

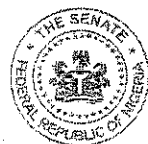


SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Thursday, 20th July, 2017

1. The Senate met at 11:00 a.m. The Senate President read Prayers.
2. **Votes and Proceedings:**
The Senate examined the Votes and Proceedings of Wednesday, 19th July, 2017.
3. **Announcements:**
 - (a) **Appreciation:**
The Senate President read a letter from Senator Peter O. Nwaoboshi (*Delta North*) as follows:



THE SENATE
FEDERAL REPUBLIC OF NIGERIA
SENATOR PETER NWAOBOSHI
Delta North Senatorial District
Chairman, Senate Committee on Niger Delta

19th July, 2017

Dr. Bukola Saraki
President of the Senate
National Assembly
Abuja.

APPRECIATION

I write to express my deepest and heartfelt appreciation to your Excellency and my Distinguished Colleagues for your presence and active participation and goodwill messages during my 60th birthday celebration, which took place in my hometown, Ibusa, Delta State.

I feel highly honoured for your show of affection, which surely added immeasurable impetus to the occasion, and this will forever remain memorable. I also thank Almighty God for the successful celebration.

Please accept the assurances of my warmest regards.

(Signed)

*Senator Peter O. Nwaoboshi
Chairman, Senate Committee on Niger Delta.*

(b) Notification:

The Senate President read a letter from Senator Samuel N. Anyanwu (*Imo East*) as follows:



Senator Samuel N. Anyanwu

REPRESENTING IMO EAST SENATORIAL ZONE (OWERRI)
CHAIRMAN, SENATE COMMITTEE ON ETHICS, PRIVILEGES, AND PUBLIC PETITIONS

REF: SSNA12/07/2017/SP/153

July 12, 2017

*The Senate President,
Sen. Abubakar Bukola Saraki
National Assembly,
Abuja.*

NOTIFICATION OF A GRAND CIVIC RECEPTION IN MY HONOUR BY MY SENATORIAL DISTRICT

I am pleased, with due courtesy to notify you and my distinguished colleagues of a grand civic reception being organised in my honour by the people of Ikeduru Local Government Area of Imo East Senatorial district that I represent.

The reception is in honour of my meritorious services and outstanding contributions to the development of the Local Government in particular and Imo East in general through my quality, efficient and sagacious representation in the hallowed chambers.

I was really humbled to have the involvement of prominent leaders across political party boundaries taking active participation in the planned event, and poised to roll out drums with pumps and pageantry to celebrate my stewardship.

I consider this civic reception a special event in my life that I will greatly feel honoured by your esteemed presence to grace the occasion and share in the joy and blessing of the day.

This reception is scheduled to take place;

*ON: 16th September, 2017
AT: Iho Township Stadium, Ikeduru LGA, Imo State
TIME: 11.00am*

I will appreciate to have your goodwill messages included in the event brochure. Deadline for submission is July 21, 2017.

Please do also consider this notification as a formal invitation to the event.

Accept the assurances of my esteemed regards.

(Signed)

Sen. Samuel N. Anyanwu

(c) Conference Committee:

The Senate President named the following Senators as Conferees on the Federal Capital Territory Hospital Management Board (Establishment, etc.) Bill, 2017:

(i)	Senator Dino Melaye	—	Chairman
(ii)	Senator Mohammed Hassan	—	Member
(iii)	Senator Philip T. Aduda	—	Member
(iv)	Senator Shehu Sani	—	Member
(v)	Senator Andy E. Uba	—	Member
(vi)	Senator Francis A. Alimikhena	—	Member

(d) Conference Committee:

The Senate President named the following Senators as Conferees on Federal Capital Territory Transport Authority (Establishment, etc.) Bill, 2017:

(i)	Senator Dino Melaye	—	Chairman
(ii)	Senator Mohammed Hassan	—	Member
(iii)	Senator Isah H. Misau	—	Member
(iv)	Senator John O. Enoh	—	Member
(v)	Senator Gilbert E. Nnaji	—	Member
(vi)	Senator Abdullahi Adamu	—	Member

(e) Acknowledgment:

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

- (i) Members of Environmental Design Students' Association, Ahmadu Bello University, Zaria, Kaduna State;
- (ii) Members of Nigeria Association of Adventist Students, Ahmadu Bello College Chapter, Zaria, Kaduna State;
- (iii) Members of National Union of Benue State Students, University of Abuja, Abuja; and
- (iv) Members of Voters Education Club, Alhudahuda College Chapter, Zaria, Kaduna State; and

4. Matter of Urgent Public Importance:

Rising on Rule 42, Senator Hassan Mohammed (*Yobe South*) drew the attention of the Senate to the Federal Government of Nigeria approval of ₦701 Billion on credit facility from the Central Bank of Nigeria (CBN) to support the power sector. He sought and obtained the leave of the Senate to present the matter.

Matter to stand over to the next Legislative Day [Rule 42(2)].

5. Matter of Urgent Public Importance:

Rising on Rule 42, Senator Shehu Sani (*Kaduna Central*) drew the attention of the Senate to the crisis in Kajuru Local Government Area of Kaduna State resulting in the loss of 32 lives. He further stated that his Constituency has been engulfed in the act of kidnapping and armed robbery persistently. He appealed to the Security Agencies to be proactive at tackling the problem and to bring up a motion the next legislative day. He sought and obtained the leave of the Senate to present the matter.

Matter to stand over to the next Legislative Day [Rule 42(2)].

6. **Personal Explanation:**

Rising on Rule 43, Senator Peter O. Nwaoboshi (*Delta North*) drew the attention of the Senate to the challenges the Presidential Amnesty Programme is facing due to inadequate funds releases for the programme. He stated that at present the office is due for its 1st and 2nd quarter allocation amounting to the sum of 38.2 Billion Naira, however only 10 Billion Naira was advanced to the office in the month of June, leaving the balance of 28.2 Billion Naira. He urged the Senate to call on the Federal Government to immediately release all outstanding payment in order to bring relative peace to the Niger Delta region.

The Senate mandates the Chairman, Committee on Finance to contact the Hon. Minister of Finance to resolve this issue and report on the next Legislative Day.

7. **Presentation of Bills:**

- (i) Audiology Council of Nigeria (Establishment, etc.) Bill, 2017 (SB. 533) — *Read the First Time.*
- (ii) Nigerian Financial Intelligence Agency (Establishment, etc.) Bill, 2017 (SB. 535) — *Read the First Time.*
- (iii) Chartered Institute of Financial Investment Analyst of Nigeria Bill, 2017 (HB. 98) — *Read the First Time.*

8. **Committee on Constitutional Review:**

Report on the Alteration Bills, 2017:

Motion made: That the Senate do receive the Report of the Committee on the Constitution Review on the Constitution of the Federal Republic of Nigeria 1999 as Amended (Alteration) Bills, 2017 (*Senator Ike Ekweremadu — Enugu West*).

Question put and agreed to.

Report Laid.

9. **Committee on Banking, Insurance and other Financial Institutions:**

Motion made: That the Senate do receive the Reports of the Committee on Banking, Insurance and other Financial Institutions on:

- a. Foreign Exchange (Control & Miscellaneous) Act CAP F34 LFN 2004 (Repeal & Re-enactment) Bill, 2017 (SB.181);
- b. The Unscrupulous Violation of Foreign Exchange (Monitoring & Miscellaneous) Act by Mobile Telecommunication Ltd (MTN) Nigeria and others; and
- c. The Stakeholders Round Table to Address Increasing Interest Rates in Nigeria (*Senator Rafiu I. Adebayo — Kwara South*).

Question put and agreed to.

Reports Laid.

10. **Committee on Judiciary, Human Rights and Legal Matters:**

Report on the Conference Committee Report on Nigerian Peace Corps (NPC) (Establishment, etc.) Bill, 2017 (SB.173):

Consideration of Report deferred to the next Legislative Day.

11. Committee on Independent National Electoral Commission (INEC):

Report on the Screening of 12 Nominees for Appointment as Resident Electoral Commissioners:

Motion made: That the Senate do consider the Report of the Committee on Independent National Electoral Commission (INEC) on the screening of 12 nominees for appointment as Resident Electoral Commissioners:

S/N	Nominees	State of Origin	Remarks
(i)	Dr. (Mrs.) Asmau Sani Maikudi	Katsina	New Appointment
(ii)	Sam Olugbadebo Olumekun, mni	Ondo	Reappointment
(iii)	Dr. Mahmuda Isah	Kebbi	New Appointment
(iv)	Amb. (Dr.) Rufus Oloruntoyin Akeju	Lagos	Reappointment
(v)	Professor Riskuwa A. Shehu	Sokoto	New Appointment
(vi)	Barr. Kasim Gana Geidam	Yobe	Reappointment
(vii)	Jibrin Ibrahim Zarewa	Kano	Reappointment
(viii)	Abdulganiyu Olayinka Raji	Oyo	New Appointment
(ix)	Professor Samuel G. Egwu	Kogi	New Appointment
(x)	Barrister Mike A. Igini	Delta	Reappointment
(xi)	Professor Mustapha Zubairu	Niger	New Appointment
(xii)	Ahmad Bello Mahmud	Zamfara	New Appointment

(Senator Suleiman M. Nazif — Bauchi 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
(Senate Leader).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

Consideration of the Report of the Committee on Independent National Electoral Commission (INEC) on the screening of 12 nominees for appointment as Resident Electoral Commissioners.

Nominees recommended for confirmation:

(i)	Dr. (Mrs.) Asmau Sani Maikudi (<i>Katsina</i>)(<i>New Appointment</i>)	—	<i>Agreed to.</i>
(ii)	Sam Olugbadebo Olumekun, mni (<i>Ondo</i>)(<i>Reappointment</i>)	—	<i>Agreed to.</i>
(iii)	Professor Riskuwa A. Shehu (<i>Sokoto</i>)(<i>New Appointment</i>)	—	<i>Agreed to.</i>
(iv)	Barr. Kasim Gana Geidam (<i>Yobe</i>)(<i>Reappointment</i>)	—	<i>Agreed to.</i>
(v)	Jibrin Ibrahim Zarewa (<i>Kano</i>)(<i>Reappointment</i>)	—	<i>Agreed to.</i>
(vi)	Abdulganiyu Olayinka Raji (<i>Oyo</i>)(<i>New Appointment</i>)	—	<i>Agreed to.</i>
(vii)	Professor Samuel G. Egwu (<i>Kogi</i>)(<i>New Appointment</i>)	—	<i>Agreed to.</i>
(viii)	Barrister Mike A. Igini (<i>Delta</i>)(<i>Reappointment</i>)	—	<i>Agreed to.</i>
(ix)	Professor Mustapha Zubairu (<i>Niger</i>)(<i>New Appointment</i>)	—	<i>Negated.</i>

The following nominees were Referred to the Committee for further legislative consultations.

- (i) Dr. Mahmuda Isah (*Kebbi*)(*New Appointment*)
- (ii) Amb. (Dr.) Rufus Oloruntoyin Akeju (*Lagos*)(*Reappointment*)
- (iii) Ahmad Bello Mahmud (*Zamfara*)(*New Appointment*)

Chairman to report progress.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered the Report of the Committee on Independent National Electoral Commission (INEC) on the screening of 12 nominees for appointment as Resident Electoral Commissioners. The nomination of Professor Mustapha Zubairu (*Niger*)(*New Appointment*) was rejected. Dr. Mahmuda Isah (*Kebbi*)(*New Appointment*); Amb. (Dr.) Rufus Oloruntoyin Akeju (*Lagos*)(*Reappointment*); and Ahmad Bello Mahmud (*Zamfara*)(*New Appointment*) was referred to the Committee for further legislative consultations; and approved the nominations of:

- (i) Dr. (Mrs.) Asmau Sani Maikudi (*Katsina*)(*New Appointment*)
- (ii) Sam Olugbadebo Olumekun, mni (*Ondo*)(*Reappointment*)
- (iii) Professor Riskuwa A. Shehu (*Sokoto*)(*New Appointment*)
- (iv) Barr. Kasim Gana Geidam (*Yobe*)(*Reappointment*)
- (v) Jibrin Ibrahim Zarewa (*Kano*)(*Reappointment*)
- (vi) Abdulganiyu Olayinka Raji (*Oyo*)(*New Appointment*)
- (vii) Professor Samuel G. Egwu (*Kogi*)(*New Appointment*)
- (viii) Barrister Mike A. Igini (*Delta*)(*Reappointment*)

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

Confirmation of nominations:*Question:*

“Will the Senate confirm the nomination of Dr. (Mrs.) Asmau Sani Maikudi (*Katsina*) for appointment as Resident Electoral Commissioner of the Independent National Electoral Commission (INEC)?” — *Resolved in the Affirmative.*

Nomination of Dr. (Mrs.) Asmau Sani Maikudi (Katsina) for appointment as Resident Electoral Commissioner of the Independent National Electoral Commission (INEC) accordingly confirmed.

Question:

“Will the Senate confirm the nomination of Sam Olugbadebo Olumekun, mni (*Ondo*) for appointment as Resident Electoral Commissioner of the Independent National Electoral Commission (INEC)?” — *Resolved in the Affirmative.*

Nomination of Sam Olugbadebo Olumekun, mni (Ondo) for appointment as Resident Electoral Commissioner of the Independent National Electoral Commission (INEC) accordingly confirmed.

Question:

“Will the Senate confirm the nomination of Professor Riskuwa A. Shehu (*Sokoto*) for appointment as Resident Electoral Commissioner of the Independent National Electoral Commission (INEC)?” — *Resolved in the Affirmative.*

Nomination of Professor Riskuwa A. Shehu (Sokoto) for appointment as Resident Electoral Commissioner of the Independent National Electoral Commission (INEC) accordingly confirmed.

Question:

“Will the Senate confirm the nomination of Barr. Kasim Gana Geidam (*Yobe*) for appointment as Resident Electoral Commissioner of the Independent National Electoral Commission (INEC)?” — *Resolved in the Affirmative.*

Nomination of Barr. Kasim Gana Geidam (Yobe) for appointment as Resident Electoral Commissioner of the Independent National Electoral Commission (INEC) accordingly confirmed.

Question:

"Will the Senate confirm the nomination of Jibrin Ibrahim Zarewa (*Kano*) for appointment as Resident Electoral Commissioner of the Independent National Electoral Commission (INEC)?" —
Resolved in the Affirmative.

Nomination of Jibrin Ibrahim Zarewa (Kano) for appointment as Resident Electoral Commissioner of the Independent National Electoral Commission (INEC) accordingly confirmed.

Question:

"Will the Senate confirm the nomination of Abdulganiyu Olayinka Raji (*Oyo*) for appointment as Resident Electoral Commissioner of the Independent National Electoral Commission (INEC)?" —
Resolved in the Affirmative.

Nomination of Abdulganiyu Olayinka Raji (Oyo) for appointment as Resident Electoral Commissioner of the Independent National Electoral Commission (INEC) accordingly confirmed.

Question:

"Will the Senate confirm the nomination of Professor Samuel G. Egwu (*Kogi*) for appointment as Resident Electoral Commissioner of the Independent National Electoral Commission (INEC)?" —
Resolved in the Affirmative.

Nomination of Professor Samuel G. Egwu (Kogi) for appointment as Resident Electoral Commissioner of the Independent National Electoral Commission (INEC) accordingly confirmed.

Question:

"Will the Senate confirm the nomination of Barrister Mike A. Igini (*Delta*) for appointment as Resident Electoral Commissioner of the Independent National Electoral Commission (INEC)?" —
Resolved in the Affirmative.

Nomination of Barrister Mike A. Igini (Delta) for appointment as Resident Electoral Commissioner of the Independent National Electoral Commission (INEC) accordingly confirmed.

12. Committee on Foreign Affairs:

Report on the Extortion of Pilgrims by the National Hajj Commission of Nigeria (NAHCON):

Motion made: That the Senate do consider the Report of the Committee on Foreign Affairs on the Extortion of Pilgrims by the National Hajj Commission of Nigeria (NAHCON) (*Senator Monsurat J. A. Sunmonu — Oyo Central*).

Question put and agreed to.

Report presented.

Debate:

Proposed Resolution (i):—

Question: The Government should as a matter of urgency extend concession on the Naira - Dollar exchange to NAHCON and NCPC, once in every year, for the pilgrimages to the two Holy Lands. Therefore, the Committee strongly recommends the concession of N200 to a \$ for the 2017 Hajj to bring down the cost to a bearable level.

Amendment Proposed:

Immediately after the word "Hajj" in line 4, *insert* the words "provided it is in existence" (*Senator Adamu M. Aliero — Kebbi Central*).

