SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Thursday, 21st July, 2016

1. The Senate met at 11:20 a.m. The Senate President read Prayers.

2. **Votes and Proceedings:**
The Senate examined the Votes and Proceedings of Wednesday, 20th July, 2016.

Question was put and the Votes and Proceedings were approved.

3. **Messages from Mr. President:**
The Senate President announced that he had received two letters from Mr. President, Commander-in-Chief of the Armed Forces of the Federation, which he read as follows:

(a) Confirmation of Appointments:

PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA

18 July, 2016

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

Dear Distinguished Senate President,

REQUEST FOR THE CONFIRMATION OF THE CHAIRMAN AND MEMBtRS OF NIGER DELTA DEVELOPMENT COMMISSION (NDDC)

In accordance with the provision of Section 2(2)(a) of the NDDC Act, 2000, I hereby present the following nominees to the Board of Niger Delta Development Commission (NDDC) for confirmation by the Senate of the Federal Republic of Nigeria:

S/N	*Name*	*Position*	*State of Origin/Zonal Representatives*
1.	*Senator Victor Ndoma-Egba. CON*	*Chairman*	*Cross River State*
2.	*Nsima Udo Ekere*	*Managing Director*	*Akwa Ibom State*

3.	*Engr. Adjogbe Ajenakevwe Samuel*	*Executive Director (Project)*	*Delta State*
4.	*Mene Lenyie Derek*	*Executive Director (Finance and Administration)*	*Rivers State*
5.	*Hon. Donatus Enyinnah*	*Member*	*Abia State*
6.	*Frank Samuel George*	*Member*	*Akwa Ibom State*
7.	*Prof. Brambaifa Nelson*	*Member*	*Bayelsa State*
8.	*Sylvester Effefiom Nsa*	*Member*	*Cross River State*
9.	*Dr. Ogaga Itowodo*	*Member*	*Delta State*
10.	*Hon. Uwuilekhue Saturday*	*Member*	*Edo State*
11.	*Senator Osita Bonaventure Izunaso*	*Member*	*Imo State*
12.	*Olatokunbo Ayotunde Ajasin*	*Member*	*Ondo State*
13.	*Harry Iboroma Dabibi*	*Member*	*Rivers State*
14.	*Air Commodore Bernard Banfa*	*Member*	*North Central Zone*
15.	*Yahaya Mohammed*	*Member*	*North East Zone*
16.	*Mustapha Dankadai*	*Member*	*North West Zone*
17.	*Mr. Igo Weli*	*Member*	*Niger Delta*
18.	*Dr. Mahmoud Isa-Dutse*	*Member*	*Federal Ministry of Finance*
19.	*Mr. Abdul-kazeem Kasimu Bayero*	*Member*	*Federal Ministry of Environment.*

I hope that the request will receive the usual expeditious consideration and confirmation of the Distinguished Senators.

Please accept, the assurances of my highest regards.

Yours Sincerely,
(Signed)
Muhammadu Buhari

(b) Confirmation of Appointments:

PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA

19 July, 2016

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

Dear Distinguished Senate President,

CONFIRMATION OF THE APPOINTMENT OF JUSTICES OF SUPREME COURT OF NIGERIA

In accordance with section 231 subsection (1) of the 1999 Constitution of the Federal Republic of Nigeria, as amended, I have the pleasure to forward for your confirmation, the nomination of:

S/N	*Name*	*Geo-pol. Zone*	*State*
1.	*Hon. Justice Ejembi Eko, JCA*	*North Central*	*Benue*
2	*Hon. Justice Amina A. Augie, JCA*	*North West*	*Kebbi*

as Justices of the Supreme Court of Nigeria.

Please accept, Mr. President of the Senate and Distinguished Senators, the assurances of my esteemed consideration.

Yours Sincerely,
(Signed)
Muhammadu Buhari

4. **Announcements:**

(a) Conference Committee:

The Senate President named the following Senators as Conferees on Federal University of Petroleum Resources, Effurun (Establishment, etc.) Bill, 2016:

(*i*)	Senator Binta G. Masi	—	Chairman
(*ii*)	Senator Emmanuel Bwacha	—	Member
(*iii*)	Senator Omogunwa Yele	—	Member
(*iv*)	Senator John O. Enoh	—	Member
(*v*)	Senator Samuel O. Egwu	—	Member
(*vi*)	Senator Joshua C. Dariye	—	Member

(b) All Progressives Congress (APC) Caucus Meeting:

The Senate President read a letter from Senator Mohammed A. Ndume (*Borno South*) as follows:

Senate Leader
Federal Republic of Nigeria

July 21, 2016

ALL PROGRESSIVES CONGRESS (APC) CAUCUS MEETING

There will be a meeting of the All Progressives Congress (APC) Caucus Meeting tonight at 8:00 pm.

Venue: Senate President's Residence, Lake Chad Crescent, Maitama, Abuja

Please be punctual.

(Signed)
Senator Ali Ndume
Senate Leader

(c) Reconstitution of Chairmen and Vice Chairmen of Committees:

The Senate President named the following as Chairmen and Vice Chairmen of Committees:

S/N	Committees	Chairman
1.	Customs and Excise	Senator Hope O. Uzodinma
2.	Aviation	Senator Adamu M. Aliero
3.	Environment	Senator Oluremi S. Tinibu
4.	Downstream Petroleum Sector	Senator Kabiru G. Marafa
5.	Tertiary Institutions and TETFUND	Senator Barau I. Jibrin
6.	Women Affairs	Senator Binta G. Masi
7.	Public Procurement	Senator Joshua C. Dariye

8.	Solid Minerals	Senator James E. Manager
9.	Power, Steel Development and Metallurgy	Senator Enyinnaya H. Abaribe
10.	Information and National Orientation	Senator Adokwe A. Suleiman
11.	National Identity Card and National Population	Senator Othman S. Hunkuyi
12.	Legislative Compliance	Senator Babajide C. Omoworare
13.	Rules and Business	Senator Baba Kaka B. Garbai
14.	Federal Character and Inter-Governmental Affairs	Senator Tijjani Y. Kaura

S/N	Committees	Vice Chairman
1.	Marine Transport	Senator Ogembe S. Ahmed
2.	Land Transport	Senator Ovie Omo-Agege
3.	Downstream Petroleum Sector	Senator Tanimu P. Aduda

5. **Personal Explanation:**
Rising on Rule 43, Senator Murray Ben-Bruce (*Bayelsa East*) drew the attention of the Senate to the urgent need to evacuate trapped Nigerians in war torn South Sudan, in view of the fact that other African countries, notably, Kenya, Uganda and Zimbabwe etc., have evacuated their citizens from that country, while the Nigerian Embassy in Juba, persistently reject Nigerians without valid immigration documents. He urged the Senate to prevail on the relevant authorities to expedite action to evacuate these Nigerians.

By the leave of the Senate, relevant authorities were urged to expedite action to evacuate the trapped Nigerians in South Sudan.

6. **Personal Explanation:**
Rising on Rule 43, Senator Duro S. Faseyi (*Ekiti North*) drew the attention of the Senate to the demise of Senator James Olagunju Kolawole, a Senator of the 5th Senate (2003 to 2007), reputable politician and administrator per excellence. He died on Thursday, 2nd June, 2016 and will be buried on Thursday, 11th August, 2016. He urged the Senate to condole the family, Government and people of Ekiti State and to observe a minute silence in honour of the deceased.

One minute silence accordingly observed in honour of the deceased.

7. **Joint Committee on Science and Technology; and Defence:**
Report on the Defence Space Agency (Establishment, etc.) Bill, 2016 (SB. 166):
Motion made: That the Senate do receive the Report of the Joint Committee on Science and Technology; and Defence on the Defence Space Agency (Establishment, etc.) Bill, 2016 (*Senator Robert A. Boroffice — Ondo North*).

Question put and agreed to.

Report Laid.

8. **Committee on Police Affairs:**
Report on the Traffic Warden Service Bill, 2016 (SB. 100):
Motion made: That the Senate do receive the Report of the Committee on Police Affairs on the Traffic Warden Service Bill, 2016 (*Senator Abu Ibrahim — Katsina South*).

Question put and agreed to.

Report Laid.

9. **Joint Committee on Information and National Orientation; and Trade and Investment:**
Report on the Unwholesome Practices by Multi-Choice Nigeria (DSTV):
Motion made: That the Senate do receive the Report of the Joint Committee on Information and National Orientation; and Trade and Investment on the Unwholesome Practices by Multi-Choice Nigeria (DSTV) (*Senator Enyinnaya H. Abaribe — Abia South*).

Question put and agreed to.

Report Laid.

10. **Committee on Interior:**
Report on the Nigerian Peace Corps (NPC) Bill, 2016 (SB. 173 and SB. 183):
Motion made: That the Senate do receive the Report of the Committee on Interior on the Nigerian Peace Corps (Establishment, etc.) Bill, 2016 (*Senator Bayero U. Nafada — Gombe North*).

Question put and agreed to.

Report Laid.

11. **Executive Communication:**
Confirmation of Ambassadorial Nominees:
Motion made: That the Senate do consider the request of Mr. President, Commander-In-Chief of the Armed Forces of the Federation, on the confirmation of the following as Ambassadors Designate:

1.	Obinna Chukwuemeka	2.	Salisu Umoru
3.	Inyang Udoh Inyang	4.	Okeke Vivian Nwanaku
5.	Liman Munir	6.	Edem Jane Ada
7.	Mohammed Hassan Hassan	8.	Martin Young Cobham
9.	Janet Molegbo Olisah	10.	Itegbuoye Sunday
11.	Olatunde Adesesan	12.	Lilian Ijekwu Onu
13.	Manaja Tulahi Isa	14.	Ngozi Ukeje
15.	Bello Kazaure Husseini	16.	Enoch Pierre Ducci
17.	Garba Baba	18.	Usman Bakori Aliyu
19.	Umar Zainab Salisu	20.	Momoh Seidu Omeiza
21.	Kadiri Audu	22.	Balogun Hakeem
23.	Nosa Ahmed	24.	Ibrahim Isa
25.	Bankole Adegboyega Adeoye	26.	Ibidapo Obe Oluwasegun
27.	Ogundaro Sakirat	28.	Eric A. Belgam
29.	Attahiru Haliru	30.	Ramota Bulima
31.	Musa Mamman	32.	Kabiru Bala
33.	Adamu Shuaibu	34.	D. A. Agiv
35.	T. K. Gonglong	36.	Ibrahim Hamza
37.	K. C. Nwachukwu	38.	Q. R. Wolu
39.	E. K. Oguntuwase	40.	A. I. Paragauda
41.	L. A. Gasharga	42.	Olufemi Abikoye
43.	Abubakar Ibrahim	44.	Rabiu Kawu
45.	Nonye Udo	46.	Odeka Janet Bisong
47.	Adekunbi Habeebat		

(*Senate Leader*).

Question put and agreed to.

Request accordingly referred to the Committee on Foreign Affairs to report promptly.

12. **2016 Budget of Agencies and Corporations;**

Motion made: That the Senate do consider the request of Mr. President, Commander-In-Chief of the Armed Forces of the Federation, on the 2016 Budget of the following Agencies and Corporations of the Federal Government:

1. Bureau of Public Enterprises
2. National Agency for Science and Engineering Infrastructure
3. Nigerian Airspace Management Agency
4. Nigerian Shippers Council
5. National Maritime Authority
6. Raw Materials Research and Development Council
7. National Sugar Development Council
8. Nigerian Postal Service
9. Nigerian Ports Authority
10. Federal Airports Authority of Nigeria
11. Securities and Exchange Commission
12. Nigeria Tourism Development Corporation
13. National Communications Commission
14. National Agency for Food and Drugs Administration and Control
15. Nigeria Customs Service
16. National Broadcasting Commission
17. National Insurance Commission
18. News Agency of Nigeria
19. Nigerian Copyright Commission
20. Nigerian National Petroleum Corporation
21. Nigerian Deposit Insurance Corporation
22. Nigeria Civil Aviation Authority
23. Federal Inland Revenue Service
24. Nigerian Immigration Service
25. Nigerian Electricity Regulatory Commission
26. Central Bank of Nigeria
27. Radio Nigeria
28. Federal Housing Authority
29. Nigerian Television Authority
30. National Automotive Design and Development Council
31. Nigerian Nuclear Regulatory Authority
32. National Business and Technical Examinations Board
33. Federal Mortgage Bank
34. National Environmental Standards and Regulations Enforcement Agency
35. Industrial Training Fund
36. Corporate Affairs Commission
37. Standards Organisation of Nigeria
38. Oil and Gas Free Zones Authority

(*Senate Leader*).

Question put and agreed to.

Request accordingly referred to the relevant Committees as follows:

1. *Bureau of Public Enterprises — Privatization;*
2. *National Agency for Science and Engineering Infrastructure — Science and Technology;*
3. *Nigerian Airspace Management Agency — Aviation;*
4. *Nigerian Shippers Council — Marine Transport;*
5. *National Maritime Authority — Marine Transport;*
6. *Raw Materials Research and Development Council — Science and Technology;*
7. *National Sugar Development Council — Industries;*
8. *Nigerian Postal Service — Communications;*
9. *Nigerian Ports Authority — Marine Transport;*
10. *Federal Airports Authority of Nigeria — Aviation;*

11. *Securities and Exchange Commission — Capital Market;*
12. *Nigeria Tourism Development Corporation — Culture and Tourism;*
13. *National Communications Commission — Communications;*
14. *National Agency for Food and Drugs Administration and Control — Health;*
15. *Nigeria Customs Service — Customs and Excise;*
16. *National Broadcasting Commission — Information and National Orientation;*
17. *National Insurance Commission — Banking, Insurance and other Financial Institutions;*
18. *News Agency of Nigeria — Information and National Orientation;*
19. *Nigerian Copyright Commission — Judiciary, Human Rights and Legal Matters;*
20. *Nigerian National Petroleum Corporation — Petroleum Downstream;*
21. *Nigerian Deposit Insurance Corporation — Banking, Insurance and other Financial Institutions;*
22. *Nigerian Civil Aviation Authority — Aviation;*
23. *Federal Inland Revenue Service — Finance;*
24. *Nigeria Immigration Service — Interior;*
25. *Nigerian Electricity Regulatory Commission — Power, Steel Development and Metallurgy;*
26. *Central Bank of Nigeria — Banking, Insurance and other Financial Institutions;*
27. *Radio Nigeria — Information and National Orientation;*
28. *Federal Housing Authority — Housing;*
29. *Nigerian Television Authority — Information and National Orientation;*
30. *National Automotive Design and Development Council — Industries;*
31. *Nigerian Nuclear Regulatory Authority — Petroleum Upstream ;*
32. *National Business and Technical Examinations Board — Education (Basic and Secondary);*
33. *Federal Mortgage Bank — Banking, Insurance and other Financial Institutions;*
34. *National Environmental Standards and Regulations Enforcement Agency — Environment;*
35. *Industrial Training Fund — Industries;*
36. *Corporate Affairs Commission — Trade and Investment;*
37. *Standards Organisation of Nigeria — Industries;*
38. *Oil and Gas Free Zones Authority — Trade and Investment.*

13. Ministerial Briefing:

Briefing from the Minister of Finance on the Monetary/Fiscal Policies:

Motion made: That the Senate do receive briefing from the Minister of Finance on the Monetary and Fiscal Policies adopted to salvage the current economic situation *(Senate Leader)*.

Question put and agreed to.

Privileges of the Floor:

(i) ***Admission of Senior Special Assistant to the President on National Assembly Matters (Senate), Senator Ita S. J. Enang:***

Motion made: That the Senate do invoke Rule 17(1) to admit Senior Special Assistant to the President on National Assembly Matters (Senate), Senator Ita S. J. Enang to the floor of Senate *(Senate Leader)*.

Question put and agreed to.

Senior Special Assistant to the President on National Assembly Matters (Senate), Senator Ita S. J. Enang accordingly admitted.

(ii) ***Admission of the Minister Finance and her team:***

Motion made: That the Senate do suspend Rule 17(1) to admit the Minister of Finance and her team to the Floor of the Senate *(Senate Leader)*.

Question put and agreed to.

Minister of Finance and her team accordingly admitted.

Motion made: That the Senate do resolve into the Committee of the Whole to receive briefing from the Minister of Finance on the Monetary/Fiscal Policies adopted to salvage the current economic situation (*Senate Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

Briefing by the Minister of Finance on the Monetary/Fiscal Policies adopted to salvage the current economic situation.

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.

(SENATE IN PLENARY)

Chairman to report progress.

The Senate President reported that the Senate in the Committee of the Whole was briefed by the Minister of Finance on the Monetary and Fiscal Policies, challenges faced in the decline on oil revenue and positive progression of economic recovery through waste reduction, agricultural incentives and infrastructural development.

She solicited for legislative assistance in the amendments of Procurement and Universal Basic Education Commission (UBEC) Acts, and prompt oversight functions. She also implored Nigerians to believe in Nigeria as it affects spending.

Thereafter, she answered questions from Distinguished Senators on the monetary and fiscal policies, and economic recovery strategies.

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

14. **Joint Committee on Ethics, Privileges and Public Petitions; Appropriations; and Finance:**
Report on the complaint from Senator Matthew Urhoghide against Mr. Babachir David Lawal, Secretary to the Government of the Federation:

Consideration of Report deferred to another Legislative Day.

15. **Committee on Land Transport:**
Report on the Nigerian Railway Corporation Act, 1955 (Repeal and Re-enactment) Bill, 2016 (SB.01):
Motion made: That the Senate do resolve into the Committee of the Whole to resume consideration of the Report of the Committee on Land Transport on the Nigerian Railway Corporation Act, 1955 (Repeal and Re-enactment) Bill, 2016 (*Adjourned Consideration, 14th July, 2016*) (*Senate Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

RESUMED CONSIDERATION OF A BILL FOR AN ACT TO REPEAL THE NIGERIAN RAILWAY CORPORATION ACT (CAP. N129 LFN 2004) AND TO ENACT THE NIGERIA RAILWAY ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE NIGERIA RAILWAY AUTHORITY, THE FRAMEWORK FOR PRIVATE SECTOR PARTICIPATION IN THE PROVISION OF RAIL SERVICES, THE REGULATION OF THE RAILWAY SECTOR AND FOR RELATED MATTERS

PART III - OBJECTIVES, FUNCTIONS AND POWERS OF THE CORPORATION

Clause 21: **Objectives of the Corporation.**
The objectives of the Corporation shall be to give Nigeria an efficient, reliable, durable, affordable and comfortable rail transport system.

Committee's Recommendation:
Leave out the provision in Clause 21 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Clause 22: **Functions of the Authority.**
(1) Subject to the provisions of this Bill and the functions and powers of the Railway Regulator as provided for in Part VII of this Bill, the Authority shall -

(a) ensure the availability of efficient and reliable Railway Services in Nigeria;

(b) be responsible for the development, expansion and rehabilitation of Railway Infrastructure in accordance with the Transport Master Plan;

(c) own and manage all Railway Infrastructure owned by the Federal Government;

(d) procure private investment and participation in Railway Operations through the grant of Concessions or other Private Sector Participation in accordance with the provisions of section 22 of this Act;

(e) supervise and ensure the implementation of all Concessions or other Private Sector Participation granted by the Authority;

(f) monitor the investment obligations of Concessionaires or other grantees of Private Sector Participation.

(g) procure Railway Services at the end of a Concession or other Private Sector Participation period or in the event of an early termination of the Concession or other Private Sector Participation or abandonment of the Concession or other Private Sector Participation by a Concessionaire;

(h) prepare and publish guidelines for the selection of Concessionaires or other grantees of Private Sector Participation consistent with the provisions of the Federal Government's competitive tendering rules in force from time to time;

(i) acquire and own such land as it may require for the purposes of a Railway;

(j) assure the provision of essential public services through grants or subsidies or where necessary by direct operation;

(k) implement such strategic programmes and plans for the development of the Railway sector as may be consistent with the Transport Master Plan;

(l) procure funding for investments in Railway Infrastructure where necessary;

(m) propose, adopt, publish and ensure compliance with technical specifications and standards for the design, construction, installation, alteration and operation of Railway Infrastructure in Nigeria and for connecting and interconnecting Railway Infrastructure;

(n) carry out research and studies related to development in the Railway sector;

(o) ensure the training, capacity building and development of Nigerians for the Railway sector and for persons to be employed in the construction and provision of Railway Services and Railway Infrastructure.

(2) The Authority shall at all times, carry out its functions and duties in a transparent and non-discriminatory manner.

Committee's Recommendation:
That the provision in Clause 22 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

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

Clause 23: Powers of the Corporation.

(1) Subject to the provisions of this Bill, the Corporation shall have power to-

(a) carry goods and passengers by rail, road and water within Nigeria;

(b) store goods within Nigeria, whether or not those goods have been or are to be carried by the Corporation;

(c) consign goods on behalf of other persons from any place within Nigeria, to any other place, whether within Nigeria, or elsewhere;

(d) provide within Nigeria, both for passengers carried by the Corporation and for other persons, hotels, hostels, other living accommodation and places of refreshment;

(e) provide within Nigeria, such other amenities and facilities for passengers, carried by the Corporation and other persons, using the services performed or the facilities provided by the Corporation as it may appear to the Corporation requisite or expedient to provide;

(f) perform any services or provide any facilities in any territory adjacent to Nigeria which the Corporation may properly perform or provide within Nigeria subject to the consent of the President.

