this Bill or any other written law.
- (7) An individual has not given consent under this sub-clause for the collection, use or disclosure of personal data about the individual by an Organization for a purpose unless —
 - (a) the individual has been provided with the information; and
 - (b) the individual provided his consent for that purpose in accordance with this clause.
- (8) An Organization shall not —
 - (a) as a condition of providing a product or service, require an individual to consent to the collection, use or disclosure of personal data about the individual beyond what is reasonable to provide the product or service to that individual; or
 - (b) obtain or attempt to obtain consent for collecting, using or disclosing personal data by providing false or misleading information with respect to the collection, use or disclosure of the personal data, or using deceptive or misleading practices.
- (9) In this clause, references to consent given, or deemed to have been given, by an individual for the collection, use or disclosure of personal data about the individual shall include consent given, or deemed to have been given, by any person validly acting on behalf of that individual for the collection, use or disclosure of such personal data.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Deputy Senate Leader*) — *Agreed to.*

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

Clause 11: Consent for Collection, Use and Disclosure of Personal Data.

- (1) An individual is deemed to consent to the collection, use or disclosure of personal data about the individual by an Organization for a purpose if the individual, without actually giving consent referred to in this Bill, voluntarily provides the personal data to the Organization for that purpose .
- (2) If an individual gives, or is deemed to have given, consent to the disclosure of personal data about the individual by one Organization to another Organization for a particular purpose, the individual is deemed to consent to the collection, use or disclosure of the personal data for that particular purpose by that other Organization.
- (3) On giving reasonable notice to the Organization, an individual may at any time withdraw any consent given, or deemed to have been given under this clause, in respect of the collection, use or disclosure by that Organization of personal data about the individual for any purpose.
- (4) On receipt of the notice referred to in sub-clause (3), the Organization concerned shall inform the individual of the likely consequences of withdrawing his consent.
- (5) An Organization shall not prohibit an individual from withdrawing his consent to the collection, use or disclosure of personal data about the individual, but this clause shall not affect any legal consequences arising from such withdrawal.
- (6) If an individual withdraws consent to the collection, use or disclosure of personal data about the individual by an Organization for any purpose, the Organization shall cease (and cause its data intermediaries and agents to cease) collecting, using or disclosing the personal data, as the case may be, unless such collection, use or disclosure, as the case may be, without the consent of the individual is authorized under this Bill or other written law.
- (7) An Organization may collect, use or disclose personal data about an individual without the consent of the individual or from a source other than the individual in any of the following circumstances —
 - (a) it is necessary to respond to an emergency that threatens the life, health or safety of the individual or another individual;
 - (b) the personal data is publicly available;
 - (c) the collection, use or disclosure is necessary for any investigation or proceedings, if it is reasonable to expect that seeking the consent of the individual would compromise the availability or the accuracy of the personal data;
 - (d) the collection, use or disclosure is necessary for evaluative purposes;
 - (e) the personal data is collected, used or disclosed solely for artistic or literary purposes;

- (f) the personal data is collected, used or disclosed by a news Organization solely for its news activity;
- (g) the personal data is collected, used or disclosed by a credit bureau from a member of the credit bureau to create a credit report, or by a member of the credit bureau from a credit report provided by the credit bureau to that member in relation to a transaction between the member and the individual;
- (h) the personal data is collected, used or disclosed to confer an interest or a benefit on the individual under a private trust or a benefit plan, and to administer such trust or benefit plan, at the request of the settlor or the person establishing the benefit plan, as the case may be;
- (i) the personal data is included in a document —
 - (i) produced in the course, and for the purposes, of the individual's employment, business or profession; and
 - (ii) collected, used or disclosed for purposes consistent with the purposes for which the document was produced.
- (j) the personal data —
 - (i) is collected, used or disclosed by an Organization, being a party or a prospective party to a business asset transaction with another Organization, from that other Organization;
 - (ii) is about an employee, customer, director, officer or shareholder of the other Organization; and
 - (iii) relates directly to the part of the other Organization or its business assets with which the business asset transaction is concerned.
- (k) the personal data was disclosed by a public agency, and the collection, or use is consistent with the purpose of the disclosure by the public agency; or
- (l) the personal data —
 - (i) was disclosed to the Organization; and
 - (ii) is collected by the Organization for purposes consistent with the purpose of that disclosure.
- (8) A responsible party must take reasonably practical steps to ensure that the personal information is complete, accurate, not misleading, and updated where necessary.
- (9) In taking the steps referred to in sub-clause (8), the responsible party must have regard to the purpose for which information is collected or further processed.

- (10) The processing of personal information of a data subject for the purpose of direct marketing by means of any form of electronic communication, including but not limited to automated calling machines, facsimile machines, SMSs or e-mail is prohibited unless the data subject has expressly given his or her consent.
- (11) A responsible party may approach a data subject whose consent is required in terms of sub-clause (10); and who has not previously withheld such consent, only in order to request the consent of the data subject.
- (12) The data subject's consent must be requested in the prescribed manner and form.
- (13) A responsible party may only process the personal information of a data subject who is a customer of the responsible party in terms of sub-clause (10) —
 - (a) if the responsible party has obtained the contact details of the data subject in the context of the sale of a product or service;
 - (b) for the purpose of direct marketing of the responsible party's similar products or services; and
 - (c) if the data subject has been given a reasonable opportunity to object free of charge and in a manner free of unnecessary formality, to such use of his or its electronic details —
 - (i) at the time when the information was collected; and
 - (ii) on the occasion of each communication with the data subject for the purpose of marketing if the data subject has not initially refused such use.
- (14) Any communication for the purpose of direct marketing must contain —
 - (a) details of the identity of the sender or the person on whose behalf the communication has been sent; and
 - (b) an address or other contact details to which a recipient may send a request terminating such communication.

Committee's Recommendation:

That the provision in Clause 11 be retained (*Deputy Senate Leader*) — *Agreed to.*

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

Clause 12: Transfer of personal information outside Nigeria:

- (1) A data subject who is a subscriber to an electronic directory of subscribers available to the public or obtainable through directory enquiry services, in which his or its personal information is included, must be informed, free of charge and before the information is included in the directory —
 - (a) about the purpose of the directory; and
 - (b) about any further uses to which the directory may possibly be put, based on search functions embedded in electronic versions of the directory.
- (2) This clause shall not apply to editions of directories that were produced in electronic forms prior to the commencement of this Bill.

- (3) The provisions of sub-clause (1) do not apply if the decision —
 - (a) has been taken in connection with the conclusion or execution of a contract, and the request of the data subject in terms of the contract has been met;
 - (b) appropriate measures have been taken to protect the data subject's legitimate interest;
 - (c) is governed by a law or code of conduct in which appropriate measures are specified for protecting the legitimate interest of the data subjects.
- (4) A responsible party within Nigeria may not transfer, transmit, or cause to be transferred or transmitted by any means whatsoever, of personal information about a data subject to a third party who is in a foreign country unless —
 - (a) the third party who is recipient of the information is subject to a law, binding corporate rules, or binding agreements which provide an adequate level of protection that —
 - (i) effectively upholds principles for reasonable processing of information that are substantially similar to the conditions for the lawful processing of personal information relating to a data subject who is a natural person and, where applicable, a juristic person; and
 - (ii) includes provisions, that are substantially similar to this sub-clause, relating to the further transfer of personal information from the recipient to third parties who are in a foreign country;
 - (b) the data subject consents to the transfer;
 - (c) the transfer is necessary for the performance of a contract between the data subject and a responsible party, or for the implementation of a pre-contractual measures taken in response to the data subject's request;
 - (d) the transfer is necessary for the conclusion or performance of a contract concluded in the interest of the data subject between the responsible party and a third party; and
 - (e) the transfer is for the benefit of the data subject, and —
 - (i) it is not reasonably practicable to obtain the consent of the data subject to the transfer;
 - (ii) if it were reasonably possible to obtain such consent, the data subject would be likely to give it.

Committee's Recommendation:

That the provision in Clause 12 be retained (*Deputy Senate Leader*) — *Agreed to.*

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

Clause 13: Freedom of Expression Online.

The right to opinion and expression on the Internet shall not be subject to any restrictions, save as provided for under the 1999 Constitution of the Federal Republic of Nigeria (as amended), the Freedom of Information Act, 2011, and other relevant legislations.

Committee's Recommendation:

That the provision in Clause 13 be retained (*Deputy Senate Leader*) — *Agreed to.*

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

Clause 14: Freedom of Expression of Opinion Online.

- (1) Every person shall have the right to freely express opinion online without interference, this right includes the freedom to seek, receive and impart information and ideas, regardless of digital frontiers.
- (2) Under this Bill, freedom of expression further includes the freedom to express and impart information and ideas of all kinds that can be transmitted to others, in whatever form, and regardless of media. Information or ideas that may be regarded as critical or controversial by the Authorities or by a majority of the population, including ideas or views that may "shock, offend or disturb" are also covered by the right to impart information and ideas of all kinds through any media and regardless of frontiers.
- (3) Means of expression shall include books, newspapers, pamphlets, posters and banners in digital format or online, as well as all forms of audio-visual, electronic and internet-based modes of expression.
- (4) The right to freedom of expression includes the right to seek and receive information through the use of the Internet.
- (5) The government shall not use or compel intermediaries to undertake censorship on its behalf and intermediaries shall not be required to prevent, hide or block content or disclose information about Internet users, or to remove access to user generated content, including those that infringe copyright laws, without the leave of court.
- (6) The decision of intermediaries which has the tendency to affect the interest of a user shall be made taking into account the need to protect expression that is legitimate under international standards.
- (7) Professional journalists, bloggers as well as citizen journalists and others who contribute to shaping public debate and public opinion on the Internet shall be recognized as agents of the larger society who enable the formation of opinions, ideas, decision-making and democracy.
- (8) Inconsistent and abusive application of legislation shall not be used to censor criticism and debate concerning public issues and to foster a climate of fear and self-censorship among media actors and the public at large.
- (9) The abuse of the freedom of expression under the guise of protection of national security is prohibited. Consequently the state shall balance the need by ensuring that anti-terrorism laws, treason laws or similar provisions relating to national security conform with their obligations under international human rights law.

- (10) The right to freedom of expression on the Internet shall not be subject to any restrictions, except those which are provided by law, for a legitimate purpose and necessary and proportionate in a democratic society, as consistent with international human rights standards.
- (11) Any restriction on freedom of expression must be provided by law, and shall only be imposed for the grounds set out in international human rights law, and shall be, as a matter of obligation, in conformity to the strict tests of necessity and proportionality.
- (12) No restriction on freedom of expression on the ground of protection of the rights of others, including copyright, may be imposed unless the State can demonstrate that the restriction is prescribed by law and is necessary in a democratic society to protect those interests. The burden of demonstrating the validity of the restriction rests with the State or the copyright holder.

Provided that —

- (a) "prescribed by law" means that the law must be accessible, unambiguous, drawn narrowly and with sufficient precision so as to enable individuals to foresee whether a particular action is unlawful;
- (b) this Bill is premised on the rule of law and thus provides for prompt, full and effective scrutiny of the validity of the restriction by an independent court, tribunal or other independent adjudicatory body;
- (c) any restriction on freedom of expression that the State seeks to justify on grounds of protection of copyright interests must have the genuine purpose and demonstrable effect, on the basis of independent evidence, of protecting the ends that copyright seeks to achieve;
- (d) disconnection from access to the Internet on grounds of copyright is always a disproportionate restriction on the right to freedom of expression;
- (e) filtering, blocking, removal and other technical or legal limits on access to content are serious restrictions on freedom of expression and can only be justified if they strictly comply with international human rights standards relating to limitations and due process;
- (f) website blocking on grounds of copyright protection shall be considered a disproportionate restriction on freedom of expression because of associated risks of over-blocking and the general lack of effectiveness of this measure;
- (g) insofar as website blocking may already be permitted by law, this measure shall only be imposed by courts or other independent adjudicatory bodies. In determining the scope of any blocking order, the courts or adjudicatory bodies shall address themselves to the following —
 - (i) any blocking order shall be as targeted as possible;
 - (ii) no blocking order should be granted unless the rights holder seeking the order has established copyright in the works which are said to be unlawfully accessed;

- (iii) no blocking injunction should be granted beyond the works in which copyright has been established by the rights holders;
 - (iv) whether the blocking order is the least restrictive means available to bring an end to individual acts of infringement including an assessment of any adverse impact on the right to freedom of expression;
 - (v) whether access to other non-infringing material will be impeded and if so to what extent, bearing in mind that in principle, non-infringing content should never be blocked;
 - (vi) the overall effectiveness of the measure and the risks of over-blocking;
 - (vii) whether the blocking order should be of limited duration;
 - (viii) website blocking orders to prevent future copyright infringements are a form of prior censorship and as such are a disproportionate restriction on freedom of expression.
- (h) a restriction on freedom of expression is proportionate in a democratic Nigeria only if —
- (i) it is the least restrictive means available for protecting that interest; and
 - (ii) the restriction is compatible with democratic principles.
- (i) protection of national security or countering terrorism/insurgency cannot be used to justify restricting the right to expression unless it can be demonstrated that —
- (i) the expression is intended to incite imminent violence;
 - (ii) it is likely to incite such violence; and
 - (iii) there is a direct and immediate connection between the expression and the likelihood or occurrence of such violence.
- (j) the courts shall prescribe stringent procedures for allowing consumer groups or other interested parties to intervene in injunction proceedings in which a blocking order is sought;
- (k) knowingly submitting a court application for blocking of content without copyright should be penalized and those harmed by such applications shall be compensated, the amount of which shall be determined by the court. The same applies to overbroad and negligent blocking applications;
- (l) any restriction that prevents the flow of information online shall be in line with permissible limitations as set out in international human rights law;

- (m) independence for both public and private media, fair and independent media markets shall be held as essential for exercising the right to free expression.
- (13) Any speech, gesture or conduct, writing, or display capable of inciting violence or prejudicial action against or by a protected individual or group, by disparaging or intimidating a protected individual or group on the basis of attributes such as gender, ethnic origin, religion, race, disability, or sexual orientation, amounts to hate speech and is forbidden.
- (14) Hate Speech on social media or other online platforms which incites violence, hatred or discrimination against individuals or groups identified by a specific set of characteristics are prohibited.
- (15) Government concerns about hate speech shall not be abused to discourage citizens from engaging in legitimate democratic debate on matters of general interest.
- (16) It shall be the duty of the courts to make a distinction between, on the one hand, genuine and serious incitement to extremism and, on the other hand, the right of individuals (including journalists and politicians) to express their views freely and to "offend, shock or disturb" as a way of combating certain forms and expressions of hate speech.
- (17) Censorship on the Internet, which usually takes the form of laws allowing for the total or partial banning of certain web pages and in certain extreme circumstances, where the State resorts to the complete disconnection of the Internet network, thus isolating a whole region from the rest of the country and the world at large, is a violation of the freedom of expression.
- (18) The jamming of wireless signals, another means of censorship which deprives individuals of their right to freedom of opinion and expression, is prohibited.
- (19) The state shall not unduly restrict, control, manipulate and censor content disseminated via the Internet without any legal basis, or on the basis of broad and ambiguous laws, without justifying the purpose of such actions; and/or in a manner that is clearly unnecessary and/or disproportionate to achieving the intended aim.