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

Proposed Resolution (ii):

Question: The Federal Government should further engage, at the highest level, discussions with the Kingdom of Saudi Arabia, to review the 50-50 carriage of pilgrims between Nigeria and Saudi Arabian Airlines. This is with a view to providing opportunities for more indigenous Nigerian Airlines to participate in the Hajj operations. This will give Nigeria varieties in choosing the air carrier — *Agreed to.*

Proposed Resolution (iii):

Question: The National Hajj Commission of Nigeria (NAHCON) must consistently interact with the Committee, especially at the critical levels of its preparations, particularly during discussions on the air fares and the exchange rates granted by the Federal Government. It must ensure that all the key elements in determining the final Hajj fares are properly concluded and discussed with the Committee before their final release to the public — *Agreed to.*

Proposed Resolution (iv):

Question: The National Hajj Commission of Nigeria should expedite action on the establishment of Hajj Savings Scheme, in compliance with Sections 7 (1 and 2) and 13 of the NAHCON Act, for all intending Pilgrims to make it possible for Nigerian Pilgrims to save for the annual Islamic Rites over a long period. This will cushion the effects of any similar astronomical increase in the foreseeable future — *Agreed to.*

Proposed Resolution (v):

Question: That the NAHCON must be made to ensure improved feeding services for the Nigerian contingents at all designated points. Similarly, service providers must be made to provide meals based on the choice of menu of the different States of the Federation. Discussions should be opened to give Nigerian Caterers the opportunity to participate in this venture, by exporting local menus to Saudi Arabia, to give the Nigerian Pilgrims homely dishes while observing their religious rites. Equally, special attention must be paid to pilgrims with medical conditions like diabetes, hypertension, hepatitis B, etc — *Negated.*

Proposed Resolution (vi):

Question: The Nigeria Government and its economic Team must do everything humanly possible, to improve on the Nigerian monetary policy, which would expectedly guarantee a long time stable relationship of the Naira with other currencies in the foreign exchange market. For example, from 2007 to date, a period of ten years, the exchange rate between the US\$ and Saudi Riyals has been SR3.74 to US\$1. Subjecting the Naira to similar period like the Riyal indicated a serious decline on its value, from N118 to a US\$1 in 2007 to N305 to a \$1 in 2017. All the two different rates are official — *Negated.*

Proposed Resolution (vii):

Question: Tour operators must be cautioned to stop making Hajj arrangement on presumption until the whole processes are concluded and the actual cost of all the relevant services are arrived at, so as, not to mislead Nigerians on the matter. Therefore, Hajj flyers in that effect can only be released quoting cost of the yearly exercise after all arrangements including MOU's are duly signed and official fares released by Government — *Agreed to.*

Proposed Resolution (viii):

Question: That the NAHCON must be made to weld the big stick on any erring Tour Operator to further bring sanity to the system and ensure value for money to the Nigerian pilgrims who spent their hard earned money to perform their religious duties — *Agreed to.*

Proposed Resolution (ix):

Question: That the NAHCON must explore means of reducing the duration of stay of the Nigerian pilgrims in the kingdom during Hajj, from the current minimum 35 days. This will ensure reduction in the cost of accommodation and feeding, with other incidentals while in Saudi Arabia — *Agreed to.*

Proposed Resolution (x):

Question: The National Assembly must adequately and timely fund its Standing Committees, to empower them in conducting effective legislative oversight on the activities of MDAs across board. This will ensure prompt and detailed action on such matters before they are made public and could guard against unnecessary overheating of the polity and to save energy. Regular interactions should also be ensured between the National Assembly Standing Committees and the MDAs — *Agreed to.*

Additional Proposed Resolutions:

Insert Additional Proposed Resolutions as follows:

- “(i) constitute an Ad hoc Committee to look into the issue of accommodation, logistics, feeding etc. onshore and offshore”
- (ii) urge the Federal Government to reintroduce the Amrul-Hajj to enhance the relationship between Nigeria and the Kingdom of Saudi Arabia” (*Senator Mallam A. Wakili — Bauchi South*).

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

Resolved:

- (i) The Government should as a matter of urgency extend concession on the Naira - Dollar exchange to NAHCON and NCPC, once in every year, for the pilgrimages to the two Holy Lands. Therefore, the Committee strongly recommends the concession of N200 to a \$ for the 2017 Hajj, provided it is in existence, to bring down the cost to a bearable level;
- (ii) The Federal Government should further engage, at the highest level, discussions with the Kingdom of Saudi Arabia, to review the 50 -50 carriage of pilgrims between Nigeria and Saudi Arabian Airlines. This is with a view to providing opportunities for more indigenous Nigerian Airlines to participate in the Hajj operations. This will give Nigeria varieties in choosing the air carrier;
- (iii) The National Hajj Commission of Nigeria (NAHCON) must consistently interact with the Committee, especially at the critical levels of its preparations, particularly during discussions on the air fares and the exchange rates granted by the Federal Government. It must ensure that all the key elements in determining the final Hajj fares are properly concluded and discussed with the Committee before their final release to the public;
- (iv) The National Hajj Commission of Nigeria should expedite action on the establishment of Hajj Savings Scheme, in compliance with Sections 7 (1 and 2) and 13 of the NAHCON Act, for all intending Pilgrims to make it possible for Nigerian Pilgrims to save for the annual Islamic Rites over a long period. This will cushion the effects of any similar astronomic increase in the foreseeable future;
- (v) Tour operators must be cautioned to stop making Hajj arrangement on presumption until the whole processes are concluded and the actual cost of all the relevant services are arrived at, so as, not to mislead Nigerians on the matter. Therefore, Hajj flyers in that effect can only be released quoting cost of the yearly exercise after all arrangements including MOU's are duly signed and official fares released by Government;
- (vi) NAHCON must be made to weld the big stick on any erring Tour Operator to further bring sanity to the system and ensure value for money to the Nigerian pilgrims who spent their hard earned money to perform their religious duties;
- (vii) NAHCON must explore means of reducing the duration of stay of the Nigerian pilgrims in the kingdom during Hajj, from the current minimum 35 days. This will ensure reduction in the cost of accommodation and feeding, with other incidentals while in Saudi Arabia;

- (viii) The National Assembly must adequately and timely fund its Standing Committees, to empower them in conducting effective legislative oversight on the activities of MDAs across board. This will ensure prompt and detailed action on such matters before they are made public and could guard against unnecessary overheating of the polity and to save energy. Regular interactions should also be ensured between the National Assembly Standing Committees and the MDAs;
- (ix) constitute an Ad hoc Committee to look into the issue of accommodation, logistics, feeding etc. onshore and offshore; and
- (x) urge the Federal Government to reintroduce the Amrul-Hajj to enhance the relationship between Nigeria and the Kingdom of Saudi Arabia (S/Res/021/03/17).

Ad hoc Committee:

The Senate President named the following Senators as Chairman and Members of Ad hoc Committee to look into the issue of accommodation, logistics, feeding etc. onshore and offshore:

(i)	Senator Mohammed A. Aliero	—	Chairman
(ii)	Senator Ibrahim D. Abdullahi	—	Member
(iii)	Senator Mallam A. Wakili	—	Member
(iv)	Senator Mao A. Oluabunwa	—	Member
(v)	Senator Matthew A. Urhoghide	—	Member
(vi)	Senator Olarenwaju A. Tejuoso	—	Member
(vii)	Senator Aliyu S. Abdullahi	—	Member

13. Committee on Establishment and Public Service:

Report on the Institute of Chartered Biochemist and Molecular Biologists of Nigeria Bill, 2017 (SB.283):

Motion made: That the Senate do consider the Report of the Committee on Establishment and Public Service on the Institute of Chartered Biochemist and Molecular Biologists of Nigeria Bill, 2017 (Senator Emmanuel I. Paulker — Bayelsa Central).

Question put and agreed to.

Report presented.

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

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO ESTABLISH THE INSTITUTE OF CHARTERED BIOCHEMIST AND MOLECULAR BIOLOGISTS CHARGED WITH THE RESPONSIBILITIES TO AMONG OTHER THINGS DETERMINE STANDARD OF KNOWLEDGE AND SKILL TO BE ATTAINED BY PERSONS SEEKING TO BECOME REGISTERED BIOCHEMISTS AND MOLECULAR BIOLOGISTS, REGISTER SUCH PERSONS, REGULATE AND CONTROL THEIR PRACTICE AND REVIEW THOSE STANDARDS FROM TIME TO TIME AS CIRCUMSTANCES MAY PERMIT AND FOR RELATED MATTERS, 2017.

PART 1 — ESTABLISHMENT OF THE INSTITUTE.

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

- (1) There is hereby established a body to be known as the Institute of Chartered Biochemists and Molecular Biologists of Nigeria (in this Bill referred to as "the Institute").

(2) The Institute:—

- (a) shall be a body Corporate with perpetual succession and a common seal and may sue and be sued in its corporate name; and
- (b) may acquire, hold, mortgage purchase and deal with property, whether movable or immovable, real or personal.

Committee's Recommendation:

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

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

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

- (1) There is established for the Institute a Governing Council (in this Bill referred to as the "Council") which shall be charged with the responsibility for the administration and general management of the Institute.
- (2) The council shall consist of the following members, that is—
 - (a) the President of the Institute, who shall be the Chairman;
 - (b) the Vice-President of the Institute, who shall be the Vice Chairman;
 - (c) a representative each from:—
 - (i) The federal Ministry of Health
 - (ii) Federal Ministry of science and Technology
 - (iii) Federal Ministry of Education
 - (iv) Federal Ministry of Agriculture
 - (v) Federal Ministry of Environment
 - (d) Past President of the Institute who shall be entitled to serve on the Council for a maximum period of three years from the expiration of their terms of office as President of the Institute;

Amendment Proposed:

Leave out subclause 2(d) and *insert* the following instead thereof:

"(d) immediate past President of the Institute who shall be entitled to serve on the Council for a maximum period of three years from the expiration of their terms of office as President of the Institute;" (*Senator Biodun C. Olujimi — Ekiti South*).

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

- (e) the Chairmen of all standing Committees of the Institute.
- (f) Six (6) Senior Academics of Professorial rank, who must be registered members of the Institute to represent Institutions of higher learning in Nigeria offering courses leading to approved qualifications, to be elected by the Institute, based on geo-political zones. Each geopolitical zone shall nominate representatives in rotation.

- (g) Two persons who shall be registered Biochemist and/or Molecular Biologist to be elected by the Institute to represent the organised private section, and
 - (h) The registrar of the Institute who shall be the Secretary to the Council.
- (3) Where the President is unable to preside at the meetings of the Council by reason of death, incapacity or any other reason, the Vice President shall act in his stead for the unexpired portion of the term of office, or as the case may require, and references in this Bill to the President shall be construed accordingly.
- (4) The provisions set out in the First Schedule to this Bill shall have effect with respect to the qualifications and tenure of office of members of the Council and the other matters (*Senator Emmanuel I. Paulker — Bayelsa Central*).

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

Clause 3: Election of President and Vice President

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

Committee's Recommendation:

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

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

Clause 4: Membership of the Institute.

- (1) Subject to the provisions of this Bill, members admitted to the Institute shall—
 - (a) Possess adequate knowledge and understanding of Biochemistry and Molecular Biology and related matters and must be registered as members in the category of:—
 - (i) Fellow;
 - (ii) Associate Members;

- (iii) Professional Members;
 - (iv) Ordinary Members; or
 - (v) Honourary Fellow and Members
- (b) be registered as Biochemists and Molecular Biologists or such other classification of Biochemists and Molecular Biologists as the Institute may, from time to time, determine.
- (2) A person can be registered as —
- (a) a fellow if —
 - (i) he or she has been registered as an Associate member of the Institute, or has been qualified to be so registered for at least seven years and he satisfies the Council that for a continuous period of ten years immediately preceding the application he has been in practice as Biochemists and/or Molecular Biologists; and
 - (ii) he or she is otherwise considered by the Council to be a fit and proper person to be so registered;
 - (b) an Associate Member if —
 - (i) he or she has been registered as a Professional member of the Institute or has been qualified to be so registered for at least six years immediately preceding the application; and
 - (ii) he or she is otherwise considered by the Council to be a fit person and proper to be so registered;
 - (c) a Professional Member if —
 - (i) he or she has been registered as a member of the Institute and has been in practice as a Biochemist and Molecular Biologist for a period of at least two years immediately preceding the application; or
 - (ii) he or she is otherwise considered by the Council to be a fit and proper person to be so registered;
 - (d) an Ordinary Member if —
 - (i) he or she holds a certificate of the examination of the Institute or has any other qualification approved by the Council and he or she satisfies the provisions of section 8 of this Bill; and or;
 - (ii) he or she is otherwise considered by the Council to be a fit and proper person to be so registered.
 - (e) An Honourary Fellow or Honourary Member of the Institute shall be a person admitted as such by a resolution of the Council.

Where a person is enrolled or registered by the Institute, he shall be entitled to the use of such letters after his name as may be authorised by the Council according to whether he is a Fellow, Associate, Professional Member or registered Biochemists and Molecular Biologists and when so enrolled or registered, he shall

receive a certificate in such form as the Council may, from time to time, approve.

Committee's Recommendation:

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

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

Clause 5: Duties of Members

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

Committee's Recommendation:

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

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

Clause 6: Powers of the Council

The council shall have power to do anything which in its opinion is calculated to facilitate the activities of the Institute.

Committee's Recommendation:

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

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

Clause 7: Fund and Account of the Institute

- (1) The Council shall establish and maintain a fund for the Institute.
- (2) There shall be paid and credited into the fund established pursuant to subsection (1) of this section—
 - (a) all fees and other moneys payable to Council in pursuance of this Bill; these include contribution from members and Fellows, levies, annual subscription/practice license fees and other dues payable by members;

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

Committee's Recommendation:

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

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

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

- (1) It shall be the duty of the Council to appoint —
- (a) a fit and proper person who shall be a member of the Institute to be the Registrar who shall be the Chief Executive Officer of the Institute of the Institute for the purposes of this Bill; and
 - (b) such other persons as the Institute may, from time to time, think necessary.
- (2) It shall be the duty of the Registrar to prepare and maintain, in accordance with rules made by the Council, a register of names, addresses and approved qualifications and of such other particulars as may be specified

in the rules, of all persons who are entitled in accordance with the provisions of this Bill to be registered as members of the profession in the category of fellows, associates members, professional members, ordinary members, honorary fellows and members who, in the manner prescribed by such rules, apply to be so registered.

- (3) It shall be the duty of the Registrar—
- (a) to correct, in accordance with the directions of the Council, any entry in the register which the Council directs him to correct as being in the opinion of the Council an entry which was incorrectly made;
 - (b) to make, from time to time, any necessary alterations to the registered particulars of registered persons;
 - (c) to record the names of members of the Institute who are in default for more than six months in the payment of annual subscriptions and to take such action in relation thereto (including removal of the names of defaulters from the register) as the Council may direct or require.
- (4) If the Registrar—
- (a) sends by post to any registered person a registered letter addressed to him at his address on the register enquiring whether the registered particulars relating to him are correct and receives no reply to the letter within the period of six months from the date for posting it; and
 - (b) upon the expiration of that period sends in the like manner to the person in question a second similar letter and receives no reply to that letter within three months from the date of posting it; and
 - (c) the Registrar may remove the particulars relating to the person in question from the register:—
Provided that the Council may, for any reason which seems to it sufficient, direct the Registrar to restore the appropriate part of the register any particulars removed therefrom under this subsection.

Duty of the Registrar

- (5) (1) It shall be the duty of the Registrar —
- (a) to cause the register to be printed, published and put on sale to members of the public not later than two years from the coming into force of this Bill;
 - (b) in each year after that in which a register is first published under paragraph (a) of this subsection, to cause to be printed, published and put on sale as aforesaid, either an updated or corrected edition of the register or list of alteration made to the register since it was last printed: and

- (c) to cause a print of each edition of the register and of each list of corrections to be deposited at the principal office of the institute, and it shall be the duty of the Council to keep the register and lists so deposited available at all reasonable times for inspection by members of the public.
- (2) A document purporting to be print of an edition of a register published under this section by authority of the Registrar or documents purporting to be prints of an edition so published, shall (without prejudice to any other mode of proof) be admissible in any proceeding as evidence that any person specified in the document, or documents read together, as being registered, is so registered at the date of the edition or of the list of corrections, as the case may be, and that any person not so specified was not so registered.
- (3) Where in accordance with sub-section (6) of this Section, a person is in any proceeding shown to have been registered at a particular date, he shall, unless the contrary is proved, be taken for the purposes of the proceeding as having at all material times thereafter continued to be or not be so registered.

Committee's Recommendation:

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

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

Clause 9: Register of members

- (1) The register shall consist of five parts of which the first part shall be in respect of honorary fellows and members, the second part shall be in respect of fellows, the third part shall be in respect of associate members, the fourth part in respect of professional members and the fifth part in respect of ordinary members.
- (2) Subject to the following provisions of this section, the Council may make rules with respect to the form and keeping of the register and the making of entries therein and in particular —
- (a) regulating the making of applications for registration, and providing for the evidence to be produced in support of applications;
- (b) providing for the notification to the Registrar, by the person to whom any registered particulars relate, of any change in those particulars;
- (c) requiring a registered person to have any qualification which is in relation to Biochemists and Molecular Biologists, either an approved qualification for the purposes of this Bill, registered in relation to this name in addition to or, as he may elect, in substitution for any other qualifications so registered;
- (d) specifying the fees, including any annual subscription, to be paid to the Institute in respect of the entry of names on the register, and authorizing the Registrar to refuse to enter a name on the register until any fee specified for the entry has been paid; and

- (e) specifying anything failing to be specified under the foregoing provisions of this section.
- (3) Any rules made for the purpose paragraph (d) of sub-section (2) of this section shall not come into force until they are confirmed at a special meeting of the Institute convened for the purpose or at the next Annual General Meeting, as the case may be.

Committee's Recommendation:

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

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

Clause 10: Registration of Certified Persons

- (1) Subject to Section 19 of this Bill and to rules made under Section 8 of this Bill, a person shall be registered as a member of the profession if:—
 - (a) he/she passes the qualifying examination for registration recognized or conducted by the Council under this bill and completes the practical training prescribed; or
 - (b) he/she holds a qualification granted and for the time being accepted by the institute and satisfies the council that he has had sufficient practical experience as a biochemist and molecular biologist; or
 - (c) he or she holds a qualification granted outside Nigeria and for the time being accepted by the Institute which entitles him or her to practice for all purposes as a Biochemist and Molecular Biologist in the country in which the qualification was granted, and he or she qualifies for registration as a member in any of the categories specified in Section 4 of this Bill.
- (2) An applicant for registration under this Bill shall, in addition to evidence of qualification, satisfy the Council that —
 - (a) he or she is of good character;
 - (b) he or she has attained the age of 21 years; and
 - (c) he or she has not been convicted in Nigeria or elsewhere of an offence involving fraud or dishonesty.
- (3) The Council may, in its discretion, provisionally accept a qualification produced in respect of an application for registration under this section, or direct that the application be renewed within such period as may be specified in the direction.
- (4) Any entry directed to be made in the register under subsection (3) of this section shall show that the registration is provisional and no entry so made shall be converted to full registration without the consent of the Council, signified in writing in that behalf.
- (5) The Council shall, from time to time, publish in the Gazette particulars of qualifications for the time being acceptable for registration by the Institute:—

- (a) Foreigners wishing to practice as professional Biochemist or Molecular Biologist in Nigeria must be certified by the Institute;
- (b) Foreigners residing in Nigeria or elsewhere who apply for registration with the Institute shall be so admitted provided they satisfy the conditions specified in sub-sections (1) and (2) of this section and pay the specified membership fees; and
- (c) Foreign members shall be entitled to the rights of membership as will from time to time be specified for international members.