(2) Subject to the provisions of this Bill, the powers conferred by subsection (1) of this section shall include all such powers as are necessary or advantageous and proper for the purposes of the Corporation and, in particular but without prejudice to the generality of the foregoing, shall include power to -

(a) acquire, construct, manufacture, maintain or repair anything required for the purposes of the Corporation, including any new railway;

(b) carry on any business necessary or desirable to be carried on, for the purposes of the Corporation;

(c) take, subject to any condition that may be prescribed, such water, as the Corporation may reasonably require from any natural resource, and to acquire, construct, manufacture, maintain or repair waterworks or any other works, plant or apparatus, necessary or desirable for the supply or transmission of water, and to supply any such water to any person;

(d) (i) acquire, construct, manufacture, maintain or repair plant for generating electrical energy and any other works, plant or apparatus necessary or desirable for the generation, transmission and supply of electrical energy for the purposes of the Corporation, and

(ii) subject to the approval of the Minister, to sell any such energy, which may be surplus to its own requirements;

(e) prohibit, control or regulate-

(i) the use by any person, of the services performed or the facilities provided by the Corporation; or

(ii) the presence of any person, vehicle, goods or anything on any premises occupied by the Corporation;

(f) sell, let or dispose of any property of the Corporation, movable or immovable, which in the opinion of the Corporation is not necessary, for the purposes of the Corporation;

(g) enter into agreements with any person-

(i) for the supply, construction, manufacture, maintenance or repair by that person of any property, movable or immovable, which is necessary or appropriate for the purposes of the Corporation;

(ii) for the performance or the provision by that person of any of the services or facilities which may be performed or provided by the Corporation;

(iii) for the payment, collection or apportionment of any rates, fares or other charges arising out of the performance or the provisions by that person of any such service or facilities, and for such purposes, to finance or assist in financing the activities of that person, whether by way of loan, the holding of stocks, shares or securities, the guaranteeing of interest or dividends on any stocks, shares or securities;

(h) act as agent, whether in Nigeria or elsewhere, for any person engaged, whether in Nigeria or elsewhere, in the performance of services or the provision of facilities of a kind, similar or complementary to those performed or provided by the Corporation;

(i) enter into and carry out contract agreements with any person -

(i) carrying on business as a carrier of passengers or goods, whether within Nigeria or elsewhere;

(ii) providing for the carriage of passengers or goods by or on behalf of the Corporation;

(j) enter into infrastructural concession agreement with any individual, corporate body or organisation subject to the approval of the Minister;

(k) sell food and drinks, including alcoholic beverages, on railway premises and on carriages set apart for the purpose at such times and on such conditions, as the Corporation may deem fit;

(l) do anything for the purpose of advancing the skill of persons employed by the Corporation or of the efficiency of the equipment of the Corporation or of the manner in which that equipment is operated, including the provision of facilities for training, education and research;

(m) make reasonable provision for grants or loans to any person employed by the Corporation;

(n) (i) establish, maintain and work a telecommunications service for the use of the Corporation and of the public, notwithstanding any prohibition or restriction imposed by any Act relating to telecommunications, but subject to any conditions, restrictions or other provisions that may be prescribed, including provisions as to the application to the Corporation of, or the exemption of the Corporation from any enactment, in any such Act, or the modification of any such enactment in its application to the Corporation, and

(ii) impose charges for the use of the service by the public;

(o) do any other thing, or carry on or arrange for the carrying on of any business incidental or subsidiary to the principal activities of the Corporation which, in the opinion of the Corporation, is in the interest of the public or of the proper conduct of those activities.

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(3) In relation to the exercise by the Corporation of the powers conferred subsection (2)(d) of this section, the Electricity Power Sector Reform Act shall have effect as if the Corporation were exempted from the provisions of section 3 thereof.

(4) For the avoidance of doubt, the preceding provisions of this section relate only to the capacity of the Corporation as a statutory corporation, and nothing in the said provisions, except where otherwise provided, shall be construed as authorising the disregard by the Corporation of any enactment or rule of law.

(5) The provisions of this section shall not be construed as limiting any power of the Corporation conferred by or under any subsequent provision of this Bill.

Committee's Recommendation:
Leave out the provision in Clause 23 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Clause 24: **Infrastructure concessional proposals.**

(1) All infrastructure concessional proposals to be firmed out to concessioners shall be submitted to the President through the Minister for approval.

(2) Such proposals being submitted to the President shall be accompanied by the attendant draft agreement

Committee's Recommendation:
Leave out the provision in Clause 24 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Clause 25: **Powers to fix rates, fares and other charges.**

The Corporation shall have power to, from time to time-

(a) fix rates and fares subject to such upper limits as may be determined by the Minister,

(b) fix charges, other than rates and fares;

(c) enter into agreements for the carriage of goods at rates lower than the rates fixed under paragraph (a) of this section, but subject to such other charges and conditions, if any, as the Corporation deems fit;

(d) convey passengers at fares lower than the fares fixed under paragraph (a) of this section but subject to such conditions, if any, as the Corporation deems fit

(e) remit, in whole or in part, any rate, fare or other charges fixed under paragraph (a) or (b) of this section for any particular purpose, or on any particular occasion, or in any particular circumstance, and subject to any conditions the Corporation deems fit;

(f) fix a rate or fare higher than such upper limit in circumstances requiring the Corporation to render services additional to those normally provided by it in respect of the carriage of goods or passengers, and notwithstanding that an upper limit has been determined by the Minister under paragraph (a) of this section; and to levy any rate, fare, or other charges fixed under any of the provisions of this section.

Committee's Recommendation:
Leave out the provision in Clause 25 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Clause 26: **Conditions for holding goods on railway.**
The Corporation may (in addition to fixing charges other than rates and fares under the provisions of section 12 of this Bill) impose conditions, not inconsistent with the provisions of this Bill, for the holding of goods left upon a railway, before or after carriage or for warehousing or in any other circumstances whatsoever.

(1) The Corporation may provide and maintain-
(a) foot-ways and roadways on any of its bridges, for the passage of persons or vehicles;

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(b) piers and wharves for the accommodation of traffic subject to the provisions of the Nigerian Ports Authority Act and without prejudice to the powers of the Nigerian Ports Authority; and

(c) other facilities for the accommodation of traffic.

(2) The Corporation may (in addition to fixing charges other than rates and fares under the provisions of section 12 of this Bill) impose conditions, not inconsistent with the provisions of this Bill, in respect of traffic, using such footways, roadways and other facilities.

Committee's Recommendation:
Leave out the provision in Clause 26 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Clause 27: **Authority to execute necessary works.**
The Corporation may, for the purposes of constructing a railway or additions or alterations to a railway or accommodation or other works connected therewith, enter upon any land and-

(a) make or construct in, upon, across, under or over any lands or any streets, hills, valleys, roads, railway or tramways, or any rivers, canals, brooks, streams or other waters, or any drains, water-pipes, gas-pipes or electric power wires or telegraph or telephone lines or such temporary or permanent inclined planes, arches, tunnels, culverts, embankments, aquaducts, bridges, roads, line of railway, ways, passages, conduits, drains, electric power or telegraph or telephone lines, piers, abutments, cuttings and fences, as the Corporation thinks proper;

(b) alter the course of any river, brook, stream or water-course, for the purposes of constructing and maintaining tunnels, bridges, passages or other works over or under them; and divert, widen, narrow or alter, temporarily or permanently, the course of any river, brook, stream or water-course, or any road, street, or way; or raise or sink the level thereof in order to carry them more conveniently over or under or by the side of the railway as the Corporation thinks proper;

(c) convey water by means of drains or conduits into, through or under any lands adjoining the railway;

(d) erect and construct such houses, warehouses, offices and other buildings, and such yards, stations, wharfs, engines, machinery, apparatus, and other works and conveniences, as the Corporation thinks proper;

(e) alter, repair or discontinue such buildings, works and conveniences or any of them, and substitute others in their stead; and

(f) do all other acts necessary for making, maintaining, altering or repairing and using the railway.

Committee's Recommendation:
Leave out the provision in Clause 27 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Clause 28: **Alteration of pipes, wires and drains.**
The Corporation may, for the purpose of exercising the powers conferred on it by this Bill, alter the level or position of any pipe, conduit, drain, electric wire or post, provided that it shall give reasonable notice of its intention to do so to the person having the control of such pipe, conduit, drain, electric wire or post; and the Corporation shall so execute the work as to cause as little inconvenience as possible.

Committee's Recommendation:
Leave out the provision in Clause 28 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Clause 29: **Temporary entry upon land for purpose of preventing accident or repairing damage.**
The Corporation may, in case of any slip or other accident happening or being apprehended to any cutting, embankment or other work under the control of the Corporation, enter upon any land adjoining the railway for the purpose of preventing such accident or of repairing damage caused, and may do all such works as may be necessary for the purpose.

Committee's Recommendation:
Leave out the provision in Clause 29 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Clause 30: **Notice of entry and compensation in relation to sections 14 to 16.**
In the exercise of the powers conferred by sections 14, 15 and 16 of this Bill, the Corporation shall -

(a) when practicable, give notice of the intention to enter upon any occupied land to the occupier thereof;

(b) do so with as little damage as possible; and

(c) pay compensation for any damage caused by the exercise of those powers.

Committee's Recommendation:
Leave out the provision in Clause 30 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Clause 31: **No suit to be brought to recover compensation.**

(1) No suit shall be brought or maintained to recover such compensation payable under section 17 of this Bill, but any person who considers himself entitled to compensation, may within twelve months after the date on which the damage was caused, if no agreement has been reached between himself and the Corporation, forward to the Corporation, a request that his claim be referred to arbitration, and the claim shall be determined in the following manner-

(a) there shall be two arbitrators, one of whom shall be nominated by the Corporation and the other by the person claiming compensation;

(b) the two arbitrators so nominated, shall view the land or property in respect of which such compensation is claimed, with the object of deciding what sum should in the circumstance of the case be awarded as compensation, and, if the said arbitrators agree as to the amount, their decision shall be final:

Provided that in case of disagreement, they may and at any stage of the arbitration, refer the matter in dispute to a judge of the Federal High Court in chambers as umpire, and his decision shall be final.

(2) Where the amount of compensation, if any, is determined by the arbitrators, each party shall pay the costs incurred by him in respect of the matter of the arbitration, but if the matter in dispute is referred to the judge, the costs of and incidental to the arbitration and the inquiry by the judge shall, be at the discretion of the judge.

(3) Reference in this section to the Federal High Court, shall be construed as a reference to the Federal High Court having jurisdiction in respect of the place where the damage in question occurred.

Committee's Recommendation:
Leave out the provision in Clause 31 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Clause 32: **Removal of trees obstructing working of railway.**

(1) If there appears to him to be danger that a tree standing near a railway may fall on the railway so as to obstruct traffic, or may obstruct the view of any fixed signal, an officer duly authorised in that behalf by the Corporation, may fell the tree or deal with it in such other manner as will avert the danger or remove the obstruction, as the case may be.

(2) When the power conferred by subsection (1) of this section is exercised in respect of a tree on land, other than railway land, the Corporation shall-

(a) immediately inform such officer as may be prescribed; and

(b) pay compensation to the entitled person if the tree was in existence before the railway was constructed, or the signal was fixed near the place where the tree was standing:

Provided that, if no agreement is reached as to the person entitled or as to the amount of compensation, the Corporation shall call upon the officer prescribed as aforesaid, to ascertain the person entitled, if any, and to assess the amount of the compensation and shall make such payment as shall accord with the decision of that officer.

(3) An award of compensation under subsection (2) of this section shall be final.

(4) No court shall entertain a suit to recover compensation for any tree felled or other-wise dealt with under this section.

Committee's Recommendation:
Leave out the provision in Clause 32 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Clause 33: **Purchase and importation of coal.**

(1) The Corporation may-

(a) enter into agreements for the purchase of coal, for its own use or for resale, from the Nigerian Coal Corporation; and

(b) purchase and import coal from outside Nigeria , whenever it is of opinion that the production of coal by the Nigerian Coal Corporation is, or is likely to be insufficient for the requirements of coal consumers in Nigeria.

(2) In this section, the expression "coal" includes coke and other coal products

Committee's Recommendation:
Leave out the provision in Clause 33 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Clause 34: **Restriction on power to extend railway line.**

(1) Notwithstanding anything contained in this Part, no extension of the route mileage of a railway, shall be undertaken by or on behalf of the Corporation, without the prior sanction of the Minister, if such extension-

(a) exceeds 8.0465 kilometres in length; and

(b) is intended for the public carriage of passengers.

(2) No extension of the route mileage of a railway exceeding 8.0465 kilometres in length shall be used for the public carriage of passengers without such sanction.

Committee's Recommendation:
Leave out the provision in Clause 34 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Clause 35: **Construction of railways by persons other than the Corporation.**
It shall be unlawful for any person, without the consent of the Corporation and entering into a concessional agreement with the Corporation, to construct or operate a railway for public carriage of passengers or goods within Nigeria.

Committee's Recommendation:
Leave out the provision in Clause 35 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Clause 36: **Duty to train Nigerians.**
It shall be the duty of the Corporation to provide, to the satisfaction of the Minister, such facilities for the training of Nigerians, as are designed to enhance their suitability for promotion in the service of the Corporation.

Committee's Recommendation:
That the provision in Clause 36 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

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

PART IV - FURTHER POWERS IN RELATION TO LAND

Clause 37: **Construction for purposes of Cap. L5 LFN.**
For the purposes of section 28(1)(c) of the Land Use Act, a requirement of land by the Government of the Federation for public purposes of the Federation, shall be deemed to include a requirement of land by the Corporation for the purposes of a railway.

Committee's Recommendation:
Leave out the provision in Clause 37 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Clause 38: **Preliminary investigation of land required for railway purposes.**

(1) Whenever it appears to the Corporation that land in any locality is likely to be needed for any purposes of a railway, the Corporation may enter upon any land in such locality and-

(a) survey and take levels of such land;

(b) dig or bore under the sub-soil;

(c) do all other acts necessary to ascertain whether the land is adapted for such purposes;

(d) clear, set out and mark the boundaries of the land, in respect of which it is proposed, to make an application under section 26(1) of this Bill and the intended line of the work (if any), proposed to be made there:

Provided that no such servant, agent or workman shall enter into any building or upon any enclosed court or garden attached to a dwelling-house (except with the consent of the occupier thereof), unless at least seven days' notice of the intended entry shall have been given to such occupier.

(2) As soon as convenient, may be after any entry made under subsection (1) of this section, the Corporation shall pay compensation for all damage arising out of the exercise of any power conferred by that subsection.

Cap. L5 LFN

(3) In case of dispute as to the amount of any compensation payable under this section, the amount of the compensation may be determined in the manner provided by the Land Use Act for determining the compensation payable, where a right of occupancy is revoked.

Committee's Recommendation:
Leave out the provision in Clause 38 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Clause 39: **Compulsory acquisition of land.**

(1) Whenever there is any hindrance to acquisition by the Corporation of any land required for any purpose of a railway, including any failure by the Corporation to reach agreement as to the amount to be paid in respect of such acquisition, the President, upon the application of the Corporation and after such inquiry as he may think fit, may declare that the land is required for the service of the Corporation and for public interest.

Cap. L5 LFN

(2) Upon such declaration being made, the land to which it relates shall be deemed to be land required for a public purpose of the Federation within the meaning of the Land Use Act, and the President may cause action to be taken under the Lands Use Act, for acquiring the land for the Government of the Federation.

(3) When any land, which has been the subject of a declaration under subsection (1) of this section -

(i) has been acquired, or

(ii) the rights relating to it have been revoked in pursuance of the provisions of subsection (2) of this section, or

(i) has been acquired, or

(ii) the rights relating to it have been revoked in pursuance of the provisions of subsection (2) of this section, or

(iii) the President is satisfied that there are no rights relating to that land, the President may vest the land in the Corporation by means of a certificate under the hand and seal of the Governor of a State.

(4) The compensation, if any, payable under the Land Use Act for -

(i) the acquisition of any land under this section, or

(ii) for the revocation of any rights relating to land in pursuance of this section shall, in the first instance, be paid by the Government of the Federation, but the Corporation shall refund to that Government any compensation so paid and all incidental expenses incurred by that Government.

(5) A plan of any land referred to in subsection (1) of this section, containing measurements of the boundaries of the land and showing the relationship of the land to the existing line of railways or other identifying mark, and signed by the General Manager or person for the time being discharging the functions of the General Manager shall be a sufficient description of the land for the purposes of an application under that subsection.

Committee's Recommendation:
Leave out the provision in Clause 39 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Clause 40: **Restriction and alienation.**
The Corporation shall not, without the approval in writing of the Minister, or, in the case of the customary land in any of the States of the Federation, of the Governor of that State, alienate, mortgage, charge or demise any immovable property, which has been vested in the Corporation under any of the provisions of this Act or in respect of which a right of occupancy has been granted to the Corporation.

Committee's Recommendation:
Leave out the provision in Clause 40 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Clause 41: **Railway land Commissions.**

(1) In this section, reference to any land shall, unless the context otherwise requires, be construed as reference to the interests in that land vested in the Corporation.

(2) For the purposes of this section, there shall be established one or more commissions (in this section referred to as "the Railway Land Commissions") each consisting of-

(a) a Chairman, who shall be appointed by the Minister and shall be a person who does not hold office in the service of the Corporation or of any Government in the Federation;

(b) a person appointed by the Minister to represent the Corporation; and

(c) a person appointed by the Minister as provided in subsection (6) of this section.

(3) Subject to subsection (10) of this section, the Minister may at any time refer to a Railway Land Commission, the question whether or to what extent it is necessary for the land specified in the reference to be retained by the Corporation and the Railway Land Commission shall investigate the said question and submit its recommendation to the Minister.

(4) In making a recommendation for the purposes of this section, a Railway Land Commission shall have regard to the reasonable requirements of the Corporation both for discharging its functions at the time when the recommendation is made and also for the future developments of the railway undertaking.

(5) A person appointed to a Railway Land Commission under subsection (2)(b) of this section, shall, if a recommendation is made in that behalf by the Corporation within such period as the Minister may direct, be the person so recommended.

(6) A person appointed to a Railway Land Commission under subsection (2)(c) of this section, shall be a person appointed to represent the Government of the State in which the land which is the subject of a reference under this section to the Railway Land Commission is situated, or, if the land is situated in the Federal Capital Territory, Abuja, of the Government of the Federation.

(7) (a) Upon receiving a recommendation by a Railway Land Commission that it is not necessary for the land specified in the recommendation to be retained by the Corporation, the Minister, subject to the approval of the President, may make an order declaring that such land, or such part of the land as he may specify in the order, shall be transferred to and vest in the State.

(b) The land to which the order relates, shall be transferred to and vest in the State by virtue of such orders and without further assurance, to be held for the purposes of the Government of the Federation or of the State in which the land is situated, as may be directed in the order.

(b) The land to which the order relates, shall be transferred to and vest in the State by virtue of such orders and without further assurance, to be held for the purposes of the Government of the Federation or of the State in which the land is situated, as may be directed in the order.

(8) It shall be lawful for the Minister to make an order under this section in relation to any land, notwithstanding that no reference has been made to, or no recommendation has been made by, a Railway Land Commission under this section, if the Corporation has given notice in writing to the Minister that the Corporation does not require to retain the land.

(9) (a) The Minister shall make regulations -

(i) governing the discharge of the functions of the Railway Land Commissions;

(ii) the appointment and tenure of office of the members; and

(iii) generally for carrying the purposes and provisions of this section into effect.

(b) The Ministry shall provide the secretariat of the Railway Land Commissions.

Committee's Recommendation:
Leave out the provision in Clause 41 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

PART V - APPOINTMENT OF THE GENERAL MANAGER AND OTHER STAFF OF THE AUTHORITY

Clause 42: Appointment and Functions of the General Manager.

(1) There shall be appointed for the Corporation by the President, subject to confirmation by the Senate, a General Manager who shall -

(a) be a person qualified railway administration or public transport management; and

(b) have no less than fifteen (15) years cognate experience in such matters either in private or public service;

(2) (a) The General Manager shall be the accounting officer of the Corporation; and

(b) shall be responsible to the Chairman and the Board for the immediate management and control of the undertakings of the Corporation.

(3) (a) The Corporation shall delegate to the General Manager such of its functions under this Bill as are necessary to enable him to transact effectively the day-to-day business of the Corporation.

(b) Without prejudice to the generality of the foregoing, shall delegate to him the power to exercise supervision and control over the acts and proceedings of all employees of the Corporation in matters of executive administration and in matters concerning the accounts and records of the Corporation, and, subject to any general restrictions which may be imposed by the Corporation, the power to dispose of all questions relating to the service of the said employees and their pay, privileges and allowances.

(4) The General Manager shall submit to the Corporation for its decision-

(a) draft estimates of revenue and expenditure;

(b) schemes relative to any extension of the railway route mileage; and

(c) major questions of policy, in connection with the management and operation of the Corporation.

(5) The General Manager shall not, without the prior approval of the Corporation-

(a) incur expenditure other than that provided for in the estimates of expenditure approved by the Corporation, or

(b) beyond such limits as may be determined by the Corporation; or

(c) make any substantial changes in the organisation of the Corporation.

(6) The General Manager may, unless otherwise directed by the Corporation, delegate to any of the Corporation's employee or agent any of the functions delegated to him.

Committee's Recommendation:
Leave out the provision in Clause 42 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Clause 43: **Tenure of office and remuneration of the General Manager.**

(1) The General Manager shall be appointed for a term of five years, in the first instance and subject to satisfactory performance may be reappointed for a further term of five years and no more

(2) The General Manager shall -
(a) be paid such remuneration as may be prescribed in his letter of appointment; and

(b) ensure full compliance with the provisions of this Bill at all times.

(3) The General Manager may be suspended or removed from office by the President if he -
(a) has demonstrated inability to effectively perform the duties of his office; or

(b) has been absent from three consecutive meetings of the Board without the consent of the Chairman unless he shows good reason for such absence; or

(c) is guilty of serious misconduct in relation to his duties as General Manager; or

(d) in the case of a person possessing professional qualifications, he is disqualified or suspended from practising his profession in any part of the world by an order of a competent authority; or

(e) is guilty of conflict of interest.

(4) The General Manager shall not be removed from office except in accordance with the provisions of this Bill.