Committee's Recommendation:

That the provision in Clause 14 be retained (*Deputy Senate Leader*) — *Agreed to.*

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

Clause 15: Freedom of Information Online.

- (1) The use and re-use of government held data and information shall be available free of charge wherever practical, and if not, charging shall be transparent, reasonable; the same for all users, and not designed as a barrier to the use or reuse of the data.

- (2) The existing obligation on public bodies to share all information produced with the support of public funds in terms of sub-clause (1), subject only to clearly defined rules set out in law, as established by the Declaration of Principles on Freedom of Expression in Africa, shall extend to the proactive release of such information on the World Wide Web in openly licensed, freely re-useable formats.
- (3) Copyrighted materials held by public bodies shall be licensed for re-use in accordance with relevant access to information laws and licensing frameworks.
- (4) The right of citizens to access the Internet for the purposes of information gathering or sharing, conducting business and/or expressing personal opinion is hereby guaranteed; it shall be illegal for government or any entity to deny or censor access to the Internet without providing adequate and acceptable reasons.
- (5) The duty in terms of sub-clause (2) presupposes providing access to particularly rural areas and the urban poor where Internet penetration is low or nonexistent, lack of technological availability, slower Internet connection, and/or higher costs.
- (6) Priority shall be accorded to persons with disabilities and persons belonging to minority groups, who often face barriers to accessing the Internet in a way that is meaningful, relevant and useful to them in their daily lives.
- (7) Where the infrastructure for Internet access is present, the government shall support initiatives to ensure that online information can be accessed in a meaningful way by all sectors of the population, including persons with disabilities and persons belonging to linguistic minorities.
- (8) Interference which may arise out of abusive, opportunistic or discriminatory (variable geometry) application of various laws, interference with privately operated Internet based platforms or applications, are prohibited.
- (9) Blocking, which refers to measures taken to prevent certain content from reaching an end-user, or extensive filtering systems that block access to websites containing key terms includes preventing users from accessing specific websites, Internet Protocol (IP) addresses, domain name extensions, the taking down of websites from the web server where they are hosted, or using filtering technologies to exclude pages containing keywords or other specific content from appearing. The arbitrary act of blocking access to certain digital media such as the social network is prohibited.
- (10) Unlawful, unauthorised and undue restriction on media freedom and pluralism which hinders the freedom to receive and impart information, diminishes media's ability to act as a public watchdog holding power to account, and which in turn undermines both public trust in the media and the exercise of democracy itself, is prohibited.
- (11) Illegitimate types of information which may be restricted include child pornography (to protect the rights of children), hate speech (to protect the rights of affected communities), defamation (to protect the rights and reputation of others against unwarranted attacks), direct and public

incitement to commit genocide (to protect the rights of others), and advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence (to protect the rights of others, such as the right to life).

- (12) Notwithstanding these provisions, the relevant laws shall apply in cases where the content infringes on the rights of another citizen.

Committee's Recommendation:

That the provision in Clause 15 be retained (*Deputy Senate Leader*) — *Agreed to.*

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

Clause 16: Right to Peaceful Assembly and Association Online.

- (1) Everyone shall have the right to peaceful assembly and association online, including through social networks and platforms.
- (2) Organisers and participants of peaceful assemblies have the right to access the Internet and other new technologies at all times, without interference except those which are provided by law, for a legitimate purpose and necessary and proportionate in a democratic society, as consistent with international human rights standards.
- (3) The freedom of assembly and association as guaranteed by section 40 of the 1999 constitution of the Federal Republic of Nigeria (as amended) shall apply to every Internet activity.
- (4) Social and economic openness, to support innovation and guard against monopolies, is hereby protected.
- (5) All data on the Internet shall be treated in an equal and non-discriminatory manner, and shall not be charged differentially, according to user, content, site, platform, application, type of attached equipment, and modes of communication or any other consideration whatsoever.
- (6) There shall be no special privileges for, or obstacles against, the exchange of information online or any party or content on economic, social, cultural, or political grounds.
- (7) Nothing in this clause may be interpreted as preventing affirmative action aimed at ensuring substantive equality for marginalized peoples or groups.

Committee's Recommendation:

That the provision in Clause 16 be retained (*Deputy Senate Leader*) — *Agreed to.*

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

Clause 17: Freedom to Learn.

- (1) Every person shall have the right to learn: traditional students, non-traditional students, adults, children, and teachers, independent of age, gender, race, social status, sexual orientation, economic status, state of origin, religion, bodily ability, and environment anywhere and everywhere in Nigeria.

- (2) It shall be the fundamental principle and practice of government agencies responsible for educational policymaking to include compulsory Internet literacy skills in school curricula, and support similar learning modules outside of schools.
- (3) In addition to basic skills training, modules shall clarify the benefits of accessing information online, and of responsibly contributing information.
- (4) The education in terms of sub-clause (2) shall also be directed towards helping individuals learn how to protect themselves against harmful content, and explain the potential consequences of revealing private information on the Internet.
- (5) Online learning, which has the potential to ensure that the right to education is a reality for a greater percentage of the nation's population, shall be promoted to give universal access to learning.
- (6) To ensure the right to access, learning shall be affordable and available, offered in myriad formats, to students located in a specific place and students working remotely, adapting itself to Freedom of Assembly and Association Online Net Neutrality 32 people's different lifestyles, mobility needs, and schedules.
- (7) Media and information literacy shall be promoted to enable all people to access, interpret and make informed judgments as users of information, as well as to create information.
- (8) Accordingly, flowing from sub-clause 7, media and information literacy programmes shall be instituted in schools and in other public institutions, wherein practical school children, and other learners, shall have access to Internet enabled devices.
- (9) It shall be the duty of Government at all levels to ensure that people with disabilities have equal access to knowledge.
- (10) The lack of copyright exceptions benefiting people with sensory impairments constitute a breach of their rights to freedom of expression, private life and their right to participate in cultural life. Equal access to knowledge by people of all languages and levels of literacy shall be promoted.
- (11) The lack of copyright exceptions benefiting minority language speakers and persons with low literacy levels undermines their rights to freedom of expression, private life and their right to participate in cultural life.

Committee's Recommendation:

That the provision in Clause 17 be retained (*Deputy Senate Leader*) — *Agreed to.*

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

Clause 18: Protection of Privacy of Students and Learners.

- (1) Student privacy shall be protected as an inalienable right regardless of whether learning takes place in a brick-and-mortar institution or online.
- (2) Students and other learners have a right to know how data collected about their participation in the online system will be used by the organization and made available to others.

- (3) The provider shall offer clear explanations of the privacy implications of students' choices.
- (4) Learners within a global, digital commons shall have the right to work, network, and contribute to knowledge in public; to share their ideas and their learning in visible and connected ways if they so choose.
- (5) Courses offered shall encourage open participation and meaningful engagement with real audiences where possible, including peers and the broader public.
- (6) Online students also have the right to create and own intellectual property and data associated with their participation in online courses.
- (7) Online programs shall encourage openness and sharing, while working to educate students about the various ways they can protect and license their data and creative work.
- (8) Any changes in terms of service shall be clearly communicated by the provider, and they shall never erode the original terms of privacy or the intellectual property rights to which the student agreed.
- (9) Students shall have the right to know how their participation supports the financial health of the online system in which they are participating.
- (10) They shall have the right to fairness, honesty, and transparent financial accounting. This is also true of courses that are "free".

Right to Education Online.

- (11) The provider shall offer clear explanations of the financial implications of students' choices.
- (12) Students shall have the right to understand the intended outcomes—educational, vocational, even philosophical of an online program or initiative.

Committee's Recommendation:

That the provision in Clause 18 be retained (*Deputy Senate Leader*) — *Agreed to.*

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

Clause 19: Right to Create Public Knowledge.

- (1) If a credential or badge or certification is promised by the provider, its authenticity, meaning, and intended or historical recognition by others - such as employers or academic institutions) shall be clearly established and explained.
- (2) Research capacity and appropriate human resource development in the field of ICT skills shall be promoted with a view to —
 - (a) introduce and extend e-Learning in institutions of learning;
 - (b) promote development of specialist/expert capacity in ICT;
 - (c) promote Digital Literacy;

- (d) promote ICT for Education;
 - (e) accelerate Knowledge Development and Management;
 - (f) encourage the utilization of ICT across all socio-economic sectors in Nigeria;
 - (g) increase research and development capacity in ICT sectors; and
 - (h) harness skills and expertise of Nigerians in Diaspora in ICT development.
- (3) Education and innovation are interrelated drivers of development, which shall be facilitated by ICTs, access to knowledge and education.
- (4) Teacher professional development, digital learning resources, affordable technologies, education management information systems and National Research and Education Networks shall be accorded priority.
- (5) Teachers' capacity in ICT shall be enhanced, as effective integration of technology into teaching and learning requires well qualified educators, a clear focus on equipping teachers with ICT literacy skills and support for teachers to use skills and technology in teaching and learning online.
- (6) Educators and students shall access learning materials and collaboration platforms at affordable rates as more functional, low-cost devices become available.
- (7) Broadband access shall be made commonly available as connectivity is crucial for accessing resources, and requires continued focus on competitive broadband access using suitable technologies - wired and wireless, and national collaborative networks.
- (8) Access to content shall be improved by open educational resources, which can be copied and adapted without license fees.

Committee's Recommendation:

That the provision in Clause 19 be retained (*Deputy Senate Leader*) — *Agreed to.*

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

Clause 20: E-governance and Financial Transparency.

- (1) An open, modernized e-governance system enabled by free-flow and access to information and the manner which citizens and businesses interact with government representatives and other agents of the state shall be pursued vigorously.
- (2) Governments shall recognize the power of social media and use it to democratic advantage, in particular to reinforce democratic processes, drive efficiency, foster innovation, empower public sector workers and expose corruption.
- (3) An effective e-governance service delivery system shall be pursued by the establishment of accurate, effective and efficient national identification systems, incorporating technology that reduces fraud and identity theft.

Committee's Recommendation:

That the provision in Clause 20 be retained (*Deputy Senate Leader*) — *Agreed to.*

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

PART III — OFFENCES AND PENALTIES***General Offences and Penalties.*****Clause 21: Pedagogical Transparency.**

- (1) Any person, who, intentionally and without authorization or in excess of authority, commits an offence contrary to the provisions of clause 5 (1) of this Bill, shall upon conviction be liable to five years imprisonment with an option of a fine not less than the sum of one million naira or to both. In the case of a body corporate, upon conviction, a fine of not less than five million naira shall apply.
- (2) Any person, who intentionally and without authorization or in excess of authority, commits an offence contrary to the provisions of clause 9 of this Bill shall upon conviction be sentenced to a prison term of five years without an option of fine, in addition to compensating the victim where necessary, in a sum to be determined by the court. In the case of a body corporate, upon conviction, a fine of not less than ten million naira shall apply in addition to compensating the victim where necessary, in a sum to be determined by the court.
- (3) Any person who intentionally and without authorization or in excess of authority, publishes online any form of hate speech, such as the advocacy of regional, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, shall upon conviction be sentenced to a term of not less than one year or to a fine of not less than one million naira.
- (4) In the event that such publication in sub-clause (3) results in loss of lives and destruction of property, such a person is liable on conviction to imprisonment for a term of not less than seven years, or to a fine not less than five million naira or to both fine and imprisonment including compensation to the victims. In the case of a body corporate, upon conviction, a fine of not less than ten million naira shall apply in addition to compensating the victim where necessary, in a sum to be determined by the court.
- (5) Any person who undertakes illegal Communications Surveillance and unlawful interception/interference contrary to clause 10 of this Bill commits an offence and upon conviction shall be liable to a term of imprisonment not less than ten years and a payment of compensation not less than seven million naira or both.
- (6) In proceedings against a person for offences under this clause, it is a defence for that person to prove —
 - (a) that at the time the alleged offence took place he was under the age of eighteen;
 - (b) the person was prevented from complying with the relevant provisions by stress of weather or other reasonable cause;

- (c) that the action was necessary to save or protect life or health of some person(s), to protect serious damage to property, or to avoid adverse effect on the environment;
- (d) the commission of the offence was due to a mistake, accident beyond control or due to reliance on information supplied by the default of another person;
- (e) exemptions: In the event of a breach the responsible party may raise any of the following defences against an action for damages —
 - (i) vis major;
 - (ii) consent of the Plaintiff;
 - (iii) fault on the part of the Plaintiff;
 - (iv) compliance was not reasonably practicable in the circumstances of the particular case;
 - (v) the National Human Rights Commission has granted a gazetted exemption to the responsible party on the basis of national interest or for the data subject's benefit.