Committee's Recommendation:

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

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

Clause 11: Functions of the Institute

The functions of the Institute shall be to—

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

- (ii) post-qualification courses for its members
- (i) regulate the discipline and professional conduct of its members; and
- (j) Perform through the Council the functions conferred on it by this Bill.

Committee's Recommendation:

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

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

Clause 12: Approval of Qualifications

- (1) The Council may approve any qualification for the purposes of this Bill and may for those purposes approve —
 - (a) any course of training at an approved institution which is intended for persons who are seeking to become or are already Biochemists and Molecular Biologists and which the Council considers is designed to confer on persons completing it sufficient knowledge and skill for practice as a Biochemists and Molecular Biologists; and
 - (b) any qualification which, as a result of examination taken in conjunction with the course of training approved by the Council under this section, is granted to candidates reaching a standard at the examination, indicating in the opinion of the Council that the candidates have sufficient knowledge and skill for practice as Biochemists and Molecular Biologists.
- (2) The Council may, if it deems fit, withdraw any approval given under this section in respect of any course, qualification or institution but before withdrawing such an approval the Council shall—
 - (a) give notice that it proposes to do so to persons in Nigeria appearing to the Council to be a person by whom the course is conducted or the qualification is granted or the institution is controlled, as the case may be;
 - (b) afford each such person an opportunity of making to the Council representations with regard to the proposal; and
 - (c) take into consideration any representations made as respects the proposal in pursuance of paragraph (b) of this subsection.
- (3) As respects any period during which the approval of the Council under this section for a course, qualification or institution is withdrawn, the course, qualification or institution shall not be treated as approved under this section; but the withdrawal of such an approval shall not prejudice the registration or eligibility for registration of persons who obtained such qualifications before the approval was withdrawn.
- (4) The giving or withdrawal of an approval under this section shall have effect from such date, either before or after the execution of the instrument signifying the giving or withdrawal of the approval, as the Council may specify in the instrument and the Council shall —

- (a) as soon as may be, publish a copy of every such instrument in the Gazette; and
- (b) not later than seven days before its publication, send a copy of the instrument to the Minister of Health.

Committee's Recommendation:

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

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

Clause 13: Approval of Institution, Training and Examination

- (1) There shall be a Committee, to be known as the Education and Admission Committee under this Bill hereafter referred to as "Education Committee"), which shall be charged with the duty of keeping the Council informed on the nature of —
 - (a) the instructions given at approved institutions of persons attending approved course of training; and
 - (b) the examinations as a result of which approved qualifications are granted; and for the purposes of performing the duty Education and Admission Committee may appoint; either from among its members or otherwise, persons to visit approved institutions or attend such examinations.
- (2) For the purposes of performing the duty in sub-section (1) of this section, the education Committee may appoint; either from among its members or otherwise, persons to visit approved institutions to undertake inspection of their laboratories and facilities for the purpose of accreditation or attend such examinations.
- (3) Any institution whose Biochemistry and Molecular Biology programme has not been accredited by the Institution of Chartered Biochemists and Molecular biology shall not be allowed to admit candidates for the training of Biochemistry and Molecular Biology and the Institute shall have power to direct closure of such programmes.
- (4) The Institution shall not recognize such certificates issued from such unaccredited programmes.
- (5) Subject to the provisions of this Act, any person who has not obtained his or her first degree or other academic qualification from an accredited institution shall not be eligible to be registered as a certified Biochemist and Molecular Biologist with effect from the time such institution was unaccredited.
- (6) Subject to the provisions of this Act, any person who is not a registered Biochemist and Molecular Biologist who parades himself or herself as one is liable on conviction to a fine of N500,000 or imprisonment for a term not exceeding two years, or both.
- (7) The Education Committee shall consist of five members elected during the Institute's Biannual Congress and all members shall be Certified Biochemists or Molecular Biologists.

- (8) The Chairman shall be an academia in any tertiary institution in Nigeria.
- (9) It shall be the duty of the Committee to report to the Council on: —
- (a) the sufficiency of the instruction given to persons attending approved course of training at institutions visited by them or their appointed representatives;
 - (b) the sufficiency of the examinations attended by them or their appointed representatives; and
 - (c) any other matters relating to the instructions or examinations on which the Council may, either generally or in a particular case, request them to report; but no visitor shall interfere with the giving of any instruction or the holding of any examination
- (10) On receiving a report made in pursuance of this section, the Council may, if it thinks fit, and shall if so required by the Institute, send a copy of the report to the person appearing to the Council to be in charge of the institution or responsible for the examinations to which the report relates requesting that person to make observations on the report to the council within such period as may be specified in the request, not being less than one month beginning with the date of the request.

Committee's Recommendation:

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

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

Clause 14: Practice Committee

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

Committee's Recommendation:

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

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

Clause 15: Professional Disciplinary Tribunal

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

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*) —
Agreed to.

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

Clause 16: Disciplinary Action

- (1) Where —
- (a) a person registered under this Bill is adjudged by the Tribunal to be guilty of infamous conduct in any professional respect; or
 - (b) a person registered under this Bill is convicted, by any court in Nigeria or elsewhere having power to award punishment for an offence (whether or not such offence is punishable with imprisonment) which in the opinion of the Tribunal is incompatible with the status of a member of the profession; or
 - (c) the Tribunal is satisfied that the name of any person has been fraudulently registered, the Tribunal may, if it thinks fit, give a direction reprimanding that person or ordering the Registrar to strike his name off the relevant part of the register.
 - (d) in this part "professional misconduct" means any conduct considered by the council to be professional misconduct such as professional indiscipline, unjust enrichment of any individual in the course of professional duties which may include accreditation, abuse of office and other corrupt practice in the course of public service.
- (2) The Tribunal may, if it thinks fit, defer its decision as to the giving of a direction under subsection (1) of this section until a subsequent meeting of the Tribunal.
- (3) No decision of the Tribunal shall be deferred under subsection (2) of this section for periods exceeding one year in the aggregate.
- (4) As far as possible no person shall be a member of the Tribunal for the purposes of reaching a decision which has been deferred or further deferred, unless he was present as a member of the Tribunal when the decision was deferred.

- (5) For the purposes of subsection (1) of this section, a person shall not be treated as convicted unless the conviction stands at a time when no appeal or further appeal is pending or may (without extension of time) be brought in connection with the conviction.
- (6) When the Tribunal gives a direction under subsection (1) of this section, the Tribunal shall cause notice of the direction to be served on the person to whom it relates.
- (7) The person to whom such a direction relates may, at any time within 28 days from the date of service on him of the direction, appeal against the direction to the Federal High Court and the Tribunal may appear as respondent to the appeal and, for the purpose of enabling directions to be given as to the costs of the appeal and of proceedings before the Tribunal, the Tribunal shall be deemed to be a party thereto whether or not it appears on the hearing of the appeal.
- (8) A direction of the Tribunal given under subsection (1) of this section shall take effect where —
 - (a) no appeal under this section is brought against the direction within the time limited for such an appeal, or on the expiration of that time; or
 - (b) such an appeal is brought and is withdrawn or struck out for want of prosecution, on the withdrawal or striking out of the appeal;
 - (c) such an appeal is brought and is dismissed.
- (9) A person whose name is removed from the register in pursuance of a direction of the Tribunal under this section shall not be entitled to be registered again except in pursuance of a direction in that behalf given by the Tribunal on the application of that person.
- (10) A direction under this section for the removal of a person's name from the register, may prohibit an application under subsection (9) of this section by that person until the expiration of such period from the date of the direction (and where he has duly made such an application, from the date of his last application) or as may be specified in the direction.

Committee's Recommendation:

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

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

Clause 17: Retrospective Registration

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

Committee's Recommendation:

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

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

Clause 18: Professional Practice

- (1) Subject to section (2) of this section, a person shall be deemed to practice as a Biochemist or Molecular Biologist if, in consideration of remuneration to be received, and whether by himself or in partnership with any person, he —
 - (a) engages himself in the practice of Biochemistry and Molecular Biology or holds himself out to the public as a Biochemist or as a Molecular Biologist;
 - (b) renders professional service or assistance in or about matters of principle or detail relating to Biochemistry or Molecular Biology; and
 - (c) renders any other service which may by regulations made by the Council, with the approval of the Minister of Health, be designated as service constituting practice as a Biochemist or Molecular Biologist.
- (2) A person registered as a member shall be eligible to:—
 - (a) practice as a healthcare, Biomedical, forensic, analytical and research scientist
 - (b) develop biochemical products and processes,
 - (c) practice the science of genomics and biotechnology,
 - (d) design, manufacture/import biochemicals and reagents including genomic primers.
- (3) Nothing in this section shall be construed so as to apply to persons who, while in the employment of any government or person, are required under the terms or in the course of such employment, to perform the duties of a Biochemist or Molecular Biologist.

Committee's Recommendation:

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

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

Clause 19: Rules on Subscription and License

- (1) The Council may make rules for —
 - (a) the training with registered members of the Institute of suitable persons as Biochemists or Molecular Biologist; and
 - (b) the supervision and regulation of the engagement, training and transfer of such person.
- (2) The Council may also make rules —

- (a) prescribing the amount and date for payment of the annual subscription and for such purpose, different amounts may be prescribed by the rules for Fellows, Associate Members, Professional Members, ordinary Members, Honorary Fellows and Members of the Institute:—
 - (b) prescribing the form of license to practice to be issued annually or, if the Council thinks fit, by endorsement on an existing licence;
 - (c) restricting the right to practice as a Biochemist and Molecular Biologist if in default of payment of the amount of the annual subscription where the default continues for longer than such period as may be prescribed by the rules;
 - (d) restricting the right to practice as a Biochemist or Molecular Biologist if the qualification granted outside Nigeria does not entitle the holder to practice as a Biochemist or Molecular Biologist; and
 - (e) prescribing the period of practical training in the office of a member of the Institute in practice to be completed before a person qualifies for a license to practice as a Biochemist or Molecular Biologist.
- (3) Rules when made shall, if the Chairman of the Council so directs, be published in the Gazette.

Committee's Recommendation:

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

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

Clause 20: **Publicity Committee**

- (1) There shall be a Committee, to be known as the Publicity Committee under this Act hereafter referred to as "Publicity Committee", which shall act on behalf of the Institute to:—
 - (a) provide and maintain a library comprising electronic resources, books and publications for the advancement of knowledge of Biochemistry and Molecular Biology, and such other materials and publications as the Council may think necessary for the purpose; and
 - (b) undertake members enlightenment in particular and public awareness programme in general for the advancement of the practice of Biochemistry and Molecular Biology.
- (2) The Publicity Committee shall consist of five members elected during the Institute's Biannual Congress and all members shall be Certified Biochemists and Molecular Biologists.

Committee's Recommendation:

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

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

Clause 21: Powers of the Minister

The Minister may give to the Council directions of a general character or relating generally to particular matters (but not to any individual person or case) with regard to the exercise by the Council of its functions and it shall be the duty of the Council to comply with the directives.

Committee's Recommendation:

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

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

Clause 22: Powers of Council to Make Regulation

The Council may subject to the provision of this Bill, make staff regulation relating generally to the condition of service of the employees, such regulation may provide for the appointment, promotion, discipline and appeals of the staff.

Committee's Recommendation:

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

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

Clause 23: Regulations

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

Committee's Recommendation:

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

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

Clause 24: Offences

- (1) If any person for the purpose of procuring the registration of any name, qualification or other matter —
 - (a) makes a statement which he believes to be false in a material particular; or
 - (b) recklessly makes a statement which is false in a material particular, he is guilty of an offence.
- (2) If, on or after the relevant date, any person who is not a member of the Institute practices as a Biochemist and Molecular Biologist for or in expectation of reward or takes or uses any name, title, addition or description implying that he is in practice as a Biochemist and Molecular Biologist, he is guilty of an offence.

- (3) In the case of a person falling within section 16 of this Bill —
- (a) the provisions of subsection (2) of this section shall not apply in respect of anything done by him during the period of three months mentioned in that section; and
- (b) if within that period he duly applies for membership of the Institute, then unless within that period he is notified that his application has not been approved, the provisions of subsection (2) of this section shall not apply in respect of anything done by him between the end of that period and the date on which he is registered or is notified as aforesaid.
- (4) If the Registrar or any other person employed by or on behalf of the Institute willfully makes any falsification in any matter relating to the register, he or she is guilty of an offence.
- (5) A person guilty of an offence under this Section is liable —
- (a) on summary conviction, to a fine of an amount not exceeding ₦200,000.00 or
- (b) on conviction on indictment, to a fine of an amount not exceeding ₦500,000.00 or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment.
- (6) Where an offence under this section which has been committed by a body corporate is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of any director, manager, secretary or other similar officer of the body corporate or any person purporting to act in any such capacity, he, as well as the body corporate, shall be deemed to be guilty of the offence and shall be —
- (a) deemed to be guilty of the offence; and
- (b) liable to be proceeded against and punished accordingly.

Committee's Recommendation:

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

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

Clause 25: Interpretation
 In this Bill —

"Council" means the Council established as the governing body of the Institute under Section 2 of this Bill;

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

"Fees" includes annual subscriptions and any other fees;

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

"Institute" means the Institute of Chartered Biochemists and Molecular Biologists of Nigeria established under section 1 of this Bill;

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

Member" means a Fellow, Associate Member, Professional Member, Ordinary Member, Honorary Fellow or Member of the Institute;

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

"Minister" means the Minister charged with responsibility for matters relating to health;

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

"Panel" has the meaning assigned thereto by section 11 of this Bill;

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

"President" and "Vice-President" mean respectively the office holders under those names in the Institute;

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

"Register" means the register maintained in pursuance of section 6 of this Bill;

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

"Tribunal" has the meaning assigned thereto by section 11 of this Bill.

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

Committee's Recommendation:

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

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

Clause 26: Citation

This Bill may be cited as the Institute of Chartered Biochemists and Molecular Biologists of Nigeria Bill, 2017.

Committee's Recommendation:

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

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

FIRST SCHEDULE

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

Power of Council

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

Proceedings of Council.

3. (1) Subject to the provisions of this Bill, the Council may in the name of the Institute make standing orders regulating the proceedings of the Institute, the Council or any of the Council's or Institute's committees.
- (2) The standing orders shall provide for decisions to be taken by a majority of the members, and, in the event of equality of votes, the President of the Institute or the Chairman, as the case may be, shall have a second or casting vote.
- (3) The standing orders made for a committee shall provide that the Committee reports back to the Council on any matter within its competence to decide.
- (4) The quorum of the Council shall be seven and the quorum of a committee of the Council; shall be determined by the Council.

Meetings of the Institute

4. (1) The Council shall convene the annual meeting of the Institute on 30 April in every year or on such other day as the Council may, from time to time, appoint so however that if the meeting is not held within one year after the previous annual meeting not more than fifteen months shall elapse between the respective dates of the two meetings.
- (2) A special meeting of the Institute may be convened by the Council at any time, and if not less than twenty percent (20%) of the subsisting members of the Institute require it by notice in writing addressed to the Registrar of the Institute setting out the objects of the proposed meeting, the Chairman of the Council shall convene a special meeting of the Institute.
- (3) The quorum of any meeting of the Institute shall be ten (10%) of the subsisting members and that of any special meeting of the Institute shall be fifteen (15%).

Meeting of the Council

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

Committees

6. (1) The Council may appoint one or more committees to carry out on behalf of the Institute or of the Council such functions as the Council may determine.
- (2) A committee appointed under this paragraph shall consist of the number of persons determined by the Council, of whom not more than one third shall be persons who are not members of the Council and a person other than a member of the Council shall hold office on the committee in accordance with the terms of the letter by which he is appointed.
- (3) A decision of a committee of the Council shall be of no effect until it is confirmed by the Council.

*Miscellaneous**Seal of Authority*

7. (1) The fixing of the seal of the Institute shall be authenticated by the signature of the President of the Institute or of some other member of the Council authorised generally or specially by the Institute to act for that purpose.
- (2) Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the Institute or of the Council, as the case may require, by any person generally or specially authorised to act for that purpose by the Council.
- (3) Any document purporting to be a document duly executed under the seal of the Institute shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

Validity of Decisions

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

Declaration of Interest

10. Any member of the Institute or of the Council, and any person holding office on a committee of the Council, who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Council on behalf of the Institute, or on behalf of the Council or a committee thereof, shall forthwith disclose his interest to the President of the Institute or to the Council, as the case may be, and shall not vote on any question relating to the contract or arrangement.

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

SECOND SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY
TRIBUNAL AND PRACTICE COMMITTEE*Disciplinary Tribunal*

1. The quorum of the Tribunal shall be four of whom at least two shall be members of the profession.
2. (1) The quorum of the Tribunal shall be four of whom at least two shall be members of the profession.
- (2) The Attorney-General of the Federation may make rules as to the selection of members of the Tribunal for the purposes of any proceeding and as to the procedure to be followed and the rules of evidence to be observed in proceedings before the Tribunal.
- (3) The rules shall in particular provide —
- (a) for securing that notice of the proceedings shall be given at such time and in such manner as may be specified by the rules, to the person who is the subject of the proceedings;

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

- (1) The committee may, at any meeting of the Panel attended by all the members of the Panel, make standing orders with respect to the Panel.
- (2) Subject to the provisions of any such standing orders, the Panel may regulate its own procedure.

Miscellaneous

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

INSTITUTE OF CHARTERED BIOCHEMISTS AND MOLECULAR BIOLOGISTS OF NIGERIA BILL

Subsidiary Legislation
No Subsidiary Legislation

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

Chairman to report Bill.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered the Report of the Committee on Establishment and Public Service on the Institute of Chartered Biochemist and Molecular Biologists of Nigeria Bill, 2017 and approved as follows:

Clause 1	—	As Recommended
Clause 2	—	As Amended
Clauses 3- 26	—	As Recommended
Schedules 1&2	—	As Recommended

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

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

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

Extension of Time:

Motion made: That the Senate do sit this day beyond the time appointed for the termination of the Sitting of the Senate (Rule 13) (*Senate Leader*).

Question put and agreed to.