Committee's Recommendation:
Leave out the provision in Clause 43 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Clause 44: **Appointment of Secretary of the Board.**

The Board shall appoint for the Corporation a secretary who shall -
(a) be a legal practitioner and shall have been so qualified for a period of not less than fifteen (15) years;

(b) conduct the correspondence of the Board and keep the official seal and records of the Corporation; and

(c) perform such other functions as the Board or the General Manager may, from time to time, assign to him.

Committee's Recommendation:
Leave out the provision in Clause 44 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Clause 45: Other staff of the Authority.

(1) The Board shall appoint such number of officers and other persons as employees of the Corporation as may appear expedient and necessary to the Board for the proper and efficient conduct of the business and functions of the Corporation.

(2) The terms and conditions of service including remuneration, allowances and other benefits of the Secretary and other employees of the Corporation shall be as may from time to time be determined by the Board in accordance with extant Acts..

(3) Without prejudice to the provisions of subsections (1) and (2) of this section the Corporation may engage the services of consultants and advisers as it may require for the effective discharge of the functions of the Corporation.

Committee's Recommendation:
Leave out the provision in Clause 45 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Clause 46: Secondment from the public service.

(1) Notwithstanding, the provisions of section 32 of this Bill, the Board shall have power to appoint for the Corporation either directly or on secondment from any public service in the Federation, such number of employees as may in the opinion of Board be required to assist the Corporation in the discharge of any of its functions under this Bill.

(2) The person(s) seconded under this section may elect to be transferred to the service of the Corporation, and all previous years of service in the public service shall count as service to the Corporation for pension purposes.

Committee's Recommendation:
Leave out the provision in Clause 46 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Clause 47: Regulations as to conditions of service.

(1) The Corporation may make regulations, determining generally the conditions of service of employees of the Corporation.

(2) Without prejudice to the generality of the foregoing power, the Corporation may make regulations relating to-

(a) appointment, dismissal, discipline, hours of employment, pay and periodic leave of such employees;

(b) appeals by such employees against dismissal or other disciplinary measures;

(c) grant of pensions, gratuities and other benefits to such employees and their dependants, and to the dependants or estates of deceased employees of the Corporation;

(d) establishment and maintenance of sick funds, superannuation funds and provident funds, the contributions payable by the employees and the benefits receivable;

(e) deductions from the salary or wages of such employees of money owed by them to the Corporation or the Government of the Federation in respect of-

(i) rent for quarters or other accommodation;

(ii) repayment of money lent, together with interest on it (if any);

(iii) payment for electricity or water supplied by the Corporation;

(f) the recovery from any such employee, other than by way of deduction from the salary or wages of an employee who performs manual labour, of-

(i) monies of, or payable to the Corporation, which he has failed to account for or collect;

(ii) the value of the property of the Corporation, which he has caused to be damaged, lost or destroyed;

(iii) any expenditure incurred by the Corporation in discharging any liability in which he has involved the Corporation, to a third party.

(3) No regulations made by the Corporation in relation to any of the matters mentioned in subsection (2)(e) or (f) of this section, shall be of any force or effect, unless they have been approved by the Minister.

(4) (i) The Corporation shall, as soon as may be, establish, in pursuance of the provisions of subsection (2) of this section, a pension scheme, which shall, in the opinion of the Federal Civil Service Commission, be such as to make it possible in accordance with the provisions of the Pensions Act.

(ii) No regulations establishing such pension scheme shall come into force, unless the Federal Civil Service Commission shall, by notice in the Gazette, having declared that such regulations comply with the provisions of this subsection.

(5) A pension scheme established under the foregoing provisions of this section shall apply in relation to such class or classes of employees of the Corporation as may be specified and nothing in those provisions shall be construed as preventing the Corporation from providing, by regulations made in pursuance of subsection (2) of this section, for the grant of-

(a) retirement benefits of any kind, in respect of employees of the Corporation, in relation to whom the said pension scheme does not apply; or

(b) any benefits additional to those provided by the said pension scheme, in respect of employees to whom the said pension scheme applies.

Committee's Recommendation:
Leave out the provision in Clause 47 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Clause 48: **Pensions.**

(1) Service in the Authority shall be approved service for the purposes of the Pension Act and accordingly, employees of the Authority shall be entitled to pension, gratuities and other retirement benefits as are prescribed in the Pensions Act.

(2) Notwithstanding the provisions of subsection (1) of this section, nothing in this Bill shall prevent the appointment of a person to any office on terms which preclude the grant of pension, gratuity or any other retirement benefit in respect of that office.

Committee's Recommendation:
That the provision in Clause 48 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 48 *do stand part of the Bill, put and agreed to.*

Clause 49: **Staff Regulations.**

(1) The Authority may, subject to the provisions of this Bill and approval of the Board, make staff regulations relating generally to the conditions of service of the employees of the Authority.

(2) Without prejudice to the generality of the provisions of subsection (1) of this section, the regulations may provide for-

(a) the appointment, promotion and disciplinary control (including dismissal) of employees of the Authority; and

(b) appeals by such employees against dismissal or other disciplinary measures.

(3) Until the regulations are made, any instrument relating to the conditions of service of officers in the civil service of the Federation shall be applicable.

(4) Staff regulations made under this section shall not have effect until approved by the Authority, and when so approved, the regulations may not be published in the official gazette, but the Authority shall cause them to be brought to the notice of all persons to be affected in such a manner as it may, from time to time, determine.

Committee's Recommendation:
That the provision in Clause 49 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 49 *do stand part of the Bill, put and agreed to.*

PART V - FINANCIAL PROVISIONS

Clause 50: **Fund of the Authority.**

(1) The Authority shall establish and maintain a fund which shall comprise of-

(a) such moneys as may be appropriated to the Authority from time to time by the National Assembly through the national budgetary process;

(b) fees, fines, levies and other charges imposed by the Authority;

(c) gifts, loans and grants from national, bilateral and multilateral agencies;

(d) proceeds from the sale of assets that may accrue to the Authority; and

(e) any other source of income of the Authority in exercise of its functions under this Billor its subsidiary legislation.

(2) The Fund shall be managed in accordance with extant Financial Regulations applicable in the Public Service and rules made by the Board.

Committee's Recommendation:
That the provision in Clause 50 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 50 *do stand part of the Bill, put and agreed to.*

Clause 51: Borrowing Powers, Gifts, etc.

(1) The Authority may, with the consent of the Minister, borrow such moneys as it may require for the exercise of its functions under this Bill.

(2) The Authority may accept gifts or grants of money or aid or other property from national, bilateral and multilateral organizations and upon such terms and conditions as may be agreed upon between the donor and the Authority provided that any condition attached to such gifts are not inconsistent with the objectives and functions of the Authority under this Bill.

(3) The Authority shall not accept any gift if the conditions attached by the person or organisation making the gift are inconsistent with the functions of the Authority under this Bill.

Committee's Recommendation:
That the provision in Clause 51 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 51 *do stand part of the Bill, put and agreed to.*

Clause 52: Power to accept gift.

(1) The Corporation may accept gifts of land, money or other property on such terms and conditions, if any, as may be specified by the person or organisation making the gift.

(2) The Corporation shall not accept any gift if the conditions attached by the person or organisation making the gift are inconsistent with the functions of the Corporation under this Bill.

Committee's Recommendation:
That the provision in Clause 52 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 52 *do stand part of the Bill, put and agreed to.*

Clause 53: Budget.

(1) The Authority shall not later than 31st August in each financial year, prepare and forward to the Minister a statement of the estimated income and expenditure for the next financial year.

(2) Notwithstanding the provisions of sub-section (1) of this section, the Authority may also in any financial year, submit supplementary or adjusted statements of estimated income and expenditure to the Minister.

Committee's Recommendation:
That the provision in Clause 53 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 53 *do stand part of the Bill, put and agreed to.*

Clause 54: **Application of the Funds of the Authority.**
The Authority may from time to time, apply the proceeds of the fund established pursuant to section 21 of this Bill-

(a) to meet the administrative and operating costs of the Authority;

(b) to the payment of salaries, wages, fees and other allowances, retiring benefits such as pensions and gratuities and, any other remuneration payable to the Board and staff of the Authority;

(c) to reimburse members of the Board or of any committee of the Board for such expenses as may be expressly authorized by the Board;

(d) for the purchase or acquisition of property, equipment, and other capital expenditure and for maintenance of any property acquired or vested in the Authority;

Committee's Recommendation:
That the provision in Clause 54 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 54 *do stand part of the Bill, put and agreed to.*

Clause 55: **Nigerian Railway stock.**

(1) The Corporation may create and issue any stock required for the purpose of exercising its borrowing powers under section 37 of this Bill and the stock so created and issued is in this Bill referred to as Nigerian Railway stock.

(2) Nigerian Railway stock is to be issued upon such terms as may be approved by the President and such stock and the interest payable on it shall be charged upon all the property, undertakings and revenue of the Corporation.

Committee's Recommendation:
Leave out the provision in Clause 55 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Clause 56: **General reserve.**

(1) Without prejudice to the power of the Corporation to set aside from revenue, appropriate amounts for replacements, contingencies or other purposes, the Corporation shall establish and maintain a general reserve.

(2) The management of the general reserve, the sums to be carried, from time to time, to the credit of the general reserve, the charges to be made against the general reserve and any other application of the moneys comprised there, shall be as the Corporation may determine:

Provided that no part of the moneys comprised in the general reserve, shall be applied other than for the purposes of the Corporation.

(3) One of the purposes of the general reserve is the prevention of frequent fluctuations in the charges made by the Corporation and the powers of the Corporation in relation to the general reserve shall be exercised accordingly.

Committee's Recommendation:
Leave out the provision in Clause 56 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Clause 57: Appointment of Auditors.

(1) The Board shall have the power to appoint external auditors, provided that, such auditors are on the list of auditors approved from time to time by the Auditor-General for the Federation.

(2) Auditors appointed by the Board shall be subject to reappointment on an annual basis.

(3) An auditor appointed pursuant to sub-section (1) of this section shall have access to all accounts and other records relating to such accounts which are kept by the Authority or its agents and shall have the power to require from any member of the Board or employee or agent of the Authority such information and explanation as in the auditor's opinion are necessary for the purpose of the audit.

(4) Any member of the Board, employee or agent of the Authority who fails without reasonable cause to comply with a request or instruction of an auditor pursuant to sub-section (3) of this section shall be guilty of an offence and on conviction shall be liable to a fine of not less than ₦500,000 (five hundred thousand naira only).

Committee's Recommendation:
That the provision in Clause 57 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 57 do stand part of the Bill, put and agreed to.

Clause 58: Financial Year and Audit of the Accounts of the Authority.

(1) The financial year of the Authority shall start on first day of January of each year end on thirty first day of December of the same year.

(2) The Authority shall keep proper records of its accounts in respect of each year and shall cause the account to be audited within three (3) months from the end of each financial year by the auditors appointed pursuant to section 25 of this Bill.

Committee's Recommendation:
That the provision in Clause 58 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 58 do stand part of the Bill, put and agreed to.

Clause 59: Annual Reports.

(1) The Authority shall prepare and submit to the Minister, not later than six (6) months after the end of its financial year, a report on its activities for the preceding financial year and shall include therein the Authority's audited accounts for the year under review together with the auditor's report.

(2) The Minister may require the Authority to obtain from its auditors, such other reports, statements or explanations in connection with the Authority's operations, funds and property as the Minister may consider necessary and the Authority shall immediately comply with any such requirement.

Committee's Recommendation:
That the provision in Clause 59 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 59 do stand part of the Bill, put and agreed to.

PART VI - CONCESSIONS OR OTHER PUBLIC-PRIVATE PARTNERSHIPS

Clause 60: Grant Concessions or other Public-Private Partnerships.

(1) Subject to any and all laws pertaining to and governing concessions, Public-Private Partnerships, or Private Sector Participation, the Authority shall have the power to enter into agreement with any State, Local Government or with any Person being a body corporate incorporated under the laws of Nigeria for the provision of railway services or railway infrastructure whether by means of a concession, joint venture, Public-Private Partnership or other agreement for Private Sector Participation.

(2) The grant of a concession or other Private Sector Participation by the Authority under this Bill shall be subject to the provisions of the Infrastructure Concession Regulatory Commission Act, the Public Procurement Act, the Public Enterprises (Privatisation and Commercialisation) Act and such other laws, regulations or guidelines approved and published by the Federal Government from time to time relating to or governing concessions or other Private Sector Participation and procurement.

(3) Within thirty (30) days after the grant of a concession or other Private Sector Participation, The Authority shall publish a summary of the concession or other Private Sector at least two national daily newspapers.

Committee's Recommendation:
That the provision in Clause 60 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 60 do stand part of the Bill, put and agreed to.

Clause 61: Transfer of Concessions.

(1) Rights arising from a Concession or other Private Sector Participation may, subject to the approval of the Authority and the Minister be assigned, wholly or partially, sub-leased, pledged, mortgaged or hypothecated.

(2) A Concession agreement or other Private Sector Participation agreement shall contain the terms upon which the Concession or other Private Sector Participation may be transferred to a third party.

(3) Where a concession or other Private Sector Participation or any rights therein is assigned, wholly or partially, sub-leased, pledged, mortgaged or hypothecated to a third party, any Licence to which such concession or other Private Sector Participation is subject shall, subject to section 42 of this Bill, be deemed to be assigned, sub-leased, pledged, mortgaged or hypothecated to that third party.

Committee's Recommendation:
That the provision in Clause 61 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 61 do stand part of the Bill, put and agreed to.

PART VII - REGULATION OF RAILWAY TRANSPORT

Clause 62: Role of the Minister.

(1) The general responsibilities and functions of the Minister under this Bill shall include the following:

(a) to formulate, modify and issue policies for the railway sector to ensure the attainment of the objectives of this Bill;

(b) to facilitate the establishment of international protocols on railway services;

(c) to facilitate the conclusion of agreements with foreign governments and international organisations for the provision of railway services;

(d) to encourage co-operation within the ECOWAS region for the adoption of common standards, safety practices and, interconnection of national and regional railway Networks;

(e) to receive and review records and reports submitted by the Railway Regulator pursuant to this Act;

(f) upon consultation with the Authority, to declare new railway routes as may be provided for from time to time in accordance with the Master Plan;

(g) to ensure the development of Nigerian content and participation in any activity within the railway sector including the construction and provision of railway services and railway infrastructure

(2) The Minister shall in all cases discharge his statutory duties in a manner best calculated to meet the objectives of this Bill.

Committee's Recommendation:
That the provision in Clause 62 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 62 do stand part of the Bill, put and agreed to.

Clause 63: **Formulation of Policy.**
The Minister shall in formulating or reviewing policies for the railway sector, consult with and have due regard to the representations of relevant stakeholders in the railway sector, including, but not limited to, the Authority, the Railway Regulator, industry participants and the general public.

Committee's Recommendation:
That the provision in Clause 63 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 63 do stand part of the Bill, put and agreed to.

Clause 64: **Establishment of the Office of the Railway Regulator.**

(1) The Railway Regulator shall be responsible for the economic and safety regulation of the railway sector in Nigeria.

(2) The Railway Regulator shall have the functions and powers conferred and duties imposed on him or her under this Act and as stipulated under any other legislation.

(3) Where upon the commencement of this Bill or at any time thereafter, the transport multi-sector regulator to be established by an Act of the National Assembly which shall designate a body to exercise the powers and perform the functions of the Railway Regulator stipulated under this Bill or any other legislation, has been established, then subsection 1 of this section and the Fourth Schedule thereto shall be repealed and anybody established pursuant to those provisions shall cease to exist except insofar as the Act of the National Assembly establishing the transport multi-sector regulator adopts, preserves, transfers or transitions such a body under its provisions.

Committee's Recommendation:
That the provision in Clause 64 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 64 do stand part of the Bill, put and agreed to.

Clause 65: **Functions of the Railway Regulator**
The Railway Regulator shall have the following functions with respect to the regulation of the Railway Sector —

(a) introducing guidelines, standards and regulations in respect of safety issues to be complied with by all railway operators;

(b) supervising and enforcing compliance by railway operators with all applicable health and safety regulations prescribed under this Bill;

(c) protecting and promoting the interests of customers against unfair practices including but not limited to matters relating to tariffs for and the availability and quality of railway services in accordance with the provisions of this Bill;

(d) promoting fair competition in the railway sector and protection of licensees from abuse of market power or anti-competitive and unfair practices by other licensees;

(e) granting and renewing licences in accordance with the provisions of this Bill and monitoring and enforcing compliance with licence terms and conditions by licensees;

(f) proposing and effecting amendments to licence conditions in accordance with the objectives and provisions of this Bill;

(g) encouraging and promoting track access amongst railway operators and providing regulatory guidelines thereon;

(h) making of such regulations as may be necessary under this Bill to give full force and effect to the provisions of this Bill and the enforcement of such regulations;

(i) examining and resolving complaints and objections filed by and disputes between licensees, customers or any other person involved in the railway sector using such dispute-resolution methods as the railway regulator may determine from time to time;

(j) advising the Minister on the formulation of general policies for the railway sector and generally on matters relating to the railway sector in the exercise of the Minister's functions and responsibilities under this Bill;

(k) implementing the policies issued by the Federal Government in respect of the railway sector and executing all such other functions and responsibilities as are given to the railway regulator under this Bill or are incidental or related thereto;

(l) promoting State, Local Government and private sector participation in the provision of railway services;

(m) facilitating the financial viability of the railway sector and related services and facilitating the incentive for efficient long-term investment in Nigeria for the provision of railway services and railway infrastructure;

(n) developing and monitoring of performance standards and indices relating to the quality of railway services having regard to the best international performance indicators;

(o) generally advising and assisting stakeholders in the railway sector with a view to the development of the industry and attaining the objectives of this Bill and its subsidiary legislation;

(p) ensuring the harmonization of railway standards and practices across the country;

(q) facilitating liaison between licensees and other persons and agencies charged with responsibility for regulating the transport sector in order to promote intermodalism; and

(r) monitoring and reporting to the Minister on the degree to which favourable conditions for competition are present in the market for railway services.

Committee's Recommendation:
That the provision in Clause 65 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 65 do stand part of the Bill, put and agreed to.

Clause 66: Powers of the Railway Regulator

(1) The Railway Regulator shall, in order to fulfil its functions under this Bill have the exclusive power —

(a) to consider applications for licences and to issue, extend, renew, modify, suspend and, if necessary, revoke any licence;

(b) to issue Safety Certificates in respect of any new railway infrastructure through the General Inspector in accordance with section 92 of this Bill;

(c) to carry out inquiries, tests, audits or investigations and take such other steps as may be necessary to monitor the activities of licensees and to secure and enforce compliance with this Bill, its subsidiary legislation or licence terms and conditions;

(d) to establish customer protection measures in accordance with Part XVIII of this Bill.

(e) where it considers it to be in the public interest, to compel a licensee to provide any information or any document concerning licensed activities notwithstanding that such information or document may contain business secrets; provided that any such information or documents shall be restricted to those which a person can be legally compelled to produce as evidence by a court of law in Nigeria;

(f) to publish information received in the course of exercising its powers and functions under this Bill or to require licensees to publish certain information if it is satisfied that the publication is consistent with the objects of this Bill provided that the Railway Regulator shall consider the commercial interests of the parties to whom the information relates before publishing the information.

(g) to undertake consultations with the public, customers, railway operators and industry participants affected by or with an interest in its directions and to consider any responses to the consultations;

(h) to promote competition in the railway sector;

(i) to regulate freight tariffs and passenger fares in accordance with the provisions of Part X;

(j) to regulate track access and ensure the facilitation of track access;

(k) to ensure the development, approval and oversight of an appropriate Network Code or codes to govern the terms and conditions of track access; and

(l) to do all such things as are necessary for or incidental to the carrying out of its functions and duties under this Bill.

(2) Subject to this Bill, the Railway Regulator has the power to do all things necessary or convenient to be done for or in connection with the performance of its functions and to enable it to achieve its objectives under this Bill and under any relevant legislation.

(3) The Railway Regulator shall at all times perform its functions and exercise its powers in such a manner as the Railway Regulator considers best achieves the objectives of this Bill.

Committee's Recommendation:
That the provision in Clause 66 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 66 do stand part of the Bill, put and agreed to.

PART VIII - LICENSING REGIME

Clause 67. Requirement for Licence and Offence

(1) No person, authority, state or local government, private or corporate shall, except in accordance with an appropriate license issued by the Railway Regulator —

(a) operate any railway whatsoever;

(b) provide or undertake any railway service whatsoever.

(2) The Railway Regulator may by regulations require that a specific related service shall be provided only on the basis of a license and shall have the power to issue licenses authorizing their conduct.

(3) Any person who at the commencement of this Bill was engaged in any activity requiring a license under this Bill shall, within sixty (60) days of the commencement of this Bill or within such other period as the Railway Regulator may permit, apply to the Railway Regulator for the issuance of an appropriate license.

(4) Any Person who acts in breach of sub-section (1) of this section shall be guilty of an offence and be liable on conviction to —

(a) imprisonment for a term not exceeding 1 (one) year; or

(b) a fine not exceeding 10 (ten) times the extant fee for the relevant license; or

(c) both such fine and imprisonment; and

(d) forfeiture to the Railway Regulator of the property, facilities, installations and equipment used by such person for the provision and operation of the unlicensed service.

Committee's Recommendation:
That the provision in Clause 67 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 67 do stand part of the Bill, put and agreed to.

Clause 68: **Licensing of the Authority**

The Authority shall upon the establishment of the Railway Regulator, be issued a licence for the operation of railway infrastructure and the provision of railway services.

Committee's Recommendation:
That the provision in Clause 68 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 68 *do stand part of the Bill, put and agreed to.*

Clause 69: **Licensing of Concessionaires**

(1) Upon the grant of a concession or other private sector participation, the concessionaire or other grantee of private sector participation shall apply to the Railway Regulator for the issuance of an appropriate licence in accordance with the provisions of Part VIII of this Bill.