Committee's Recommendation:

That the provision in Clause 21 be retained (*Deputy Senate Leader*) — *Agreed to.*

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

PART IV — JURISDICTION AND INTERNATIONAL CO-OPERATION

Clause 22: Jurisdiction.

The Federal and State High Courts shall have original jurisdiction to the application of this Bill.

Committee's Recommendation:

That the provision in Clause 22 be retained (*Deputy Senate Leader*) — *Agreed to.*

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

PART V — ENFORCEMENT OF VICTIMS' RIGHTS

Clause 23: E-Governance.

- (1) A data subject or at the request of a data subject or the National Human Rights Commission, may institute a civil action for damages in a Court having jurisdiction against a responsible party for breach of any part of this Bill whether or not there is intent or negligence on the part of the responsible party.
- (2) A court hearing proceedings in terms of subsection (1) may award an amount that is just and equitable, including —
 - (a) payment of damages as compensation for patrimonial or non-patrimonial loss suffered by a data subject as a result of breach of the provisions of this Section;

- (b) aggravated damages, in a sum to be determined at the discretion of the court;
- (c) interest; and
- (d) cost of suit on such scale as may be determined by the court.

Committee's Recommendation:

That the provision in Clause 23 be retained (*Deputy Senate Leader*) — *Agreed to.*

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

PART VI — MISCELLANEOUS

Clause 24: Regulations.

The National Human Rights Commission shall make Regulations published in government Gazette.

Committee's Recommendation:

That the provision in Clause 24 be retained (*Deputy Senate Leader*) — *Agreed to.*

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

Clause 25: Interpretation.

In this Bill, unless the context otherwise requires —

"An anonym" means an authenticated attribute that is not linked to an identifier;

Question: That the words "An anonym" defined in the Interpretation to this Act, put and agreed to.

"Automated Calling Machine" means a machine that is able to perform automated calls without human intervention;

Question: That the words "Automated Calling Machine" defined in the Interpretation to this Act, put and agreed to.

"Autonomous system administrator" means an individual or legal entity that administers specific blocks of IP addresses and its specific autonomous routing system, duly registered in the national entity responsible for the geographical registration and distribution of IP addresses related to the Country;

Question: That the words "Autonomous system administrator" defined in the Interpretation to this Act, put and agreed to.

"Cloud storage" a service model in which data is maintained, managed and backed up remotely and made available to users over a network (typically the Internet);

Question: That the word "Cloudstorage" defined in the Interpretation to this Act, put and agreed to.

"Data Controller" means the natural or legal person, public authority, agency or any other body which alone or jointly with others determines the purposes and means of the processing of personal data; where the purposes and means of processing are determined by national or Community laws or regulations. The controller or the specific criteria for his nomination may be designated by national or Community law;

Question: That the words "Data Controller" defined in the Interpretation to this Act, put and agreed to.

"Data Custodian" means any person who is responsible for providing a secure infrastructure in support of the data; including, but not limited to, providing physical security, backup and recovery processes, granting access privileges to system users as authorized by data trustees or their designees and implementing and administering controls over the information;

Question: That the words "Data Custodian" defined in the Interpretation to this Act, put and agreed to.

"Data Processor" means natural or legal person, public authority, agency, organizations or any other body involved in processing of personal data or processes personal data on behalf of a controller;

Question: That the words "Data Processor" defined in the Interpretation to this Act, put and agreed to.

"Data Subject" means an identifiable person; one who can be identified directly or indirectly, in particular by reference to an identification number or to one or more factors specific to his physical, physiological, mental, economic, cultural or social identity;

Question: That the words "Data Subject" defined in the Interpretation to this Act, put and agreed to.

"Expression" means any commentary on a person's own or on public affairs. Canvassing, discussion on human rights, journalism, scientific research, expression of ethnic, cultural, linguistic and religious identity and artistic expression, advertising, teaching are all examples of expressions that are covered by the freedom of expression. It also includes political discourse;

Question: That the word "Expression" defined in the Interpretation to this Act, put and agreed to.

"Internet" means a publicly accessible system of networks that connects computers around the world via the TCP/IP protocol;

Question: That the words "Internet" defined in the Interpretation to this Act, put and agreed to.

"Internet protocol address" or "IP address" means the code assigned to a terminal from a network to enable their identification, defined according to international standards;

Question: That the words "Internet protocol address" or "IP address" defined in the Interpretation to this Act, put and agreed to.

"Internet application" means a set of functionalities that can be accessed through a device connected to the Internet;

Question: That the words "Internet application" defined in the Interpretation to this Act, put and agreed to.

"Internet connection" means the enabling of a device for sending and receiving data packets over the Internet;

Question: That the words "Internet connection" defined in the Interpretation to this Act, put and agreed to.

"Connection record/log" means the set of information pertaining to the date and time of the beginning and end of a connection to the internet, the duration thereof and the IP address used by the device to send and receive data packages;

Question: That the words "Connection record/log" defined in the Interpretation to this Act, put and agreed to.

"Metadata" means data that describe other data. This includes but is not limited to data elements in digital camera, digital music files and similar files;

Question: That the word "Metadata" defined in the Interpretation to this Act, put and agreed to.

"Owner" means anyone who created or can assert creative rights to a product or service;

Question: That the word "Owner" defined in the Interpretation to this Act, put and agreed to.

"Personal data" means any information relating to an identified or identifiable natural person ("data subject"); information relating to an individual, whether it relates to his or her private, professional or public life;

Question: That the words "Personal data" defined in the Interpretation to this Act, put and agreed to.

"Personal data" includes but is not limited to anything from a name, address, a photo, an email address, bank details, posts on social networking websites, medical information, or a computer's IP address;

Question: That the words "Personal data" defined in the Interpretation to this Act, put and agreed to.

"Personal data filing system" means any structured set of personal data which are accessible according to specific criteria, whether centralized, decentralized or dispersed;

Question: That the words "Personal data filing system" defined in the Interpretation to this Act, put and agreed to.

"Personal information" means information about an identifiable individual, but does not include the name, title or business address or telephone number of an employee of an organization;

Question: That the words "Personal information" defined in the Interpretation to this Act, put and agreed to.

"Platforms" refer to the entirety of software and/or hardware that make(s) a service available to users;

Question: That the word "Platforms" defined in the Interpretation to this Act, put and agreed to.

"Processing of personal data" means any operation or set of operations which is performed upon personal data, whether or not by automatic means, such as collection, recording, organization, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, blocking, erasure or destruction;

Question: That the words "Processing of personal data" defined in the Interpretation to this Act, put and agreed to.

"Protected speech" means the form of speech protected under this Bill. It shall extend to novel forms of conversation introduced by digital mediums which include but are not restricted to;

Question: That the words "Protected speech" defined in the Interpretation to this Act, put and agreed to.

"retweets", "likes", "favourites", "shares", online comments, joining groups on social networking sites and similar forms of speeches;

Question: That the words "retweet", "likes", "favourites", "shares" defined in the Interpretation to this Act, put and agreed to.

"Registrations of access to Internet applications" means the set of information regarding the date and time of use of a particular internet application from a particular IP address;

Question: That the words "Registration of access to internet applications" defined in the Interpretation to this Act, put and agreed to.

"Subscriber" means any person who is party to a contract with a provider of publicly available electronic communication services for the supply of such services;

Question: That the word "Subscriber" defined in the Interpretation to this Act, put and agreed to.

"Whistle blowers" refer to anyone who has and reports insider knowledge of illegal activities occurring in an organization. Whistleblowers can be employees, suppliers, contractors, clients or any individual who somehow becomes aware of illegal activities taking place in a business either through witnessing the behavior or being told about it.

Question: That the words "Whistle blowers" defined in the Interpretation to this Act, put and agreed to.

Committee's Recommendation:

That the provision in Clause 25 be retained (*Deputy Senate Leader*) — *Agreed to.*

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

Clause 26: Citation.

This Bill may be cited as the Digital Rights and Freedom Bill, 2018.

Committee's Recommendation:

That the provision in Clause 26 be retained (*Deputy Senate Leader*) — *Agreed to.*

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

(Deputy Senate President in Chair)

Chairman to report Bill.

(SENATE IN PLENARY)

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

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 (*Deputy Senate Leader*).

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

14. Energy Commission Act (Amendment) Bill, 2018 (HB. 72 & 446) - Concurrence:

Motion made: That a Bill for an Act to Amend the Energy Commission of Nigeria Act CAP. E10, Laws of the Federation, 2004 to Provide for the Establishment of Renewable and Alternative Energy Development and Utilization Fund, Grant Priority to the Promotion and Development of Renewable and Other Alternative Energy; and Related Matters, 2018 be read the Second Time (*Deputy Senate Leader*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee of the Whole.

Motion made: Pursuant to Rule 81, that the Senate do resolve into the Committee of the Whole to consider a Bill for an Act to Amend the Energy Commission of Nigeria Act CAP E10, Laws of the Federation, 2004 to Provide for the Establishment of Renewable and Alternative Energy Development and Utilization Fund, Grant Priority to the Promotion and Development of Renewable and Other Alternative Energy; and Related Matters, 2018 (*Concurrence*) (*Deputy Senate Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO AMEND THE ENERGY COMMISSION OF NIGERIA ACT CAP E10, LAWS OF THE FEDERATION, 2004 TO PROVIDE FOR THE ESTABLISHMENT OF RENEWABLE AND ALTERNATIVE ENERGY DEVELOPMENT AND UTILIZATION FUND, GRANT PRIORITY TO THE PROMOTION AND DEVELOPMENT OF RENEWABLE AND OTHER ALTERNATIVE ENERGY; AND RELATED MATTERS, 2018.

Clause 1: Establishment of the Energy Commission of Nigeria.

- (1) There is hereby established a body to be known as Energy Commission of Nigeria (in this Bill referred to as "the Commission") which shall have the functions specified in this Bill.
- (2) The Commission shall consist of the Following departments, that is —
 - (a) Energy Information System (including Library and Computer Services);
 - (b) Energy Policy, planning and analysis;
 - (c) Energy Training and manpower development;
 - (d) Human Resources and management (HRM);
 - (e) Finance and Account;

- (f) Energy Efficiency and Conservation Planning and Analysis;
- (g) Renewable Energy;
- (h) Fossil Fuels;
- (i) Nuclear Science and Technology;
- (j) Monitoring and Evaluation;
- (k) Procurement;
- (l) Legal and Enforcement;
- (m) Maintenance and Transport;
- (n) Special duties Linkages and consultancy;
- (o) Linkages and Consultancy;
- (p) such other department as may be approved by the Commission on the recommendation of the Director-General.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Deputy Senate Leader*) — *Agreed to.*

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

Clause 2: Membership of the Commission.

The Commission shall consist of the President, as chairman, and in the absence of the President, such other person as may be designated by him in that behalf to act as chairman and the following other members, that is —

- (a) the Ministers charged with responsibility for the following matters that, is—
 - (i) power;
 - (ii) mines and steel development;
 - (iii) petroleum resources;
 - (iv) science and technology,
 - (v) defence;
 - (vi) agriculture and rural development;
 - (vii) water resources;
 - (viii) foreign affairs;
 - (ix) finance;
 - (x) environment;
 - (xi) national planning;

- (b) the Director-General of the Commission who shall be the Secretary of the Commission.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Deputy Senate Leader*) — *Agreed to.*

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

Clause 3: Membership of the Technical Advisory Committee.

- (1) There shall be established a technical arm of the Commission to be known as the Technical Advisory Committee which shall consist of the Director-General of the Commission as chairman.
- (2) The other members shall be professionals representing the following Ministries, Government Agencies or professional Organizations, that is to say —
- (a) petroleum resources;
 - (b) power;
 - (c) science and technology;
 - (d) agriculture and rural development;
 - (e) water resources;
 - (f) finance;
 - (g) defence;
 - (h) industry, trade and investments;
 - (i) education;
 - (j) communication;
 - (k) environment;
 - (l) Solar Energy Society of Nigeria;
 - (m) Nigerian Mining and Geosciences Society;
 - (n) Centres for Energy Research and Development at the Ahmadu Bello University, Zaria; Obafemi Awolowo University, Ile-Ife; Usmanu Danfodio University, Sokoto, University of Nigeria, Nsukka; University of Benin, Benin City, University of Lagos, Lagos, University of Ilorin, Ilorin; Abubakar Tafawa Balewa University, Bauchi; and any new energy centres that may be established from time to time;
 - (o) Nigerian Society of Engineers;
 - (p) Nigerian Mining Corporation;
 - (q) Nigerian Coal Corporation;

- (r) National Electric Power Authority;
 - (s) Nigerian National Petroleum Corporation;
 - (t) National Planning Commission;
 - (u) Nigerian Electricity Regulatory Commission;
 - (v) Nigerian Atomic Energy Commission;
 - (w) Nigerian Nuclear Regulatory Authority;
 - (x) Nigerian Bar Association;
 - (y) Manufacturers Association of Nigeria;
 - (z) Nigerian Economic Summit Group;
 - (aa) transport;
 - (bb) housing;
 - (cc) mine and steel development;
 - (dd) one representative each, from the electricity Generation, Distribution and Transmission companies;
 - (ee) one representative from refinery operators;
 - (ff) Gas Aggregation Company of Nigeria;
 - (gg) Independent Petroleum Marketers Association of Nigeria;
 - (hh) Council for the Regulation of Engineering in Nigeria (COREN);
 - (ii) Standard Organization of Nigeria (SON);
 - (jj) Representative of Oil Producers Sector;
 - (kk) Nigerian Electricity Management Services Agency;
 - (ll) Nigerian Environmental Society;
 - (mm) Council of Mining Engineers and Geosciences; and
 - (nn) Budget and National Planning.
- (3) The Committee may co-opt, when necessary, any suitable Nigerian whose contribution may be needed by the Committee.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Deputy Senate Leader*) — Agreed to.