14. **Committee on Capital Market:**

Report on the Chartered Institute of Capital Market Registrar Bill, 2017 (SB. 25):

Motion made: That the Senate do consider the Report of the Committee on Capital Market on the Chartered Institute of Capital Market Registrar Bill, 2017 (*Senator Foster Ogola — Bayelsa West*).

Question put and agreed to.

Report presented.

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

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO ESTABLISH THE CHARTERED INSTITUTE OF CAPITAL MARKET REGISTRARS, TO PROFESSIONALISE AND REGISTER THE PRACTICE OF REGISTRARS OF SECURITIES, REGISTERED BY THE SECURITIES AND EXCHANGE COMMISSION; AND FOR RELATED MATTERS, 2017.

PART I — ESTABLISHMENT OF THE CHARTERED INSTITUTE OF
CAPITAL MARKET REGISTRARS

Clause 1: Institute Of Capital Market Registrars.

There is hereby established a body to be known as the Chartered Institute of Capital Market Registrars (in this Bill referred to as "the Institute") which —

- (a) Shall be a body corporate with:—
 - (i) Perpetual succession;
 - (ii) A common seal which shall be kept in such custody as the Council direct.
- (b) May acquire, hold, and dispose of any property, moveable, or
- (c) May acquire, hold, and dispose of any property, moveable or immovable.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senator Foster Ogola — Bayelsa West*) — *Agreed to.*

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

Clause 2: Functions of the Institute.

The Institute shall be charged with the following functions:—

- (a) Determining the standard of knowledge and skill to be attained by persons seeking to become registered members of the Institute and raising those standards from time to time' as circumstances may permit;

- (b) Securing in accordance with the provisions of this act, the establishment and maintenance of register of members of the Institute in the categories of ordinary members, students, graduate members, associate members, honorary fellows of the Institute and a register of institutional members and the publication from time to time, of list of those persons;
- (c) Organize and conduct professional examinations in share registration leading to the award of Associate of the Chartered Institute of Capital Market Registrars;
- (d) Regularly organize training for student members preparing for the Institute's examinations;
- (e) Facilitate effective rapport between practicing Registrars;
- (f) Subject to the provisions of this Act, take desirable measures to further the interest of share registration in the country;
- (g) Organize lectures, seminars and conference on share registration and related fields;
- (h) Uphold and ensure observance of professional ethics and best practices in the industry;
- (i) Publish in-house journal and professional share registration textbooks;
- (j) Promote general advancement of share registration practice in the country;
- (k) Conduct research into the theory and practice of share registration in Nigeria;
- (l) Disseminate information relating to share registration to the public and to liaise with the Government and the regulatory bodies towards promoting and regulating the practice of share registration in the country;
- (m) Undertake any project or do anything in conformity with this Act which is deemed to be in the best interest of members;
- (n) Monitor and uphold high standards and integrity in share registration practice in Nigeria;
- (o) Conducting professional examinations leading to the award of certificates as may be prescribed by the Institute;
- (p) Maintaining, in accordance with the provisions of this Bill, discipline within the profession;
- (q) Performing through the Council established under section 4 of this Bill, the functions conferred on it by this Bill.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senator Foster Ogola — Bayelsa West*) — *Agreed to.*

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

Clause 3: Membership of the Institute

- (1) Subject to the provision of this Bill, a person admitted to membership of the Institute shall be registered as a member and shall be entitled to use the appropriate abbreviation (A. CMR/M.CMR/F.CMR/HON.FCMR) after his name.
- (2) A person shall not be qualified to become a member of the Institute, unless:—
- (a) He has obtained an approved University Degree or a Higher National Diploma;
 - (b) He has passed the professional examination at the Academy of capital marketer registrars, which shall be established and administered by the institute.
 - (c) He has undergone a two-year supervised experience training programme.
 - (d) The Council shall, from time to time, publish the list of Tertiary Institutions whose award of degrees, are approved for admission into the Academy of capital marketer registrars. However, a degree obtained from any of the Nigerian Universities and Polytechnics shall be deemed as the accepted qualification for membership of the Institute.
 - (e) The Council may approve a degree from any overseas universities for qualification for membership of the institute, if it deems it fit and is satisfied that the course of study and the standard of examination are comparable and equivalent to other professional bodies in Nigeria.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senator Foster Ogola — Bayelsa West*) — Agreed to.

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

PART II — ELECTION OF PRESIDENT AND VICE PRESIDENTS OF THE INSTITUTE

- Clause 4:**
- (1) There shall be a President and two Vice-Presidents of the Institute who shall be Fellows of the Institute.
 - (2) The President and Vice-presidents shall be elected at the Annual General Meeting of the Institute and each shall hold office for a term of two years from the date of election.
 - (3) The President shall be the Chairman of the Governing Council, established by Section 1 of this Bill and in his absence, the First Vice-President shall be the Chairman of the Governing Council.
 - (4) The President shall preside at meetings of the Institute and in the event of his absence, death, permanent incapacity or disability, the First-Vice President or in the absence of the First Vice-President, the second Vice President shall preside.

- (5) The First Vice-President or the second Vice President shall in the event of the death, resignation, removal from office or permanent incapacity of the President or First Vice President in that order, act for the unexpired term of his office as the case may be and reference to the President or First Vice president, shall be construed accordingly.
- (6) If the President or any of the Vice-Presidents cease to be a member of the Institute, he shall ipso Facto cease to hold any of the offices designated under this section.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senator Foster Ogola — Bayelsa West*) — Agreed to.

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

PART III — GOVERNING COUNCIL OF THE INSTITUTE, ETC.

- Clause 5:**
- (1) There is hereby established for the Institute a Governing Council (in this Bill referred to as "the Council") which shall be charged with the responsibility for the administration and general management of the Institute.
- (2) The Council shall consist of the following members:—
- (a) A Chairman who shall be President of the Institute;
 - (b) Two Vice-Chairmen who shall be the Vice presidents of the Institute;
 - (c) A treasurer who shall be elected by the Institute;
 - (d) One representative each of the following:—
 - (i) Securities and Exchange Commission;
 - (ii) Nigerian Stock Exchange;
 - (iii) Federal Ministry of Education;
 - (iv) Central Securities clearing system.
 - (e) Twelve persons elected by the Institute;
 - (f) All past Presidents of the Institute including the past presidents of the Incorporated Institute of Capital Market Registrars, existing before the commencement of this Bill
 - (g) Two persons to represent institutions of higher learning in Nigeria offering courses leading to approved qualifications, to be appointed by the Federal Ministry of Education on rotation, so, however that the two shall not be from the same institution;
 - (h) The Registrar of the Institute.
- (3) The provision of First Schedule to this Act shall have effect with respect to the qualifications and tenure of office of members of the Council and the other matters therein mentioned.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senator Foster Ogola — Bayelsa West*) — Agreed to.

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

Clause 6: Tenure of Office/Cessation of Membership of the Council.

- (1) A Member of the Council shall hold office for a period of two years beginning with the date of his election or appointment.
- (2) Any member of the Institute who ceases to be a member thereof shall, if he is also a member of the Council, cease to hold office on the Council.
- (3) Any member of the Council may, by notice in writing under his hand addressed to the President, resign his office.
- (4) A person who retires from or otherwise ceases to be an elected member of the Council shall be eligible to become a member of the Council and any appointed member may be reappointed.
- (5) Members of the Council shall at their next meeting before the annual general meeting of the Institute arrange for four members of the Council appointed or elected and longest in office to retire at that general meeting.
- (6) Elections to the Council shall be held in such a manner as may be prescribed by rules made by the Council and until so prescribed, they shall be decided by secret ballot.
- (7) If for any reason a member of Council vacates office and:—
 - (a) Such member was appointed by the Council or any other body, the Council or that body may appoint another fit and proper person from the area in respect of which the vacancy occurs;
 - (b) Such member was elected, the Council may, if the time between the unexpired portion of the term of office and the next general meeting of the Institute appears to warrant the filling of the vacancy, co-opt a fit and proper person for such time.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senator Foster Ogola — Bayelsa West*) — Agreed to.

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

Clause 7: Power of the Council

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

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senator Foster Ogola — Bayelsa West*) — Agreed to.

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

PART IV — FINANCIAL PROVISIONS

- Clause 8:** (1) There shall be established for the Institute a Fund which shall be managed and controlled by the Council.

- (2) There shall be paid into the Fund established pursuant to subsection (1) of this section:—
- (a) All fees and other moneys payable to the Institute in pursuance of this Bill;
 - (b) Such other moneys as may be payable to the Institute in the course of its operations or in relation to the exercise of any of its functions under this Bill.
- (3) There shall be paid out of the fund of the Institute:—
- (a) The remuneration and allowances of the Secretary and other employees of the Institute;
 - (b) Such reasonable traveling and subsistence allowances of members of the Council may determine;
 - (c) Any other expense incurred by the Council in the discharge of its functions under this Bill.
- (4) The Council may invest moneys from the fund in any security created or issued by or on behalf of the Federal Government or in any other securities in Nigeria approved by the Council.
- (5) The Council may, from time to time, borrow money for the purposes of the Institute and any interest payable on moneys so borrowed shall be paid out of the fund.
- (6) All the institutional members in Nigeria shall cause to be paid to the fund, an annual subvention as may be determined by the Council from time to time.
- (7) The Council shall on behalf of the Institute keep proper books of accounts in respect of each financial year and proper records in relation to those accounts and the Council shall cause the accounts to be audited by an external auditor and when audited, the accounts shall be presented to the members of the Institute for approval at a general meeting.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senator Foster Ogola — Bayelsa West*) — *Agreed to.*

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

PART V — THE REGISTRAR AND THE REGISTER

- Clause 9:**
- (1) The Council shall appoint a fit and proper person to be the Registrar for the purpose of this Act, and such other persons as the Council may from time to time, deem necessary to assist the Registrar in the performance of his functions under this Bill.
 - (2) The Registrar, shall in addition to his other functions under this Act, be the Secretary to the Council and shall keep minutes of the proceedings of all meetings of the Council and committees thereof.

- (3) The Registrar appointed under Subsection (1) of this section shall be the Chief Executive of the Institute and shall report to the Council of the institute.
- (4) The council shall appoint other principal officers such as: —
- (a) Director, Education;
 - (b) Director, Finance and Administration;
 - (c) Director, Research and Development;
 - (d) To any other position that it may be deemed necessary.
- (5) There shall be for the purpose of this Act two registers as follows:—
- (a) The register of members which shall consist of six parts of which:—
 - (i) The first part shall be in respect of Ordinary Members;
 - (ii) The second part shall be in respect of Student Members;
 - (iii) The third part shall be in respect of Graduate Members;
 - (iv) The fourth part shall be in respect of Associate Members;
 - (v) The fifth part shall be in respect of Honorary fellows;
 - (vi) The sixth part shall be in respect of fellows.
 - (b) The register of Institutional members.
- (6) Subject to the provisions of this Act, the Council shall make rules with respect to the form and keeping of registers and the making of entries thereon, and in particular:—
- (a) Regulate the making of applications for enrolment or registration, as the case may be, and providing for the evidence to be produced in support of the application;
 - (b) Provide for the notification to the Registrar, by the person to whom any registered particular relates or any change in those particulars;
 - (c) Authorize an enrolled or registered person to have any qualification, which is in relation to the relevant division of the profession, either an approved qualification or an accepted qualification, for the purposes of this Act, registered in relation to his name in addition to, or as he may elect, in substitution for any other qualification so registered;
 - (d) Specify the fees, including any annual subscription, to be paid to the institute in respect of the entry of names on the Register and authorizing the registrar to refuse to enter a name on the Register until such fees specified for the entry has been paid;

- (e) Specify the standards of conduct required of a member of the institute and actions or omissions that amount to a misconduct;
 - (f) Specify anything failing to be specified under the foregoing provisions of this section; but rules made for the purpose of paragraph (d) of this sub-section shall not come into force until they are confirmed at a general meeting of the Institute.
- (7) The Registrar shall:—
- (a) Correct, in accordance with the Council's directions, any entry in the register which the Council directs him to correct as being in the Council's opinion an entry which was incorrectly made;
 - (b) Make, from time to time, any necessary alterations in the registered particulars of registered persons;
 - (c) Remove from the register the name of a deceased member or members whose names he is directed to strike off as a result of disciplinary action;
 - (d) Record the names of members of the institute who are in the default for more than one year in the payment of annual subscriptions, and to take such action in relation thereto (including removal of the names of from the register) as the Council may direct and any person whose name is removed from the register for being in default of payment of any year may be re-registered subject to payment of outstanding subscription and re-registration fees as may be approved by the Council.
- (8) The rule made pursuant to subsection 6 of this section shall provide for a procedure for updating members particulars in the register, and conditions under which the registrar may remove the name of a member from the list for failing to update his particulars, and the manner to cause a restoration of such a member in the list.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senator Foster Ogola — Bayelsa West*) — Agreed to.

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

Clause 10: Publication of Register and List Correction, Etc.

The Registrar shall:—

- (a) Cause the register to be printed, published and put on sale to members of the public not later than two years from the commencement of this Act;
- (b) Thereafter in each year, cause to be printed, published and put on sale as aforesaid, either a corrected edition of the register or list of corrections made to the register, since it was last printed;
- (c) Cause a print of each edition of the register and of each list of the corrections to be deposited at the principal office of the Institute;
- (d) Keep the register and list so deposited and make the register and such lists available at all reasonable times for inspection by members of the public, physically and through an internet portal.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senator Foster Ogola – Bayelsa West*) – *Agreed to.*

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

PART VI — REGISTRATION OF MEMBERS

- Clause 11: (1) Subject to subsection (2) of this section a person, other than one whose membership has been suspended by a directive of the Disciplinary Panel, shall be entitled to be registered as a member in the following categories:—
- (a) Ordinary Member, where the person does not satisfy the conditions for registration as a Student Member, Graduate Member, Associate Member, Honorary Fellow, or Fellow specified in paragraphs (b) to (c) of this sub-section;
 - (b) Student Member, where the person:—
 - (i) Works in a registrar outfit and has a degree or equivalent qualification or the minimum qualification, prescribed by the Council;
 - (ii) Does not work in a financial institution, but has the basic qualification approved by the Council from time to time, for registration as a student;
 - (iii) Satisfies any other condition which the Council may, from time to time, approve.
 - (c) Graduate member, where the person:—
 - (i) Has passed the Associates examination specified by the Council, but has not had the period of on the job practical experience prescribed by Council;
 - (ii) Not being a member of the institute has passed the qualifying examination of a recognised Institute of Capital Market Registrars, in any other Country acceptable to the Council.
 - (iii) Has not been elected a fellow or an Associate by a recognized foreign institute of Capital Market Registrars.
 - (d) Associate Member, where the person:—
 - (i) Has passed the associate-ship examination specified by the Council;
 - (ii) Not being a member of the institute at the time of application for membership has passed the qualifying examination of a recognized Institute of Capital Market Registrars in any other country acceptable to the Council;
 - (iii) Has had a period of the on the job practical experience not less than the minimum period prescribed by the Council for the category of membership sought;
 - (iv) Has been elected by any recognized related foreign institute to that category of membership.

- (e) Honorary fellow, where the person:—
- (i) Has contributed immensely to the growth of share registration and the institute;
 - (ii) Is considered by the Board of Fellows and the Council as a fit and proper person to be awarded the honorary fellowship of the Institute.
- (f) Fellow, where the person:—
- (i) Satisfies the Council that he is a fit and proper person to be so registered and has for a number of years (to be specified by the Council) been an associate member or the holder of the approved academic qualifications;
 - (ii) Satisfies all other criteria as may be specified by the Council from time to time.
- (2) An applicant for registration shall, in addition to evidence of qualification, satisfy the Council that he/she:—
- (a) Is of good character;
 - (b) Has attained the age of 21 years; and
 - (c) Has not been convicted in Nigeria or elsewhere of an offence involving, share registration, fraud or dishonesty or financial benefit to himself or his organisation.
- (3) The Council may at its sole discretion provisionally accept a qualification produced in respect of an application for registration under this section or direct that application be renewed within such period as may be specified in the direction.
- (4) Any entry directed to be made in the registrar under Subsection of this section shall show that the registration is provisional and no entry so made shall be converted to full registration without the consent of the Council signified in writing in that behalf.
- (5) The Council shall, from time to time, prescribe and publish in the official newsletter and magazine of the Institute particulars of qualification for the time being accepted as aforesaid.
- (6) The Council shall from time to time, prescribe and publish in the official newsletter, magazine and website of the Institute, particulars of qualifications for the time being, accepted as aforesaid.

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senator Foster Ogola — Bayelsa West*) — Agreed to.

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

Clause 12: Approval of qualifications, etc.

- (1) For the purpose of this Bill, the Council may approve:—
- (a) Any course of training at any approved institution which is intended for persons seeking to become or are already Registrar and which the Council considers is designed to confer on persons completing it, sufficient knowledge and skill for admission to the Institute;

- (b) Any qualification which as a result of the examination taken in conjunction with a course of training, approved by the Council under this section, is granted to candidates having reached a standard in the examination, indicating in the opinion of the Council, that the candidates have sufficient knowledge and skill to practice as Registrar.
- (2) The Council may, if it thinks fit, withdraw any approval given under this section in respect of any course, qualification or institution, but before withdrawing such an approval, the Council shall:—
- (a) Give notice that it proposes to do so to each person in Nigeria appearing to the Council to be person by whom the course is conducted or the qualification is granted or the institution is controlled, as the case may be;
- (b) Afford each such person an opportunity of making to the Council representations with regard to the proposal;
- (c) Take into consideration any representations made in respect of the proposal in pursuance of paragraph (h) of this subsection.
- (3) A course, qualification or institution shall not be treated as approved during any period if the approval is withdrawn under subsection (2) of this section;
- (4) Notwithstanding the provisions of subsection (3) of this section, the withdrawal of approval under subsection (2) of this section shall not prejudice the registration or eligibility for registration of any person who, by virtue of the approval, was registered or was eligible for registration (either unconditionally or subject to his obtaining a certificate or experience immediately before the approval was withdrawn.
- (5) The giving or withdrawal of an approval under this section shall have effect from such date, either before or after the execution of the instrument signifying the giving or withdrawal of the approval, as the Council may specify in the instrument, and the Council shall:—
- (a) As soon as may be practicable, publish a copy of every such instrument in the official newsletter and magazine of the Institute;
- (b) Not less than seven days before its publication as aforesaid, send a copy of the instrument to the institution affected.