(2) The Railway Regulator shall consult with the Authority in considering an application received pursuant to sub-section (1) of this section.

Committee's Recommendation:
That the provision in Clause 69 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 69 *do stand part of the Bill, put and agreed to.*

Clause 70: **Licence Regulations**

(1) The Railway Regulator shall have power to make regulations applicable to licensing procedures under this Bill, such regulations shall include, but not be limited to —

(a) the procedure, form, criteria, timescale and fees for licence applications, including any criteria for the grant of the licence, and the grounds upon which applications for licences may be denied, provided that the period between the Railway Regulator's receipt of an application for a licence and the Railway Regulator's decision whether or not to issue a licence, as the case may be, shall not exceed six months;

(b) the duration of licences and the procedure, form, criteria and timescale for their renewal;

(c) the procedure, form and timescale for publishing the notification of a licence application or renewal;

(d) the procedure, form, criteria and timescale for the transfer, surrender, suspension or revocation of a Licence.

(2) In the formulation of licensing procedures, issuance of licences and preparation of licence terms and conditions, the Railway Regulator shall be guided by the principles of transparency, fairness and non-discrimination and such other principles and considerations as the Railway Regulator may from time to time consider necessary and in the national interest.

(3) Licence issuance or renewals may not be unreasonably withheld by the Railway Regulator in the case of a person possessing all the requisite qualification, capacity and meeting all the terms and conditions for the issuance of such licence and who is compliant or where relevant has been operating in compliance with previous licence conditions, and the provisions of this Bill and any subsidiary legislations as well as all regulations and directions issued thereunder.

Committee's Recommendation:
That the provision in Clause 70 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 70 do stand part of the Bill, put and agreed to.

Clause 71: Duties of Licensees

(1) In addition to the conditions which may be included in a licence issued pursuant to this part, a licensee shall —

(a) comply with the provisions of this Bill, regulations and any direction given by the Railway Regulator in relation to matters specified in its licence or matters under this Bill or its subsidiary legislation;

(b) comply with the restrictions on track access charges imposed by the Railway Regulator in accordance with Part XI of this Bill;

(c) prepare and submit to the Railway Regulator such information and periodical reports as the Railway Regulator may require;

(d) publish terms of access to its railway;

(e) operate its infrastructure and related facilities, if any, according to the standard of a reasonable and prudent operator.

(2) Conditions applicable to a licence may cease to have effect or may be modified under circumstances specified in the licence or in accordance with the provisions of this Bill.

(3) (i) Licences granted by the Railway Regulator to licensees of the same class shall contain similar conditions, which shall be standard licence conditions for that class.

(ii) Any differences in conditions contained in licences issued to licensees of the same class shall be made only for objectively justifiable reasons.

(4) Subject to the provisions of this Bill, the Railway Regulator shall have the power to include special licence conditions specific to a particular licence or licensee; provided however, that such special licence conditions shall be designed to meet specific circumstances and shall not unduly disadvantage one licensee in relation to another.

(5) A licensed activity may be exclusive for all or part of the period of the licence, for a specific purpose, for a specified geographical area, route or for any combination of the foregoing.

Committee's Recommendation:
That the provision in Clause 71 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 71 do stand part of the Bill, put and agreed to.

Clause 72: Assignment or Transfer of Licence

(1) A Licence shall not be operated by, wholly or partially assigned, pledged, mortgaged or hypothecated to any other party unless the prior written approval of the Railway Regulator has been granted; provided that the Railway Regulator may in granting consent to the assignment, mortgage or hypothecation, impose such conditions as he or she deems fit.

(2) No licensee shall, without the prior written approval, of the Railway Regulator acquire by purchase or otherwise, or affiliate with, the licence or undertaking of any other licensee or person that is in the business of railway operations.

(3) Every licensee shall notify and obtain the prior written approval of the Railway Regulator in respect of any transaction that would result in a change of control of the licensee.

Committee's Recommendation:
That the provision in Clause 72 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 72 do stand part of the Bill, put and agreed to.

Clause 73: Amendment of Licence

(1) The Railway Regulator may modify any licence condition or include additional conditions as deemed fit.

(2) The procedure to be followed in modifying or adding any Licence conditions shall be as prescribed by the Railway Regulator.

(3) The Railway Regulator may not modify, or include additional conditions to the licence conditions of any type of licence if such modification, would adversely interfere with the performance of the contractual obligations of the licensee to customers pursuant to such licence or result in any licensee being unduly disadvantaged in competing with another licensee.

Committee's Recommendation:
That the provision in Clause 73 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 73 do stand part of the Bill, put and agreed to.

Clause 74: Contravention and Enforcement of Licence Conditions, etc

(1) The Railway Regulator may from time to time issue directives or orders in writing to any person regarding the compliance or non-compliance with the provisions of this Bill, its subsidiary legislation or any licence condition including the remedy of any breach thereof.

(2) The Railway Regulator shall make regulations prescribing the procedure to be adopted for issuing directions and the penalty for non-compliance with a direction provided that —

(a) prior to the issuance of any direction, the licensee shall be notified of the intention of the Railway Regulator to issue a direction; and

(b) the licensee is given a reasonable opportunity to make written submissions to the Railway Regulator within the time period specified in the notice not being less than fourteen (14) days from the date of the notice.

(3) Subject to the provisions of sub-section (8) of section 43 of this Bill, the Railway Regulator may take such steps as it considers necessary to ensure compliance by the Authority of its licence conditions.

Committee's Recommendation:
That the provision in Clause 74 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 74 do stand part of the Bill, put and agreed to.

Clause 75: Suspension and Revocation of a Licence

(1) Subject to the provisions of the licence, a licence may be suspended —

(a) where the licensee has breached or continues to breach a condition of its licence or a provision of this Bill or its subsidiary legislation, where such condition or provision is stated as liable to result in the suspension of the licence;

(b) where the licensee fails, neglects or refuses to comply with a direction duly issued in terms of the provisions of section 42 of this Bill; or

(c) where the licensee fails to pay any fine imposed for non-compliance of a direction within a period of sixty (60) days after the issuance of the fine or such other period as the Railway Regulator may direct;

(2) Subject to the provisions of the licence, a licence may be revoked —

(a) where the licensee has breached or continues to breach a condition of its licence or a provision of this Bill or its subsidiary legislation, where such provision or condition is stated as liable to result in the revocation of the licence;

(b) if the licensee has provided false information to the Railway Regulator in its application for the licence;

(c) where the concession or other private sector participation held by the licensee has been revoked by the Authority;

(d) if the licensee —

(i) becomes insolvent or bankrupt; or

(ii) enters into an arrangement or composition with its creditors; or

(iii) takes advantage of any enactment for the benefit of its debtors; or

(iv) goes into receivership or liquidation except as part of a scheme for an arrangement or amalgamation;

(e) upon the transformation or dissolution of the licensee except it is for the purpose of amalgamation or reconstruction;

(3) Prior to the suspension or revocation of a Licence, the Railway Regulator shall inform the licensee by written notice, as soon as practicable, of its intention to suspend or revoke the licence and the reasons thereto.

(4) The affected licensee shall be given a reasonable opportunity to make written submissions to the Railway Regulator within a time period specified in the notice not being less than fourteen (14) days from the date of the notice.

(5) The Railway Regulator shall consider the written submission of the licensee in making its final determination on the suspension or revocation of the licence.

(6) Where the suspension or revocation of a licence has taken effect, the Railway Regulator shall as soon as practicable, cause notice of the suspension or revocation to be published in at least one national daily newspaper.

(7) Any delay or failure to publish the notice of suspension or revocation shall not in any manner affect the validity of the suspension or revocation.

(8) The provisions of this section shall not apply to a licence issued to the Authority pursuant to section 30 of this Bill.

Committee's Recommendation:
That the provision in Clause 75 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 75 do stand part of the Bill, put and agreed to.

Clause 76: **Duration of Suspension of licence**
In the event of the suspension of a licence, the Railway Regulator shall determine and communicate to the licensee the duration of the suspension (*Senator Olugbenga B. Ashafa — Lagos East*).

Amendment Proposed:
Leave out the provision in clause 76 and *insert* the following instead thereof:
"In the event of the suspension of a licence, the Railway Regulator shall give reasons and communicate to the licensee the duration of the suspension within two weeks from the date of the suspension *(Senator Bala Ibn. Na'Allah — Kebbi South).*

Question that the amendment be made, put and agreed to

Question that Clause 76 as amended do stand part of the Bill, put and agreed to.

Clause 77: **Surrender of Licence**
A licensee may, by written notice, surrender its licence to the Railway Regulator in accordance with the requirements prescribed or set out in the licence.

Committee's Recommendation:
That the provision in Clause 77 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 77 do stand part of the Bill, put and agreed to.

Clause 78: **Effect of Revocation, Surrender and Expiration of Licence**

(1) Upon the revocation, surrender or expiration of a licence in accordance with this Bill, the licensee shall forfeit the right to provide any service in respect of which the licence was granted.

(2) Notwithstanding the provisions of sub-section (1) of this section and without prejudice to specific licence conditions, the Railway Regulator may authorise the licensee in writing to continue to provide any facility or service for such duration as the Railway Regulator may specify in the authorisation for the purpose of —

(a) the winding up of the affairs of the licensee;

(b) making or effecting such other arrangements as the Railway Regulator may specify for the continued provision of services to the licensee's customers; and

(c) carrying out such other ancillary and related activities as the Railway Regulator may consider necessary.

(3) Notwithstanding the provision of sub-section (1) of this section, the licensee whose licence has expired shall be entitled to carry on providing a service as if his licence has not expired, upon proof being submitted to Railway Regulator that the licensee has applied for the renewal of the licence.

Committee's Recommendation:
That the provision in Clause 78 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 78 do stand part of the Bill, put and agreed to.

Clause 79: **Provision of Railway Service to Customers**

The Railway Regulator shall, subject to its licensing procedures, have the power to licence any person to provide railway services on any route —

(a) in the event that a licensee that operates on such route is unable to provide railway services, or has had its licence suspended or revoked;

(b) in the event that a licensee that operates on such route refuses or fails to fulfil the terms of its licence in relation to the provision of railway services; or

(c) in such other circumstances as the Railway Regulator may, deem appropriate, provided that any reasonable additional costs associated with the obligation to provide the railway services will be recoverable through appropriate charging arrangements agreed with the Railway Regulator.

Committee's Recommendation:
That the provision in Clause 79 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 79 do stand part of the Bill, put and agreed to.

Clause 80: **Register of Licences**
The Railway Regulator shall establish, maintain and make publicly available a register of all licences issued, revoked, suspended, surrendered or withdrawn and all modifications and exemptions granted for the purposes of this Bill.

Committee's Recommendation:
That the provision in Clause 80 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 80 do stand part of the Bill, put and agreed to.

PART IX - STATE AND LOCAL GOVERNMENT RAILWAYS

Clause 81. **Development of State and Local Government Railways**
(1) Subject to sub-section (2) of this section, the Government of a state or a local government shall have the power to construct and operate railways and develop railway infrastructure for the provision of railway services within the territory of the state or local government.

Amendment Proposed:
Immediately after word "within" in line 4, *insert* the words "and outside" *(Senator Dino Melaye — Kogi West).*

Question that the amendment be made, put and agreed to

(2) The agency of a state or local government vested with the responsibility of developing railways to which this section applies shall obtain the prior approval of the Authority for any construction of the railway or any extension or alteration thereof. The approval shall be for the purpose of ensuring that the proposed railway or the extension or alteration thereof does not conflict with the Transport Master Plan and standards.

(3) The Authority shall grant such approval sought by a state or local government provided that —
(a) the proposed railway or the extension or alteration thereof does not conflict with the Transport Master Plan and standards; and

(b) any other requirements for such approval has been fulfilled.

(4) An application made pursuant to sub-section (2) of this section shall be accompanied with a plan of the proposed railway, extension or alteration together with particulars of the proposed railway works and such other information as the Authority may require.

(5) In considering an application made pursuant to sub-section (2) of this section, the Authority may direct the applicant to make such amendments as it deems necessary.

(6) Where the Railway to which this section applies is required to interconnect with the national railway network, the applicant shall comply with any technical specifications and standards issued by the Authority in respect of the interconnection (*Senator Olugbenga B. Ashafa — Lagos East*).

Question that Clause 81 *as amended do stand part of the Bill, put and agreed to.*

Clause 82: Requirement of Safety Certificate

(1) A railway that is constructed, altered or extended pursuant to section 49 of this Bill shall not be operated without a safety certificate issued by the General Inspector in accordance with section 86 of this Bill.

(2) An application for the issuance of a licence under sub-section (1) of this section shall be made to the Railway Regulator in the prescribed form and shall be accompanied by the prescribed documents and payments of the prescribed fees.

Committee's Recommendation:
That the provision in Clause 82 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 82 *do stand part of the Bill, put and agreed to.*

PART VII - INSPECTOR OF RAILWAYS

Clause 83: Appointment of Inspector of Railways.

(1) For the purpose of this Bill, the Federal Civil Service Commission shall appoint an Inspector of Railways who shall -

(a) be a civil engineer; and

(b) have spent a period of not less than fifteen years service in one or more large railway systems, ten years of which shall have been in executive engineering works on lines open to traffic.

(2) The Inspector of Railways shall be appointed for a term of five years in the first instance and may be re-appointed for a further term of five years and no more.

Committee's Recommendation:
Leave out the provision in Clause 83(*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Clause 84: Removal of the Inspector of Railways.

(1) The Inspector of Railways may be suspended or removed from office if he-

(a) has demonstrated inability to effectively perform the duties of his office; or

(b) is guilty of serious misconduct or negligence in relation to his duties as Inspector of Railways; or

(d) he is disqualified or suspended from practising his profession in any part of the world by an order of a competent authority; or

(e) is guilty of conflict of interest.

(2) The Inspector of Railways shall not be removed from office except in accordance with the provisions of this Bill.

Committee's Recommendation:
Leave out the provision in Clause 84 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Clause 85 **Temporal absence of the Inspector of Railways.**
The Federal Civil Service Commission may appoint any person of equivalent qualification to discharge the functions of the Inspector of Railways during the temporary incapacity from illness, or temporary absence from duty of the Inspector of Railways, and the person so appointed shall, while the appointment subsists, be deemed for all purposes of this Bill to be the Inspector of Railways.

Committee's Recommendation:
Leave out the provision in Clause 85 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Clause 86: **Duties of the Inspector of Railways.**
(1) The duties of the Inspector of Railways shall be to-
(a) inspect-
(i) any railway, or portion of a railway, which the Corporation proposes to open for the public carriage of passengers; and

(ii) any additional line of railways, deviation line, station or junction which the Corporation proposes to open and which forms a portion of, or is directly connected with a railway used for the public carriage of passengers,

(b) furnish a certificate to the Minister, that the inspected lines are fit for their intended purpose;

(c) make such periodical or other inspections of any railway as the Minister may direct;

(d) make inquiry into and report to the Minister on the cause of any accident, which in the opinion of the Inspector of Railways, is of a serious nature;

(e) perform any other duties imposed on him by or under this Bill.

(2) The Inspector of Railways shall perform similar duties on railway lines operated under concessional agreements.

Committee's Recommendation:
Leave out the provision in Clause 86 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Clause 87: **Powers of the Inspector of Railways.**
(1) The Inspector of Railways shall have power to do any act or thing necessary for the performance of his duties under this Bill.

(2) Without prejudice to the generality of the foregoing power, he may-
(a) enter upon and inspect any railway;

(b) by summons under his hand, require the attendance of any railway employee whom he thinks fit to call before him, and examine and require answers from any railway employee to such inquiries as he thinks fit to make, concerning any accident into which he is inquiring; and

(c) require the production of all books, papers and other documents, including electronic records and recordings, of the Corporation or the body operating under a concessional agreement, which he considers material, but excluding any document in so far as it consists of any comment or expression of opinion.

Committee's Recommendation:
Leave out the provision in Clause 87 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Clause 88: **Publication of reports.**
The Minister may cause the whole or any part of any report made to him under this Part, to be made public in such manner as he thinks fit.

Committee's Recommendation:
Leave out the provision in Clause 88 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Clause 89: **Facilities for Inspector of Railways and penalty for obstruction.**
(1) The Corporation shall afford to the Inspector of Railways, all reasonable facilities for performing the duties and exercising the powers imposed and conferred on him by or under this Act.

(2) Any person who without reasonable excuse-
(a) fails to comply with any summons referred to in section 45(2)(b) of this Bill or to make any answer or produce any document required of him under that section; or

(b) hinders, delays or obstructs the Inspector of Railways, in the performance of his duties or the exercise of his powers, shall be guilty of an offence and liable on conviction, to a fine not exceeding N200,000 or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

Committee's Recommendation:
Leave out the provision in Clause 89 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Clause 90: **Privilege as to information obtained and reports made by the Inspector of Railways.**
The Inspector of Railways shall not in any legal proceeding, be compelled to disclose any information obtained, or to produce any report made by him in relation to, and in the course of the performance of his duties under this Bill if, in his opinion, it would not be in the public interest to make such disclosure or produce such report.

Committee's Recommendation:
Leave out the provision in Clause 90 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Clause 91: **Extension of Inspector of Railway's powers to other railways.**
(1) This section shall apply to any railway operated by a person other than the Corporation and used or intended to be used, for the public carriage or passengers.

(2) If the Minister by order so directs all the powers and duties conferred and imposed upon the Inspector of Railways under the foregoing provisions of this Part, or such of those powers and duties, as may be specified in the order, may be exercised and performed in relation to any railway to which this section applies and which is specified in the order.

(3) When an order under this section has been made, the foregoing provisions of this Part shall have effect in relation to the railway specified in the order as if-

(a) references therein to the Corporation, were references to the person operating that railway; and

(b) references in section 47 of this Bill to railway employees, were reference to such class of persons as may be specified in the order.

Committee's Recommendation:
Leave out the provision in Clause 91(*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

PART VIII - WORKING OF RAILWAY

Clause 92: Sanction for opening of railway for public carriage of passengers.

(1) A railway shall not be opened for the public carriage of passengers, until the Minister has, by notice in the Gazette, sanctioned the opening for that purpose.

(2) The Minister shall not sanction the opening of a railway under subsection (1) of this section, unless the Inspector of Railways has furnished him with a certificate, stating that the Inspector of Railways has-

(a) made careful inspection of the railway;

(b) received from the Corporation a certificate, signed by the person for the time being discharging the functions of chief construction engineer of the Corporation, and stating that the railway complies with the standards approved by the Minister;

(c) approved the rules made by the Corporation under section 54 of this Bill for the working of the railway when opened; and

(d) satisfied himself that the railway can be opened for the public carriage of passengers, without danger to the public using it.

(3) If, on the expiry of one month after the date on which he receives from the Corporation a certificate referred to in subsection (2)(b) of this section, together with a request in writing to issue his certificate under that subsection, the Inspector of Railways has not issued that certificate, he shall by notice in writing inform the Corporation -

(a) of his reason for not issuing it; and

(4) If, on the expiry of one month after the date on which he receives from the Corporation a certificate referred to in subsection (2)(b) of this section, together with a request in writing to issue his certificate under that subsection, the Inspector of Railways has not issued that certificate, he shall by notice in writing inform the Corporation -

(a) of his reason for not issuing it; and

(b) in the same or a subsequent notice, of any requirements to be complied with as conditions precedent to the issuance of his certificate.

(5) (a) Nothing in this section shall be deemed to prohibit the Corporation from carrying passengers or goods on a section of the railway in the course of construction or before the Minister has sanctioned the opening of the railway under subsection (1) of this section.

(b) In such case, the Corporation shall not be liable for the death of or injury to any passenger or for the loss, damage, deviation, mis-delivery, delay or detention of or to any goods occasioned in the course of such carriage.

Committee's Recommendation:
Leave out the provision in Clause 92 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Clause 93: **Bye-laws.**

(1) The Corporation may, with the approval of the Minister, make bye-laws, not inconsistent with the provisions of this Bill, with respect to all or any of the following purposes -

(a) for providing the accommodation and convenience of passengers, and regulating the carriage of their luggage;

(b) for declaring what shall be deemed to be, for the purposes of this Bill, dangerous or offensive goods, and for regulating the carriage of such goods;

(c) (i) for regulating the conditions on which the Corporation will carry passengers or animals suffering from infectious or contagious diseases, and

(ii) providing for the disinfection of vehicles which have been used by or for such passengers or animals;

(d) for regulating the commission of any offence or nuisance in, or about any of the stations, works, plant, building or premises of the railway;

(e) for preventing the commission of any offence or nuisance in, or about any of the stations, works, plants, buildings or premises of the railway;

(f) for preventing trespasses upon or injury to the railway, roadways, stations, works, plant, buildings or premises attached or belonging to the railway;

(g) for the regulation of any motor transport service operated by the Corporation;

(h) for regulating the duties and conduct of porters or other persons, not being railway employees, at any railway station or on other railway premises, in relation to -

(i) the carrying of goods, or

(ii) the driving, drawing or propelling of vehicles for the carriage of passengers or goods, and for fixing the charges to be paid to them;

(i) for regulating public or private traffic across the railway, at any level crossing or elsewhere; and

(j) for generally regulating the travelling upon and use of the railway, the governance and maintenance of good order on the railway.

(2) Bye-laws made under this section, may provide that the breach of any of them shall be an offence punishable with such fine as may be specified in relation thereto, not exceeding N20,000 or, in the case of a bye-law regulating the carriage of offensive goods not exceeding N200,000.

(3) Where a bye-law makes provision in respect of obstruction of a railway by way of damage thereto or in any manner likely to interrupt or endanger the smooth running of the railway, the Corporation and its employees shall not incur liability for damage caused in removing the obstruction; and the Corporation may recover damages from the persons causing the obstruction; and if a monetary penalty is prescribed in a bye-law, the amount recovered shall be taken into account in assessing damages under this subsection.