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

Clause 4: Proceedings of the Commission.

- (1) The Commission shall have power to regulate its own proceedings and may make standing orders for that purpose and, subject to such standing orders, may function notwithstanding any vacancy in its membership or the absence of any member.
- (2) The Commission shall meet at least two times in every year for the due performance of its functions under this Bill.
- (3) Two-third (?) of the members shall form a quorum at any meeting of the Commission.
- (4) Where upon any special occasion the Commission desires to obtain the advice of any person on any particular matter, the Commission may co-opt that person to be a member for as many meetings as may be necessary and that person while so co-opted shall have all the privileges of a member except that he shall not be entitled to vote.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Deputy Senate Leader*) — *Agreed to.*

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

Clause 5: Functions of the Commission.

Subject to this Bill, the Commission is hereby charged with the responsibility for the strategic planning and co-ordination of national policies in the field of energy in all its ramifications and serve as the National Focal Point for Renewable Energy, Energy Efficiency and Conservation:

- (1) Without prejudice to the generality of the foregoing, the Commission shall—
 - (a) serve as a centre for gathering and dissemination of information relating to national policy in the field of energy development;
 - (b) serve as a centre for solving any inter-related technical problems that may arise in the implementation of any policy relating to the field of energy;
 - (c) advise the Government of the Federation or a State on questions relating to such aspects of energy as the Government of the Federation or a State may, from time to time, refer to it;
 - (d) prepare, after consultation with such agencies of government whose functions relate to the field of energy development or supply as the Commission considers appropriate, periodic master plans for the balanced and coordinated development of energy in Nigeria and such plans shall include —
 - (i) recommendations for the exploitation of new sources of energy as and when considered necessary; and
 - (ii) such other recommendations to the Government of the Federation relating to its functions under this Bill as the Commission may consider to be in the national interest;
 - (e) lay down guidelines on the utilisation of energy types for specific purposes and in a prescribed sequence;

- (f) inquire into and advise the Government of the Federation or of the State on the adequate funding of the energy sector including research and development, production and distribution;
 - (g) collate, analyse and publish information relating to the field of energy from all sources, where such information is relevant to the discharge of its functions under this Bill;
 - (h) monitor the performance of the energy sector in the execution of government policies on energy;
 - (i) liaise with all international organisations in energy matters such as the International Atomic Energy Agency, World Energy Conference and other similar organisations;
 - (j) promote training and manpower development in the energy sector; and
 - (k) carry out such other activities as are conducive to the discharge of its functions under this Bill.
 - (l) charge such sums as is reasonable for the building of Solar Energy facilities in any community or state that requested;
 - (m) promote and encourage the manufacturers of solar energy equipment and systems;
 - (n) gather and disseminate information relating to the technology, supply, demand, and National Policies, Programmes in the field of solar energy and to link such activities with the National Energy Bank of the Commission;
 - (o) advice the Government of either the Federal or State as to grants and other financial disbursements;
 - (p) recommend and advise relevant stakeholders on the curricular of educational institutions on the efficient use of new sources of renewable energy, including programme for its mainstreaming;
 - (q) recommend for exemption from custom duties and levies such equipment and machinery necessary for the sources of renewable energy;
 - (r) promote the manufacturing of local components to facilitate the rapid growth of solar energy; and
 - (s) promote plans for tramp and supporting local experts in the field of renewable energy.
- (2) Without prejudice to the functions of the Commission specified under section 5 of this Bill, the Commission shall grant priority to new and renewable energy, energy efficiency and conservation, in order to —
- (a) facilitate a sustainable energy supply in the federation;
 - (b) reduce the social costs of energy supply to the national economy;

- (c) promote further development of technologies for the production of final energies from renewable energy sources;
 - (d) contribute to the increase in the percentage of renewable energy sources to a reasonable level
 - (e) develop and promote energy efficiency and conservation best practices
 - (f) to develop a nation-wide renewable energy infrastructure for the attainment of energy security in Nigeria;
 - (g) promote indigenous research and development by Nigeria research and tertiary institutions in the field of renewable energy;
 - (h) encourage communities to develop their own renewable energy infrastructure;
 - (i) work with relevant security agencies to ensure adequate security for all renewable energy infrastructure
- (3) In addition to the foregoing priority directed to be accorded to renewable energy, energy efficiency and conservation, the Commission shall —
- (a) work out modalities for development and promotion of standards and codes for energy efficient equipment and appliances;
 - (b) develop and formulate ways and means of providing incentives and other encouragement to individuals and bodies corporate engaged in the development of new and renewable energy sources;
 - (c) develop and promote standards for biofuels and other renewable energy products;
 - (d) commit to research, development and diffusion of new and renewable energy technologies as well as Energy Efficiency and Conservation best practices and policies.
- (4) Pursuant to the provisions set out in this Bill and especially sections 5(1), 5(2) and (3), the Commission shall —
- (a) receive from all Ministries, Departments and Agencies in the Energy Sector, Annual report on their implementation of energy policies, plans and strategies produced under this Bill;
 - (b) monitor the Ministries, Departments and Agencies' implementation of energy policies, plans and strategies to ensure compliance;
 - (c) the Ministries, Departments and Agencies shall release relevant energy related data necessary for the monitoring, co-ordination and implementation of national strategies and policies in the energy sector to the Commission on demand;
 - (d) promote Mini-Grids from renewable energy sources; and
 - (e) develop guidelines and promote biofuels development.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Deputy Senate Leader*) — *Agreed to.*

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

Clause 6: Commission to Act Under Direction.

- (1) The President may give to the Commission directions of a general or special nature as to the manner in which the Commission is to exercise its powers and it shall be the duty of the Commission to give effect to any such directions.
- (2) No policy initiated by the Commission shall be implemented without prior reference to-and approval by the President.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Deputy Senate Leader*) — *Agreed to.*

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

Clause 7: Director-General and Other Staff of the Commission.

- (1) There shall be appointed by the President, a Director-General who shall be responsible for the day-to-day running of the affairs of the Commission.
- (2) The other staff of the Commission shall be officers in the public service of the Federation —
 - (a) be the Chief Executive Officer of the Commission;
 - (b) organize and manage the affairs of the Commission;
 - (c) enforce the provisions of this Bill, and in particular, direct the activities of the professionals, officers, and staff of the commission;
 - (d) exercise disciplinary control over the officers and staff of the Commission; and
 - (e) manage the funds allocated to the Commission from time to time in accordance with the provisions of this Bill or any other law, financial regulation or rule in force in the Federal Republic of Nigeria;
 - (f) be paid such salaries allowances as may be specified in his letter of appointment;
 - (g) be free to manage the affairs and operations of the Commission as he thinks fit in accordance with the provisions of this Bill, and in this regard other members of the management of the Commission shall not interfere with his methods or with the manner in which he deploys the material and human resources of the Commission in order to obtain results; and
 - (h) resign his office by writing under his hand addressed to the president, Commander in-chief of the Federal Republic of Nigeria.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Deputy Senate Leader*) — *Agreed to.*

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

Clause 8: Funds of the Commission, etc.

- (1) The funds of the Commission shall consist of such sums as may, from time to time, be provided by the Federal Government and the State Governments.
- (2) There shall be maintained by the Commission accounts into which there shall be paid and credited —
 - (a) annual subvention received from the Government of the Federation which shall not be less than 0.5% of Federation Account;
 - (b) such money as may, from time to time, deposited with or granted to the Commission by the Government of the Federation or of a State;
 - (c) grants from international agencies involved in the development of energy resources;
 - (d) all other sums which may, from time to time, accrue to the Commission.
- (3) The Commission shall keep proper accounts in respect of each financial year, and proper records in relation to those accounts and shall submit same from time to time, but not less frequently than annually, for auditing by the Auditor-General for the Federation.
- (4) The Commission may, from time to time, apply the funds in the account at its disposal —
 - (i) the REEECF shall be utilized for the development of new and renewable energy, energy efficiency and conservation;
 - (ii) the Commission shall encourage communities to develop their own alternative energy capacity by providing matching grant to any community that desires to build a community wide renewable energy source up to a maximum of N5,000,000:00 (Five Million Naira) subject to review every three years;
 - (iii) in order to ensure a national spread in its effort to increase that nation's alternative energy capacity, the Commission shall fund at least one renewable energy project with a capacity to generate at a minimum of 50KVA electricity in each of the 360 Federal Constituencies.
- (5) The Commission may, from time to time, apply the funds in the account at its disposal —
 - (a) Appropriation —
 - (i) to the cost of the administration of the Commission and for the purpose of any activity carried on thereof;
 - (ii) to the payment of remunerations, allowances, benefits and expenses of members of the Commission and Technical Advisory Committee or of any Committee set up by the Commission;

- (iii) to the payment of the salaries, allowances and benefits of the officers and servants of the Commission;
 - (iv) for the procurement and or maintenance of any property vested in the Commission or under its administration;
 - (v) for and in connection with all or any of the functions of the Commission under this Bill";
- (b) the fund shall be utilized for the development of new and renewable energy, energy efficiency and conservation, and
- (c) the modalities for the utilization of REEECF shall be worked out and administered by the Commission.
- (d) the Commission shall encourage communities to develop their own alternative energy capacity by —
 - (i) providing matching grant to any community that desires to build a community wide renewable energy source up to a maximum of N5,000,000:00 (Five Million Naira) subject to review every three years;
 - (ii) providing incentives to each individual home that desires to build an alternative energy source up to a maximum to be determined by the Commission and subject to review every three years.
- (6) In order to ensure a national spread in its effort to increase that nation's alternative energy capacity —
 - (a) the Commission shall develop a trade-in system where commercial and domestic consumers of electricity can trade-in their generators and receive incentives which must be applied to installing renewable energy and energy efficient devices in their businesses or homes;
 - (b) the Commission shall prioritize residential areas and Small and Medium Scale enterprises in the distribution of assets for the provision of electric power through alternative energy sources.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Deputy Senate Leader*) — *Agreed to.*

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

Clause 9: Energy Performance Report.

- (1) The Commission shall submit to the President a sustainable Energy Performance Report every year, setting out progress made in the previous reporting period towards achieving the objectives of this Bill.
- (2) Upon the advice of the Commission, the Federal Government shall encourage State Governments or any other agencies to take steps to support the implementation of the Act.

Powers to make Subsidiary Legislation.

- (3) Subject to the provision of the constitution of the Federal Republic of Nigeria, the Federal Government through the Commission shall have powers to make rules, regulations and guidelines for carrying out the provisions of the Act.
- (4) The application of other laws relating to the field of energy are not barred by the Act, save for the constitution of the Federal Republic of Nigeria, this Bill shall prevail.

Authority to Accept Gifts, Grants, Land and Equipment.

- (5) The Commission may accept gifts, grants, land, equipment or other property on such terms and conditions, if any, as may be specified by the person or organization making the gift.
- (6) The Commission shall not accept any gift if the term or condition attached by the person or organization making the gift is inconsistent with the functions of the Commission under this Bill.

Annual Estimates Account and Audit.

- (7) The Director-General shall cause to be prepared not later than the last day of October in each financial year an estimate of the expenditure and income of the Commission during the next succeeding year and when prepared, they shall be submitted to the President for presentation to the National Assembly for approval.
- (8) The Director-General shall cause to be kept proper accounts of the Commission and proper records in relation thereto and when certified by the Commission, the accounts shall be audited by the auditors appointed by the Commission from the list and in accordance with the guidelines approved by the Auditor-General of the Federation.

Annual Report, etc.

- (9) The Director-General shall not later than three months before the end of each financial year, submit to the president the report on the activities and the administration of the Commission during the immediately preceding year, and shall include in such report audited accounts of the Commission and the auditor's report thereon.
- (10) Notwithstanding the provisions of sub-section (1) of this section, the Director-General shall, at the end of every three months, submit to the President the report on the activities and administration of the Commission.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Deputy Senate Leader*) — *Agreed to.*

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

Clause 10: Penalties.

- (1) A breach of any provision of this Bill shall be an offence punishable upon conviction, where no specific penalty is prescribed therefore —
 - (a) as a first offender, a fine not exceeding five hundred thousand naira or to imprisonment for a period not exceeding one year or both, such fine and imprisonment; or

- (b) for subsequent convictions, to a fine not exceeding one million naira or to imprisonment for a period not exceeding three years or to both such fine and imprisonment.
- (2) Any person who —
 - (a) fails or refuses to furnish a return or to supply information in the manner and in time prescribed or furnishes false or incomplete information; or
 - (b) willfully delays or obstructs an officer or police officer in the exercise of the powers or duties conferred or imposed on him or her under this Bill; or
 - (c) refuses or fails, without reasonable cause, to give information to an officer or police officer when required to do so or gives false information;
 - (d) commits an offence and is liable on conviction to a fine not exceeding five hundred thousand naira or exceeding one year or to both.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Deputy Senate Leader*) — *Agreed to.*

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

Clause 11: Establishment of Energy Research Centres.

- (1) Without prejudice to the provisions of Section 5 of this Bill, there shall be established by the Commission, Centres of Excellence in Energy Research, Development and Extension services through public private partnership.
- (2) Subject to subsection (1) above, the establishment and existence of the following specialized Energy Research Centres of Excellence (herein after referred to as Centres) is by the provisions of this Bill guaranteed—
 - (a) Sokoto Energy Research Centre, Usmanu Dan Fodiyo University, Sokoto;
 - (b) National Centre for Energy Research and Development, University of Nigeria, Nsukka;
 - (c) National Centre for Energy and Environment, University of Benin, Benin City;
 - (d) National Centre for Energy Efficiency and Conservation, University of Lagos, Lagos;
 - (e) National Center for Hydropower Research and Development, University of Ilorin, Ilorin; and
 - (f) National Centre for Petroleum Research and Development, Abubakar Tafawa Balewa University, Bauchi.
- (3) Further to the discharge of its functions as provided by this Bill, the Commission shall establish such other Centres as it may deem necessary from time to time.