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senator Foster Ogola — Bayelsa West*) — Agreed to.

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

Clause 13: Supervision of instruction, etc.

- (1) It shall be the duty of this Council to keep itself informed of Supervision of the content and methods of:—
- (a) The instructions given at approved institutions to persons attending approved courses of training;

- (b) The examinations as a result of which approved qualifications are granted and for the purposes of performing that duty the Council may appoint, either from its own members or otherwise, persons to visit approved institutions or observe such examinations.
- (2) It shall be the duty of a person appointed under subsection (1) of this section to report to the Council on:—
- (a) The adequacy of the instructions given to persons attending approved courses of training at institutions visited by him;
- (b) The adequacy of the examinations attended by him;
- (c) Any other matter relating to the institutions or examinations on which the Council may, either generally or in particular cases, request them to report, but no such person shall interfere with the giving of any instruction or the holding of any examination.
- (3) On receiving a report made pursuant to this section, the Council may, if it thinks fit, and shall, if so required by the institution, send a copy of the report to the person appearing to the Council to be in charge of the Institution or responsible for the examinations to which the report relates, requesting that person to make observations on the report to the Council within such period as may be specified in the request, not being less than one month beginning with the date of that request.

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senator Foster Ogola — Bayelsa West*) — *Agreed to.*

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

PART VII — ESTABLISHMENT OF INVESTIGATION PANEL AND DISCIPLINARY TRIBUNAL

Clause 14: Professional Discipline

- (1) There shall be constituted a Chartered Market Registrars Investigative Committee (in this Bill referred to as the Committee") which shall be charged with the duty to:—
- (a) Conduct a preliminary investigation into any case where it is alleged that a member of the Institute is involved in misconduct in his capacity as a Capital Market Registrar or shall for any other reason be the subject of proceedings before the Disciplinary Panel;
- (b) Decide whether the case should be referred to the Disciplinary Panel or not.
- (2) The Investigating Committee shall be appointed by the Council and shall consist of five members as follows:—
- (a) Two members of the Council, one of whom shall be Chairman of the Committee;
- (b) Three members of the Institute who are not members of the Council.
- (3) The tenure of any member of the Investigating Committee shall be two years renewable for a further period of two years.

- (4) The Council may make rules not inconsistent with this Bill as regard acts, which constitute professional misconduct.
- (5) The Investigating Committee shall act independently in receiving and investigating allegations under paragraph (a) of subsection (1) of this section and shall have power to receive complaints directly from any individual or organization.
- (6) There shall be established a Panel to be known as the Chartered Institute of Capital Market Registrars Disciplinary Panel (in this Act referred to as "the Disciplinary Panel"), which shall be charged with the duty of considering and determining any case referred to it by the Investigating Committee constituted under Subsection (1) of this section.
- (7) The Disciplinary Panel shall be appointed by the Council and shall consist of two members of the Council, one of whom shall be the Chairman, and three other members of the Institute who are not members of the Council.
- (8) The Council shall have power to confirm, rescind or amend, as the case may be, any directive to be conveyed by the Disciplinary Panel, to any person, adjudged by the Panel to be guilty of professional misconduct, in accordance with the provisions of section 15 of this Act: Provided that, the Council shall prior to taking any decision on the matter, first give to the person concerned the opportunity of being heard.

THIRD SCHEDULE

- (9) The provisions of Third Schedule to this Act shall, so far as applicable to the Investigating Committee and Disciplinary Panel respectively, have effect with respect to those bodies.

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senator Foster Ogola — Bayelsa West*) — *Agreed to.*

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

Clause 15: Penalties for Professional Misconduct.

(1) Where:—

- (a) A member is adjudged by the Disciplinary Panel to be guilty of professional misconduct in any professional respect;
 - (b) A member is convicted by any court of law having power to award imprisonment for an offence (whether or not punishable with imprisonment), which in the opinion of the Disciplinary Panel is incompatible with the conduct required of a member of the Institute;
 - (c) The Disciplinary Panel is satisfied that the name of any person has been fraudulently enrolled or registered, the Disciplinary Panel shall order the Registrar to strike his name off the relevant part of the register.
- (2) A person who is found guilty of misconduct by the decision of the Disciplinary Panel shall have his name struck out from the register of members.

- (3) The Disciplinary Panel shall always give its decision and directions promptly, and in all cases within three months of conclusion of proceedings.
- (4) For the purpose of subsection (1) (b) of this section, a person shall not be treated as guilty as therein mentioned, unless the guilt stands at a time when no appeal or further appeal is pending or may, (without extension of time), be brought in connection with the directive.
- (5) The person to whom such a directive is given under subsection (4) of this section may, at any time within twenty-eight days, from the date of service on him of notice of the direction, appeal against the direction to the Federal High Court, and where necessary to the Court of Appeal and the Disciplinary Panel and complainant if any may appear as a respondent to the appeal and for the purpose of enabling directions to be given as to the costs of the appeal and of proceedings before the Federal High Court or Court of Appeal, the Disciplinary Panel and Complainant shall be deemed to be a party thereto, whether or not it appears on the hearing of the appeal.
- (6) A direction of the Disciplinary Panel given under subsection (1) of this section shall take effect where:—
 - (a) No appeal under the section is brought against the direction within the time limit for such an appeal, or on the expiration of that time;
 - (b) Such an appeal is brought and is withdrawn or struck out as for want of prosecution, on the withdrawal or striking out of the appeal;
 - (c) Such an appeal is brought and is not withdrawn or struck out as aforesaid, if and when the appeal is dismissed, and shall take no effect except in accordance with the provisions of this subsection.
- (7) A person whose name is struck off the Register in pursuance of a direction of the Disciplinary Panel under this section, shall not be entitled to be enrolled or registered again, except in pursuance of a direction in that behalf and a direction under this section for the striking off of a person's name from the register, may prohibit an application under this subsection, by that person, until the expiration of such period from the date of the directive (and where he has duly made such an application, from the date of his last application), as may be specified in the direction.

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senator Foster Ogola — Bayelsa West*) — Agreed to.

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

PART VIII — MISCELLANEOUS

Clause 16: Application of this Act to Unregistered Persons

A person who is not a member of the Incorporated Institute of Capital Market Registrars, established before the commencement of this Act, but is qualified to apply for and obtain membership if the Institute, may apply for membership of the Chartered Institute of Capital Market Registrars, established by this Act, in such a manner as may be prescribed by rules made by the Council and shall be registered in the category of membership appropriate in the current period for holders of the qualification he possesses.

Committee's Recommendation:

That the provision in Clause 16 be retained. (Senator Foster Ogola — Bayelsa West) — Agreed to.

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

Clause 17: Practice as a Capital Market Registrar.

- (1) Subject to subsection (2) of this section, a person shall Practice as a Capital Market Registrar, if in consideration of remuneration received or to be received and whereby himself/herself or in partnership with any other persons :—
 - (a) Engages himself in the practice of share registration or holds himself out to the public as a Capital Market Registrar;
 - (b) Renders professional service or assistance in, or about matters of principles or detail, relating to the practice of share registration;
 - (c) Renders any other service which may, by regulations made by the Council, be designated as service constituting practice as a Capital Market Registrar.
- (2) Nothing in Subsection (1) of this section shall be construed as to apply to persons who, while in the employment of any government, perform the duties or any of the duties of a Capital Market Registrar.
- (3) Nothing in subsection (1) of this section shall be construed as restricting registered stockbrokers from the performance of professional duties to their clients.

Committee's Recommendation:

That the provision in Clause 17 be retained (Senator Foster Ogola — Bayelsa West) — Agreed to.

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

Clause 18: Rules as to Practice, Etc.

- (1) The Council may make rules to guide training in share registration methods and practice.
- (2) The Council may also make rules:—
 - (a) Prescribing the amount and due date for the payment of the annual subscription and for such purposes, different amounts may be prescribed by rules according to the category of membership;
 - (b) Prescribing the form of license of practice to be issued annually, or if the Council thinks fit, by endorsement on an existing license;
 - (c) Restricting the right to practice as a Capital Market Registrar in default of the amount of the annual subscription where the default continues for longer than such period as may be prescribed by the rules;
 - (d) Restricting the right to practice as a member of the profession, if the qualification granted outside Nigeria, does not entitle the holder to practice as a member of the profession;

- (e) Prescribing the period of practical training in the office of a professional in practice to be completed before a person qualifies for a license to practice as a member of the profession.
- (3) Rules made under this section shall, be published in the official newsletter, website and magazine of the Institute.

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senator Foster Ogola — Bayelsa West*) — *Agreed to.*

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

Clause 19: Provision of Library Facilities Etc.

The Institute shall:—

- (a) Provide and maintain a library comprising of books and publications for the advancement of the knowledge of share registration and such other books, publications and internet communication technology media, as may be considered necessary;
- (b) Encourage research into share registration methods and allied subjects, to the extent that the Council may, from time to time, consider necessary.

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senator Foster Ogola — Bayelsa West*) — *Agreed to.*

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

Clause 20: Offences and Penalties.

- (1) A person who for the purpose of procuring the registration of any name, qualification or other matter:—
 - (a) makes a statement which he believes to be false in any material particular; and
 - (b) recklessly makes a statement which is false in any material particular, commits an offence.
- (2) If on or after the coming into force of this Bill, a person who is not a member of the Institute practices or holds himself out as a Capital Market Registrar for, or in expectation of reward or takes or uses any name, title, addition or description, implying that he is in practice as a Capital Market Registrar, commits an offence.
- (3) In the case of a person falling within section 16 of this Bill:—
 - (a) The provision of subsection (2) of this section shall not apply in respect of anything done by him during the period of three months;
 - (b) If within that period he duly applies for membership of the Institute, then, unless within that period he is notified that his application has not been approved, the provision of subsection (2) of this section shall not apply in respect of anything done by him between the end of that period and the date on which he is enrolled, or registered or notified as aforesaid.

- (4) The Registrar or any other person employed by or on behalf of the Institute who wilfully makes any falsification in any matter relating to the register, commits an offence.
- (5) A person who commits an offence under this section shall be liable -on conviction to a minimum fine of One Hundred Thousand Naira (₦100,000.00), or imprisonment for two years, or to both such fine and imprisonment.
- (6) Where an offence under this section, which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or attributable to any neglect on the part of any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he as well as the body corporate, shall be deemed to have committed the offence and shall be liable on conviction by court of competent jurisdiction in the case of an individual, to the punishment prescribed in subsection (5) of this section and in the case of a body corporate, to a fine of ₦500,000.00 (Five Hundred Thousand Naira) and or imposition of a ban on practice of share registration for a specific period of time not less than Five (5) year.

Committee's Recommendation:

That the provision in Clause 20 be retained (*Senator Foster Ogola — Bayelsa West*) — *Agreed to.*

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

Clause 21: Regulations.

- (1) Any regulations, made pursuant to this Bill shall be published in the Institute's Journal.
- (2) Rules made for the purpose of this Bill shall be subject to confirmation by the Institute at its next general meeting, and shall not have effect until so confirmed.

Committee's Recommendation:

That the provision in Clause 21 be retained (*Senator Foster Ogola — Bayelsa West*) — *Agreed to.*

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

Clause 22: Transfer to the Institute of Certain Properties.

- (1) From the commencement of this Bill:—
 - (a) All assets and liabilities held or incurred immediately before the commencement date, by or on behalf of the incorporated Institute shall, by virtue of this subsection and without further assurance, vest in the Institute and be held by it for the purpose of the Institute;
 - (b) The Incorporated Institute shall cease to exist;
 - (c) Subject to subsection (2) of this section, any act, matter or thing made or done by the Incorporated Institute shall be deemed to have been done by the Institute.

SECOND SCHEDULE

- (2) The provisions of the Second Schedule to this Bill shall have effect with respect to matters arising from the transfer of assets and liabilities incorporated to the Institute and with respect to other matters mentioned in that schedule.

Committee's Recommendation:

That the provision in Clause 22 be retained (*Senator Foster-Ogola — Bayelsa West*) — Agreed to.

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

Clause 23: Interpretation.

In this Bill:—

"Capital Market Registrar" means any person registered to practice share registration under this Bill;

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

"Council" means the Governing Council established for the Institute under section 5 of this Bill;

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

"Disciplinary Panel" means the Chartered Institute of Capital Market Registrars Disciplinary Panel, established under subsection (6) of section 14 of this Bill;

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

"Fees" includes annual subscription, examination, annual conference, and specialized trainings fees;

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

"Institute" means the Chartered Institute of Capital Market Registrars, established under section 1 of the Bill;

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

"Investigation Committee" means the Chartered Institute of Capital Market Registrars Investigating Committee, established under subsection (1) of section 14 of this Bill;

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

"Members" means enrolled Fellow, Associate Member, Student Member or Ordinary Member, as the case may be, and "membership of "the Institute" shall be construed accordingly;

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

"Minister" means the Minister for Education;

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

"President" and "Vice-President" respectively means the holder of offices under those names in the Institute;

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

"Register" means the register maintained pursuant to section 9 of this Bill

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

Committee's Recommendation:

That the provision in Clause 23 be retained (*Senator Foster Ogola — Bayelsa West*) — Agreed to.

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

Clause 24: Short Title

This Bill may be cited as the Chartered Institute of Capital Market Registrars Bill, 2017.

Committee's Recommendation:

That the provision in Clause 24 be retained (*Senator Foster Ogola — Bayelsa West*) — Agreed to.

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

FIRST SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

Section 4 (3)

1. (1) Subject to the provisions of this Act, the Council may in the name of the Institute, make Standing orders, regulating its proceedings or proceedings of any Committee of the Council or the institute thereof, excepting rules of the Investigation Committee of the Disciplinary Panel.
- (2) The Standing Orders shall provide for decisions to be taken by a majority of the members and in the event of the equality of votes, the President or the Chairman, as the case may be, shall have a second or casting vote.
- (3) The Standing Orders made for a Committee of the Council shall provide for the committee to report to Council on any matter referred to it by the Council.
- (4) The quorum at any meeting of the Council shall be 10 and the quorum of a Committee of the Council shall be determined by the Council.

General Meeting of the Institute.

2. (1) The Council shall convene the annual general meeting of the Institute once a year, at such time and place as may be determined by the Council, but, if the meeting is not held within one year after the previous annual general meeting, not more than fifteen months shall elapse between the respective dates of the two meetings; Provided that, notice of the annual general meeting shall be given to all members of the Institute, not later than twenty-one days, from the date of the meeting.
- (2) A special general meeting of the Institute may be convened by the Council at anytime if", not less than thirty members of the Institute so require, by notice in writing, addressed to the Chairman of the Council, setting out the objects of the proposed meeting, the Chairman of the Council shall convene a special general meeting of the Institute;

Provided that, notice of the annual general meeting shall be given to all members of the Institute not later twenty-one days from the date of the meeting.

Meeting of the Council

3. (1) Subject to the provisions of any standing orders of the Council, the Council shall meet quarterly in a year.
- (2) At any meeting of the Council, the Chairman or in his absence, or in the absence of the first Vice-Chairman too, the Second Vice-Chairman shall preside, but if the Chairman, the First Vice-Chairman and the Second Vice-Chairman are absent, the members present at the meeting shall appoint one of their member to preside at the meeting.
- (3) Where the Council desires to obtain the advice of any person on a particular matter, the Council may co-opt him as a member for such period as the Council thinks fit, but a person who is a member by virtue of this sub-paragraph shall not be entitled to vote at any meeting of the Council, and shall not count towards a quorum.
- (4) Notwithstanding anything in the foregoing provisions of this paragraph, the first meeting of the Council shall be summoned by the President of the Institute.

Committees

4. (1) The Council may appoint one or more Committees to carry out on behalf of the Institute or the Council, such functions as the Council may determine.
- (2) A Committee appointed under this paragraph shall consist of the number of persons determined by the Council, of whom not more than one-third may be persons who are not members of the Council and a person other than a member of the Council shall hold office on the Committee in accordance with the terms of his letter of appointment.
- (3) A decision of a Committee of the Council shall be of no effect until it is confirmed by the Council, except the council otherwise authorizes.

Miscellaneous

5. (1) The fixing of the seal of the Institute shall be authenticated by the signature of the Chairman or of some other members of the Council authorized generally or specifically by the Institute to act for that purpose.
- (2) Any contract or instrument which if made or executed by a person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the Institute or the Council, as the case may require by any member authorized to act for the purpose by the Council, person generally or specifically.
- (3) Any document purporting to be a document duly executed under the seal of the Institute, shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

Validity of Proceedings

6. The validity of any proceeding of the Institute or the Council, or of a Committee of the Council shall not be affected by any vacancy in the membership or any defect in the appointment of a member of the Institute, or of the Council, or of a person to serve on the Committee, or by reason that a person not entitled to do so took part in the proceedings.
7. Any member of the Institute or the Council, and any person holding office on a Committee of the Council, who has a personal interest in any contract arrangement entered into, or proposed to be considered by the Council on behalf of the Institute or on behalf of the Council or a Committee thereof, shall forthwith disclose his interest to the President or to the Council, as the case may be and he shall not vote on any question relating to that contract or arrangement.
8. A person shall not by reason only of his membership of the Institute be treated as holding an office in the Public Service of the Federation.

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

SECOND SCHEDULE

SECTION 22(2)

TRANSITIONAL PROVISIONS AS TO PROPERTIES, ETC.

TRANSFER OF PROPERTIES

1. Every agreement to which the Incorporated Institute was a part immediately before the commencement of this Act, whether it be in writing or not and whether or not of such nature that the rights, liabilities and obligations there under could be assigned by the Incorporated Institute, shall have effect from the appointed day so far as it relates to property transferred by this Act to the Institute as if: —
- (a) The Institute had been a party to the agreement;
- (b) For any reference (however worded) and whether express or implied to the Incorporated Institute, there were substituted as respects anything failing to be done on or after the commencement of this Act, a reference to the Institute;
- (c) For any reference (however worded and whether (express or implied) to a member or members of the Council of the incorporated institute, there were substituted, as respects anything failing to be done on or after the commencement of the Act, a reference to a member or members of the Council under this Act.