(4) Bye-laws made under this section shall be published in Gazette and shall have effect on the date of publication or on such later date as may be specified.

(5) The Corporation shall keep at each station on the railway; a copy of the bye-laws made under this section and for the time being in force, and shall allow any person to inspect it free of charge.

Committee's Recommendation:
Leave out the provision in Clause 93 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Clause 94: **Rules.**

(1) The Corporation may make rules for the guidance and conduct of railway employees and for regulating the working and management of the railways.

(2) Rules made under this section, shall not be required to be published in the Gazette or for the information of the public, but shall be brought to the notice of all employees of the Corporation, in such manner as the Corporation may think fit.

Committee's Recommendation:
Leave out the provision in Clause 94 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

PART IX - CARRIAGE OF GOODS

Clause 95: **Conditions for carriage of goods.**

The Corporation may in addition to fixing rates under the provisions of section 12 of this Bill impose conditions, not inconsistent with the provisions of this Bill, for the receiving, forwarding, conveying and delivering of goods.

Committee's Recommendation:
Leave out the provision in Clause 95 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Clause 96: **Lien for rates and other charges.**

(1) (a) If a person fails to pay on demand made by or on behalf of the Corporation any rate, other charges or debt due from him, the Corporation may detain any goods delivered by him or on his behalf to the Corporation or delivered to the Corporation for conveyance to him.

(b) If such goods have been removed from the railway, any other goods of such person then being in or coming into the Corporation's possession.

(2) (a) When any goods have been detained under subsection (1) of this section, the Corporation may sell them, or any part of them, by public auction or after calling for tenders for the purchase.

(b) Perishable goods may be so sold at any time, but no other goods shall be sold, until two months after the date of the demand referred to in subsection (1).

(3) Out of the proceeds of such sale, the Corporation may retain a sum equal to the rate, charge or debt due and all expenses of such detention and sale, including in the case of animals, the expenses of the feeding, watering and tending the animals, and render the surplus, if any, and such goods, as remain unsold to the person entitled to them.

(4) When any goods remain unsold under subsection (2) of this section, the Corporation may, by written or oral notice, require the person from whom the rate, other charge or debt was due, to remove the goods from the railway within fifteen days from the date of the notice and, if he fails to comply with such notice, the Corporation may sell the goods and dispose of the proceeds of the sale in accordance with the provisions of subsection (3) of this section.

(5) Notwithstanding the foregoing provisions of this section, the Corporation may recover by suit any such rate, other charge or debt or the balance due to it.

Committee's Recommendation:
Leave out the provision in Clause 96 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Clause 97: **Disposal of unclaimed goods on railway.**

(1) When any goods have come into the possession of the Corporation for carriage or otherwise and are not claimed by the owner or other person appearing to the Corporation to be entitled to goods, the Corporation may:

(a) in the case of perishable goods, sell such goods at any time by public auction or after calling for tenders for their purchase;

(b) in the case of other goods, if such owner or person is known, cause a notice to be served upon him, requiring him to remove the goods within two months from the date of such notice.

(2) If such person or owner is not known, or the notice cannot be served upon him, or he does not comply with the requisition in the notice, the Corporation may sell the goods by public auction or after calling for tenders for the purchase of the goods and render the surplus, if any, of the proceeds of the sale to any person entitled to it.

Committee's Recommendation:
Leave out the provision in Clause 97 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Clause 98 **Written description of goods required.**

(1) if required by a railway employee, the owner or person having charge of any goods which -

(a) are brought upon a railway for the purpose of being carried on the railway, or

(b) the consignment of any goods which have been carried on the railway shall deliver to a railway employee an account in writing signed by such owner or person, or by such consignee, as the case may be, containing a description of the goods sufficient to determine the rate which the Corporation is entitled to charge in that respect and the conditions of carriage under which it will accept the goods.

(2) If such owner, person or consignee neglects to give such an account, the Corporation may-

(a) in respect of goods which have been brought for the purpose of being carried on the railway, agree to carry the goods and charge a rate not exceeding the highest rate which may be in force at the time on the railway, for any class of goods; or

(b) in respect of goods which have been carried on the railway, charge a rate not exceeding such highest rate.

(3) If an account delivered under subsection (1) of this section, is materially false with respect to the description of any goods to which it purports to relate, and which have been carried on the railway, the Corporation may charge in respect of the carriage of the goods, a rate not exceeding double the highest rate which may be in force at the time on the railway, for any class of goods.

(4) If any difference arises between a railway employee and the owner or person having charge, or the consignee of any goods which have been brought to be carried or have been carried on the railway with respect to the description of goods of which an account has been delivered under this section, the railway employee may detain and examine the goods.

(5) If it appears from the examination that the description of the goods is different from that stated in an account delivered under subsection (1) of this section, the person who delivered the account, or, if that person is not the owner of the goods, then that person and the owner, jointly and severally, shall be liable to pay to the Corporation, the cost of the detention and examination of the goods.

(6) If a person required under this section to give an account of any goods, wilfully gives an account which is materially false, he shall be guilty of an offence and, in addition to the liability to pay any rate or other charges provided in respect of the goods, shall be liable on conviction, to a fine not exceeding N200,000.

Committee's Recommendation:
Leave out the provision in Clause 98 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Clause 99: **Goods of a dangerous or offensive nature.**

(1) No person shall carry or cause to be carried upon a railway, any good declared by any bye-law made under this Bill to be dangerous or offensive, except in accordance with the provisions of any bye-law applicable to such goods.

(2) If any person carries upon or delivers for carriage by the railway, any such dangerous or offensive goods without clearly declaring the nature of the goods, he shall be liable on conviction, to a fine not exceeding N200,000.

(3) If any person contravenes the provisions of subsection (2) or any bye-law referred to in subsection (1) of this section, that person shall, in addition to any penalty incurred in respect of such contravention, be liable-

(a) to compensate the Corporation for and indemnify the Corporation against any damage, loss, expense or liability suffered or sustained by the Corporation directly or indirectly, as a result of such contravention; and

(b) to pay compensation for any injury or damage to persons or property that may arise out of any accident occurring directly or indirectly, as a result of that contravention.

(4) (a) It shall be lawful for any railway employee to refuse to accept for carriage on the railway any luggage, parcel, vessel or package which may be suspected to contain dangerous or offensive goods, and to require the same to be opened.

(b) In case any such luggage, parcel, vessel or package has been accepted, it shall be lawful for any railway employee to stop its transit, until he is satisfied that the nature and contents of the luggage, parcel, vessel or package are not dangerous or offensive.

Committee's Recommendation:
Leave out the provision in Clause 99 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Clause 100: **Carriage of animals infected with disease.**
It shall be lawful for any railway employee to refuse to accept for carriage on a railway, any animal which he has reason to believe is infected with any infectious or contagious disease, or has been in contact with any animal so infected.

Committee's Recommendation:
Leave out the provision in Clause 100 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Clause 101: **Application to parties under concessional agreements.**
The provisions of this Part of the Bill shall also apply in full to persons operating railway services under concessional agreements.

Committee's Recommendation:
Leave out the provision in Clause 101 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

PART X - CARRIAGE OF PASSENGERS

Clause 102: **Conditions for carriage passengers.**
The Corporation and any other operator of railway services may in addition to fixing fares under the provisions of section 12 of this Bill impose conditions, not inconsistent with the provisions of this Bill, for the carriage of passengers.

Committee's Recommendation:
Leave out the provision in Clause 102 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Clause 103: **Time-tables.**
The Corporation and any other operator of railway services shall keep and exhibit at each station on the railway, a copy in the English language, of time-tables indicating the passengers train services for the time being in operation on the railway.

Committee's Recommendation:
Leave out the provision in Clause 103 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

PART XI - RESPONSIBILITY OF CORPORATION AS CARRIERS AND WAREHOUSEMEN

Clause 104: **Corporation not liable in certain cases.**
(1) Notwithstanding the other provisions of this Part of this Act, the Corporation and any other provider of railway services shall not be liable for any loss, damage, deviation, mis-delivery, delay or detention of or to goods arising from-

(a) an act of God;

(b) an act of war or the enemies of the State;

(c) an arrest or restraint of princes or rulers, or seizure, under any legal process;

(d) orders or restrictions imposed by the Government of the Federation or of any State;

(e) an act or omission of the consignor, consignee or their servants or agents;

(f) an inherent liability to wastage in bulk or weight, latent defect or inherent defect, vice or natural deterioration of the goods;

(g) a casualty, including fire or explosion;

(h) riots, civil commotion, strikes, lock-outs, stoppage or restraint of labour from whatever cause, whether partial or general:

Provided that-

(i) in the case of goods which the Corporation or operator has accepted for carriage at railway's risk rates or for warehousing, where such loss, damage, deviation, mis-delivery or detention arises and the Corporation or operator has failed to prove that it used all reasonable foresight and care in the carriage or the warehousing of the goods, the Corporation or operator shall not be relieved from liability for such loss, damage, deviation, mis-delivery, delay or detention;

(ii) the Corporation or operator shall not incur liability of any kind in respect of goods, where there has been fraud on the part of the consignor, consignee or their employees or agents.

(2) Subsection (1) of this section, shall not apply to luggages.

Committee's Recommendation:
Leave out the provision in Clause 104 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Clause 105: Delay to vessels.
The Corporation shall not be liable for any demurrage or delay incurred upon or caused to a vessel at any wharf owned or operated by the Corporation.

Committee's Recommendation:
Leave out the provision in Clause 105 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Clause 106: Circumstances in which Corporation is liable.

(1) The Corporation shall not be liable for the loss, damage, deviation, mis-delivery, delay or detention of or to a consignment of goods or any part of it carried or delivered for carriage by the railway unless-

(a) the goods in respect of which compensation is claimed have been accepted and booked by a railway employee; and

(b) in the case of goods consigned at owner's risk rates, a complete consignment or a complete package forming part of the consignment has been lost, damaged, deviated, mis-delivered, delayed or detained as a result of the wilful misconduct of the employees or agents of the Corporation:

Provided that the Corporation shall not be exempt from any liability they might incur in the following cases-

(i) non-delivery of the whole of a consignment or of any separate package forming part of a consignment, properly packed and addressed, unless such non-delivery is due to accidents to trains or to fire;

(ii) pilferage from packages of merchandise protected by packaging other than paper or other packing readily removable by hand, provided the pilferage is pointed out to an employee of the Corporation on or before delivery;

(iii) mis-delivery where merchandise properly addressed is not tendered to or placed at the disposal of the consignee within twenty-eight days, or in the case of perishable merchandise within a reasonable time which shall not be less than seventy-two hours after receipt of the consignment by the Corporation to whom the same was handed by the sender:

Provided that the Corporation shall not be liable in the said cases of non-delivery, pilferage or mis-delivery upon proof by them that the same has not been caused by the negligence or misconduct of the Corporation or its employees;

(c) in the case of goods consigned at railway's risk rates, the Corporation fails to prove that the loss, damage, deviation, mis-delivery, delay or detention was not caused by the negligence or misconduct of the employees or agents of the Corporation.

(2) Notwithstanding subsection (1) of this section, the Corporation may-

(a) agree to carry any goods on conditions more favourable to the consignor than those set out in that subsection; or

(b) by special contract, which shall be in writing and signed by the consignor or his agent, limit the liability imposed on the Corporation by that subsection.

Committee's Recommendation:
Leave out the provision in Clause 106 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Clause 107: Passenger's luggage.
The Corporation shall not be liable for the loss, damage, deviation, mis-delivery, delay or detention of or to any passenger's luggage-

(a) unless-

(i) it has been accepted and booked, and a receipt has been issued by a railway employee; and

(ii) the loss, damage, deviation, mis-delivery, delay or detention has been caused by the negligence or misconduct of the employees or agents of the Corporation; or

(b) except in such other circumstances, may be notified by the Corporation by general or particular notice.

Committee's Recommendation:
Leave out the provision in Clause 107 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Clause 108: Animals.

(1) The liability of the Corporation for the loss, damage, deviation, mis-delivery, delay or detention of or to animals accepted for carriage by the Corporation shall not exceed, in the case of-

(a) a horse, N8,000;

(b) neat cattle or mules, per head N6,000;

(c) a donkey, N3,200;

(d) a sheep, goat or pig, N800;

(e) a dog or other animal not mentioned in this subsection, N400.

(2) Where such higher value has been declared, the Corporation may impose an additional charge in respect of the increased liability or, if the value of the animal has been declared to exceed N150,000, may either impose such additional charge or, notwithstanding the provisions of subsection (1) of this section, decline to accept liability in excess of the sum specified in relation to that animal by the subsection.

Committee's Recommendation:
Leave out the provision in Clause 108 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Clause 109: Vehicles.

(1) The liability of the Corporation for the loss, damage, deviation, mis-delivery, delay or detention of or to vehicles accepted for carriage by the Corporation, shall not exceed, in the case of-

(a) a motor cycle with or without a sidecar, N20,000;

(b) any other motor vehicle, N40,000;

(c) any vehicle other than a motor vehicle, N15,000, unless a higher value has been declared in writing by or on behalf of the consignor at the time of consignment.

(2) Where such higher value has been declared, the Corporation may impose an additional charge in respect of the increased liability or, if the value of the vehicle has been declared to exceed N400,000, may either impose such additional charge or, notwithstanding the provisions of subsection (1) of this section, decline to accept liability in excess of the sum specified in relation to that vehicle by that subsection.

Committee's Recommendation:
Leave out the provision in Clause 109 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Clause 110: **Articles of special value.**

(1) For the purpose of this section, the expression "exceptedarticles" means articles which are declared as such by the Corporation in any tariff or amendment thereto published by the Corporation under the provisions of PartXII of this Bill.

(2) When any excepted articles are contained in any parcel or package accepted for carriage by the Corporation and the value of such articles exceeds N40,000, the liability of the Corporation for the loss, damage, deviation, mis-delivery, delay or detention of or to the articles in the parcel or package shall not exceed that sum, unless the value and contents of the parcel or package have been declared in writing by or on behalf of the consignor at the time of consignment.

(3) Where such value has been declared to exceed N4,000, the Corporation may impose an additional charge in respect of the increased liability or, if the value has been declared to exceed N40,000, may either impose such additional charges or, notwithstanding the provisions of subsection (2) of this section, decline to accept liability in excess of N4,000.

(4) The Corporation may make it a condition of carrying a parcel or package declared to contain any excepted article, that a railway employee authorised in that behalf shall have been satisfied, by examination, that the parcel or package actually contains the article declared to be in the package:

Provided that this subsection shall not apply to any parcel of package carried by the Corporation for the Nigerian Postal Service.

Committee's Recommendation:
Leave out the provision in Clause 110 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Clause 111: **Limit to compensation in certain cases, and proof of value.**
The compensation recoverable in respect of any animal, vehicle or article which has been declared under sections 66, 67 or 68 of this Bill to be of higher value than the amount for which the Corporation might be liable apart from such declaration, shall not exceed the amount of the value so declared, and, notwithstanding that such declaration was made, it shall lie upon the person claiming the compensation to prove the value of the animal, vehicle or articles in respect of which the claim is made.

Committee's Recommendation:
Leave out the provision in Clause 111 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Clause 112: **Notification of claims.**

(1) A person shall not be entitled to a refund of an overcharge in respect of goods accepted by the Corporation for carriage or custody, unless a notice in writing clearly and explicitly specifying particulars of the overcharge and acceptance has been given by him or on his behalf, to the Corporation within four months from the date of such acceptance.

(2) A person shall not be entitled to compensation for the loss, damage, deviation, mis-delivery, delay or detention of or to goods accepted by the Corporation for carriage or custody, unless a notice in writing clearly and explicitly specifying such loss, damage, deviation, mis-delivery, delay or detention and particulars of the acceptance has been given by him or on his behalf, to the Corporation-

(a) within a period of one month, from the date of such acceptance; or

(b) if he can prove that it was not reasonably possible for such notice to be given within that period, then, unless the Corporation proves that it has been prejudiced, within a reasonable period, not exceeding two months, after that,

(3) In either case, if such notice did not specify the amount of the compensation claimed, a claim in writing for such compensation has been given to the Corporation within a period of three months from the date on which such notice was given, or of five months, from the date of the said acceptance, whichever period shall last expire.

Committee's Recommendation:
Leave out the provision in Clause 112 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Clause 113: **Effect of false description of goods.**

(1) Notwithstanding anything in the foregoing provisions of this Part, the Corporation shall not be liable for the loss, damage, deviation, mis-delivery, delay or detention of or to any goods, with respect to which a materially false description has been given (whether the description was given under the provisions of this Part or of Part IX of this Bill) to the Corporation by the owner or person having charge of the goods, if the loss, damage, deviation, mis-delivery, delay or detention was in any way brought about by the false description.

(2) The Corporation shall not in any event be liable for an amount exceeding the value of the goods calculated, in accordance with the description

Committee's Recommendation:
Leave out the provision in Clause 113 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Clause 114: Injury to or loss of life of passenger.

(1) The Corporation shall not be liable for personal injury to, or loss of life of a passenger, unless the personal injury or loss of life is caused by want of reasonable care, diligence or skill on the part of the Corporation or its employees.

(2) The Corporation shall not in any circumstances be liable for personal injury to, or loss of life of a passenger-

(a) who is travelling, whether with or without permission, in any part of a train, other than that part of a passenger coach, which is set apart exclusively for the use of passengers;

(b) who is travelling, whether with or without permission over a line, in course of construction; or

(c) who is travelling on a free pass.

(3) In order to avoid liability in pursuance of subsection (2) of this section, it shall not be necessary for the Corporation to give any notice to any such passenger as is mentioned, of the conditions of which he travels, and it shall be immaterial whether or not the passenger is an infant.

(4) For the purposes of this section, the expression "passenger" includes every person, other than a railway employee on duty, lawfully travelling on any train.

Committee's Recommendation:
Leave out the provision in Clause 114 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Clause 115: Delay to a passenger.

The Corporation shall not be liable for any delay to a passenger caused by the failure of any train or railway road motor vehicle, to start on any advertised journey or by the late starting or arrival of any train or railway road motor vehicle, arising from whatever cause.

Committee's Recommendation:
Leave out the provision in Clause 115 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

PART X - TARIFFS

Clause 116. Duty to Publish tariffs

Subject to the provisions of this Bill, every railway operator shall publish and publicly display at its offices and at railway stations where it provides railway services, the schedule of its freight tariffs and passenger fares and any modifications thereto.

Committee's Recommendation:
That the provision in Clause 116 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 116 *do stand part of the Bill, put and agreed to.*

Clause 117: **Power of the Railway Regulator to Regulate Tariffs**

(1) The Railway Regulator shall have the power to regulate the freight tariffs and passenger fares charged by any railway operator; provided however that the exercise of such power shall be limited to the following circumstances —

(a) where the Railway Regulator has upon the request of any person conducted an investigation and made a finding to the effect that—

(i) there is no effective competition from other railway operators or other modes of transport for the carriage of goods or passengers to which the freight tor passenger fare applies; and

(ii) the railway operator has set its freight tariffs or passenger fares in a manner or to a level that is tantamount to an abuse of its dominant position or monopoly power;

(b) where the Railway Regulator at the request of an interested party makes a finding to the effect that a railway operator has set its freight tariff or passenger fare in such a manner or to such a level that is tantamount to an anti-competitive behaviour;

(c) where the Railway Operator is providing a railway service under a Public Service Obligation.

(2) The Railway Regulator shall continue to regulate freight tariffs or passenger fares charged by a railway operator subject to tariff regulation pursuant to sub-section (1) of this section for aslong as the circumstances that justify tariff regulation continue to exist.

(3) Subject to sub-section (1) of this section, freight tariffs and passenger fares shall be regulated according to one or more methodologies adopted by the Railway Regulator and such methodology or methodologies shall—

(a) allow a railway operator that operates efficiently to recover the full costs of its business activities, including a reasonable rate of return on the capital invested in the business;

(b) provide incentives for the continued improvement of the technical and economic efficiency with which the services are provided;

(c) provide incentives for the continued improvement of quality of services;

(d) avoid undue discrimination between customers and customer categories; and

(e) phase out or substantially reduce cross subsidies.

Committee's Recommendation:
That the provision in Clause 117 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 117 do stand part of the Bill, put and agreed to.

Clause 118: Approval of Freight Tariffs and Passenger Fares

(1) All railway operators subject to tariff regulation under this Partof this Bill shall provide services in accordance with the rates determined by the Railway Regulator and shall not depart therefrom without the prior written approval of the Railway Regulator.

(2) It shall be an offence punishable by a fine not exceeding ten (10) million naira for any railway operator subject to tariff regulation under this part to exceed the freight tariff or passenger fare duly approved by the Railway Regulator.

Committee's Recommendation:
That the provision in Clause 118 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 118 *do stand part of the Bill, put and agreed to.*

Clause 119: Passenger Fares for Public Service Obligations

(1) A railway operator that provides a passenger service for the purpose of fulfilling a Public Service Obligation may only increase the applicable passenger fare —

(a) upon the approval of the Authority; and

(b) after having given thirty (30) days' notice thereof by publication in at least one national newspaper.

(2) The Authority shall consult with the Minister in considering an application for the approval of an increase under sub-section (1) of this section.

Committee's Recommendation:
That the provision in Clause 119 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 119 *do stand part of the Bill, put and agreed to.*

Clause 120: Joint Tariffs

(1) Where portions of a route are operated by two or more railway operators, the railway operators shall, for purposes of continuous movement of Traffic along that route, agree on a joint tariff for the continuous route and on the apportionment of rates in the joint tariff.

(2) The joint tariff shall be payable by the customer to railway operator that operates at the point of origin.

Committee's Recommendation:
That the provision in Clause 120 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 120 *do stand part of the Bill, put and agreed to.*

PART XI - TRACK ACCESS

Clause 121. Track Access Agreements

(1) A railway operator shall at the request of another railway operator enter into a track access agreement granting that railway operator access to his railway track.