- (4) There shall be an Administrative Guideline governing the operation and the day to day running of the Research Centres which MUST be approved by the Commission.
- (5) The Vice-Chancellor of the University where the Research Center is situated shall at all-time be the Chairman of the Advisory Board of the Research Centre.
- (6) Other members of the Board of each Research Centre shall be as provided for in the Administrative Guidelines.
- (7) The Centers shall be headed by a Director whose mode of appointment shall be provided for in the Administrative Guidelines.
- (8) The Research Centres shall be headed by a Director to be appointed by the Commission.

Committee's Recommendation:

That the provision in Clause 11 be retained (*Deputy Senate Leader*) — *Agreed to.*

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

Clause 12: Interpretation.

In this Bill, unless the context otherwise requires —
"Biofuel" means fuel from non-fossil type organic matter;

Question: That the word "Biofuel" defined in the Interpretation to this Act, put and agreed to.

"Field of energy" means the entire energy architecture;

"Chairman" means the chairman of the Commission;

Question: That the word "Chairman" defined in the Interpretation to this Act, put and agreed to.

"Commission" means the Energy Commission of Nigeria established under section 1 (1) of this Bill;

Question: That the word "Commission" defined in the Interpretation to this Act, put and agreed to.

"Member" means any member of the Commission including the chairman;

Question: That the word "Member" defined in the Interpretation to this Act, put and agreed to.

"Renewable energy" means energy from a resource that regenerates itself within a reasonable short period through natural process;

Question: That the words "Renewable energy" defined in the Interpretation to this Act, put and agreed to.

"Renewable energy sources" here refers to solar, wind, biofuel, biomass, geothermal, tidal, wave and small hydro.

Question: That the words "Renewable energy sources" defined in the Interpretation to this Act, put and agreed to.

Committee's Recommendation:

That the provision in Clause 12 be retained (*Deputy Senate Leader*) — *Agreed to.*

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

Clause 13: Citation.

This Bill may be cited as the Energy Commission Act (Amendment) Bill, 2018.

Committee's Recommendation:

That the provision in Clause 13 be retained (*Deputy Senate Leader*) — *Agreed to.*

Question that Clause 13 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 the Whole considered a Bill for an Act to Amend the Energy Commission of Nigeria Act Cap E10, Laws of the Federation, 2004 to Provide for the Establishment of Renewable and Alternative Energy Development and Utilization Fund, Grant Priority to the Promotion and Development of Renewable and Other Alternative Energy; and Related Matters, 2018 and approved as follows:

Clauses 1- 13 — 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 (*Deputy Senate Leader*).

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

15. Committee on Housing:

Report on the Real Estate (Regulation and Development) Bill, 2018 (SB. 216):

Consideration of Report deferred to another Legislative Day.

16. Committee on Tertiary Education and TETFUND:

Report on the Federal University, Gashua (Establishment, etc.) Bill 2018 (SB. 459):

Motion made: That the Senate do consider the Report of the Committee on Tertiary Education and TETFUND on the Federal University, Gashua (Establishment, etc.) Bill 2018 (*Senator Barau I. Jibrin — Kano North*).

Question put and agreed to.

Report presented.

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

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO ESTABLISH THE FEDERAL UNIVERSITY, GASHUA AND TO MAKE COMPREHENSIVE PROVISIONS FOR ITS DUE MANAGEMENT AND ADMINISTRATION AND OTHER RELATED MATTERS, 2018.

Clause 1: Establishment and Objects of the Federal University, Gashua.

- (1) There is established the Federal University, Gashua (in this Bill referred to as "the University").
- (2) The University:
 - (a) shall be a body corporate with perpetual succession and a common seal; and
 - (b) may sue or be sued in its corporate name and shall have power to acquire, hold and dispose of movable properties.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senator Jibrin I. Barau — Kano North*) — *Agreed to.*

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

Clause 2: Objects of the University.

The objects of the University shall be to —

- (a) encourage the advancement of learning and to hold out to all persons without distinction of race, creed, sex or political conviction the opportunity of acquiring higher and liberal education;
- (b) provide courses of instruction and other facilities for the pursuit of learning in all its branches, and to make those facilities available on proper terms to such persons as are equipped to benefit from them;
- (c) encourage and promote scholarship and conduct research in restricted fields of learning and human endeavour;
- (d) relate its activities to the social, cultural and economic needs of the people of Nigeria; and
- (e) undertake other activities appropriate for a university of the highest standard.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senator Jibrin I. Barau — Kano North*) — *Agreed to.*

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

Clause 3: Constitution of the University and its Constituent Bodies, etc.

- (1) The University shall consist of —
 - (a) a Chancellor;
 - (b) a Pro-Chancellor and a Council;
 - (c) a Vice Chancellor and a Senate;
 - (d) a Deputy Vice-Chancellor;

- (e) a body to be called Congregation;
 - (f) a body to be called Convocation;
 - (g) the campuses and colleges of the University;
 - (h) the faculties, schools, institutes and other teaching and research units of the University;
 - (i) the persons holding the offices constituted by the First Schedule to this Bill other than those mentioned in paragraphs (a) to (c) of this subsection;
 - (j) all graduates and undergraduates; and
 - (k) all other persons who are members of the University in accordance with provisions made by Statute in that behalf.
- (2) The First Schedule to this Bill shall have effect with respect to the Principal Officers of the University mentioned therein.
- (3) Provision shall be made by Statute with respect to the constitution of the following bodies, namely—
- (a) the Council;
 - (b) the Senate;
 - (c) the Congregation; and
 - (d) the Convocation.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senator Jibrin I. Barau — Kano North*) — Agreed to.

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

Clause 4: Powers of the University.

- (1) For the carrying out of its objects as specified in Section 2 of this Bill, the University shall have power to —
- (a) establish such campuses, colleges, faculties, institutes, schools, extra-mural departments and other teaching and research units within the University as may from time to time seem necessary or desirable, subject to the approval of the National Universities Commission;
 - (b) institute professorships, readerships and associate professorships, lectureships and other posts and offices and to make appointments thereto;
 - (c) institute and award fellowships, scholarships, exhibitions, bursaries, medals, prizes and other titles, distinctions, awards and forms of assistance;
 - (d) provide for the residence, discipline and welfare of members of the University;

- (e) hold examinations and award degrees, diplomas, certificates and other distinctions to persons who have pursued a course of study approved by the University and have satisfied such other requirements as the University may lay down;
- (f) award honorary degrees, fellowships or academic titles;
- (g) demand and receive from any student or any other person attending the University for the purpose of instruction such fees as the University may from time to time determine, subject to the overall directives of the appropriate authority;
- (h) subject to section 22 of this Bill, to acquire, hold, grant, charge or otherwise deal with or dispose of movable and immovable property wherever situate;
- (i) accept gifts, legacies and donations, but without obligation to accept the same for a particular purpose unless it approves the terms and conditions attaching thereto;
- (j) enter into contracts, establish trusts, act as trustee, solely or jointly with any other person, and employ and act through agents;
- (k) erect, provide, equip and maintain libraries, laboratories, lecture halls, halls of residence, refectories, sports grounds, playing fields and other buildings or things necessary, suitable or convenient for any of the objects of the University;
- (l) hold public lectures and undertake printing, publishing and book selling;
- (m) subject to any limitations or conditions imposed by Statute, to invest any moneys appertaining to the University by law of endorsement, whether for general or special purposes, and such other moneys as may not be immediately required for current expenditure, in any investments or securities or in the purchase or improvement of land, with power from time to time to vary any such investments and to deposit any moneys for the time being un-invested with any bank on deposit or current account;
- (n) borrow, whether on interest or not, and if need be, upon the security of any or all of the property movable or immovable of the University, such moneys as the Council may from time to time in its discretion find necessary or expedient to borrow or to guarantee any loan, advances or credit facilities;
- (o) make gifts for any charitable purpose;
- (p) do anything which it is authorized or required by this Bill or by any other Statute to do; and
- (q) do all such acts or things, whether or not incidental to the foregoing powers, as may advance the objects of the University.

- (2) Subject to the provisions of this Bill and of the Statutes made thereunder and without prejudice to Section 9 (2) of this Bill, the powers conferred on the University by subsection (1) of this section shall be exercisable on behalf of the University by the Council or by the Senate or in any other manner which may be authorized by this Bill.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senator Jibrin I. Barau — Kano North*) — *Agreed to.*

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

Clause 5: Functions of the Chancellor and Pro-Chancellor.

- (1) The Chancellor shall in relation to the University, take precedence before all other members of the University, and when he is present shall preside at all meetings of convocation held for conferring degrees.
- (2) The Pro-Chancellor shall, in relation to the University, take precedence before all other members of the University except the Chancellor, and except for the Vice Chancellor when acting as Chairman of Congregation or Convocation, and the Pro-Chancellor shall when he is present, be the Chairman at all meetings of the Council.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senator Jibrin I. Barau — Kano North*) — *Agreed to.*

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

Clause 6: Establishment and Composition of Council.

- (1) There shall be a Council for the University consisting of —
- (a) the Pro-Chancellor;
 - (b) the Vice-Chancellor;
 - (c) the Deputy Vice-Chancellors;
 - (d) one person from the Federal Ministry responsible for Education;
 - (e) four persons representing a variety of interest and broadly representative of the whole Federation;
 - (f) four persons appointed by the Senate from among its members;
 - (g) two persons appointed by the congregation from among its members; and
 - (h) one persons appointed by Convocation from among its members.
- (2) Persons to be appointed to the Council shall be persons of proven integrity, knowledgeable and familiar with the affairs and tradition of the University.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senator Jibrin I. Barau — Kano North*) — *Agreed to.*

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

Clause 7: Functions of the Council and its Finance and General Purpose.

- (1) Subject to the provisions of this Bill relating to the Visitor, the Council shall be the Governing Body of the University and shall be charged with the general control and superintendence of the policy, finances and property of the University, including its public relations.
- (2) There shall be a committee of the Council to be known as the Finance and General Purposes Committee, which shall, subject to the directions of the Council, exercise control over the property and expenditure of the Council as the Council may from time to time delegate to it.
- (3) Provision shall be made by Statute with respect to the constitution of the Finance and General Purposes Committee.
- (4) The Council shall ensure proper accounts of the University are kept and that the accounts of the University are audited annually by auditors appointed by the Council from the list and in accordance with guidelines supplied by the Auditor-General of the Federation, and that an annual report is published by the University together with certified copies of the said accounts as audited.
- (5) Subject to this Bill and the Statutes, the Council and the Finance and General Purposes Committee may each make rules for the purpose of exercising any of their respective functions or of regulating their own procedure.
- (6) Rules made under subsection (5) of this section by the Finance and General Purposes Committee shall not come into force unless approved by the Council, and where any rule so made by the Committee conflict with any directions given by the Council (whether before or after the coming into force of the rules in question), the direction of the Council shall prevail.
- (7) There shall be paid to the members of the Council, the Finance and General Purposes Committee and of any other committee set up by the Council, allowances in respect of travelling and other reasonable expenses, at such rates as may from time to time be fixed by extant government circulars.
- (8) The Council shall meet as and when necessary for the performance of its functions under this Bill, and shall meet at least four times every year.
- (9) If required in writing by any five members of the Council, the Chairman shall within twenty-eight days after the receipt of such request call a meeting of the Council:

Provided that if after 28 days of the receipt or delivering to him of such request, the chairman fails or neglects to call a meeting, the Registrar shall within 14 days thereof, cause a meeting of the Council to be convened for that purpose. The request shall specify the business to be considered at the meeting and no business not so specified shall be transacted at that meeting.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senator Jibrin I. Barau — Kano North*) — *Agreed to.*

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

Clause 8: Functions of the Senate.

- (1) Subject to section 5 of this Bill and subsections (3) and (4) of this section and to the provisions of this Bill relating to the Visitor, it shall be the general function of the Senate to organize and control teaching in the University, admission of students, the discipline of students and to promote research in the University.
- (2) Without prejudice to the generality of the provisions of subsection (1) of this section, it shall in particular be the function of the Senate to make provision for the —
 - (a) establishment, organization and control of campuses, colleges, faculties, departments, schools, institutes and other teaching and research units of the University, and the allocation of responsibility for different branches of learning;
 - (b) organization and control of courses of study in the University and of the examinations held in conjunction with those courses, including the appointment of examiners, both internal and external;
 - (c) award of degrees, and such other qualifications as may be prescribed, in connection with examinations conducted by the University;
 - (d) making of recommendations to the Council with respect to the award to any person of an honorary fellowship or honorary degree or the title of professor emeritus;
 - (e) establishment, organization and control of halls of residence and similar institutions in the University;
 - (f) supervision of the welfare of students in the University and the regulation of their conduct;
 - (g) granting of fellowships, scholarships, prizes and similar awards in so far as the awards are within the control of the University; and
 - (h) determination of what description of dress shall be academic dress for the purposes of the University, and regulating the use of academic dress.
- (3) The Senate shall not establish any new campus, college, faculty, department, school, institute or other teaching and research units of the University, or any hall of residence or similar institution at the University without the approval of the Council.
- (4)
 - (a) Subject to this Bill and the Statutes, the Senate may make regulations for the purpose of exercising any function conferred on it either by the provisions of this section or for the purpose of providing for any matter for which provision by regulation is authorized or required by this Bill or by Statute.
 - (b) The Senate shall, by regulation, provide that at least one of the persons appointed as examiners at each final or professional examination held in conjunction with any course of study in the University is not a teacher at the University but is a teacher at the branch of learning to which the course relates in some other university of high repute.