2. Other documents referred to, whether specifically or generally to the Incorporated Institute, shall be construed in accordance with sub-paragraph (b) of this paragraph so far as applicable.
3. Any legal proceedings or application to any authority pending on the commencement of this Act by or against the Incorporated Institute may be continued on or after that day by or against the Institute.
4. On the commencement of this Act, any person holding any paid appointment in the Incorporated Institute shall hold corresponding appointment in the Institute on the same terms and conditions as already exist.
5. Any regulations, rules and similar instruments made for the purpose of the Incorporated Institute and in force immediately before the coming into force of this Bill shall, except in so far as they are subsequently revoked or amended by any authority, having power in that behalf, have effect with any necessary modifications as if daily made for the corresponding purpose of the Institute.

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

THIRD SCHEDULE

SECTION 22(2)

SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY TRIBUNAL AND INVESTIGATING PANEL

THE DISCIPLINARY COMMITTEE

1. The quorum of the Disciplinary Panel shall be four members.
2. (1) The Attorney-General of the Federation shall make rules as to the selection of members of the Disciplinary Panel for the purpose or any proceedings, the procedure to be followed and the rules of evidence to be observed in the proceedings before the Disciplinary Panel.
- (2) The rules shall in particular provide:—
 - (a) For securing that any party to the proceedings shall be entitled to be heard and given fair opportunity to defend the allegations against him/her by the Disciplinary Panel;
 - (b) For determining who, in addition to the person aforesaid, shall be a party to the proceedings;
 - (c) For securing that any party to the proceedings shall, if he so requires, be entitled to be heard by the Disciplinary Panel;
 - (d) For securing that any party to the proceedings may be represented by a legal practitioner;
 - (e) Subject to the provision of section 13(6) of this Act, as to the cost of proceedings before the Disciplinary Panel;

- (f) for requiring, in a case where it is alleged that the person who is the subject of the proceedings is guilty of misconduct in any professional respect, that where the Disciplinary Panel adjudges that the allegation has been proved, it shall record a finding that the person, is guilty of such misconduct, in respect of the matters to which the allegation relates;
- (g) Requiring that the registrar shall publish and carry out decisions and directions of the Disciplinary Panel which has taken effect including striking out a person's name off the register.
3. For the purposes of any proceeding before the Disciplinary Panel, any member of the Disciplinary Panel may administer Oaths, and any party to the proceedings may issue out of the registry of (he Federal High Court by writs of "subpoena ad testificandum and ducestecum" but no person appearing before the Disciplinary Panel shall be compelled:—
- (a) To make any statement before the Disciplinary Panel tending to incriminate himself;
- (b) To produce any document under such a writ which he could not be compelled to produce at the trial of an action.

Assessor

2. (1) For the purpose of advising the Disciplinary Panel on questions of law, arising in proceedings before it, there shall in all such proceedings be an assessor to the Disciplinary Panel, who shall be appointed by the Council, on the nomination of the Attorney-General of the Federation, and he shall be a legal practitioner of not less than ten years standing.
- (2) The Attorney-General of the Federation shall make rules as to the functions of the assessor appointed under this paragraph and in particular such rules shall contain provisions for securing:—
- (a) That where an assessor advises the Disciplinary Panel on any question of law as to evidence, procedure or any other matter specified by the rules, he shall do so in the presence, of every party or a person representing a party to the proceeding, who appear thereat or, if the advice is tendered, while the Disciplinary Panel is deliberating in private that every such party or person as aforesaid, shall be informed of what advice the assessor has given, with, any opportunity to respond to it;
- (b) That every such party or person as aforesaid shall be informed, if in any case, the Disciplinary Panel does not accept the advice of the assessor, on such a question as aforesaid,
- (3) An assessor may be appointed under this paragraph wither generally or for any particular proceedings or class of proceedings, and shall hold and vacate office in accordance with (he terms of the letter, by which he/she is appointed.

The Investigating Panel

3. (1) The quorum of the Investigation Committee shall be three.
- (2) The Governing Council may, at any of its meetings attended by ail members, make Standing Orders with respect to the Investigation Committee.

- (3) Subject to (the provision of any such standing order, the Investigation Committee may regulate its own proceedings.

Miscellaneous

4. (1) A person whose tenure as a member of the Disciplinary Panel, or the Investigation Committee has expired, shall be eligible for re-appointment as a member of the Disciplinary Panel or Investigation Committee, as the case may be, however, nobody shall serve in the Investigating Committee for more than two consecutive terms, totalling four years.
- (2) A person may, if otherwise eligible, be a member of both the Disciplinary Panel and Investigation Committee, but no person who acted as a member of Investigating Committee with respect to any case, shall act as a member of the Disciplinary Panel with respect to that case.
5. The Disciplinary Panel or the Investigation Panel may act notwithstanding any vacancy in its membership and the proceedings of either body shall not be invalidated by any irregularity in the appointment of a member of that body or subject to Paragraph 7 (2) of this Schedule, by reason of the fact that any person who was not entitled to do so took part in the proceedings of that body.
6. Any document authorized or required by virtue of this Act to be served on the Disciplinary Panel or the Investigation Committee; shall be served on the Registrar.
7. All expenses of the Disciplinary Panel or the Investigation Committee shall be defrayed by the Institute.

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

Chairman to report Bill.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered the Report of the Committee on Capital Market on the Chartered Institute of Capital Market Registrar Bill, 2017 and approved as follows:

Clauses 1- 26 — 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 (*Senate Leader*).

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

15. **Joint Committee on Labour, Employment & Productivity; and Power, Steel Development & Metallurgy:**
Report on the Motion on the Hike in Electricity Tariff by the Ministry of Power, Works and Housing; Nigerian Electricity Regulatory Commission (NERC) and Distribution Companies (DISCOs):

Consideration of Report deferred to next Legislative Day.

16. **Franchise Bill 2017 (HB. 76) - Concurrence:**
Motion made: That a Bill for an Act to Provide for the Regulation of Franchising in Nigeria; and for Other Related Matters, 2017 be read the Second Time (*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 Regulation of Franchising in Nigeria; and for Other Related Matters, 2017 (*Concurrence*) (*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 REGULATION OF FRANCHISING IN NIGERIA; AND FOR OTHER RELATED MATTERS, 2017.

Clause 1: Scope of application.

- (1) This Bill applies to franchises to be granted or renewed for the operation of one or more franchised businesses within the Federal Republic of Nigeria.
- (2) Pursuant to the provisions of subsection (1) of this section, this Bill applies to —
 - (a) Trade Name Franchising;
 - (b) Business Format Franchising;
 - (c) Unit Franchising;
 - (d) Multiple Franchising;
 - (e) Area Franchising;
 - (f) Pilot Franchising;
 - (g) Fractional Franchising;
 - (h) Conversion Franchising; and
 - (i) any other type or form of franchising granted or renewed for operation within Nigeria.

Committee's Recommendation:

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

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

Clause 2: Implementation of this Bill.

The National Office for Technology Acquisition and Promotion established by the National Office for Technology Acquisition and Promotion Act, Cap. N62 Laws of the Federation of Nigeria, 2004 (in this Bill referred to as "the implementing agency") shall be responsible for the implementation of the provisions of this Bill.

Committee's Recommendation:

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

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

Clause 3: Enforcement.

The provisions of this Bill shall have the force of law and shall be enforceable under the Nigerian law by the implementing agency and the language of the proceeding thereto shall be English language.

Committee's Recommendation:

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

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

Clause 4: Compliance.

From the commencement of this Bill, all franchisors and franchisees operating in Nigeria shall ensure compliance with the provisions of this Bill and the regulations made under this Bill.

Committee's Recommendation:

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

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

Clause 5: Delivery of disclosure document.

(1) A franchisor must give every prospective franchisee a disclosure document, to which the proposed franchise agreement must be attached, at least fourteen days before —

(a) the signing by the prospective franchisee of any agreement relating to the franchise, with the exception of agreements relating to confidentiality of information delivered or to be delivered by the franchisor; or

(b) the payment to the franchisor or an affiliate of the franchisor by the prospective franchisee of any fees relating to the acquisition of a franchise that are not refundable or the refunding of which is subject to such conditions as to render them not refundable, with the exception of a security (bond or deposit) given on the conclusion of a confidentiality agreement.

- (2) The disclosure document must be updated within thirty days of the end of the franchisor's fiscal year and where there has been a material change in the information required to be disclosed under section 8 of this Bill, notice in writing of such change should be delivered to the prospective franchisee as soon as practicable before either of the events described in subsection (1) (a) or (b) of this section.

Committee's Recommendation:

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

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

Clause 6: Format of disclosure document.

- (1) Disclosure must be provided in writing.
- (2) The franchisor may use any format for the disclosure document, provided that the information contained therein is presented as a single document at one time and meets the requirements imposed by this Bill.

Committee's Recommendation:

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

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

Clause 7: Exemptions from obligation to disclosure.

No disclosure document shall be required —

- (a) in case of the grant of a franchise to a person who has been an officer or director of the franchisor or of an affiliate of the franchisor for at least one year immediately before the signing of the franchise agreement;
- (b) in case of the assignment or other transfer of a franchisee's rights and obligations under an existing franchise agreement, where the assignee or transferee is bound by substantially the same terms as the assignor or transferor, and the franchisor has not had a significant role in the transaction other than approval of the transfer;
- (c) in case of the grant of a franchise to sell goods or services to a natural or legal person who has been engaged in the same or a similar business for the previous two years, if the sales of the franchise, as reasonably anticipated by the parties at the time the franchise agreement is entered into, will not during the first year of the relationship exceed 20% of the total aggregate sales of the combined business of the franchisee and its affiliates;
- (d) in case of the grant of a franchise pursuant to which the prospective franchisee commits to a total financial requirement under the franchise agreement in excess of an amount to be provided in a regulation pursuant to this Bill;
- (e) in case of the grant of a franchise to a prospective franchisee who together with its affiliates has a net worth in excess of an amount to be provided in a regulation pursuant to this Bill or turnover in excess of an amount to be provided in a regulation made pursuant to this Bill; or

- (f) in case of the renewal or extension of a franchise on the same conditions

Committee's Recommendation:

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

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

Clause 8: Information to be disclosed.

- (1) In the disclosure document, the franchisor shall provide the following information —
- (a) the legal name, legal form and legal address of the franchisor and the address of the principal place of business of the franchisor;
 - (b) the trademark, trade name, business name or similar name, under which the franchisor carries on or intends to carry on business in Nigeria or in another country, if outside Nigeria as the case may be, in which the prospective franchisee will operate the franchise business;
 - (c) the address of the franchisor's principal place of business in the country, if outside Nigeria, where the prospective franchisor is located;
 - (d) a description of the franchise to be operated by the prospective franchisee;
 - (e) a description of the business experience of the franchisor and its affiliates granting franchises under substantially the same trade name, including —
 - (i) the length of time during which each has run a business of the type to be operated by the prospective franchisee, and
 - (ii) the length of time during which each has granted franchises for the same type of business as that to be operated by the prospective franchisee;
 - (f) the names, business addresses, positions held, and business experience of any person who has senior management responsibilities for the franchisor's business operations in relation to the franchise;
 - (g) any criminal convictions or any finding of liability in a civil action or arbitration involving franchises or other businesses relating to fraud, misrepresentation, or similar acts or practices of —
 - (i) the franchisor, and
 - (ii) any affiliate of the franchisor who is engaged in franchising for the previous five years, and whether any such action is pending against the franchisor or its subsidiary,

and the court or other citation of any of the above;

- (h) ~~any bankruptcy, insolvency or comparable proceeding involving the franchisor and its affiliate(s) for the previous five years and the court citation thereof;~~
- (i) the total number of franchisees and company-owned outlets of the franchisor and of affiliates of the franchisor granting franchises under substantially the same trade name;
- (j) the names, business addresses and business phone numbers of the franchisees, and of the franchisees of any affiliates of the franchisor which are granting franchises under substantially the same trade name whose outlets are located nearest to the proposed outlet of the prospective franchisee, but in any event of not more than 5 franchisees, in the country of the franchisee and/or contiguous country, or, if there are no contiguous country, the country of the franchisor;
- (k) information about the franchisees of the franchisor and about franchisees of affiliates of the franchisor that grant franchises under substantially the same trade name that have ceased to be franchisees during the three fiscal years before the one during which the franchise agreement is entered into, with an indication of the reasons for which the franchisees have ceased to be franchisees of the franchisor;
- (l) information regarding the franchisor's intellectual property to be licensed to the franchisee, in particular trademarks, patents, copyright and software —
- (i) the registration and/or the application for registration, if any,
- (ii) the name of the owner of the intellectual property rights and/or the name of the applicant, if any,
- (iii) the date on which the registration of the intellectual property rights licensed expires, and
- (iv) litigation or other legal proceedings, if any, which could have a material effect on the franchisee's legal right, exclusive or nonexclusive, to use the intellectual property under the franchise agreement in the country in which the franchised business is to be operated;
- (m) information on the categories of goods and/or services that the franchisee is required to purchase or lease, indicating —
- (i) whether any of these have to be purchased or leased from the franchisor, affiliates of the franchisor or from a supplier designated by the franchisor,
- (ii) whether the franchisee has the right to recommend other suppliers for approval by the franchisor, and

(iii) whether any revenue or other benefit that may be directly or indirectly received by the franchisor or any of the affiliates of the franchisor from any supplier of goods and/or services to the franchisee, such as rebates, bonuses, or incentives with regard to those goods and/or services, shall be passed on to the prospective franchisee or, if not, whether a price mark-up will be made by the franchisor or the supplier recommended by the franchisor;

(n) financial matters, including —

(i) (a) an estimate of the prospective franchisee's total initial investment,

(b) financing offered or arranged by the franchisor, if any,

(c) the financial statements of the franchisor and when available audited or otherwise independently verified financial statements, including balance sheets and statements of profit and loss, for the previous three years;

(ii) (a) if information is provided to the prospective franchisee by or on behalf of the franchisor concerning the historical or projected financial performance of outlets owned by the franchisor, its affiliates or franchisees, the information must—

(aa) have a reasonable basis at the time it is made,

(bb) include the material assumptions underlying its preparation and presentation,

(cc) state whether it is based on actual results of existing outlets,

(dd) state whether it is based on franchisor-owned and/or franchisee-owned outlets, and

(ee) indicate the percentage of those outlets that meet or exceed each range or result,

(b) if the financial information referred to in the preceding subparagraph is provided, the franchisor must state that the levels of performance of the prospective franchisee's outlet may differ from those contained in the information provided by the franchisor;

(o) a description of—

- (i) the state of the general market of the products or services that are the subject of the contract,
 - (ii) the state of the local market of the products or services that are the subject of the contract,
 - (iii) the prospects for development of the market; and
- (p) any other thing necessary to prevent any statement in the document from being misleading to a reasonable prospective franchisee.

(2) The following information shall also be included in the disclosure document. However, where the information is contained in the franchise agreement, the franchisor may in the disclosure document merely make reference to the relevant section of the franchise agreement. Where the following items of information are not included in the proposed franchise agreement, that fact shall be stated in the disclosure document —

- (a) the term and conditions of renewal of the franchise, if any;
- (b) a description of the initial and on-going training programmes;
- (c) the extent of exclusive rights to be granted, if any, including exclusive rights relating to territory and/or to customers and also information on any reservation by the franchisor of the right —
 - (i) to use, or to license the use of, the trademarks covered by the franchise agreement,
 - (ii) to sell or distribute the goods and/or services authorised for sale by the franchisee directly or indirectly through the same or any other channel of distribution, whether under the trademarks covered by the agreement or any other trademark;
- (d) the conditions under which the franchise agreement may be terminated by the franchisor and the effects of such termination;
- (e) the conditions under which the franchise agreement may be terminated by the franchisee and the effects of such termination;
- (f) the limitations imposed on the franchisee, if any, in relation to territory and/or to customers;
- (g) in-term and post-term non-compete covenants;

- (h) the initial franchise fee, whether any portion of the fee is refundable, and the terms and conditions under which a refund will be granted;
 - (i) other fees and payments, including any gross-up of royalties imposed by the franchisor in order to offset withholding tax;
 - (j) restrictions or conditions imposed on the franchisee in relation to the goods and/or services that the franchisee may sell;
 - (k) the conditions for the assignment or other transfer of the franchise; and
 - (l) any forum selection or choice of law provisions, and any selected dispute resolution processes.
- (3) Where the franchise is a master franchise, the sub-franchisor must, in addition to the items specified in subsection (1) and (2) of this section, disclose to the prospective sub-franchisee the information on the franchisor that it has received under subsections (1) (a), (e), (h), and (2) (c) and (f) of this section, as well as inform the prospective sub-franchisee of the situation of the sub-franchise agreements in case of termination of the master franchise agreement and of the content of the master franchise agreement.

Committee's Recommendation:

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

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

Clause 9: Acknowledgment of receipt of disclosure document.

The prospective franchisee shall at the request of the franchisor acknowledge in writing the receipt of the disclosure document.

Committee's Recommendation:

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

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

Clause 10: Remedies.

- (1) If the disclosure document or notice of material change —
 - (a) has not been delivered within the period of time established in section 5 of this Bill;
 - (b) contains a misrepresentation of a material fact; or
 - (c) makes an omission of a material fact,

then the franchisee may on 30 days prior written notice to the franchisor terminate the franchise agreement and/or claim against the franchisor for damages suffered from the conduct described in paragraphs (a), (b) and (c) of this subsection, unless the franchisee had the information required to be disclosed through other means and did not rely on the misrepresentation.

- (2) The remedies granted to the franchisee pursuant to this section shall be exercised not later than —
- (a) one year after the act or omission constituting the breach upon which the right to terminate is based;
 - (b) three years after the act or omission constituting the breach upon which the right to claim for damages suffered is based;
 - (c) one year after the franchisee becomes aware of facts or circumstances reasonably indicating that it may have a right to claim for damages suffered; or
 - (d) within 90 days of the delivery to the franchisee of a written notice providing details of the breach accompanied by the franchisor's then current disclosure document.
- (3) The rights provided by subsection (1) of this section shall not reduce other rights a franchisee may have under any other law.

Committee's Recommendation:

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

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

Clause 11: Provisions of Franchise Agreement.