(2) The terms and conditions of the track access shall —
(a) be fair and reasonable; and

(b) be in accordance with the Network Code;

(3) All track access agreements together with the track access charges and all subsequent modifications and amendments thereto shall be submitted to the Railway Regulator for approval.

(4) The Railway Regulator shall ensure that all track access agreements comply with the provisions of this Bill and its subsidiary legislation and may direct the railway operators to amend such provisions that do not comply with the provisions of this Bill or its subsidiary legislation.

(5) The Railway Regulator shall prescribe the procedure, form, criteria and timescale for the approval of track access agreements; provided that the period between the Railway Regulator's receipt of a track access agreement or a subsequent modification or amendment thereto pursuant to sub-section (3) of this section and the decision of the Railway Regulator as to whether or not to grant an approval shall not exceed two (2) months.

(6) The Railway Regulator shall establish, maintain and make publicly available a register of all track access agreements approved and all modifications and amendments thereto.

Committee's Recommendation:
That the provision in Clause 121 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 121 *do stand part of the Bill, put and agreed to.*

Clause 122: Track Access Charges

(1) A railway operator shall not apply any track access charges unless it has been approved by the Railway Regulator.

(2) The Railway Regulator shall prescribe the pricing principles and methodologies that shall be applied by railway operators and where necessary, the Railway Regulator, in the setting of track access charges.

Committee's Recommendation:
That the provision in Clause 122 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 122 *do stand part of the Bill, put and agreed to.*

Clause 123: Power of the Railway Regulator to Direct Track Access

(1) A licence to provide railway services shall specify the frequency at which the railway services are to be provided.

(2) Subject to the provisions of section 42, where a railway operator is found to be in breach of its obligations regarding the frequency of the provision of railway services, the Railway Regulator may —
(a) exercise its power under section 48 of this Bill and grant a licence to another person to provide the required railway service together with the Railway Operator; and

(b) issue a direction to the railway operator to enter into a track access agreement with the person licensed pursuant to paragraph (a) of this sub-section.

Committee's Recommendation:
That the provision in Clause 123 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 123 do stand part of the Bill, put and agreed to.

Clause 124: Power of the Railway Regulator to Make a Determination on Track Access

(1) The Railway Regulator shall upon the application of any railway operator seeking track access to the railway track of another railway operator determine and establish terms and conditions upon which track access shall be granted where —

(a) the railway operator has made a request for track access and the operator of the railway track has refused to negotiate a track access agreement within a period of thirty (30) days after the request was made; or

(b) the operator of the railway track and the railway operator seeking track access cannot agree on the terms and conditions upon which track access is to be granted.

(2) The Railway Regulator shall within fourteen (14) days of receiving an application under sub-sections (1) and (2) of this section, give notice in writing to the applicant or to any person from whom the Railway Regulator is entitled to require information under this Bill requesting —

(a) any information that the Railway Regulator requires for the purpose of making a determination in respect of the application;

(b) a reasonable time within which the information must be provided.

(3) The Railway Regulator shall not make a determination if it considers that the determination would substantially impede the existing right of access of another railway operator unless that railway operator has been given an opportunity to make a submission to the Railway Regulator in respect of the application.

(4) Subject to sub-sections (6) and (7) of this section, the Railway Regulator shall determine an application under this section within twenty-one (21) days of receiving the application.

(5) The Railway Regulator may extend the twenty-one (21) day limit in sub-section (4) of this section for a further period not exceeding thirty (30) days provided that the Railway Regulator shall inform the parties of the extension of time and the reason why the extension is necessary.

(6) The Railway Regulator may refuse to make a determination if —

(a) the Railway Regulator considers that the application is without merit;

(b) the Railway Regulator is not satisfied that the terms and conditions of track access being offered by the operator of the railway track are fair and reasonable;

(c) having regard to the functions of the Railway Regulator and to any other matter that the Railway Regulator considers relevant, it is appropriate to refuse to make a determination.

(7) The costs incurred by the Railway Regulator in making a determination under this section shall be paid by the non-prevailing party.

Committee's Recommendation:
That the provision in Clause 124 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 124 *do stand part of the Bill, put and agreed to.*

Clause 125: Interconnection between Railway Lines
Every railway operator shall in the operation of its railway, afford all reasonable facilities for delivering to another railway, or for receiving from or carrying by its railway, all the Traffic arriving by that railway without any unreasonable delay, in order that no obstruction is caused to customers desirous of using the railway as a continuous line.

Committee's Recommendation:
That the provision in Clause 125 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 125 *do stand part of the Bill, put and agreed to.*

Clause 126: Inter-switching and Transhipment
Railway operators shall always at the interconnection point of two railway tracks provide reasonable facilities for the safe, efficient and convenient inter-switching and transhipment of goods in both directions.

Committee's Recommendation:
That the provision in Clause 126 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 126 *do stand part of the Bill, put and agreed to.*

Clause 127: Regulations on Inter-switching and Transhipment
The Railway Regulator may make regulations —

(a) prescribing terms and conditions governing the inter-switching and transhipment of traffic;

(b) determining the tariff to be charged for inter-switching traffic, or prescribing the manner of determining that tariff.

Committee's Recommendation:
That the provision in Clause 127 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 127 *do stand part of the Bill, put and agreed to.*

Clause 128: Continuous Carriage not to be Prevented

(1) No Railway Operator shall, by any combination, contract or agreement, express or implied, or by any other means, prevent traffic from being moved on a continuous route from one point to another.

(2) A break in bulk, stop or interruption made by a railway operator shall not prevent the movement of traffic from being treated as one continuous movement from the point of origin to the point of destination if the break, stop or interruption was made in good faith for a necessary purpose and without intent to avoid or unnecessarily interrupt the continuous movement or to evade the provisions of this partof the Bill.

(3) The Railway Regulator may direct a railway operator subject to tariff regulation under Part X of this Bill that operates on a continuous route, to inform the Railway Regulator of the proportion of the tariff that the railway operator or any other railway operator operating on the continuous route is to receive or has received under a joint tariff structure applicable to the route.

Committee's Recommendation:
That the provision in Clause 128 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 128 *do stand part of the Bill, put and agreed to.*

Clause 129: Network Code

(1) The Railway Regulator shall subject to the approval of the Authority and in consultation with the railway operators and other stakeholders develop a Network Code governing the operation of the railway network.

(2) The Network Codemay include, but shall not be limited to the following arrangements —

(a) a connection policy, standard terms for connection to the railway network and a statement of connection tariff methodology;

(b) a mechanism by which railway operators reserve capacity in the railway network, and, in the event that at any time there is a greater demand for access than there is available capacity, a mechanism for allocating capacity between railway operators;

(c) the structure of the track access charges and using the railway network;

(d) governance arrangements.

(3) The Railway Regulator shall periodically review and submit the Network Code to the Authority for approval.

(4) The Authority shall publish the Network Code and make copies available to the public upon the payment of a prescribed fee.

Committee's Recommendation:
That the provision in Clause 129 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 129 *do stand part of the Bill, put and agreed to.*

PART XII - COMPETITION

Clause 130. **Competition Regulation**
The Railway Regulator shall have the power to determine, pronounce upon, administer, monitor and enforce compliance of all persons with competition laws and regulations, whether of a general or a specific nature, as such laws relate to the railway sector.

Committee's Recommendation:
That the provision in Clause 130 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 130 *do stand part of the Bill, put and agreed to.*

Clause 131: **Power to Ensure Fair Competition**
The Railway Regulator shall prohibit and discourage anti-competitive practices in the railway sector. Such practices may include —

(a) charging tariffs and fares at levels which are in the aggregate, insufficient to cover the costs of providing the services to which they relate;

(b) the addition of excessive capacity;

(c) practices which have a serious negative economic effect on or cause economic loss to another licensee;

(d) practices which reflect an apparent or the probable effect, of crippling, excluding or deterring the entry of another person into the railway sector; and

(e) any behaviour indicating an abuse of dominant position on a route or routes or in respect of the provision of any railway service.

Committee's Recommendation:
That the provision in Clause 131 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 131 *do stand part of the Bill, put and agreed to.*

Clause 132: **Dominant operator**

(1) The Railway Regulator may determine that a licensee is in a dominant position in any aspect of the railway sector.

(2) The Railway Regulator shall publish guidelines and regulations on determination of dominant position to licensees.

(3) The guidelines and regulations made pursuant to subsection (2) of this section shall specify the matters which the Railway Regulator may take into account, including —

(a) the relevant economic market;

(b) global technology and commercial trends affecting market power;

(c) the market share of the Licensee;

(d) the power of the licensee to make independent rate setting decisions;

(e) the degree of service or product differentiation and promotion in the market; and

(f) other matters which the Railway Regulator may consider relevant.

(4) The Railway Regulator may direct a licensee in a dominant position in the railway sector to cease a conduct in that market which has or may have the effect of substantially lessening competition in the railway sector and to implement appropriate remedies.

Committee's Recommendation:
That the provision in Clause 132 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 132 *do stand part of the Bill, put and agreed to.*

PART XVI - MISCELLANEOUS

Clause 133: Exemption of railway land.
The provisions of-

(a) any Act or Law, relating to town or country planning; and

(b) any Act or Law regulating the construction, alteration, repair or demolition of buildings ,shall not apply in relation to any railway land.

Committee's Recommendation:
Leave out the provision in Clause 133 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Clause 134: Market Monitoring

(1) The Railway Regulator shall have a responsibility to monitor the state of the railway sector —

(a) to assess whether the railway sector is functioning effectively or whether existing market arrangements may constitute barriers to entry into the railway sector;

(b) to determine the existence of any anti-competitive activity being carried on in the Railway sector;

(c) to determine any pre-conditions and any transitional arrangements required for any services to be offered competitively, including a code of conduct, rules regarding access to information, rules relating to track access and constraints against undue discrimination in the provision of services; and

(d) to prevent or mitigate abuses of market power regarding matters such as, but not limited to —

(i) licence applications and the grant of licences;

(ii) licence terms and conditions; and

(iii) whether or not to approve a merger, acquisition or affiliation.

(2) The Railway Regulator shall have the power —

(a) to investigate and determine upon its own initiative or upon receipt of a complaint by any person, whether any licensee is engaged, has been engaged or is likely to engage in any anti-competitive activity; and

(b) to require and compel the disclosure of any information by any licensee.

(3) Where the Railway Regulator finds that a licensee is engaged, has been engaged or is likely to engage in any anti-competitive activity, the Railway Regulator shall subject to section 36, have the power to issue a direction requiring such licensee to desist from such practices or methods of competition.

(4) Failure to comply with a direction issued pursuant to sub-section (3) of this section shall constitute an offence punishable —

(a) in the case of a first time offender, by a fine not exceeding Twenty (20) Million Naira;

(b) in the case where it is a second time offender, by a fine not exceeding ten (10) percent of the annual turnover of the licensee; and

(c) in the case of a third time offender, by the revocation of the relevant licence.

(5) A direction shall not be issued nor a penalty imposed if —

(a) the licensee is able to demonstrate to the satisfaction of the Railway Regulator that it has not engaged or has been engaged or is likely to engage in any anti-competitive activity; or

(b) the licensee has ceased the anti-competitive practice.

(6) For the purpose sub-section (4) (a) of this section "annual turnover" shall mean the annual turnover for the financial year of the licensee preceding the year in which the offence was committed.

Committee's Recommendation:
That the provision in Clause 134 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 134 *do stand part of the Bill, put and agreed to.*

Clause 135: Authorisation for Specific Conduct

(1) A licensee may apply to the Railway Regulator prior to engaging in any conduct which may be construed to have the purpose or effect of substantially lessening competition in any aspect of the railway sector, for authorisation for the conduct.

(2) Notwithstanding the provisions of this part, the Railway Regulator may authorise the conduct if the Railway Regulator is satisfied that the authorisation is in the national interest.

(3) Prior to granting the authorisation, the Railway Regulator may require the licensee to submit an undertaking regarding his conduct in any matter relevant to the authorisation,

(4) The Railway Regulator shall maintain a register of current authorisations of conducts under this part.

Committee's Recommendation:
That the provision in Clause 135 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 135 *do stand part of the Bill, put and agreed to.*

PART XIII - SERVICE DISCONTINUATION AND PUBLIC SERVICE OBLIGATIONS

Clause 136. Unprofitable Railway Services

(1) Any railway operator providing a railway service on an unprofitable route within the national railway network may recommend to the Authority that the service concerned —
(a) be discontinued; or

(b) become subject to a Public Service Obligation.

(2) The Authority shall publish a notice in any daily newspaper of wide circulation in the affected communities, informing the public of the recommendation under sub-section (1) of this section and stating the period within which objections or representations in connection with the recommendation may be made to the Authority.

(3) The Authority shall, after due consideration of the views of the interested persons, make a recommendation to the Minister that the railway service referred to in sub-section (1) of this section be —
(a) continued;

(b) discontinued; or

(c) continued subject to a Public Service Obligation.

(4) Where a recommendation is made to discontinue the railway service under sub-section (3) of this section, the Minister shall make a declaration to that effect in the Federal Gazette.

Committee's Recommendation:
That the provision in Clause 136 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 136 *do stand part of the Bill, put and agreed to.*

Clause 137: Public Service Obligations

(1) Subject to sub-sections (2) and (3) of this section -
(a) where the provision of passenger services along any route within the national railway network is considered by the Authority to be unprofitable but the provision of passenger services along such route is essential to communities serviced by that route; or

(b) where there is no alternative mode of transport for the service of that route, the Minister may upon the recommendation of the Authority, declare a Public Service Obligation in respect of the provision of passenger services along that route.

(2) The Authority shall prior to making a recommendation under sub-section (1) of this section request the Railway Regulator to determine whether the provision of passenger services along the route in question is unprofitable.

(3) The Authority shall only make a recommendation to the Minister under sub-section (1) of this section where the Railway Regulator has made a finding that the provision of passenger services along the route in question is unprofitable.

(4) The Authority shall grant direct subsidies to passenger operators providing services under a Public Service Obligation. The sum required to fund such subsidies shall be provided to the Authority by the Ministry.

(5) The subsidy required pursuant to sub-section (4) above shall be determined by the Authority in consultation with the Minister and the Railway Regulator.

(6) The Authority shall continue to provide subsidies pursuant to this section for so long as the circumstances that justify the Public Service Obligation continue to exist.

(7) For the purposes of this provision, a Public Service Obligation shall be subject to periodic reviews by the Authority in consultation with the Railway Regulator.

Committee's Recommendation:
That the provision in Clause 137 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 137 *do stand part of the Bill, put and agreed to.*

PART XIV - DUTIES AND POWERS OF RAILWAY OPERATORS

Clause 138. Accommodation for Traffic

A railway operator shall, in respect of a railway operated by it —

(a) furnish, at the point of origin, at the point of junction of its railway track with another railway track, and at all points of stopping established for that purpose, adequate and suitable accommodation for the receiving and loading of all traffic offered for carriage on the railway;

(b) furnish adequate and suitable accommodation for the carriage, unloading and delivering of traffic;

(c) without delay, and with due care and diligence, receive, carry and deliver traffic;

(d) furnish and use all proper equipment, accommodation and means necessary for receiving, loading, carrying, unloading and delivering traffic; and

(e) furnish any other service incidental to railway transportation that is customary or usual in connection with the business of a railway service or railway infrastructure provider.

(f) provide, publish and display at its offices, railway stations and other regular updated customer and user information and other applicable notices, including tariffs, passenger fares, accurate schedules.

Committee's Recommendation:
That the provision in Clause 138 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 138 *do stand part of the Bill, put and agreed to.*

Clause 139: Non-discrimination
Except on the basis of objectively justifiable and identifiable differences and unless expressly permitted by the Railway Regulator, railway operators shall not discriminate between customers or classes of customers or their related undertakings or network users in respect of track access, passenger fares, freight tariffs, conditions or standards of service.

Committee's Recommendation:
That the provision in Clause 139 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 139 *do stand part of the Bill, put and agreed to.*

Clause 140: Duty to Ensure Safety and Security

(1) In carrying out railway operations, it shall be the general duty of every railway operator to ensure the security and safety of persons and goods affected by the operation of its railway.

(2) In giving effect to subsection (1) of this section, a railway operator shall have the power to —

(a) cut down or remove any tree or other obstruction, not being a building, which obscures the view of any fixed signal or which is likely to cause any obstruction or any danger to any rail transport service;

(b) enter upon any land adjoining the railway for the purpose of preventing any accident or repairing any damage caused thereby and to do all such works as may be necessary for that purpose.

(3) Any person exercising the powers under sub-section (2) of this section shall ensure that as little damage as possible is incurred by any person or any property and he shall be liable to pay compensation to any person in respect of any injury loss or damage suffered from the exercise of its powers.

Committee's Recommendation:
That the provision in Clause 140 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 140 *do stand part of the Bill, put and agreed to.*

PART XV - RAILWAY SAFETY

Clause 141. The General Inspector of Railways

(1) The Railway Regulator shall appoint a General Inspector of Railways who shall be a person with suitable qualifications as an engineer with at least fifteen (15) years' service and cognate railway experience covering engineering, rail safety, or rail traffic.

(2) The General Inspector shall —

(a) undertake the safety regulatory functions of the Railway Regulator with respect to railway safety;

(b) advise the Railway Regulator on the safety competence of railway operators;

(c) introduce safety standards in respect of railway operations and railway infrastructure which shall include technical, safety and environmental regulations which shall be published by the Railway Regulator from time to time in the Federal Gazette;

(d) by him or herself or such other inspectors or persons employed or authorised by the Railway Regulator, carry out inspections to determine compliance with applicable safety and environmental regulations and guidelines and approved Safety and Environmental Plans;

(e) discharge any other functions as may be specified from time to time by the Railway Regulator or by this Bill or any regulations made pursuant to this part; and

(f) Make inquiry into, report, and make recommendations to the Railway Regulator for appropriate action on accidents or incidences which in the opinion of the Railway Regulator is of a serious nature occurring in the provision of railway services or construction of railway infrastructure.

Committee's Recommendation:
That the provision in Clause 141 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 141 *do stand part of the Bill, put and agreed to.*

Clause 142: Powers of the General Inspector

(1) For the purpose of the exercise of his or her functions under this Act, the General Inspector may by him/herself or such other inspectors or persons employed or authorised by the Railway Regulator —

(a) enter, inspect, examine and search at any time, any property under the control of a Railway Operator;

(b) take with him any member of the police force, any other person or any equipment or materials required for any purpose for which the power of entry is being exercised;

(c) make such examination and inquiry as may be necessary to ascertain whether the relevant provisions of this Bill or any licence is being complied with;

(d) require the production of any books, registers, records, certificates, notices, documents, maps and plans, required to be kept by this Bill or its regulations or any other necessary document for the purposes of any examination or inquiry under this Bill and inspect, examine and retain copies;

(e) where there exists reasonable cause, require any person who is reasonably expected to be in a position to provide information relevant to any examination or inquiry under this Bill, to answer either alone, or in the presence of any other person as he thinks fit, such questions with respect to matters under this Bill as he thinks fit to ask and sign a declaration of the truth of the answers given;

(f) direct that any property under the control of a railway operator or any part thereof and anything therein shall be left undisturbed for so long as it is reasonably necessary, for the purpose of any examination or inquiry under this Bill;

(g) take samples, or require the railway operator or any member of staff, or other person engaged by the railway operator, or any person who appears to him or her to be in possession of the article or substance, to produce the article or substance for test, examination or analysis;

(h) cause any article or substance found in the vicinity of a railway which appears to him or her to have caused or likely to cause danger to safety or health, to be dismantled and removed or subjected to any process or test;

(i) take possession of and detain any article or substance referred to in paragraph (h) for all or any of the following purposes, namely—

(i) to examine or arrange for the examination of it;

(ii) to ensure that it is not tampered with before its examination is completed; or

(iii) to ensure that it is available for use as evidence in any proceedings;

(j) take any measurements or photographs or make any recordings considered necessary for the purposes of this Bill;

(k) require any person to afford him or her such facilities and assistance within that person's control or responsibilities as shall be reasonably necessary to enable him or her to exercise any of the powers conferred on him or her by this Bill;

(l) exercise such other powers as may be necessary for the performance of his or her functions.

(2) For the purposes of sub-section (1) (f) of this section, a declaration of truth shall in all respects have the same force and effect as a statement made under oath.

(3) Any article, equipment or substance removed by an inspector pursuant to this section shall be returned to its owner if it is not required for use in evidence within a reasonable period of time.

Committee's Recommendation:
That the provision in Clause 142 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 142 *do stand part of the Bill, put and agreed to.*

Clause 143: Duty to Assist an Inspector of Railways
Where an inspector or an authorised person enters any property under the control of a railway operator pursuant to paragraph (a) of section 78 (1), any employee of the railway operator found therein shall assist the inspector or authorised person by providing him or her with such information and facilities as he or she may require.

Committee's Recommendation:
That the provision in Clause 143 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 143 *do stand part of the Bill, put and agreed to.*

Clause 144: Power of an Inspector of Railways to Deal with Unsafe Conditions
(1) If an inspector believes that a condition or activity is a threat or might be a threat to railway safety, the inspector may issue a notice to any person responsible for that condition or activity to the effect that —
(a) the activity be restricted or suspended and the inspector may place conditions on that activity; or

(b) action be taken within a specified time by the person concerned to remove the threat.

(2) Any person issued with a notice under sub-section (1) of this section shall comply with it within the specified period.

(3) Any person who fails to comply with a notice issued under sub-section (1) of this section shall be guilty of an offence and liable on conviction to a fine not less than two hundred thousand naira or six (6) months imprisonment or both.

Committee's Recommendation:
That the provision in Clause 144 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 144 *do stand part of the Bill, put and agreed to.*

Clause 145: Safety and Environmental Plan
(1) Every railway operator shall prepare a Safety and Environmental Plan for the approval of the General Inspector.