- (5) Subject to a right of appeal to the Council from a decision of the Senate under this subsection, the Senate may deprive any person of any degree, diploma or other award of the University which has been conferred on him if after due enquiry he is shown to have been guilty of any dishonourable or scandalous conduct in gaining admission into the University or obtaining that award.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senator Jibrin I. Barau — Kano North*) — *Agreed to.*

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

Clause 9: Functions of the Vice-Chancellor.

- (1) The Vice-Chancellor shall, in relation to the University, take precedence before all other members of the University except the Chancellor and, subject to section 5 of this Bill, the Pro-Chancellor and any other person for the time being acting as Chairman of the Council.
- (2) Subject to the provisions of this Bill, the Vice-Chancellor shall have general function, in addition to any other functions conferred on him by this Bill or otherwise, of directing the activities of the University, and shall to the exclusion of any other person or authority be the chief executive and academic officer of the University and ex-officio Chairman of the Senate.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senator Jibrin I. Barau — Kano North*) — *Agreed to.*

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

PART II — TRANSFER OF PROPERTY

Clause 10: Transfer of Property to the University.

- (1) All property held by or on behalf of the Provisional Council shall, by virtue of this subsection and without further assurance, vest in the University and be held by it for the purpose of the University.
- (2) The provisions of the Second Schedule to this Bill shall have effect with respect to the transfer of property by this section and to matters arising there from and with respect to other matters mentioned in that Schedule.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senator Jibrin I. Barau — Kano North*) — *Agreed to.*

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

PART III — STATUTES OF THE UNIVERSITY

Clause 11: Power of the University to Make Statues.

- (1) Subject to this Bill, the University may make Statutes for any of the following purposes —
- (a) making provision with respect to the composition and constitution of any authority of the University;
- (b) specifying and regulating the powers and duties of any authority of the University, and regulating any other matter connected with the University or any of its authorities;

- (c) regulating the admission of students where it is done by the University, and their discipline and welfare;
 - (d) determining whether any particular matter is to be treated as an academic or non-academic matter for the purposes of this Bill and of any Statute, regulation or other instrument made there-under; and
 - (e) making provision for other matters for which provision by Statute is authorized or required by this Bill.
- (2) Subject to section 25 (6) of this Bill, the Interpretation Bill shall apply in relation to any Statute made under this section as it applies to a subsidiary instrument within the meaning of section 27 (1) of that Bill.
 - (3) The Statute contained in the Third Schedule to this Bill shall be deemed to have come into force on the commencement of this Bill and shall be deemed to have been made under this section by the University.
 - (4) The power to make Statute conferred by this section shall not be prejudiced or limited in any way by reason of the inclusion or omission of any matter in or from the Statute contained in the Third Schedule to this Bill or any subsequent Statute.

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senator Jibrin I. Barau — Kano North*) — Agreed to.

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

Clause 12: Mode of Exercising the Power to Make Statutes.

- (1) The power of the University to make Statutes shall be exercised in accordance with the provisions of this section.
- (2) A proposed Statute shall not have the force of law until it has been approved at a meeting of the —
 - (a) Senate, by the votes of not less than two thirds of the members present and voting; and
 - (b) Council by the votes of not less than two thirds of the members present and voting.
- (3) A proposed Statute may originate either in the Senate or Council, and may be approved as required by subsection (2) of this section by both bodies in no particular order.
- (4) A Statute which —
 - (a) makes provision for or alters the composition or constitution of the Council, the Senate or any other authority of the University; or
 - (b) provides for the establishment of a new campus or college or for the amendment or revocation of any Statute whereby a campus or college is established; shall not come into operation unless it has been approved by the Visitor.

- (5) For the purpose of section 2 (2) of the Interpretation Act, a Statute shall be treated as being made on the date on which it is approved by the Council and the Senate in accordance with subsection (3) of this section or in the case of a Statute falling within subsection (4) of this section, on the date on which it is approved by the President.

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senator Jibrin I. Barau — Kano North*) — *Agreed to.*

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

Clause 13: Proof of Statute.

A Statute may be proved in any court by the production of a copy thereof bearing or having affixed to it a certificate signed by the Vice-Chancellor or the Registrar to the effect that the copy is a true copy of a Statute of that University.

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senator Jibrin I. Barau — Kano North*) — *Agreed to.*

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

Clause 14: Power to Decide the Meaning of Statute.

- (1) In the event of any doubt or dispute arising at any time as to the meaning of any provision of a Statute, the matter may be referred to the Visitor, who shall take such advice and make such decision thereon as he deems fit.
- (2) The decision of the Visitor on any matter referred to him under this section shall be binding upon the authorities, staff and students of that University and where any question as to the meaning of any provision of a statute has been decided by the Visitor under this section, no question as to the meaning of that provision shall be entertained by any other authority in Nigeria:

Provided that nothing in this subsection shall affect the power of a court of competent jurisdiction to determine whether any provision of a statute is wholly or partly void as being ultra vires or as being inconsistent with the Constitution.

- (3) The foregoing provisions of this section shall apply in relation to any doubt or dispute as to whether any matter is, for the purposes of this Bill, academic or a non-academic matter as they apply in relation to any such doubt or dispute as is mentioned in subsection (1) of this section, and accordingly the reference in subsection (2) of this section to any question as to the meaning of any provision of a statute shall include references to any question as to whether any matter is for the said purposes an academic or non-academic matter.

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senator Jibrin I. Barau — Kano North*) — *Agreed to.*

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

PART IV — SUPERVISION AND DISCIPLINE

Clause 15: The Visitor.

- (1) The President shall be the Visitor of the University.

- (2) The Visitor shall as often as the circumstances may require, not being less than once every five years, conduct a visitation of the University or direct that such a visitation be conducted by such persons as the Visitor may deem fit and in respect of any of the affairs of the University.
- (3) It shall be the duty of the bodies and persons comprising the University to —
 - (a) make available to the Visitor, and to any other persons conducting a visitation in pursuance of this section, such facilities and assistance as he or they may reasonably require for the purpose of the visitation; and
 - (b) give effect to any instructions consistent with the provisions of this Bill which may be given by the Visitor in consequence of the visitation.

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senator Jibrin I. Barau — Kano North*) — *Agreed to.*

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

Clause 16: Removal of Certain Members of the Council.

- (1) If it appears to the Council that a member (other than the Pro-Chancellor or the Vice-Chancellor) should be removed from office on grounds of misconduct or inability to perform the functions of his office, the Council shall make a recommendation to that effect through the Minister to the Visitor and if the Visitor, after making such enquiries (if any) as may be considered necessary, approves the recommendation it may direct the removal of the member from office.
- (2) It shall be the duty of the Minister to use his best endeavours to cause a copy of the instrument embodying a direction under subsection (1) of this section to be served as soon as reasonably practicable on the person to whom it relates.

Committee's Recommendation:

That the provision in Clause 16 be retained (*Senator Jibrin I. Barau — Kano North*) — *Agreed to.*

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

Clause 17: Removal and Discipline of Academic, Administrative and Professional Staff.

- (1) If it appears to the Council that there are reasons for believing that any person employed as a member of the academic, administrative or professional staff of the University, other than the Vice-Chancellor, should be removed from office or on grounds of misconduct or inability to perform the functions of his office Council shall —
 - (a) give notice of those reasons to the person in question;
 - (b) afford such person an opportunity of making representation in person on the matter to the Council; and
 - (c) take a decision to terminate or not to terminate the appointment.
- (2) If the affected staff or any three members of the Council so request within a period of one month from the date of receipt of the notice of the Council's decision, the Council shall make arrangements for —

- (a) a joint committee of the Council and the Senate to review the matter and to report on it to the Council;
 - (b) the person in question to be afforded an opportunity to appear before and be heard by an investigating committee with respect to the matter; and if the Council after considering the report of the investigating committee, is satisfied that the person in question should be removed, the Council may so remove him by an instrument in writing signed on the directions of the Council.
- (3) The Vice-Chancellor may, in a case of gross misconduct by a member of staff which in the opinion of the Vice-Chancellor is prejudicial to the interest of the University, suspend such member and any such suspension shall immediately be reported to the Council.
- (4) Any member of staff may be suspended from duty or his appointment may be terminated by Council for a good cause and for the purposes of this subsection "good cause" means —
 - (a) conviction for any offence which the Council considers to be such as to render the person concerned unfit for the discharge of the functions of his office;
 - (b) any physical or mental incapacity which the Council, after obtaining medical advice, considers to be such as to render the person concerned unfit to continue to hold office;
 - (c) conduct of a scandalous or disgraceful nature which the Council considers to be such as to render the person concerned unfit to continue to hold office; or
 - (d) conduct which the Council considers to be such as to constitute failure or inability of the person concerned to discharge the functions of his office or to comply with the terms and conditions of his service.
- (5) Any person suspended pursuant to subsection (3) of this section shall be on half pay and the Council shall before the expiration of a period of three months from the date of such suspension consider the case against that person and come to a decision as to whether to —
 - (a) continue such person's suspension and if so on what terms (including the proportion of his emoluments to be paid to him);
 - (b) reinstate such person in which case the Council shall restore his full emoluments with effect from the date of suspension;
 - (c) terminate the appointment of the person concerned in which case such a person will not be entitled to the proportion of his emoluments withheld during the period of suspension; or
 - (d) take such lesser disciplinary action against such person (including the restoration of such proportion of his emoluments that might have been withheld) as the Council may determine.

- (6) Where the Council, pursuant to this section, decides to continue a person's suspension or decides to take further disciplinary action against the person, the Council shall, before the expiration of three months from such decision come to a final determination in respect of the case concerning such a person.
- (7) It shall be the duty of the person by whom an instrument of removal is signed in pursuance of subsection (1) above to use his best endeavours to cause a copy of the instrument to be served as soon as reasonably practicable on the person to whom it relates.
- (8) Nothing in the foregoing provisions of this section shall prevent the Council from making regulations for the discipline of staff and workers of the University as may be appropriate.

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senator Jibrin I. Barau — Kano North*) — *Agreed to.*

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

Clause 18: Removal of Examiners.

- (1) If, on the recommendation of the Vice-Chancellor, it appears to the Senate that a person appointed as an examiner for any examination of the University ought to be removed from his office or appointment, then, the Senate may, after affording the examiner an opportunity of making representations in person on the matter, direct the Vice-Chancellor to remove the examiner by an instrument in writing signed by the Registrar.
- (2) Subject to the provisions of any regulation made pursuant to section 8 (4) of this Bill, the Vice-Chancellor may, on the recommendation of Senate, appoint an appropriate person as examiner in the place of the examiner removed.
- (3) It shall be the duty of the Registrar on signing an instrument of removal pursuant to this section, to use his best endeavours to cause a copy of the instrument to be served as soon as reasonably practicable on the person to whom it relates.

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senator Jibrin I. Barau — Kano North*) — *Agreed to.*

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

Clause 19: Discipline of Students.

- (1) Subject to the provisions of this section, where it appears to the Vice-Chancellor that any student is guilty of misconduct, the Vice-Chancellor may, without prejudice to any other disciplinary powers conferred on him by Statute or regulations, direct that the —
 - (a) student shall not, during such period as may be specified in the direction, participate in such activities of the University or make use of such facilities of the University as may be so specified;
 - (b) activities of the student shall, during such period as may be specified in the direction, be restricted in such manner as may be so specified;

- (c) student be rusticated for such period as may be specified in the direction; or
- (2) Where a direction is given under subsection (1) paragraphs (c) or (d) of this section in respect of any student, the student may, within the prescribed period and in the prescribed manner, appeal against the direction to the Senate.
- (3) Where an appeal is brought pursuant to subsection (2) of this section, the Senate shall, after causing such inquiry to be made in the matter as the Senate considers just, either confirm or set aside the direction or modify it in such manner as the Senate thinks fit.
- (4) The fact that an appeal from a direction is brought pursuant to subsection (2) of this section shall not affect the operation of the direction while the appeal is pending.
- (5) The Vice-Chancellor may delegate his powers under this section to a disciplinary board consisting of such members of the University as he may nominate.
- (6) Nothing in this section shall be construed as preventing the restriction or termination of a student's activities at the University for conduct which in the opinion of Senate is prejudicial to the interest of the University or to its corporate objective or image.
- (7) A direction under subsection (1) (a) of this section may be combined with a direction under subsection (1) (b) of this section.

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senator Jibrin I. Barau — Kano North*) — *Agreed to.*

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

PART V — MISCELLANEOUS AND GENERAL PROVISIONS

Cause 20: Exclusion or Discrimination on Account of Race, Religion, etc.

- (1) No person shall be required to satisfy requirements as to any of the following matters, that is to say, race (including ethnic grouping) sex, place of birth, family origin, religious or political persuasion, as a condition for becoming or continuing to be a —
 - (a) student in the University;
 - (b) holder of any degree, appointment or employment in the University; or
 - (c) member of any body established by virtue of this Bill.
- (2) No person shall be subjected to any disadvantage or accorded any advantage in relation to the University by reference to any of the matters referred to in subsection (1) of this section.
- (3) Nothing in subsection (1) of this section shall be construed as preventing the University from imposing any disability or restriction on any of the persons specified in subsection (1) of this section where such persons wilfully refuse or fail on grounds of religious belief to undertake any duty generally and

uniformly imposed on all such persons or any group of them which duty, having regard to its nature and the special circumstances, is in the opinion of the University reasonably justifiable in the national interest.

Committee's Recommendation:

That the provision in Clause 20 be retained (*Senator Jibrin I. Barau — Kano North*) — *Agreed to.*

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

Clause 21: Transfer of Land to the University.

- (1) For the purpose of the Land Use Act (which provides for the compulsory acquisition of land for public purposes) any purpose of the University shall be the same as that of the Federation.
- (2) Where an estate or interest in land is acquired by the Government pursuant to this section, the Government may, by a certificate under the hand and seal of the Chief Federal Lands Officer or any other person authorized in that behalf transfer it to the University.