All franchise agreements between Nigerian franchisees and their franchisors shall incorporate standard provisions in line with international best practices.

Committee's Recommendation:

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

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

Clause 12: Registration of propriety rights associated with business franchise.

All propriety rights associated with any foreign business franchise licenced to franchisees in Nigeria (including patents, trademarks and industrial designs, etc.) shall be registered with the appropriate authority in Nigeria prior to the commencement of their operation in Nigeria.

Committee's Recommendation:

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

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

Clause 13: Registration of franchise agreement.

Without prejudice to the responsibilities of the Patent and Trademarks Registry with respect to the registration of intellectual property rights associated with franchising, the National Office for Technology Acquisition and Promotion shall—

- (a) be responsible for the registration of franchise agreements entered into by franchisees in Nigeria with franchisors outside Nigeria; and
- (b) coordinate the licencing of indigenous business franchise to interested franchisees.

Committee's Recommendation:

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

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

Clause 14: Local Content.

All franchise operators in Nigeria must ensure that they meet a minimum of 20% local inputs in their operation.

Committee's Recommendation:

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

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

Clause 15: Offences and Penalties.

- (1) As from the commencement of this Bill, failure to comply with the provisions of this Bill shall be an offence.
- (2) Where a person fails to comply with the provisions of this Bill, he shall be guilty of an offence and shall be liable upon conviction to imprisonment for a term not less than 1 year or to a fine not less than ₦1,000,000 or both such fine and imprisonment.

Committee's Recommendation:

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

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

Clause 16: Regulations.

The Governing Council of the National Office for Technology Acquisition and Promotion shall make regulations necessary to carry into full effect the provisions of this Bill.

Committee's Recommendation:

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

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

Clause 17: Waivers.

No franchise agreement shall give a waiver, in any form, of any right under this Bill.

Committee's Recommendation:

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

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

Clause 18: Interpretation.

In this Bill, unless the context otherwise requires —

"affiliate of the franchisee" means a person who directly or indirectly controls or is controlled by the franchisee, or is controlled by another party who controls the franchisee.

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

"affiliate of the franchisor" means a person who directly or indirectly controls or is controlled by the franchisor, or is controlled by another party who controls the franchisor.

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

"development agreement" means an agreement under which a franchisor in exchange for direct or indirect financial compensation grants to another party the right to acquire more than one franchise of the same franchise system.

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

"disclosure document" means a document containing the information required under this Bill.

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

"franchise" means the rights granted by a party (the franchisor) authorising and requiring another party (the franchisee), in exchange for direct or indirect financial compensation, to engage in the business of selling goods or services on its own behalf under a system designated by the franchisor which includes know-how and assistance, prescribes in substantial part the manner in which the franchised business is to be operated, includes significant and continuing operational control by the franchisor, and is substantially associated with a trademark, service mark, trade name or logotype designated by the franchisor and includes —

- (a) the rights granted by a franchisor to a sub-franchisor under a master franchise agreement,
- (b) the rights granted by a sub-franchisor to a sub-franchisee under a sub-franchise agreement, and
- (c) the rights granted by a franchisor to a party under a development agreement,

and for the purposes of this definition.

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

"direct or indirect financial compensation" shall not include the payment of a bona fide wholesale price for goods intended for resale.

Question: That the words "direct or indirect financial compensation" be as defined in the Interpretation to this Act, put and agreed to.

"franchise agreement" means the agreement under which a franchise is granted.

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

"franchised business" means the business conducted by the franchisee under a franchise agreement.

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

"franchisee" includes a sub-franchisee in its relationship with the sub-franchisor and the sub-franchisor in its relationship with the franchisor.

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

"franchisor" includes the sub-franchisor in its relationship with its sub-franchisees

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

"master franchise" means the right granted by a franchisor to another party (the sub-franchisor) to grant franchises to third parties (the sub-franchisees).

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

"material change" in the information required to be disclosed means a change which can reasonably be expected to have a significant effect on the prospective franchisee's decision to acquire the franchise.

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

"material fact" means any information that can reasonably be expected to have a significant effect on the prospective franchisee's decision to acquire the franchise

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

"misrepresentation" means a statement of fact that the person making the statement knew or ought to have known to be untrue at the time the statement was made.

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

"omission" means the failure to state a fact of which the person making the statement was aware at the time the statement ought to have been made; and.

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

"sub-franchise agreement" means a franchise agreement concluded by a sub-franchisor and a sub-franchisee pursuant to a master franchise.

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

Committee's Recommendation:

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

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

Clause 19: Short Title.

This Bill may be cited as the Franchise Bill, 2017.

Committee's Recommendation:

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

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

Chairman to report Bill.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered a Bill for an Act to Provide for the Regulation of Franchising in Nigeria; and for Other Related Matters, 2017 and approved as follows:

Clauses 1- 19 — As Recommended

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

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

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

17. Railway Loan (International Bank) (Repeal) Bill, 2017 (HB: 300) - Concurrence:

Motion made: That a Bill for an Act to Repeal the Railway Loan (International Bank) Act, Cap. R2, Laws of the Federation of Nigeria, 2004; and for Other Connected Purposes, 2017 be read the Second Time (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 Repeal the Railway Loan (International Bank) Act, Cap. R2, Laws of the Federation of Nigeria, 2004; and for Other Connected Purposes, 2017 (Concurrence) (Senate Leader).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO REPEAL THE RAILWAY LOAN (INTERNATIONAL BANK) ACT, CAP. R2, LAWS OF THE FEDERATION OF NIGERIA, 2004; AND FOR OTHER CONNECTED PURPOSES, 2017.

Clause 1: **Repeal of Cap. R2, LFN, 2004.**
The Railway Loan (International Bank) Act, Cap. R2, Laws of the Federal Republic of Nigeria, 2004 is hereby repealed.

Committee's Recommendation:

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

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

Clause 2: **Citation.**

This Bill may be cited as the Railway Loan (International Bank) (Repeal) Bill, 2017.

Committee's Recommendation:

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

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

Chairman to report Bill.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered a Bill for an Act to Provide for the Regulation of Franchising in Nigeria; and for Other Related Matters, 2017 and approved as follows:

Clauses 1- 2 — As Recommended

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

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

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

18. **Data Protection Bill, 2017 (HB. 2) - Concurrence:**

Motion made: That a Bill for an Act to Provide for Personal Data Protection to Regulate the Processing of Information Relating to Individuals, Including the Obtaining, Holding, Use or Disclosure of Such Information and for Related Matters, 2017 be read the Second Time (*Senate Leader*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee on Judiciary, Human Rights and Legal Matters for further Legislative Action.

19. Federal College of Dental Technology and Therapy Bill, 2017 (HB. 1018) - Concurrence:

Motion made: That a Bill for an Act to Establish the Federal College of Dental Technology and Therapy to Provide for Courses Leading to the Award of Degrees, Diplomas and Certificates in Dental Technology, Dental Therapy and for Other Related Matters, 2017 be read the Second Time (*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 Establish the Federal College of Dental Technology and Therapy to Provide for Courses Leading to the Award of Degrees, Diplomas and Certificates in Dental Technology, Dental Therapy and for Other Related Matters, 2017 (*Concurrence*) (*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 COLLEGE OF DENTAL TECHNOLOGY AND THERAPY TO PROVIDE FOR COURSES LEADING TO THE AWARD OF DEGREES, DIPLOMAS AND CERTIFICATES IN DENTAL TECHNOLOGY, DENTAL THERAPY AND FOR OTHER RELATED MATTERS, 2017.

Clause 1: Establishment of the College.

- (1) There is established a Federal College of Dental Technology and Therapy (in this Bill referred to as "the College") which shall have the functions and powers conferred on it by this Bill.
- (2) The College shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

Committee's Recommendation:

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

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

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

- (1) There is established for the College the Governing Council (in this Bill referred to as "the Council").
- (2) The Council shall consist of:
 - (a) a Chairman who shall be appointed by the President on the recommendation of the Minister;
 - (b) a representative each of the following Federal Ministries:
 - (i) Health,
 - (ii) Education;

- (c) a representative of each of the following professional bodies:
- (i) Dental Technologists Registration Board of Nigeria;
 - (ii) Dental Therapists Registration Board of Nigeria;
- (d) two persons, at least one of whom shall be a woman, selected on their personal merit based on their contribution either to the development of dental technology and dental therapy, or their special interest in technological education;
- (e) the Rector of the College;
- (f) a representative of the Academic Board of the College.
- (3) The supplementary provisions set out in the Schedule to this Bill shall have effect with respect to the proceedings of the Council and other matters contained therein.

Committee's Recommendation:

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

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

Clause 3: Tenure of office of Member of Council.

- (1) A member of the Council (other than an *ex-officio* member) shall hold office for a term of three years and subject to subsection (2) of this section, shall be eligible for re appointment for a further period of three years and no more.
- (2) A member of Council other than an *ex-officio* member may, by notice addressed to the Council, resign his appointment.
- (3) The Minister may, in writing, with the approval of the President, remove any member of the Council if he is satisfied that it is not in the interest of the College that the member concerned should continue in office.
- (4) Members of the Council other than *ex-officio* members shall be paid such remuneration and allowances as may from time to time be determined by the President.

Committee's Recommendation:

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

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

Clause 4: Functions of the College.

The functions of the College shall be to:

- (a) provide courses of instruction, training and research in:
- (i) Dental Technology;
 - (ii) Dental Therapy;

- (iii) such other fields of applied learning relevant to the needs of the development of Nigeria in the areas of Dental Technology and Dental Therapy and other Para-dental courses; and for research in the development and adaptation of techniques as the Council may from time to time determine leading to award of relevant degrees and certificates;
- (b) produce technical, professional and such other skilled personnel normally required for dental technology and dental therapy;
- (c) arrange conferences, seminars and study groups relevant to the fields of learning specified in paragraph (a) above;
- (d) perform such other functions as in the opinion of the Council may serve to promote the objectives of the College.

Committee's Recommendation:

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

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

Clause 5: Functions of the Council.

- (1) Subject to the provisions of this Bill, the Council shall be the Governing Body of the College and shall control the management of the affairs, property and finances of the College and shall have power to promote the interest of the College.
- (2) The Council may acquire and hold such movable or immovable property as may be necessary or expedient for carrying into effect the provisions of this Bill and for the same purpose may sell, lease, mortgage or otherwise alienate or dispose of any property so acquired.
- (3) The Council may enter into such contracts as may be necessary or expedient for carrying into effect the provisions of this Bill.

Committee's Recommendation:

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

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

Clause 6: Powers of the College.

The College shall have power to —

- (a) award degrees, diplomas and certificates for courses provided by it under section 4 of this Bill;
- (b) enter into such contracts as may be necessary or expedient for carrying into effect the provisions of this Bill;
- (c) acquire, hold, lease, sell, mortgage or otherwise alienate or dispose of any property, moveable or immovable;
- (d) invest its funds in such manner and to such extent as it may think necessary or expedient;

- (e) establish and maintain a library, comprising such books, journals, records, reports and other publications and information systems as may be required for the discharge of the functions conferred on the College by this Bill;
- (f) accept gifts of land, money or other property upon such terms and conditions, if any, as may be specified by the person or organization making the gift, but shall not accept any gift(s) if the terms and conditions attached thereto are inconsistent with the functions of the College under the Bill.
- (g) establish and maintain such colleges and other teaching units within the College or extramural departments as the Council may from time to time decide.

Committee's Recommendation:

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

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

Clause 7: Directives by the Minister.

The Minister may give the Council directives of a general character or relating generally to matters of policy with regard to the exercise by the Council of functions under this Bill and it shall be the duty of the Council to comply with such directives.

Committee's Recommendation:

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

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

Clause 8: Appointment of the Rector of the College.

- (1) There shall be a Rector for the College (in this Bill referred to as "the Rector") who shall be appointed by the President in accordance with the provisions of this section.
- (2) The Rector shall be the head of the College.

Committee's Recommendation:

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

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

Clause 9: Qualification for the Post of Rector.

A person to be appointed Rector shall possess:

- (a) PhD in Dental Technology or Dental Therapy or its equivalent with evidence of publications in the relevant fields;
- (b) appropriate professional qualifications in Dental Technology or Dental Therapy and be registered with the Dental Technologists or Dental Therapists Board of Nigeria;
- (c) not less than 15 years cognate experience in the field of Dental Technology or Dental Therapy;

(d) evidence of community service or hospital administration experience

Committee's Recommendation:

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

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

Clause 10: Duties of the Rector.

The Rector shall be responsible for:

- (a) the day to day affairs of the College;
- (b) the exercise of authority over the employees of the College; and
- (c) the discipline of the students in the College.

Committee's Recommendation:

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

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

Clause 11: Tenure of office of the Rector.

The Rector shall hold office for a period of four years and may be re-appointed for a further period of four (4) years and no more.

Committee's Recommendation:

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

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

Clause 12: Terms and Conditions of Office of the Rector.

The Rector shall hold office on such terms and conditions as may be determined by the Minister as set out in his letter of appointment.

Committee's Recommendation:

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

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

Clause 13: Vacancy of office of the Rector.

Where the post of the Rector is vacant, the Council shall:

- (a) advertise the vacancy in a reputable journal and three widely circulated newspapers in Nigeria specifying:
 - (i) the qualities of a person who may apply for the position; and
 - (ii) the terms and conditions of service applicable to the post, and thereafter, draw up a short list of suitable candidates for consideration;
- (b) a Joint Committee of the Council and the Academic Board consisting of:
 - (i) the Chairman of the Council;

- (ii) two members of the Council not being members of the Academic Board not below the rank of Chief Lecturer shall consider the candidates on the short list drawn up under subparagraph (a) (ii) of this section through an examination of their curriculum vitae and interaction with them and recommend to the Council, qualified candidates for its consideration.

Committee's Recommendation:

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

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

Clause 14: Registrar of the College.

- (1) There shall be a Registrar for the Collège who shall be responsible to the Rector for the day-to-day administration of the Collège and shall perform such other duties as the Council or, as the case may be, the Rector may from time to time require him to do.
- (2) The Registrar shall be the Secretary to the Council, the Academic Board and any committee of the Council and shall attend all the meetings of those bodies unless excused for good cause or reason by the Chairman of the Council.
- (3) Where the Registrar is absent for a meeting of the Council, the Chairman of the Council may, after consultation with the Rector, appoint a suitable person to act as Secretary for any particular meeting of the Council.
- (4) The Secretary to the Council or a person appointed to act under subsection (3) of this section shall not be entitled to vote on any question before the Council or be counted towards a quorum unless such a person is so entitled as a member of the Council.

Committee's Recommendation:

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

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

Clause 15: Tenure of office of the Registrar.

- (1) A Registrar —
 - (a) shall hold office for a period of five years effective from the date of his appointment and on such terms and conditions as may be specified in the letter of his appointment; and
 - (b) may be re-appointed for one further period of five years and no more.
- (2) Where on the commencement of this Bill, a Registrar has held office:
 - (a) for five years or less, he shall be deemed to be serving his first term of office and may be re-appointed for a further term of five years;

(b) for more than five years but less than ten years, he shall complete the maximum period of ten years and thereafter relinquish his position and be assigned other duties in the College;

(c) for ten years or more, the Council may allow him to serve as Registrar for a further period of one year only and thereafter he shall relinquish his post and be assigned other duties in the college.

Committee's Recommendation:

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

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

Clause 16: Appointment of the Deputy Rector.

(1) There shall be for the College a Deputy Rector.

(2) The Council shall appoint the Deputy Rector from among the chief lecturers in the College in one of the following ways:

(a) from a list of three candidates, in order of preference, submitted by the Rector; or

(b) on the recommendation of the Selection Board constituted for the College.

(3) The Selection Board referred to in subsection (2) of this section—

(a) shall consist of —

(i) the Chairman of the Council;

(ii) the Rector;

(iii) two members of the Council not being members of the Academic Board;

(iv) two members of the Academic Board; and

(b) make such inquiries as it deems fit before making the recommendation required under subsection (2) (b).

(3) The Deputy Rector shall:

(a) assist the Rector in the performance of his functions;

(b) perform the functions of the Rector when the post of Rector is vacant or if the Rector is for any reason absent or unable to perform his functions as Rector; and

(c) perform such other functions as the Rector may, from time to time, assign to him.

(4) The Deputy Rector —

- (a) shall hold office for a period of two (2) years and on such terms and conditions as may be specified in his letter of appointment; and
- (b) may be re-appointed for one further period of two years and no more.

Committee's Recommendation:

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

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

Clause 17: Other Principal Officers of the College.

- (1) There shall be for the College the following other principal officers in addition to the Registrar, that is:
 - (a) the Bursar; and
 - (b) the Librarian, who shall be appointed by the Council on the recommendation of the Selection Board constituted under section 16 (3) of this Bill.
- (2) The Bursar shall be the Chief Financial Officer of the College and shall be responsible to the Rector for the day to day administration and control of the financial affairs of the College.
- (3) The Librarian shall be responsible to the Rector for the administration of the College Library and the co-ordination of the library services in the teaching units of the College.
- (4) The Bursar or Librarian —
 - (a) shall hold office for a period of four (4) years in the first instance and on such terms and conditions as may be specified in his letter of appointment;
 - (b) may be re-appointed for a further period of four (4) years and no more.
- (5) Where on the commencement of this Bill, a Bursar or Librarian has held office:
 - (a) for four (4) years or less, he shall be deemed to be serving his first term of office and may be reappointed for a further term of four (4) years;
 - (b) for more than four (4) years but less than eight (8) years, he shall complete the maximum period of eight (8) years and thereafter relinquish his post and be assigned other duties in the College;
 - (c) for eight (8) years or more, he shall relinquish his post and be assigned to other duties in the College.

Committee's Recommendation:
That the provision in Clause 17 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 18: Resignation of appointment by principal officers.

A principal officer may resign his appointment:

- (a) in the case of the Rector, by notice to the President;
- (b) in any other case, by notice to the Council.

Committee's Recommendation:

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

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

Clause 19: Appointment of other employees of the College.