(2) Any railway operator that operates railway infrastructure or provides railway services without an approved Safety and Environmental Plan commits an offence and shall be liable on conviction to a fine not exceeding 10 percent of the annual turnover of the railway operator.

Committee's Recommendation:
That the provision in Clause 145 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 145 *do stand part of the Bill, put and agreed to.*

Clause 146: General Duty of Other Persons

(1) It shall be the general duty of any person, including but not limited to a person employed by a railway operator being on or near railway infrastructure or on a train to conduct himself in such a way as to ensure in so far as is reasonably practicable that no person or property is exposed to danger as a consequence of any act or omission of that person.

(2) Any person who conducts himself in a manner in contravention of sub-section (1) of this section commits an offence and liable on conviction to a fine not exceeding two hundred thousand naira or six (6) months imprisonment.

Committee's Recommendation:
That the provision in Clause 146 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 146 *do stand part of the Bill, put and agreed to.*

Clause 147: Cooperation between Railway Operators

(1) Subject to any regulations dealing with the preparation of Safety and Environmental Plans that may be issued by the Railway Regulator, where the activities of two or more railway operators overlap, the railway operators concerned shall be under a duty to co-operate with one another with respect to safety systems and procedures regarding their railway operations and may enter into an agreement for such purpose.

(2) A railway operator who conducts him or herself in a manner contrary to sub-section (1) of this section commits an offence and liable on conviction to a fine not exceeding five hundred thousand naira.

Committee's Recommendation:
That the provision in Clause 147 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 147 *do stand part of the Bill, put and agreed to.*

Clause 148: Regulations on Railway Safety

(1) The Railway Regulator shall make regulations in relation to any matter that is necessary to give effect to its functions relating to safety prescribing —

(a) environmental and safety standards for the construction, manufacture, maintenance and operation of railway infrastructure and rolling stock;

(b) permitting requirements and procedures for the construction of new railway infrastructure;

(c) the form and content of a Safety and Environmental Plan;

(d) the circumstances under which a railway operator may be required to revise or amend a Safety and Environmental Plan and the period within which a Safety and Environmental Plan shall be reviewed;

(e) in respect of railway accidents or incidents requirements relating to the reporting by railway operators, the form of reporting and the classification of accidents and incidents to be reported;

(f) the following matters in so far as they relate to railway safety, in relation to persons employed in the prescribed positions —

(i) the training of those persons, both before and after appointment to those positions;

(ii) hours of work and rest periods to be observed by those persons;

(iii) minimum medical, including audiometric and optometric, standards to be met by those persons;

(iv) the control or prohibition of alcoholic beverages and the use of drugs by those persons; and

(v) the establishment of training programmes for those person and standards applicable to such programmes;

(g) the establishment of a scheme for licensing persons employed in positions referred to in paragraph (f), and prescribing fees for the licences;

(h) in respect of crossing works —

(i) safety barriers and operating procedures at level crossings; and

(ii) requiring a railway operator, road authority or other person who has rights relating to a road crossing to conduct a safety review of the road crossing following an accident of the type prescribed;

(i) the rules for carriage of dangerous goods and substances;

(j) the security of railway transportation;

(k) in respect of non-railway operations, insofar as it affects railway safety including but not limited to —

(i) fencing;

(ii) mines and other excavations;

(iii) drainage;

(iv) land use, insofar as it impacts on any drainage affecting a railway;

(v) any construction activities above, below or adjacent to a railway;

(vi) the size of, and location of access to railway stations from property adjoining a railway station;

(vii) the development of property adjoining a station; and

(l) any other matter which the Railway Regulator considers necessary for the promotion of railway safety.

(2) The Railway Regulator may upon request by a state or local government delegate any of his powers or functions under Part XV of this Bill to a state or local government authority duly constituted to perform such functions in relation to safety regulation for state or local government railways provided that such delegation shall clearly stipulate the scope of the delegated functions or powers and shall be revocable.

(3) Any provision, regulation, or other instrument made by a state or local government exercising any power or function pursuant to subsection (2) of this section shall only be valid insofar as it is compliant with the standards for safety applicable for the time being and not inconsistent with any provision, law, regulation, or directive or other extant instrument made by the Railway Regulator or any provision of this Bill.

Committee's Recommendation:
That the provision in Clause 148 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 148 *do stand part of the Bill, put and agreed to.*

Clause 149: Powers of Railway Operators to Make Internal Safety Rules

(1) A railway operator shall, subject to the approval of the Railway Regulator, make internal rules for the management, control and operation of its railway activities and, without prejudice to the generality of the foregoing, make rules in relation to anyone or more of the following matters —

(a) the times of arrival and departure of trains;

(b) the prevention of the perpetration of any nuisance that may affect the safe operation of its railway or in or upon any train;

(c) the prevention of accidents;

(d) the carriage of goods and persons on trains; and

(e) the safe custody and redelivery or disposal of any property found on or in any train or property of a railway operator and the fixing of tariffs in respect thereof.

(2) Rules made under this section may contain such incidental, subsidiary and ancillary provisions as are reasonably necessary or expedient for the operations of the railway operator.

(3) Every railway operator that intends to make rules under the provisions of sub-sections(1) and (2) of this section shall submit drafts of the proposed rules to the Railway Regulator which shall, within sixty (60) days, approve, modify or reject such rules.

(4) The Railway Regulator may at any time direct a railway operator to modify, any rule previously submitted for its approval and a railway operator shall within thirty (30) days from the day on which such direction was made comply with such direction.

Committee's Recommendation:
That the provision in Clause 149 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 149 *do stand part of the Bill, put and agreed to.*

Clause 150: **Copies of tariffs to be kept at all stations.**
The Corporation shall keep at each station on the railway, a copy in the English language of every tariff, an amendment to it published under the provisions of section 76 of this Bill and for the time being in force, and shall allow any person to inspect the same free of charge at any reasonable time.

Committee's Recommendation:
Leave out the provision in Clause 150 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

PART XVI - INVESTIGATION OF RAILWAY ACCIDENTS

Clause 151. **Appointment of Railway Accident Investigators**
The Railway Regulator shall appoint such person or number of persons with specialised knowledge of railway safety and accident investigation as he or she considers necessary as railway accident investigators to perform the functions stipulated under section 85.

Committee's Recommendation:
That the provision in Clause 151 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 151 *do stand part of the Bill, put and agreed to.*

Clause 152: **Functions of Railway Accident Investigators**
The functions of the railway accident investigators shall be —

(a) to conduct investigations and public inquiries into such railway accidents and incidences as theyor the Railway Regulator shall determine;

(b) to identify safety deficiencies as evidenced by railway transportation occurrences; and

(c) to make recommendations designed to eliminate or reduce any de

Committee's Recommendation:
That the provision in Clause 152 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 152 *do stand part of the Bill, put and agreed to.*

Clause 153: **Investigation of Accidents**

(1) For the purpose of conducting an investigation, a railway accident investigator shall have the power —

(a) to constitute an accident investigation panel for the purpose of conducting a public inquiry;

(b) to issue a summons requiring the attendance of any person including persons in the employment of the Authority or the Railway Regulator or the production of any evidence at a hearing of the accident investigation panel to be specified in the summons;

(c) to administer the prescribed oath;

(d) to examine witnesses; and

(e) to order the seizure of anything which may be material to the investigation.

(2) Any person required to appear before an accident investigation panel shall be entitled to be represented by a legal practitioner of his choice.

(3) A hearing conducted under this section shall be open to the public; provided however that if he is satisfied that it is in the public interest, a railway accident investigator may, on his own initiative or at the request of any party, order that the proceedings be conducted in camera.

(4) At the conclusion of the investigation, the railway accident investigator shall present a report to the President. The report shall —

(a) record the findings of the investigation; and

(b) recommend corrective action, including, if applicable, the issuance or amendment of any regulations in order to prevent a recurrence of similar accidents;

(5) A report presented to the President pursuant to sub-section (4) of this section shall be published in a white paper within six (6) months of its submission to the President.

(6) A railway accident investigator shall not consider or determine liability in connection with any accident or incident, provided that it may report on the cause of an accident or incident whether or not blame or liability is likely to be inferred from the determination of the report.

(7) A report published under this section may be used as evidence in court in any proceedings that may arise in respect of the railway accident or incidence that was investigated.

(8) For the purpose of investigating a railway accident or incidence, a railway accident investigator may exercise any of the powers stipulated under section 72 of this Bill.

Committee's Recommendation:
That the provision in Clause 153 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 153 *do stand part of the Bill, put and agreed to.*

Clause 154: Conflict of Interest Prohibited

(1) A railway accident investigator shall not, directly or indirectly, as owner, shareholder, director, officer, partner or otherwise —

(a) be engaged in a railway undertaking or business; or

(b) have an interest in a railway undertaking or business or an interest in the manufacture or distribution of railway plant or equipment, except where the distribution is merely incidental to the general merchandising of goods.

(2) A railway accident investigator shall not carry on any activity inconsistent with the performance of his duties under this Bill.

Committee's Recommendation:
That the provision in Clause 154 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 154 *do stand part of the Bill, put and agreed to.*

PART XVII - ACQUISITION OF LAND AND RAILWAY WORKS

Clause 155. Surveys and Inspections

(1) Subject to the provision of the Land Use Act whenever it appears to the Authority that any land in any locality is required for the purposes of a railway, the Authority may by its servants or agents, together with all necessary workmen, enter upon any land in any locality and —

(a) survey and take levels of such land;

(b) dig or bore under the sub-soil;

(c) do all other acts necessary to ascertain whether the land is adapted for the purposes of a Railway;

(d) clearly set out and mark the boundaries of the land in respect of which it is proposed to make an application under section 83 of this Bill;

provided that, no such servants, agents or workmen shall enter any building or upon any enclosed court or garden attached to a dwelling house (except with the consent of the occupier thereof), and unless at least fourteen (14) days' notice of the intended entry shall have been given to such occupier.

(2) The Authority shall pay compensation for any damage arising out of the exercise of the power conferred on it by sub-section (1) of this section.

(3) Where there is any dispute as to the amount of compensation payable under this section, the amount of the compensation shall be determined in the manner provided by the Land Use Act.

Committee's Recommendation:
That the provision in Clause 155 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 155 *do stand part of the Bill, put and agreed to.*

Clause 156: Compulsory Acquisition of Land

(1) Subject to the provisions of the Land Use Act, the Authority may acquire land for its purposes.

(2) In the event that there is any hindrance to the acquisition of any land by the Authority under this Bill including any failure by the Authority to reach an agreement as to the amount to be paid in respect of the acquisition, the Authority may apply to the Minister for a declaration under sub-section (3) of this section.

(3) The Minister may upon receipt of an application from the Authority and after such enquiry as he may deem necessary, issue a notice requesting the Governor of the State in which the land is situated to declare that the land is required for the service of the Authority and accordingly for a public purpose within the meaning of the Land Use Act.

(4) Where a declaration has been made under sub-section (2) of this Act and the rights relating to the land have been revoked in accordance with the Land Use Act, the Governor shall, vest the land in the Authority by issuing a certificate of occupancy in respect thereof, in favour and in the name of the Authority.

(5) The compensation if any payable under the Land Use Act for the revocation of any rights relating to the land, where applicable, shall in the first instance be paid by the Government of the Federation provided that the Authority shall refund to the Government any compensation so paid and all incidental expenses incurred by the Government.

(6) A plan of any land referred to in sub-section (2) of this section —

(a) containing measurements of the boundaries of the land;

(b) showing the relationship of the land to any sufficient identification mark; and

(c) signed by the Managing Director of the Authority, shall be a sufficient description of the land for the purpose of an application under sub-section (3) of this section.

Committee's Recommendation:
That the provision in Clause 156 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 156 *do stand part of the Bill, put and agreed to.*

Clause 157: Private Railways

(1) Where any person desires to construct, extend or alter any private railway, such person shall —

(a) apply to the Authority for its approval for the proposed construction, extension or alteration; and

(b) furnish the Authority with —

(i) a plan of the proposed railway together with particulars showing the manner and position in which the railway infrastructure in respect thereof is intended to be constructed, extended, altered and carried on; and

(ii) such other information as the Authority may require.

(2) The Authority shall in considering an application received pursuant to sub-section (1) of this section, ensure that the proposed railway works does not conflict with the Transport Master Plan and may direct the applicant to make such amendments as it deems necessary.

(3) In the event that the private railway is to interconnect with the national railway network, the Authority shall issue technical specifications regarding the interconnection.

Committee's Recommendation:
That the provision in Clause 157 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 157 *do stand part of the Bill, put and agreed to.*

Clause 158: Notice
Prior to the commencement of any railway works, notice of the proposed railway work shall be served on any agency charged with the responsibility for town planning matters and on such other person or persons required to receive such notice under any other law in force in Nigeria in respect of the railway works proposed to be carried out.

Committee's Recommendation:
That the provision in Clause 158 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 158 *do stand part of the Bill, put and agreed to.*

Clause 159: Approval for the Operation of a Railway

(1) No railway infrastructure shall be established or operated without the issuance of a safety certificate by the General Inspector stating that —

(a) he or she has made a careful inspection of the railway infrastructure;

(b) he or she has received from the railway operator, a certificate signed by an engineer employed by the railway operator for that purpose, stating that the railway infrastructure is in compliance with the environmental and safety standards prescribed by the Railway Regulator;

(c) the railway operator has complied with applicable safety standards and regulations;

(d) he or she has satisfied him or herself that the railway infrastructure can be used for the purposes intended without danger to the public.

(2) For the purposes of this section, the General Inspector shall carry out periodic inspections and, if necessary, request alterations to, or the demolition of railway infrastructure which constitutes a danger to public safety.

(3) Upon the issuance of a safety certificate, the railway operator may, subject to the provisions of this Bill, proceed to commission and operate the railway infrastructure.

(4) Where the General Inspector fails to issue a safety certificate within a period of one (1) month from receipt of the railway operator's certificate, he shall inform the railway operator of his reason(s) for not issuing it and of any requirements to be complied with prior to the issuance of the certificate.

(5) A safety certificate issued pursuant to this section shall be subject to an annual audit by the General Inspector to ensure continued compliance with the requirements thereof.

Committee's Recommendation:
That the provision in Clause 159 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 159 *do stand part of the Bill, put and agreed to.*

Clause 160: Withdrawal of Safety Certificates

(1) The General Inspector may at any time withdraw a safety certificate where it is satisfied that the conditions referred to in paragraphs (c) and (d) of section 92 (1) of this Bill no longer exist; provided that the General Inspector shall give reasons for his decision to withdraw the safety certificate.

(2) Prior to the withdrawal of a safety certificate, the General Inspector shall inform the holder by written notice, as soon as practicable, of its intention to withdraw the safety certificate and the reasons thereto.

(3) The holder shall be given a reasonable opportunity to make written submissions to the General Inspector within a time period specified in the notice not being less than fourteen (14) days from the date of the notice.

(4) The General Inspector shall consider the written submission of the holder in making its final determination on the withdrawal of the safety certificate.

Committee's Recommendation:
That the provision in Clause 160 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 160 *do stand part of the Bill, put and agreed to.*

Clause 161: General Powers of Railway Operators

(1) Subject to the approval of the Authority, any person who desires to construct, extend or alter any railway infrastructure or other works connected therewith, may enter upon any land and —

(a) make or construct tunnels, embankments, aqueducts, bridges, roads, conduits, drains, piers, arches, cuttings, fences, electric power, telegraph or telephone lines across or along a railway, water course, canal or road that adjoins or intersects the railway;

(b) divert or alter the course of a watercourse or public road, in order to carry it more conveniently across or along the railway;

(c) make drains or conduits into, through or under land adjoining the railway for the purpose of conveying water from or to the railway;

(d) divert or alter the position of a water pipe, gas pipe, sewer or drain, or telegraph, telephone or electric power line, wire or pole across or along the railway; and

(e) do all other acts necessary for constructing, maintaining, altering or repairing and operating the railway.

(2) The powers exercisable under sub-section (1) of this section shall be subject to the provisions of any other law or statute for the time being in force which requires the issuance of a notice or the procurement of a permit from a government department or ministry prior to the exercise of that power.

(3) Any person exercising the powers under sub-section (1) of this section shall ensure that as little damage as possible is incurred and he shall be liable to pay compensation to any person who sustains loss or damage from the exercise of its powers.

(4) Where a person diverts or alters anything mentioned in sub-section (1) (b) or (d) of this section, the person shall restore it as nearly as possible to its former condition, or shall put it in a condition that does not substantially impair its usefulness.

Committee's Recommendation:
That the provision in Clause 161 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 161 *do stand part of the Bill, put and agreed to.*

Clause 162: **Compulsory medical examination of person injured in railway accident.**
Whenever any person injured by an accident on a railway, claims compensation on account of the injury, any court or person having by law or consent of the parties, authority to determine the claim may order him to be examined by a medical practitioner named in the order and not being a witness on either side, and may make any order with respect to the costs of the examination, as it or he thinks fit.

Committee's Recommendation:
Leave out the provision in Clause 162(*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

PART XVIII - CUSTOMER PROTECTION AND QUALITY OF SERVICE

Clause 163. **Quality of Services**
All railway operators shall —

(a) meet such minimum standards of quality of service as the Railway Regulator may from time to time specify and publish;

(b) deal reasonably with customers in the offer of services; and

(c) adequately address customer complaints.

Committee's Recommendation:
That the provision in Clause 163 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 163 *do stand part of the Bill, put and agreed to.*

Clause 164: Resolution of Customer Disputes

(1) The Railway Regulator shall have the power to resolve matters relating to complaints received from customers in respect of quality of service.

(2) The Railway Regulator shall establish procedures or guidelines for making, receiving and handling complaints of customers regarding the conduct or operation of railway operators.

Committee's Recommendation:
That the provision in Clause 164 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 164 *do stand part of the Bill, put and agreed to.*

Clause 165: Customer Code

(1) The Railway Regulator may require railway operators to prepare customer codes for each class of customers and such code shall be subject to the prior approval of and ratification by the Railway Regulator.

(2) A customer code prepared by a railway operator shall include procedures for —

(a) reasonably meeting customer requirements;

(b) handling of customer complaints and disputes;

(c) the compensation of customers in case of a breach of a customer code; and

(d) the protection of customers' information.

(3) The customer code shall include —

(a) further recourse available to a customer who is dissatisfied with the complaints-handling procedures of the railway operator together with specific details of compensation and refund schemes available to customers,

(b) the provision of information to customers regarding services, rates and performance; and

(c) any other matter which, in the opinion of the Railway Regulator, may be of concern to customers.

(4) Upon the preparation of a customer code and subsequent ratification by the Railway Regulator, the customer code shall be published by the railway operator and notice of the publication shall be advertised in at least one national daily newspaper (*Senator Olugbenga B. Ashafa — Lagos East*).

Amendment Proposed:
Leave out the word "one" in line 4, and *insert* the word "two" instead thereof *(Senator Chukwuka G. Utazi — Enugu North).*

Question that the amendment be made, put and agreed to

Question that Clause 165 *as amended do stand part of the Bill, put and agreed to.*

PART XIX - OFFENCES AND PENALTIES

Clause 166. **Endangering Safety**

(1) Any person who by any unlawful, wilful, negligent or careless act or omission —

(a) obstructs or causes to be obstructed any rolling stock using the railway;

(b) endangers or causes to be endangered the safety of any person in or upon any rolling stock using the railway;

(c) puts, places, casts or throws upon or across any railway track any wood, stone or other matter or thing;

(d) takes up, removes or displaces any rail, sleeper or other component or any railway infrastructure;

(e) throws or causes to fall or strike at, against, into or upon any rolling stock any wood, stone or other matter or thing with intent to injure or endanger the safety of any person being in or upon such rolling stock;

(f) sets fire to, destroys or in any way damages any railway track and appurtenances laid thereon or any railway station, engine house, warehouse or other building, or any rolling stock belonging or appertaining to the railway or any matter or thing contained therein; or

(g) does or causes to be done any other thing with intent to obstruct, upset, overthrow, damage or destroy any rolling stock using a railway; or

(h) endangers the safety of any person travelling by or being upon a Railway; or

(i) obstructs the General Inspector in the execution of hisor her duties;

commits an offence and shall be liable on conviction to a fine not less than N500,000.00 (five hundred thousand naira) or to imprisonment for a term not exceeding 6 months or to both such fine and imprisonment.

(2) Any person who aids, abets, assists, counsels or procures any act or omission referred to in sub-section (1) of this section, commits an offence and shall be liable on conviction to a fine not less than N200,000.00 (two hundred thousand naira) or to imprisonment for a term not less than 6 months or to both to such fine and imprisonment (*Senator Olugbenga B. Ashafa — Lagos East*).

Amendment Proposed:

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

"(2) Any person who aids, abets, assists, counsels or procures any act or omission referred to in sub-section (1) of this section, commits an offence and shall be liable on conviction to a fine not less than N500,000.00 (five hundred thousand naira) or to imprisonment for a term not less than 12 months or to both to such fine and imprisonment (*Senator Olugbenga B. Ashafa — Lagos East*). (*Senator Chukwuka G. Utazi — Enugu North*).

Question that the amendment be made, put and agreed to

Question that Clause 166 *as amended do stand part of the Bill, put and agreed to.*

Clause 167: Drunkenness while on Locomotive, etc

(1) Any employee of a railway operator who while on duty —

(a) is present on any locomotive or in any guard's van; or

(b) has responsibilities related to the movement of traffic or the operation or maintenance of any railway signalling or communication equipment or to the repairs of any rolling stock,

is found to be under the influence of drugs or alcohol while on duty commits an offence and shall be liable on conviction to a fine not exceeding N50,000.00 (fifty thousand naira) or to imprisonment for a term not exceeding 6 months or to both such fine and imprisonment.