Committee's Recommendation:

That the provision in Clause 21 be retained (*Senator Jibrin I. Barau — Kano North*) — *Agreed to.*

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

Clause 22: Restriction on Disposal of Land by University.

Without prejudice to the provisions of the Land Use Act, the University shall not dispose of or charge any land or an interest in any land (including any land transferred to the University by this Bill) except with the prior written consent, either general or special, of the Visitor:

Provided that such consent shall not be required in the case of any lease or tenancy at a rack-rent for a term not exceeding twenty-one years of any lease or tenancy to a member of the University for residential purpose.

Committee's Recommendation:

That the provision in Clause 22 be retained (*Senator Jibrin I. Barau — Kano North*) — *Agreed to.*

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

Clause 23: Quorum and Procedure of Bodies Established by this Bill.

Except as may be otherwise provided by Statute or by Regulation, the quorum and procedure of any body of persons established by this Bill shall be such as may be determined by that body.

Committee's Recommendation:

That the provision in Clause 23 be retained (*Senator Jibrin I. Barau — Kano North*) — *Agreed to.*

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

Clause 24: Appointment of Committees, etc.

- (1) Any body of persons established by this Bill shall, without prejudice to the generality of the powers of that body, have power to appoint committees, which need not consist exclusively of members of that body and authorize a committee established by it to —
 - (a) exercise on its behalf, such of its functions as it may determine; and

- (b) co-opt members and direct whether or not co-opted members shall be entitled to vote in that committee.
- (2) Any two or more such bodies may arrange for the holding of joint meetings of those bodies or for the appointment of committees consisting of members of those bodies, for the purpose of considering any matter within the competence of those bodies or any of them and either dealing with it or of reporting on it to those bodies or any of them.
- (3) Except as may be otherwise provided by Statute or Regulations, the quorum and procedure of a committee established or meeting held pursuant to this section shall be such as may be determined by the body or bodies which have decided to establish the committee or hold the meeting.
- (4) The Pro-Chancellor and the Vice-Chancellor shall be members of every committee of which the members are wholly or partly appointed by the Council, (other than a committee appointed to inquire into the conduct of the officer in question) and the Vice-Chancellor shall be a member of every committee of which the members are wholly or partly appointed by the Senate.
- (5) Nothing in the foregoing provisions of this section shall be construed as enabling—
 - (a) statutes to be made otherwise than in accordance with section 11 of this Bill;
 - (b) the Senate to empower any other body to make Regulations or to award degrees or other qualifications.

Committee's Recommendation:

That the provision in Clause 24 be retained (*Senator Jibrin I. Barau — Kano North*) — *Agreed to.*

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

Clause 25: Miscellaneous Administrative Provisions.

- (1) The seal of the University shall be such as may be determined by the Council and approved by the Chancellor and the affixing of the seal shall—
 - (a) in the case of certificates issued by the University, be authenticated by the Vice-Chancellor and the Registrar; and
 - (b) in the case of any other document, be authenticated by any member of Council, the Vice-Chancellor and the Registrar or any other person authorized by Statute.
- (2) Any document purporting to be a document executed under the seal of the University shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.
- (3) 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 University by any person generally or specially authorized to do so by the Council without seal.
- (4) The validity of the proceedings of any body established pursuant to this Bill shall not be affected by—

- (5) Any member of any such body who has a personal interest in any matter proposed to be considered by that body shall disclose his interest to the body and shall not vote on any question relating to that matter.
- (6) Nothing in section 12 of the Interpretation Bill (which provides for the application, in relation to subordinate legislation, of certain incidental provisions) shall apply to Statutes or Regulations made pursuant to this Bill.
- (7) The power conferred by this Bill on anybody to make Statute or Regulations shall include power to revoke or vary any —
 - (a) Statute (including the Statute contained in the Third Schedule to this Bill;
 - (b) regulation by a subsequent Statute or Regulation as the case may be;

Provided that the Statutes and Regulations may have different provisions in relation to different circumstances.

- (8) No stamp or other duty shall be payable in respect of any transfer of property to the University by virtue of sections 10, 21 and the Second Schedule to this Bill.
- (9) Any notice or other instrument authorized to be served by virtue of this Bill may, without prejudice to any other mode of service, be served by post.

Committee's Recommendation:

That the provision in Clause 25 be retained (*Senator Jibrin I. Barau — Kano North*) — *Agreed to.*

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

Clause 26: Interpretation.

- (1) In this Bill —
"the Act" means the Federal University, Gashua Act.

Question: That the words "the Act" be as defined in the Interpretation to this Act, put and agreed to.

"appropriate authority" means any person, body or authority authorized by law to act in a specific or general capacity in relation to a subject matter;

Question: That the words "appropriate authority" be as defined in the Interpretation to this Act, put and agreed to.

"campus" means any campus which may be established by the University;

Question: That the word "Campus" be as defined in the Interpretation to this Act, put and agreed to.

"college" means any college which may be established by the University;

Question: That the word "college" be as defined in the Interpretation to this Act, put and agreed to.

"graduate" means a person on whom a degree (other than an honorary degree) has been conferred by the University;

Question: That the word "graduate" be as defined in the Interpretation to this Act, put and agreed to.

"gross misconduct" means any act of misconduct and improper behaviour that may be designated as gross misconduct by any Statute or Regulation made, pursuant to this Bill.

Question: That the word "grossmisconduct" be as defined in the Interpretation to this Act, put and agreed to.

"Minister" means the Minister charged with responsibility for education;

Question: That the word "Minister" be as defined in the Interpretation to this Act, put and agreed to.

"misconduct" means any conduct which is prejudicial to the good name of the University and or discipline and the proper administration of the business of the University;

Question: That the word "misconduct" be as defined in the Interpretation to this Act, put and agreed to.

"notice" means notice in writing;

Question: That the word "notice" be as defined in the Interpretation to this Act, put and agreed to.

"officer" does not include the Visitor;

Question: That the word "officer" be as defined in the Interpretation to this Act, put and agreed to.

"prescribed" means prescribed by Statute or Regulation made under this Bill;

Question: That the word "prescribed" be as defined in the Interpretation to this Act, put and agreed to.

"professor" means a person designated as a professor of the University in accordance with provisions made in that behalf by Statute or by Regulations;

Question: That the word "professor" be as defined in the Interpretation to this Act, put and agreed to.

"property" includes rights, liabilities and obligations;

Question: That the word "property" be as defined in the Interpretation to this Act, put and agreed to.

"the provisional Council" means the provisional Council appointed for the University by the President with effect from September 2011;

Question: That the words "the provisional council " be as defined in the Interpretation to this Act, put and agreed to.

"regulations" means regulations made by the Senate or Council;

Question: That the word "regulations" be as defined in the Interpretation to this Act, put and agreed to.

"Senate" means the Senate of the University established by the Bill;

Question: That the word "Senate" be as defined in the Interpretation to this Act, put and agreed to.

"Statute" means a Statute made by the University under section 11 of this Bill and in accordance with the provisions of section 12 of this Bill ;

Question: That the word "Statute" be as defined in the Interpretation to this Act, put and agreed to.

"the Statutes" means all such Statutes as are in force from time to time;

Question: That the words "the statutes" be as defined in the Interpretation to this Act, put and agreed to.

"teacher" means a person holding a full time appointment as a member of the teaching or research staff of the University;

Question: That the word "Teacher" be as defined in the Interpretation to this Act, put and agreed to.

"Government" means the Federal Government of Nigeria;

Question: That the word "Government" be as defined in the Interpretation to this Act, put and agreed to.

"President" means the President of the Federal Republic of Nigeria;

Question: That the word "President" be as defined in the Interpretation to this Act, put and agreed to.

"Constitution" means the Constitution of the Federal Republic of Nigeria;

Question: That the word "Constitution" be as defined in the Interpretation to this Act, put and agreed to.

"undergraduate" means a person in statu pupillari in the University, other than —

(a) a graduate; and

(b) a person of such description as may be prescribed for the purposes of this definition.

Question: That the word "under graduate" be as defined in the Interpretation to this Act, put and agreed to.

"the University" the Federal University, Gashua as incorporated and constituted by this Bill; and

Question: That the words "the University" be as defined in the Interpretation to this Act, put and agreed to.

"the Visitor" means the President of the Federal Republic of Nigeria;

Question: That the words "the Visitor" be as defined in the Interpretation to this Act, put and agreed to.

- (2) Where in any provision of this Bill, it is laid down that proposals are to be submitted or a recommendation is to be made by one authority to another through one or more intermediate authorities, it shall be the duty of every such intermediate authority to forward any proposals or recommendations received by it pursuant to that provision to the appropriate authority; but any such intermediate authority may, if it thinks fit, forward therewith its own comments thereon.

Committee's Recommendation:

That the provision in Clause 26 be retained (*Senator Jibrin I. Barau — Kano North*) — Agreed to.

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

Clause 27: Short Title.

This Bill may be cited as the Federal University, Gashua (Establishment, etc.) Bill, 2018.

Committee's Recommendation:

That the provision in Clause 27 be retained (*Senator Jibrin I. Barau — Kano North*) — *Agreed to.*

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

FIRST SCHEDULE**Section 3 (2)****Principal Officers of the University.**

1. The Chancellor.
The Chancellor shall be appointed by and hold office at the pleasure of the President.
2. The Pro-Chancellor.
 - (1) The Pro-Chancellor shall be appointed or removed from office by the President.
 - (2) Subject to the provisions of this Bill, the Pro-Chancellor shall hold office for a period of four years from the date of his appointment.
3. The Vice-Chancellor.
The procedure for the appointment and removal of the Vice-Chancellor shall be in accordance with the provision of the University (Miscellaneous Provisions) Act 1993 as amended.
4. Deputy Vice-Chancellor.
 - (1) There shall be for the University, two Deputy Vice-Chancellors or such number of Deputy Vice Chancellors as the Council may, from time to time, deem necessary for the proper administration of the University.
 - (2) The procedure for the appointment and removal of the Deputy Vice Chancellor shall be in accordance with the provisions of the Universities {Miscellaneous Provisions} Act 1993 as amended.
 - (3) A Deputy Vice-Chancellor shall —
 - (a) assist the Vice-Chancellor in the performance of his functions;
 - (b) act in place of the Vice-Chancellor when the post of the Vice-Chancellor is vacant or if the Vice-Chancellor is, for any reason, absent or unable to perform his functions as Vice-Chancellor; and
 - (c) perform such other functions as the Vice-Chancellor or the Council may, from time to time, assign to him.
5. Office of the Registrar, Bursar and University Librarian.
 - (1) There shall be for the University, a Registrar, who shall be the Chief Administrative Officer of the University and shall be responsible to the Vice-Chancellor for the day-to-day administration of the University except as regards matters for which the Bursar is responsible in accordance with paragraph 6 (2) below.
 - (2) The person holding the office of Registrar shall by virtue of that office be Secretary to the Council, the Senate, Congregation and Convocation.

- (3) The Registrar, Bursar and Librarian shall hold office for a single term of five (5) years only beginning from the effective date of appointment and on such terms and conditions as may be specified in the appointment letter.

In addition to the above, the Councils may, upon satisfactory performance, extend the tenure of the Registrar, Bursar or Librarian for a further period of one (1) year only and thereafter the Registrar, Bursar or Librarian shall relinquish the post and be assigned to other duties in the University.

period and on such terms and conditions as to emoluments as may be specified in his letter of appointment.

6. (1) There shall be for the University, the following Principal Officers in addition to the Registrar, that is —
- (a) the Bursar; and
- (b) the University Librarian.
- (2) The Bursar shall be the Chief Financial Officer of the University and shall be responsible to the Vice-Chancellor for the day-to-day administration and control of the financial affairs of the University.
- (3) The University Librarian shall be responsible to the Vice-Chancellor for the administration of the University Library and the co-ordination of all library services in the University and its campuses, colleges, faculties, schools, departments and institutes and other teaching or research units.
- (4) The Bursar and the University Librarian —
- (a) shall each hold office for such period and on such terms and conditions as to emoluments as may be specified in his letter of appointment.
7. Other Officers of the University.
- There shall be for the University, a Director of Works, who shall be responsible to the Vice Chancellor for the administration of the Works Department. He shall be responsible for all works, services and maintenance of University facilities.
8. There shall be for the University, a Director of Health Services, who shall be responsible to the Vice Chancellor for the administration of the Health Centre. He shall be the Chief Medical Officer of the University and shall coordinate all matters relating to the health of all staff and students.
9. Resignation and re-appointment.
- (1) Any officer mentioned in the foregoing provisions of this schedule may resign his office in —
- (a) the case of the Chancellor or Pro-Chancellor, by notice to the Visitor;
- (b) the case of the Vice-Chancellor by notice to the Council which shall immediately notify the Minister; and
- (2) A person who has ceased to hold an office so mentioned otherwise than by removal for misconduct shall be eligible for re-appointment to that office.

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

SECOND SCHEDULE

Section 10 (2)

TRANSITIONAL PROVISIONS AS TO PROPERTY, FUNCTIONS, ETC.

Transfer of Property to the University.

1. Without prejudice to the generality of Section 10 (1) of this Bill —
 - (a) the reference in the subsection to property held by the provisional Council and the University shall include a reference to the right to receive and give a good discharge for any grants or contributions which may have been voted or promised to the provisional Council and the University; and
 - (b) all outstanding debts and liabilities of the provisional Council shall become debts and liabilities of the University established by this Bill.
2.
 - (1) All agreements, contracts, deeds and other instruments to which the provisional Council was a party shall, so far as possible and subject to any necessary modifications, have effect as if the University established by this Bill had been a party to it in place of the provisional Council.
 - (2) Documents not falling within sub-paragraph (1) above, including enactments, which refer whether specially or generally to the provisional Council shall be construed in accordance with that subparagraph so far as applicable.
 - (3) Any legal proceedings or application to any authority pending by or against the provisional Council may be continued by or against the University established by this Bill.