- (1) The Council may appoint such other persons to be employees of the College as the Council may determine to assist the Rector and the principal officers of the College in the performance of their functions under this Bill.
- (2) The power to appoint all other staff of the College apart from the Rector and the principal officers shall be exercised:
 - (a) in the case of a senior staff, by the Council on the recommendation of the Senior Staff Appointments and Promotions Committee set up under the provisions of paragraph 2 (2) (a) of the Schedule to this Bill;
 - (b) in the case of a junior staff, by the Rector on the recommendation of the Junior Staff Appointments and Promotions Committee set up under paragraph 2 (2) (b) of the Schedule to this Bill.
- (3) The remuneration and tenure of office of staff of the College shall be determined by the Council with the approval of the Minister.

Committee's Recommendation:

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

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

Clause 20: Staff Regulations.

- (1) The Council may, subject to the provisions of this Bill, make staff regulations relating generally to the conditions of service of the staff of the College and without prejudice to the generality of the foregoing, such regulations may provide for:
 - (a) the appointment, promotion and discipline of employees of the College; and
 - (b) appeals by such employees against dismissal or other disciplinary measures, and until such regulations are made, any instrument relating to the conditions of service of public officers in the university system shall be applicable, with such modifications as may be necessary, to employees of the College.

- (2) Staff regulations made under subsection (1) of this section shall not have effect until approved by the Minister and when so approved, the regulations need not be published in the Gazette but the Council shall cause them to be brought to the notice of all affected persons in such manner as it may, from time to time, determine.

Committee's Recommendation:

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

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

Clause 21: Establishment of an academic board for the College.

- (1) There shall be established for the College a board to be known as the Academic Board which shall consist of the following members:
- (a) the Rector of the College, as the Chairman;
 - (b) the Deputy Rector of the College;
 - (c) all Heads of Departments;
 - (d) the Librarian; and
 - (e) not more than two members of the academic staff other than heads of departments who may be appointed by the Academic Board.
- (2) The Academic Board shall be responsible for:
- (a) the direction and management of academic matters of the College including the regulation of admission of students, the award of certificates and diploma, scholarships, prizes and other academic distinctions;
 - (b) presenting to the Council of such periodic reports on such academic matters as the Academic Board may think fit or as the Council may from time to time direct; and
 - (c) the discharge of any other functions which the Council may delegate to it.

Committee's Recommendation:

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

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

Clause 22: Removal of the Rector from Office.

Where it appears to the Council that the Rector should be removed from office on the ground of misconduct or inability to perform the functions of his office, the Council shall make a recommendation to that effect to the President and if the President, after making such inquiries as he considers necessary, approves the recommendation, the President shall in writing, declare the office of the Rector vacant.

Committee's Recommendation:

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

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

Clause 23: Removal of Staff of the College from Office.

- (1) Where it appears to the Council that there are reasons for believing that any person employed as a member of the academic, administrative or technical staff of the College, other than the Rector, should be removed from office on the ground of misconduct or inability to perform the functions of his office, the Council shall:
- (a) give notice of those reasons to the person in question;
 - (b) afford him an opportunity of making representations in person on the matter to the Council within a specific period of time; and
 - (c) if the person in question is an administrative staff, he may request in writing that a Committee of the Council be constituted to conduct a joint investigation of the reasons for the removal with the Administrative Board of the College, and the joint investigation Committee shall submit its report to the Council within one month of constituting the joint investigation committee and the decision of the Council on the matter shall be final;
 - (d) if the person in question is an academic staff, he may request in writing that a Committee of the Council be constituted to conduct a joint investigation of the reasons for the removal with the Academic Board of the College, and the joint investigation Committee shall submit its report to the Council within one month of constituting the joint investigation committee and the decision of the Council on the matter shall be final;
 - (e) if the person in question is a technical staff, he may request in writing that a Committee of the Council be constituted to conduct a joint investigation of the reasons for the removal with the Technical Board of the College, and the joint investigation Committee shall submit its report to the Council within one month of constituting the joint investigation committee and the decision of the Council on the matter shall be final;
 - (f) on the other hand, any three (3) members of the Council may request that a Committee of the Council be constituted to conduct a joint investigation of the reasons for the removal with the Administrative Board, Academic Board or Technical Board of the College depending on category of the person sought to be removed notwithstanding that the person sought to be removed did not make such request, and the joint investigation Committee shall submit its report to the Council within one month of constituting the joint investigation committee and the decision of the Council on the matter shall be final.
- (2) The Rector may, in the case of misconduct by a member of the staff which in the opinion of the Rector is prejudicial to the interests of the College, suspend such member and any such suspension shall forthwith be reported to the Council.

- (3) A member of staff may be suspended from office for good cause, or his appointment may be terminated by the Council. For the purpose of this subsection, 'good cause' means:
- (a) any physical or mental incapacity which the Council, after obtaining advice from a panel of two (2) medical experts constituted by the Council, considers to be such as to render the person concerned unfit for the discharge of the functions of his office; or
 - (b) any physical or mental incapacity which the Council, after obtaining medical advice from a panel of two (2) medical experts constituted by the Council, considers to be such as to render the person concerned unfit to continue to hold his office; or
 - (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 his 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 service.
- (4) Any person suspended pursuant to subsection (2) or (3) of this section, shall be placed on half pay and the Council shall before the expiration of the three months after the date of such suspension consider the case against that person and come to a decision as to:
- (a) whether to continue such person's suspension and if so on what terms (including the proportion of the emoluments to be paid to him);
 - (b) whether to reinstate such person, in which case the Council shall restore his full emoluments to him with effect from the date of suspension;
 - (c) whether to terminate the appointment of the person in question, in which case such a person, will not be entitled to the proportion of his emoluments withheld during the period of suspension; or
 - (d) whether to 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, and in any case where the Council, pursuant to this section, decides to continue a person's suspension or decides to take further disciplinary action against a person, the Council shall before the expiration of a period of three months from such decision come to a final determination in respect of the case concerning any such person.
- (5) 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.

- (6) Nothing in the foregoing provisions of this section shall prevent the Council from making such regulations for the discipline of other categories of staff and workers of the College as it may think fit.

Committee's Recommendation:

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

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

Clause 24: Discipline of Students.

- (1) The Council may make rules providing for the Rector to enquire into alleged acts of misconduct and indiscipline among students.
- (2) The rules shall provide for the procedure and rules of evidence to be followed at enquiries under this section.
- (3) Subject to the provisions of this section, where it appears to the Rector that any student of the College has been guilty of misconduct, the Rector may, without prejudice to any other disciplinary powers conferred on him by this Bill or regulations, made hereunder direct:
 - (a) that the student shall not, during such period as may be specified in the direction, participate in such activities of the College, or make use of such facilities of the College, as he may specify; or
 - (b) that the activities of the student shall, during such period as may be specified in the directions, be restricted in such manner as may be so specified; or
 - (c) that the student be suspended for such period as may be specified in the directions; or
 - (d) that the student be expelled from the College.
- (4) Where the post of the Rector is vacant or where the Rector refuses to apply any disciplinary measures, the Council may, either directly or through some other staff, apply such disciplinary actions as are specified in subsection (1) of this section to any student of the College who is considered guilty of misconduct.
- (5) Where a direction is given under subsection (3) (c) or (d) above in respect of any student, the student may, within a period of twenty one (21) days from the date of the letter communicating the decision to him, appeal from the direction to the Council; and where such an appeal is brought, the Council shall, after causing such inquiry to be made in the matter as the Council considers just either confirm or set aside the direction or modify it in such manner as the Council may think fit.
- (6) The fact that an appeal from a direction is pending pursuant to subsection (5) of this section shall not affect the operation of the direction while the appeal is pending.
- (7) The Rector may delegate his powers under this section to a disciplinary committee consisting of such members of the College as he may nominate.

- (8) Nothing in this section shall be construed as terminating a student's activity (ies) at the College except on the ground of misconduct.
- (9) It is hereby declared that the direction under subsection (3) (a) of this section may be combined with a direction under subsection (3) (b) of this section.
- (10) In all cases under this section, the decision of the Governing Council shall be final.

Committee's Recommendation:

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

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

Clause 25: Audit of Accounts.

- (1) The Council shall keep proper records and accounts of its activities and shall cause to be prepared not later than 1st October in each financial year an estimate of its revenue and expenditure for the ensuing financial year and when prepared the estimates shall be submitted to the Minister for approval.
- (2) At the end of each financial year but not later than 30th June, the Council shall cause to be prepared a statement of its income and expenditure during the previous financial year. The statement referred to in subsection (2) above shall, when certified by the Rector, be audited by a firm of auditors appointed by the Council from a list of four (4) firms in accordance with the guidelines supplied by the Auditor General of the Federation and shall be published in the annual report of the College.

Committee's Recommendation:

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

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

Clause 26: Establishment of Fund for the College.

- (1) The College shall establish and maintain a fund from which shall be defrayed all expenditure incurred by the College in the performance of its functions under this Bill.
- (2) The funds of the College shall include:
- (a) such sums as may, from time to time, be granted to the College by the Federal Government of Nigeria;
 - (b) fees charged and payable to the College by the students;
 - (c) any other amount, charged or dues recoverable by the College;
 - (d) revenue from time to time accruing to the College by way of subvention, grants-in-aid, endowment or otherwise;
 - (e) interest on investments; and

~~(f)~~ donations and legacies accruing to the College from any source, for the general or special purpose of the College.

Committee's Recommendation:

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

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

Clause 27: Donations for Particular Purposes.

- (1) Donations of money to be applied to any particular purpose shall be placed to the credit of a special reserve account approved by the Council until such time as they may be expended in fulfilment of such purpose.
- (2) The Council shall not be obliged to accept a donation for a particular purpose unless it approves of the terms and conditions attached to such donation.

Committee's Recommendation:

That the provision in Clause 27 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 28: Payment into Bank.

All sums of money received on account of the College shall be paid into such bank as may be approved for the credit of the College's general, current or deposit account.

Committee's Recommendation:

That the provision in Clause 28 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 29: Annual Report.

The Council shall on or before 31st December in each year prepare and submit to the President through the Minister a report of its activities during the preceding financial year and shall include in the report, the audited accounts of the College in respect of that financial year and the auditor's comments on the account.

Committee's Recommendation:

That the provision in Clause 29 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 30: Power to make Bye-laws.

~~(1)~~ The Council may make bye-laws relating to any matter within its competence under this Bill other than matters for which provision is to be made by standing orders pursuant to paragraph (6) of the Schedule to this Bill.

- (2) All such bye-laws shall be in writing and shall come into force when sealed with the seal of the Council unless some other date for their commencement is prescribed therein.

- (3) Nothing in subsection (2) above shall make it obligatory for the Council to publish any of the said bye-laws in the Gazette but the Governing Council shall bring such bye-laws to the notice of all affected persons.

Committee's Recommendation:

That the provision in Clause 30 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 31: Exclusion or Discrimination on Account of Race, Religion, etc.

- (1) A person shall not on ground of race, place of birth, sex, family background, religious or political interest be denied:
- (a) admission into the College;
 - (b) appointment at the College;
 - (c) membership of any body established in pursuant to this Bill; or
 - (d) be given/preferential advantage or be subjected to any other form of discrimination.
- (2) Notwithstanding the provision of subsection (1) above, the College shall not be prevented from imposing any restriction on any person(s) where a person willfully refuses on grounds of the above circumstances to undertake any duty which may be imposed on national interest or any other justifiable reasons.

Committee's Recommendation:

That the provision in Clause 31 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 32: Transitional Provisions.

- (1) By virtue of this Bill, all property (movable and immoveable) held by or on behalf of the College shall, as from the commencement of this Bill, vest in the College.
- (2) Upon the commencement of this Bill:
- (a) all rights, interests, obligations and liabilities of the College existing immediately before the commencement of this Bill under any contract or instrument; or at law or in equity, apart from any contract or instrument, shall, by virtue of this Bill, be assigned to and vested in the College;
 - (b) any such contract or instrument as is mentioned in subparagraph (a) above shall be of the same force and effect against or in favour of the College and shall be enforced fully and effectively as if the College had been named therein or had been a party thereto; and

- (c) the College shall be subject to all the obligations and liabilities to which the College was subject to immediately before the commencement of this Bill and all other persons shall, as from the commencement of this Bill, have the same rights, power and remedies against the College as they had against the College immediately before the said commencement.
- (3) If immediately before the commencement of this Bill a person was a member or an employee of the College, that person shall by virtue of this Bill become a member or an employee of the College.
- (4) Any proceeding or cause of action pending or existing before the commencement of this Bill by or against the College may be commenced, continued or enforced by or against the College as it might have been against the College if this Bill had not been made.

Committee's Recommendation:

That the provision in Clause 32 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 33: Interpretation.

In this Bill, unless the context otherwise requires:

"Academic Board" means the board established under section 21 of this Bill.

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

"Senior Staff Appointments and Promotions Committee" means a body by that name established under paragraph 2 (2) (a) of the Schedule to this Bill.

Question: That the words "Senior Staff Appointments and Promotions Committee" be as defined in the Interpretation to this Act, put and agreed to.

"Junior Staff Appointments and Promotions Committee" means a body by that name set up under paragraph 2 (2) (b) of the Schedule to this Bill.

Question: That the words "Junior Staff Appointments and Promotion Committee" be as defined in the Interpretation to this Act, put and agreed to.

"Minister" means Minister charged with responsibility for matters relating to Health.

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

"Registrar" means the Registrar of the College appointed under section 14 (1) of this Bill.

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

Committee's Recommendation:

That the provision in Clause 33 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 34: Citation.

This Bill may be cited as the Federal College of Dental Technology and Therapy Bill, 2017.

Committee's Recommendation:

That the provision in Clause 34 be retained (*Senate Leader*) — *Agreed to.*

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

SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

1. The Council may act notwithstanding any vacancy in its membership or the absence of any member or that a person not entitled to do so took part in its proceedings.

Committees

2. (1) The Council may appoint one or more committees to which it may delegate any of its functions.
- (2) Without prejudice to the generality of subparagraph (1) of this Schedule, the Council shall appoint the following committees, that is:
 - (a) the Senior Staff Appointments and Promotions Committee which shall:
 - (i) consist of a chairman and four (4) members who shall be appointed by the Council, and four (4) other members who shall be appointed by the Rector from members of the senior staff of the College;
 - (ii) be charged with the responsibility of making recommendations to the Council on the appointment and promotion of the academic and senior staff of the College and have a quorum of five (5) members; and if the Chairman of the committee is absent from any meeting of the committee, the members present shall elect one of their members to act as Chairman for that particular meeting;
 - (b) the Junior Staff Appointments and Promotions Committee which shall consist of a Chairman and four (4) other members to be appointed by the Rector and shall have the powers set out in sections 19 (2) (b) of this Bill.
 - (c) the Committee on Students' Affairs which shall consist of the following members:
 - (i) a Chairman who shall be appointed by the Rector from among the senior employees of the College;
 - (ii) one member of the Council;

- (iii) two members of the academic staff of the College; and
 - (iv) four (4) students of the College;
 - (d) the Committee on Students' Affairs shall be charged with the duty of:
 - (i) considering any matter which relates to the welfare of students;
 - (ii) any other matter referred to it by either the Council or students of the College;
 - (e) any matter which the students refer to the Council shall be referred to the Committee on Students' Affairs in the first instance.
- (3) No decision of a committee shall have effect unless same is confirmed by the Council.

Proceedings of the Council

3. (1) The Council shall meet for the conduct of business at such times as the Chairman of the Council may appoint but the meeting of the Council shall hold not less than twice in a year.
- (2) The Chairman of the Council may at any time and shall at the request in writing of not less than five members of the Council summon a meeting of the Council.
- (3) Particulars of the business to be transacted by the Council shall be circulated to members with the notice of the meeting at least two weeks before the date of the meeting.
4. Where the Council desires to obtain the advice of any person on any particular matter, it may co-opt such person as a member for a meeting whether or not expressly convened for the purpose of considering the particular matter but no co-opted member shall be entitled to vote or considered as part of the quorum.
5. (1) Every question put before the Council at a meeting shall be decided by a simple majority of the members present and voting.
- (2) Seven members shall form a quorum at any meeting of the Council.
- (3) The chairman shall, at any meeting of the Council, have a vote and in the case of an equality of votes, may cast a deciding vote.
6. The Council may make standing orders with respect to holding meetings, the nature of notices to be given, the proceedings thereat, the keeping of minutes of such proceedings and the custody and production for inspection of such minutes.
7. Where the Chairman of the Council is absent from a meeting of the Council, the members present shall elect one of their members to act as Chairman for the purposes of that meeting.

Miscellaneous

8. Any contract or instrument which if entered into by a person not being a body corporate would not be required to be under seal may in like manner be entered into or executed on behalf of the Council by any person generally or specifically authorised by it for that purpose.
9. (1) The common seal of the Council shall not be used or affixed to any document except in pursuance of a resolution duly passed at a properly constituted meeting of the Council and recorded in the minutes of such meeting.
- (2) The fixing of the seal of the Council shall be authenticated by the signature of the Chairman of the Council and some other member authorized generally or specifically by the Council to act for that purpose.
- (3) Any document purporting to be a document duly executed under the seal of the Council shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.
10. Any member of the Council or a committee thereof who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Council or a committee thereof shall forthwith disclose his interest to the Council and shall not vote on any question relating to such contract or arrangement.

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

Chairman to report Bill.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered a Bill for an Act to Establish the Federal College of Dental Technology and Therapy to Provide for Courses Leading to the Award of Degrees, Diplomas and Certificates in Dental Technology, Dental Therapy and for Other Related Matters, 2017 and approved as follows:

Clauses 1- 34 — As Recommended

Schedule — As Recommended

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

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

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

20. **Chartered Institute of Customer Relationship Management Bill, 2017 (HB. 69) - Concurrence:**
Motion made: That a Bill for an Act to Establish the Chartered Institute of Customer Relationship Management to be charged with the Responsibility for Registration, Discipline of its Members, to Regulate and Control the Practice of Customer Service Profession and for Related Matters, 2017 be read the Second Time (*Senate Leader*).

Debate

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee on Establishment and Public Service to report within two (2) weeks.

21. Adjournment:

And it being 2:36 p.m. the Senate President adjourned the Senate till Tuesday, 25th July, 2017 at 10:00 a.m.

Adjourned accordingly at 2:36 p.m.

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