Registration of Transfers.

3.
 - (1) If the law in force at the place where any property transferred by this Bill is situated provides for the registration of transfers of property of the kind in question (whether by reference to an instrument of transfer or otherwise), the law shall, so far as it provides for alterations of a register (but not for avoidance of transfers, the payment of fees of any other matter) apply, with the necessary modifications to the transfer of the property in question.
 - (2) It shall be the duty of the body to which any property is transferred by this Bill to furnish the necessary particulars of the transfer to the proper officer of the registration authority, and of that officer to register the transfer accordingly.
4.
 - (1) The first meeting of the Council shall be convened by the Pro-Chancellor on such date and in such manner as he may determine.
 - (2) The persons who were members of the provisional Council shall be deemed to constitute the Council until the date when the Council set up under the Third Schedule to this Bill must have been duly constituted.
 - (3) The first meetings of the Senate as constituted by this Bill shall be convened by the Vice-Chancellor on such date and in such manner as he may determine.
 - (4) The persons who were members of the Senate immediately before the coming into force of this Bill shall be deemed to constitute the Senate of the University until the date when the Senate as set up under the Third Schedule of this Bill must have been duly constituted.

- (5) Subject to any regulations which may be made by the Senate after the date on which this Bill is made, the faculties, faculty boards and students of the University immediately before the coming into force of this Bill shall on that day become faculties, faculty boards and students of the University as established by this Bill.
- (6) Persons who were deans or associate deans of faculties or members of faculty boards shall continue to be deans or associate deans or become members of the corresponding faculty boards, until new appointment are made in pursuance of the Statutes under this Bill.
5. Any person who was a member of the staff of the University as established or was otherwise employed by the provisional Council shall be employed at the University on such designation, status and functions which correspond as nearly as possible to those which pertained to him as a member of that staff or as such an employee.
6. Questions as to the scope of the responsibilities of the aforesaid officers shall be determined by the Vice-Chancellor.

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

THIRD SCHEDULE

Section 11 (3)

FEDERAL UNIVERSITY, GASHUA STATUTE NO. 1

Article:

1. The Council.
2. Finance and General Purpose Committee
3. The Senate.
4. The Congregation.
5. Convocation.
6. Organization of Faculties and the Branches thereof.
7. Faculty Board.
8. The Dean of the Faculty.
9. Selection of Certain Principal and other key officers.
10. Creation of Academic Post.
11. Appointment of Academic Staff.
12. Appointment of Administrative and Technical Staff.

The Council.

- (1) Any member of Council holding office pursuant to section 6 (e) (f) (g) or (h) of this Bill may, by notice to the Council resign his office.
- (2) A member of Council holding office pursuant to section 6 (e) (f) (g) or (h) of this Bill shall, unless he previously vacates it, vacate that office on the expiration of a period of four years starting from 1st August in the year in which he was appointed.

- (3) Where a member of Council holding office pursuant to section 6 (e) (f) (g) or (h) of this Bill vacates office before the expiration of his tenure, the body that appointed him may appoint a successor to hold office for the residue of his unexpired term.
- (4) A person ceasing to hold office as a member of Council otherwise than by removal for misconduct shall be eligible for reappointment for only one further period of four years.
- (5) The quorum of the Council shall be five, at least one of whom shall be a member pursuant to Section 6 (d) and (e) of this Bill .
- (6) If the Pro-Chancellor is not present at a meeting of the Council, the members present at the meeting may appoint one of them to be the Chairman at that meeting, and subject to section 5 of this Bill and the provisions of this paragraph the Council may regulate its own procedure.
- (7) Where the Council desires to obtain advice with respect to any particular matter, it may co-opt not more than two persons for that purpose; and the persons co-opted may take part in the deliberations of the Council at any meeting but shall not be entitled to vote.
- (8) The Council constituted by this Bill shall have a four year tenure from the date of its inauguration, provided that where a Council is found to be incompetent and corrupt, it shall be dissolved by the visitor and a new Council shall be immediately constituted for the effective functioning of the University.
- (9) The powers of the Council shall be exercised in accordance with the laws and Statutes of the University, and to that extent, establishment circulars that are inconsistent with the laws and Statutes of the University shall not apply to the' University.

The Finance and General Purpose Committee.

2. (1) The Finance and General Purpose Committee of the Council shall consist of —
 - (a) the Pro-Chancellor, who shall be the Chairman of the committee at any meeting at which he is present;
 - (b) the Vice-Chancellor and a Deputy Vice-Chancellor;
 - (c) six other members of the Council appointed by the Council two of whom shall be selected from among the four members of the Council appointed by the Senate and one of whom shall be selected from among members of the Council appointed by the congregation; and
 - (d) the Permanent Secretary, Federal Ministry of Education or, in his absence, such member of his Ministry as he may designate to represent him.
- (2) The quorum of the Committee shall be six.
- (3) Subject to any directions given by the Council, the committee may regulate its own procedure.

The Senate.

3. (1) There shall be a Senate for the University consisting of —
 - (a) the Vice-Chancellor;
 - (b) the Deputy Vice-Chancellor;
 - (c) all Professors of the University;

- (d) all Deans, Provosts and Directors of Academic units of the University;
 - (e) all Heads of Academic Departments, Units and Research Institutes of the University;
 - (f) the University Librarian; and
- (2) The Vice-Chancellor shall be the chairman at all meetings of the Senate when he is present and in his absence, one of the Deputy Vice-Chancellors appointed by him shall be the chairman at the meeting.
 - (3) The quorum of the Senate shall be one-quarter (or the nearest whole number less than one quarter), and subject to paragraph (2) above the Senate may regulate its own procedure.
 - (4) If so requested in writing by any ten members of the Senate, the Vice-Chancellor, or in his absence a person duly appointed by him, shall convene a meeting of the Senate to be held not later than the tenth day following that on which the request was received.

Congregation.

- 4. (1) Congregation shall consist of —
 - (a) the Vice-Chancellor and the Deputy Vice-Chancellor;
 - (b) the full time members of the academic staff;
 - (c) the Registrar;
 - (d) the Bursar; and
 - (e) every member of the administrative and technical staff who holds a degree of any University recognized for the purpose of this Statute by the Vice-Chancellor, not being an honorary degree.
- (2) Subject to section 5 of this Bill, the Vice-Chancellor shall be the Chairman at all meetings of congregation when he is present, and in his absence one of the Deputy Vice Chancellors appointed by him shall be the chairman at the meeting.
- (3) The quorum of congregation shall be one-third (or the nearest whole number to one-third) of the total number of members of congregation or fifty, whichever is less.
- (4) A certificate signed by the Vice-Chancellor specifying —
 - (a) the total number of members of Congregation for the purposes of any particular meeting or meetings of Congregation; or
 - (b) the names of the persons who are members of Congregation during a particular period;shall be conclusive evidence of that number or as the case may be of the names of those persons.
- (5) Subject to the provisions of this schedule, congregation may regulate its own procedure.

- (6) Congregation shall be entitled to express by resolution or otherwise its opinion on all matters affecting the interest and welfare of the University and shall have such other functions in addition to the function of electing a member of the Council, as may be provided by Statute or Regulations.

Convocation.

5. (1) Convocation shall consist of —
- (a) the Officers of the University mentioned in Schedule 1 to this Bill;
 - (b) all teachers within the meaning of this Bill; and
 - (c) all other persons whose names are registered in accordance with paragraph (2) below.
- (2) A person shall be entitled to have his name registered as a member of convocation if he —
- (a) is either a graduate of the University or a person satisfying such requirements as may be prescribed for the purposes of this paragraph; and
 - (b) applies for the registration of his name in the prescribed manner and pays the prescribed fee.
- (3) Regulations shall provide for the establishment and maintenance of a register for the purpose of this paragraph and, subject to paragraph (3) below, may provide for the payment from time to time of further fees by persons whose names are on the register and for the removal from the register of the name of any person who fails to pay those fees.
- (4) The person responsible for maintaining the register shall, without the payment of any fees, ensure that the names of all persons who are for the time being members of convocation by virtue of paragraph (1) (a) or (b) of this paragraph are entered and retained on the register.
- (5) A person who reasonably claims that he is entitled to have his name on the register shall be entitled on demand to inspect the register, or a copy of the register at the principal offices of the University at all reasonable times.
- (6) The register shall, unless the contrary is proved, be sufficient evidence that any person named therein is, and that any person not named therein is not, a member of convocation; but for the purpose of ascertaining whether a particular person was such a member on a particular date, any entries in and deletions from the register made on or after that date shall be disregarded.
- (7) The quorum of convocation shall be fifty or one-third (or the whole number nearest to one-third) of the total number of members of convocation whichever is less.
- (8) Subject to section 5 of this Bill, the Chancellor shall be chairman at all meetings of convocation when he is present, and in his absence the Vice Chancellor shall be the chairman at the meeting.
- (9) Convocation shall have such functions, in addition to the function of appointing a member of the Council, as may be provided by statute.

Organisation of Faculties and Branches Thereof.

6. Each Faculty shall be divided into such number of branches as may be prescribed.

7. (1) There shall Be established in respect of each Faculty, a Faculty Board, which, subject to the provisions of this Bill, and subject to the directions of the Vice-Chancellor, shall —
- (a) regulate the teaching and study of, and the conduct of examinations connected with the subjects assigned to the faculty;
 - (b) deal with other matters assigned to it by Statute, by the Vice-Chancellor or by the Senate; and
 - (c) advice the Vice-Chancellor or Senate on any matter referred to it by the Vice-Chancellor or Senate.
- (2) Each Faculty Board shall consists of —
- (a) the Vice-Chancellor;
 - (b) the persons severally in charge of the branches of the faculty;
 - (c) such number of the teachers assigned to the faculty and having the prescribed qualifications as the Board may determine; and
 - (d) such persons whether or not members of the University as the Board may determine with the general or special approval of Senate.
- (3) The quorum of the Board shall be eight members or one-quarter of the members of the Board for the time being whichever is greater.
- (4) Subject to the provisions of this statute and to any provision made by regulations in that behalf, the Board may regulate its own procedure.

The Dean of the Faculty.

8. (1) The Dean of a faculty shall be a professor elected by the Faculty Board and such Dean shall hold office for a term of two years. He will be eligible for re-election for another term of two years after which he may not be elected again until two years have elapsed.
- (2) If there is no professor in a faculty, the Vice-Chancellor shall appoint an Acting Dean who shall not be below the rank of Senior Lecturer for the faculty, who will act for a period of one year in the first instance, renewable for another one year only.
- (3) In the absence of the Vice-Chancellor, the Dean shall be the chairman at all meetings of the Faculty Board when he is present and he shall be a member of all committees and other boards appointed by the faculty.
- (4) The Dean of a faculty shall exercise general superintendence over the academic and administrative affairs of the faculty and it shall be the function of the Dean to present to the convocation for the conferment of Degrees, persons who have qualified for the Degrees of the University at examinations held in the branches of learning for which responsibility is allocated to that faculty.
- (5) There shall be a committee to be known as the Committee of Deans which shall consist of all the Deans of the several faculties and that committee shall advise the Vice-Chancellor on all academic matters and on particular matters referred to the Committee by the Senate.

- (6) The Dean of a faculty may be removed from office for a good cause by the Faculty Board after a vote would have been taken at a meeting of the Board, and in the event of a vacancy occurring following the removal of the Dean, an Acting Dean may be appointed by the Vice-Chancellor provided that at the next faculty board meeting an election shall be held for a new Dean.
- (7) In this article, "good cause" has the same meaning as in section 17 (4) of this Bill.

Selection of Certain Principal and other key Officers.

9. (1) When a vacancy occurs in the Office of the Registrar, Bursar, the University Librarian, Director of Works or Director of Health Services, a Selection Board shall be constituted by the Council and shall consist of —
- (i) the Pro-Chancellor;
 - (ii) the Vice-chancellor;
 - (iii) two members appointed by the Council, not being members of Senate; and
 - (iv) two members appointed by the Senate not being members of Council.
- (2) The Selection Board, after making such inquiries as it thinks fit, shall recommend a candidate to the Council for appointment to the vacant office, and after considering the recommendation of the Board the Council may make an appointment to that office.
- (3) A person appointed to the office of Director of Works or Director of Health Services shall hold office for such period and on such terms and conditions as may be specified in his letter of appointment.

Creation of Academic Post.

10. Recommendation for the creation of posts other than those mentioned in paragraph 9 of this Schedule shall be made by the Senate to the Council through the Finance and General Purposes Committee.

Appointment of Academic Staff.

11. Subject to this Bill and the Statutes derived from it, the filling of vacancies in academic posts (including newly created ones) shall be as prescribed from time to time by Statutes.

Appointment of Administrative and Technical Staff.

12. (1) The administrative and technical staff of the University, other than those mentioned in paragraph 9 of this schedule shall be appointed by the Council on its behalf by the Vice-Chancellor or the Registrar in accordance with any delegation of powers made by the Council in that behalf.
- (2) In the case of administrative or technical staff that has close and important contacts with the academic staff, there shall be Senate participation in the process of selection.

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

Chairman to report Bill.

(SENATE IN PLENARY)

The Deputy Senate President reported that the Senate in the Committee of the Whole considered the Report of the Committee on Tertiary Education and TETFUND on the Federal University, Gashua (Establishment, etc.) Bill 2018 and approved as follows:

Clauses 1- 27 — As Recommended

Schedules 1- 3 — 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 (*Deputy Senate Leader*).

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

17. Adjournment:

Motion made: That the Senate do now adjourn till Wednesday, 14th March, 2018 at 10:00 a.m. (*Deputy Senate Leader*).

Adjourned accordingly at 1:21 p.m.

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