Amendment Proposed:
Leave out all the words immediately after the words "shall be" in line 5, and *insert* the words "subject to dismissal" instead thereof *(Senator Chukwuka G. Utazi — Enugu North).*

Question that the amendment be made, put and agreed to

(2) For the purpose of ascertaining whether an employee referred to in sub-section (1) of this section is under the influence of drugs, such employee may at any time be required to submit himself to a breath test or to provide a blood or urine sample to a medical establishment approved by the railway operator.

(3) Where an employee having the responsibilities described under sub-section (1) of this section does not submit to a breath test or provide a blood or urine sample when requested to do so, such employee commits an offence and shall be liable on conviction to a fine not exceeding N50,000.00(fifty thousand naira) or to imprisonment for a term not exceeding 6 months or to both such fine and imprisonment (*Senator Olugbenga B. Ashafa — Lagos East*).

Amendment Proposed:
Leave out the figure and words "N50,000.00(fifty thousand naira)" in line 6, and *insert* the figure and words "N100,000.00(one hundred thousand naira)" instead thereof *(Senator Bala Ibn Na'Allah — Kebbi South).*

Question that the amendment be made, put and agreed to

Question that Clause 167 *as amended do stand part of the Bill, put and agreed to.*

Clause 168: Power to apprehend railway employee offending against section 81.
It shall be lawful for any railway employee, and for all persons whom he may call to his aid, to apprehend any railway employee who is or appears to be in a state of intoxication while on duty, and to convey him to the nearest police station and hand him over to the custody of the police.

Committee's Recommendation:
Leave out the provision in Clause 168 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Clause 169: **Drunkenness or nuisance on a railway.**

(1) If a person on any part of a railway-

(a) is in a state of intoxication;

(b) commits any nuisance or act of indecency or uses obscene or abusive language;

(c) wilfully and without lawful excuse, interferes with the comfort of any passenger; or

(d) wilfully and without lawful excuse, interferes with any railway employee in the execution of his duty, he may be removed from the railway by any railway employee or police officer or any other person whom the railway employee or police officer may call to his aid, and shall be guilty of an offence and liable on conviction, to a fine not exceeding N200,000 or to imprisonment for a term not exceeding six months.

(2) A person removed from the railway under the provisions of this section shall not be entitled to the return of any fare he may have paid.

Committee's Recommendation:
Leave out the provision in Clause 169 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Clause 170: **Travelling with intent to defraud.**

Any person who travels or attempts to travel in any carriage or vehicle of the Corporation, with intent to defraud the Corporation, shall be guilty of an offence and liable on conviction, to a fine not exceeding N200,000 or to imprisonment for a term not exceeding six months.

Committee's Recommendation:
Leave out the provision in Clause 170 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Clause 171: **Trespass Related Offences**

Any person who —

(a) not being specifically authorised in that behalf or not being an employee of a railway operator —

(i) enters any premises occupied by a railway operator;

(ii) is found in any areas designated by a railway operator as dangerous or restricted by the erection of notice boards to that effect; or

(iii) refuses to leave premises occupied by a railway operator or any of its rolling stocks after being lawfully requested to do so by any employee of the railway operator or a police officer;

(b) being on any premises occupied by a railway operator or any of its rolling stocks —

(i) refuses to give his name or address, or gives a false name and address when called upon by an employee of the railway operator or a police officer;

(ii) is in a state of intoxication and behaves in a violent or offensive manner to any other person;

(iii) discharges any firearm or does anything which may cause injury to any person on such premises or upon such rolling stock;

(iv) commits any nuisance or act of indecency or uses profane, obscene, indecent or abusive language resulting in a breach of public peace;

(v) without lawful excuse contravenes any direction lawfully given by an employee of the railway operator;

(vi) except with the permission of an authorised employee of the railway operator hawks, sells or, exposes for sale any article or touts, applies for, or solicits custom of any description; or

(vii) smokes in any part of such premises or rolling stock bearing a notice that smoking is prohibited in that part;

(c) defaces the writing on any board or any notice maintained upon any premises occupied by a railway operator or any of its rolling stocks;

(d) writes, draws or affixes any profane, obscene, indecent or abusive word, matter, graffiti, presentation or character upon any premises occupied by a railway operator or upon any of its rolling stocks;

(e) damages or without lawful excuse interferes with any property of a railway operator;

(f) without lawful excuse, enters or leaves the rolling stock of a railway operator while it is still in motion or at a place other than that appointed by the railway operator for passengers to embark or disembark or opens any outer door of any train while it is still in motion;

(g) permits or allows any animal for which the person is responsible to stray on any fenced premises occupied by a railway operator;

(h) fails at the earliest possible opportunity to present to any authorised employee of a railway operator any property which there is reason to believe has been lost or forgotten and is found by that person on any premises, or rolling stock of the railway operator;

(i) wilfully obstructs or impedes an employee or agent of a railway operator in the performance of hisor her duties;

(j) throws from a rolling stock any article or substance likely to be a source of danger to, or cause injury to any other person;

(k) without prior approval of the railway operator concerned, takes or sends or attempts to take or send upon a railway any dangerous substances or goods, or any dangerous animal not under proper control or any animal suffering from any contagious or infectious disease;

(l) being an employee of a railway operator, receives from any passenger, or from any other person delivering goods to such railway operator for carriage or warehousing, or from any other person making use of the facilities provided by such railway operator any money and fails within a reasonable time not exceeding half an hour to issue a ticket or other receipt in respect of such money; or

(m) without the permission of an authorised employee, travels in or upon any part of a rolling stock of a railway operator other than the part ordinarily provided for passengers during travel, commits an offence against this Bill, and shall be liable on conviction to a fine not exceeding fifty thousand naira or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

Committee's Recommendation:
That the provision in Clause 171 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 171 *do stand part of the Bill, put and agreed to.*

Clause 172: Refusal to Pay Fare or Unauthorized Purchase of Ticket
Any person who —

(a) wilfully refuses to pay the fare or excess charge which on demand, he or she is liable to pay; or

(b) travels on a train with an unauthorised or fake ticket, commits an offence and is liable on conviction to imprisonment for a term not exceeding six months and pay to the railway operator the fare and any excess charge, in addition to the penalty imposed by the court.

Committee's Recommendation:
That the provision in Clause 172 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 172 *do stand part of the Bill, put and agreed to.*

Clause 173: Unauthorised Sale of Tickets
Any person who sells any unauthorised or fake ticket or free pass, or any portion thereof, in order to enable any other person to travel therewith on a train, shall be guilty of an offence under this Bill, and on conviction shall be liable to a fine not exceeding N25,000.00 (twenty-five thousand naira) or to imprisonment for a term not exceeding six months or to both such fine and imprisonment(*Senator Olugbenga B. Ashafa — Lagos East*).

Amendment Proposed:
Leave out the provision in Clause 173 and *insert* the following instead thereof:
"Any person who sells any unauthorised or fake ticket or free pass, or any portion thereof, in order to enable any other person to travel therewith on a train, shall be guilty of an offence under this Bill, and on conviction shall be liable to a fine not exceeding N1,000,000.00 (One Million Naira) or to imprisonment for a term not exceeding five years or to both such fine and imprisonment" *(Senator Gobir A. Ibrahim — Sokoto East).*

Question that the amendment be made, put and agreed to

Question that Clause 173 *as amended do stand part of the Bill, put and agreed to.*

Clause 174: **False Returns**
Any person who makes, either knowingly or recklessly, any statement which is false in any material particular in any return, claim or other document which is required or authorised to be made to a railway operator, commits an offence against this Bill, and is liable on conviction to a fine not less than N200,000.00 (two hundred thousand naira) or to imprisonment for a term not less thansix months or to both such fine and imprisonment.

Committee's Recommendation:
That the provision in Clause 174 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 174 *do stand part of the Bill, put and agreed to.*

Clause 175: **Employee Demanding Improper Fare**
Any employee of a railway operator who, with intent to defraud demands, solicits or receives from any passenger, or from any person delivering goods for carriage or warehousing or from any person making use of the railway operator's facilities any greater or lesser amount than he should demand or receive, commits an offence and shall be liable on conviction to a fine not less than N25,000.00(twenty five thousand naira) or to imprisonment for a term not exceeding six months or to both such fine and imprisonment (*Senator Olugbenga B. Ashafa — Lagos East*).

Amendment Proposed:
Leave out the figure and words "N25,000.00(twenty five thousand naira)" and *insert* the figure and word "N500,000.00 five hundred thousand naira" instead thereof:
(Senator Barau I. Jibrin — Kano North).

Question that the amendment be made, put and agreed to

Question that Clause 175 *as amended do stand part of the Bill, put and agreed to.*

Clause 176: **Failure to pay excess fare.**
Any person who, having failed on demand to pay any excess charge or other sum due and demanded under the provisions of any bye-law made under this Bill and relating to the carriage of passengers, refuses on demand to give his name and address, or gives a name or address which is false, shall be guilty of an offence and liable on conviction, to a fine not exceeding N100,000.

Committee's Recommendation:
Leave out the provision in Clause 176 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Clause 177. **Power to apprehend offenders.**
Any person who-

(a) commits an offence against section 83 of this Bill; or

(b) commits any other offence against this Bill or bye-law made in accordance with this Bill -

(i) refuses on demand to give his name and address, or

(ii) gives a name or address which the railway employee demanding the same has good reason to believe is false, may be apprehended by any railway employee or police officer, or any other person whom the railway employee or police officer may call to his aid:

Provided that, if the offender is apprehended by a person other than a police officer, such person shall hand over the offender to a police officer without delay.

Committee's Recommendation:
Leave out the provision in Clause 177 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Clause 178. **Application of sections 98 to 100 and 404 of Criminal Code Act [Cap C38].**
Railway employees shall, for the purposes of sections 98, 99 and 404 of the Criminal Code Act, be deemed to be persons employed in the public service.

Committee's Recommendation:
Leave out the provision in Clause 178 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

PART XV - LEGAL PROCEEDINGS

Clause 179: **Limitation of suits against the Corporation.**

(1) No suit against the Corporation or any employee of the Corporation for -

(a) any act done in pursuance or execution or intended execution of any Act or Law, or of any public duty or authority; or

(b) in respect of any alleged neglect or default in the execution of such Act or Law, duty or authority;

shall lie or be instituted in any court, unless it is commenced within six months next after the act, neglect or default complained of or, in the case of a continuance of damage or injury, within twelve months next after the ceasing thereof:

Provided that, in the case of a claim for a refund of an overcharge in respect of goods accepted by the Corporation for carriage, or for compensation in respect of loss, damage, deviation, mis-delivery, delay or detention of or to any goods so accepted, the cause of action shall be deemed to have arisen on the day of such acceptance.

(2) No suit shall be commenced against the Corporation, until three months at least after written notice of intention to commence the same, shall have been served upon the Corporation by the intending plaintiff or his agent; and such notice shall clearly and explicitly state -

(a) the cause of action,

(b) the particulars of the claim,

(c) the name and place of abode of the intending plaintiff, and

(d) the relief which he claims.

Committee's Recommendation:
Leave out the provision in Clause 179 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Clause 180. **Service of documents.**
The notice referred to in the last preceding section and any summons, notice or other document required or authorised to be served upon the Corporation under the provisions of this Bill or any other law may, unless in any case there is express provision to the contrary, be served by delivering the same to the General Manager

or Secretary of the Corporation, or by sending it by registered post, addressed to the Secretary of the Corporation at the principal office of the Corporation.

Committee's Recommendation:
Leave out the provision in Clause 180 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Clause 181. Restriction on execution.
In any suit against the Corporation, no execution or attachment or process in that nature, shall be issued against the Corporation, but any sums of money which may by the judgment of the court be awarded against the Corporation shall, subject to any directions given by the court where notice of appeal has been given by the Corporation in respect of the said judgment, be paid by the Corporation, from the funds of the Corporation.

Committee's Recommendation:
Leave out the provision in Clause 181 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Clause 182: Offence Committed by a Body Corporate
Where an offence under this Bill has been committed by a body corporate and it 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, the relevant director, manager, secretary or other similar officer as well as the body corporate, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Committee's Recommendation:
That the provision in Clause 182 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 182 *do stand part of the Bill, put and agreed to.*

Clause 183: Review of Offences and Penalties
The Railway Regulator may make further provisions for offences and regulations providing for the adjustment of any fine or penalty imposed under this Bill or its subsidiary legislation in order to reflect current rates or other economic considerations and such shall become effective upon being approved by the National Assembly and published in the Federal Gazette.

Committee's Recommendation:
That the provision in Clause 183 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 183 *do stand part of the Bill, put and agreed to.*

PART XX - MISCELLANEOUS PROVISIONS

Clause 184. Register

(1) The Railway Regulator shall maintain a register of all matters that are required to be registered under this Bill and its subsidiary legislations.

(2) The Railway Regulator may summarise the contents of a material for inclusion in the register and exclude aspects of the material if it considers such exclusion necessary and justified.

(3) A person may, on payment of the charge, if any, to be determined by the Railway Regulator inspect the register and make a copy of, or take extracts from the register.

(4) The Railway Regulator shall from time to time publish guidelines in respect of its various registers giving details of the registers and indicating access processes and procedures for members of the public.

Committee's Recommendation:
That the provision in Clause 184 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 184 *do stand part of the Bill, put and agreed to.*

Clause 185: Exemption from Stamp Duty
Notwithstanding the provisions of any other enactment to the contrary, stamp duty shall not be chargeable in respect of any transfer of rights and assets made pursuant to section 5 of this Bill on which, but for the exemption granted under this section, stamp duty would have been payable.

Committee's Recommendation:
That the provision in Clause 185 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 185 *do stand part of the Bill, put and agreed to.*

Clause 186: Exemption from Capital Gains Tax
The Authority shall not be liable for payment of Capital Gains Tax in respect of any transfer of rights and assets made pursuant to a concession or other private sector participation.

Committee's Recommendation:
That the provision in Clause 186 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 186 *do stand part of the Bill, put and agreed to.*

Clause 187: Exemption from Economic Regulation
(1) The provisions of Parts X, XI XII and XVIII shall not apply to —
(a) the operation of a railway developed by a state or local government pursuant to Part IX of this Bill; and

(b) the operation of a private railway.

(2) The provisions of Part VIII shall not apply to the operation of a railway developed by a state or local government pursuant to Part X of this Bill.

Committee's Recommendation:
That the provision in Clause 187 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 187 *do stand part of the Bill, put and agreed to.*

Clause 188: Exemption from the Act

Where a project is of strategic national importance, the President may issue regulations granting exemptions to a particular person or classes of persons from the application of any provision of this Bill, such exemptions are to be either unconditional or subject to specified conditions and periods.

Committee's Recommendation:
That the provision in Clause 188 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 188 *do stand part of the Bill, put and agreed to.*

Clause 189: Resolution of Disputes

(1) The Railway Regulator shall have the power to resolve disputes between licensees and between licensees and other persons regarding any matter under this Bill or its subsidiary legislation.

(2) The Railway Regulator shall publish guidelines setting out its dispute resolution procedures and the principles that it may take into account in resolving disputes.

(3) Notwithstanding the provisions of this section, disputes between concessionaires or other grantees of private sector participation and the Authority arising out of a concession or other private sector participation shall be resolved in accordance with the terms of the concession or other private sector participation and any applicable enactment and instruments made pursuant thereto.

Committee's Recommendation:
That the provision in Clause 189 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 189 *do stand part of the Bill, put and agreed to.*

Clause 190: Liability of the Authority

(1) No matter or thing done by a member of the Board or any officer, employee or agent of the Authority shall, if the matter or thing is done bona fide for executing the functions, powers or duties of the Authority, shall render the member of the Board, officer, employee or agent of the Authority or any person acting on his or her directions personally liable to any action, claim or demand whatsoever.

(2) The provisions of sub-section (1) of this section shall not relieve the Authority of the liability to pay compensation or damages to any person for any injury to himor her, hisor her property or any of his or her interests caused by the exercise of the powers conferred on the Authority by this Bill or by any other written law or by the failure, whether wholly or partially, of any works.

Committee's Recommendation:
That the provision in Clause 190 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 190 *do stand part of the Bill, put and agreed to.*

Clause 191: **Indemnity of officers.**
A member of the Board, the General Manager, any officer or employee of the Corporation shall be indemnified out of the assets of the Corporation against any liability incurred by him in defending any proceeding, whether civil or criminal, if the proceeding is brought against him in his capacity as a member of the Board, General Manager, officer or employee of the Corporation.

Committee's Recommendation:
Leave out the provision in Clause 191 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Clause 192: **Stay of arrest and procedure in case of summon in certain cases.**
(1) A person connected with the direct working of a railway shall not be removed under arrest, whether in execution of a warrant of his duties until the head of the department in which he is employed or the officer in immediate charge of the work in which such person is engaged, has been given an opportunity of providing a substitute.

(2) A summons issuing from any court, requiring the attendance of a person connected with the direct working of the railway, shall provide for a sufficient period of time, before such attendance is required, to enable a substitute for such person to be provided, for the execution of his duties in the railway.

Committee's Recommendation:
Leave out the provision in Clause 192 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Clause 193: **Representation of the Corporation at hearing of suit.**
In any suit, the Corporation may be represented in court at any stage of the proceedings by any employee of the Corporation, who shall satisfy the court that he is duly authorised in writing by the Corporation in that behalf.

Committee's Recommendation:
Leave out the provision in Clause 193 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

PART XVI - MISCELLANEOUS

Clause 194: **Exemption of railway land.**
The provisions of-
(a) any Act or Law, relating to town or country planning; and

(b) any Act or Law regulating the construction, alteration, repair or demolition of buildings ,shall not apply in relation to any railway land.

Committee's Recommendation:
Leave out the provision in Clause 194 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Clause 195: **Common carriers not applicable.**
Nothing in the common law or statute law regarding the responsibilities and obligations of common carriers or of railway companies, shall affect the responsibilities and obligations of the Corporation set out in this Bill, with respect to the carriage of passengers and goods.

Committee's Recommendation:
Leave out the provision in Clause 195 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Clause 196: **Duty to furnish information.**
The Corporation shall furnish to the Minister such information relating to the discharge of its functions and its property and finances, including financial, statistical or other returns, as the Minister may, from time to time, require.

Committee's Recommendation:
Leave out the provision in Clause 196 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Clause 197: **Power to give directions to the Corporation.**
The Minister may, after consultation with the Corporation, give to the Corporation directions of a general character, as to the discharge by the Corporation of its functions in relation to matters appearing to the Minister to be of grave public importance, and the Corporation shall give effect to all such directions.

Committee's Recommendation:
Leave out the provision in Clause 197 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Clause 198: **Action against the Authority, etc**

(1) The provisions of the Public Officers Protection Act shall apply in relation to any suit instituted against an official or employee of the Authority.

(2) No suit shall be commenced against a member of the Board, the secretary or any official or employee of the Authority before the expiration of a period of three (3) months after written notice of the intention to commence the suit shall have been served on the Authority by the intending plaintiff or his agent.

(3) The notice referred to in sub-section (3) of this section shall, clearly and explicitly state —
(a) the cause of action;

(b) the particulars of the claim;

(c) the name and address of the intending plaintiff; and

(d) the relief which he claims.

(4) A notice, summons or other document required or authorised to be served on the Authority under the provisions of this Bill or any other law or enactment may be served by delivery of such notice, summons or other document to the Authority or by sending such notice, summons or other document by registered post, addressed to the managing director or company secretary of the Authority at its principal office.

(5) Any member of the Board, the secretary or any official or employee of the Authority shall be indemnified out of the assets of the Authority, against any liability incurred in defending any proceeding whether civil or criminal, if the proceeding is brought against the Authority or such a person in his capacity as a member, secretary, officer or employee of the Authority

(6) In any action or suit against the Authority, no execution or attachment or process in the nature thereof shall be issued against the Authority, but any sums of money which may, by the judgment of the court, be awarded against the Authority, shall be paid from the funds of the Authority.

Committee's Recommendation:
That the provision in Clause 198 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 198 *do stand part of the Bill, put and agreed to.*

Clause 199: Power to Make Regulations

(1) Railway Regulator shall subject to sub-sections (2) and (3) of this section make and publish regulations in respect of any matter required to be prescribed under this Bill and generally for giving full effect to the provisions of this Bill.

(2) The Railway Regulator shall prior to making regulations under sub-section (1) of this section invite comments on the proposed regulation from licensees, stakeholders, members of the public and other interested persons and shall make a draft of the proposed regulation available upon request by any such interested persons.

(3) The Railway Regulator shall consider all comments received under sub-section (2) of this section before making and publishing regulations.

Committee's Recommendation:
That the provision in Clause 199 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 199 *do stand part of the Bill, put and agreed to.*

Clause 200: Functions of the Corporation may be discharged by its employees.
Where powers are conferred or duties imposed under this Bill on the Corporation, such powers or duties may be exercised or performed by or through any employee or agent of the Corporation authorised in that behalf by the Corporation.

Committee's Recommendation:
Leave out the provision in Clause 200 (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Clause 201: Repeals, Savings, Transitional Provisions and Consequential Amendments

(1) Any regulations and bye-laws which, immediately before the commencement of this Act were in force under the Nigerian Railway Corporation Act shall continue in force, mutatis mutandis, as if they had been made by the Railway Regulator under this Bill and may be amended or repealed upon the issuance of regulations by the Railway Regulator in accordance with the provisions of this Bill.

(2) The rights, interests, obligations and liabilities of the Nigerian Railway Corporation under any contract or instrument or at law or in equity are by virtue of this Bill and without further assurances assigned to and vested in the Authority established under this Bill.

(3) The Nigerian Railway Corporation (Railway) Bye-Laws, LN 90 of 1955 in force under the Nigerian Railway Corporation Act shall continue in force, mutatis mutandis, as if they had been made by the Authority under section 83of this Bill and may be amended or repealed in accordance with the provisions of this Bill.

(4) Any licence, certificate, authority or permit which was issued pursuant to the Nigerian Railway Corporation Act and which had effect immediately before the commencement of this Act shall continue to have effect mutatis mutandis, for the remainder of its validity as if it had been issued under the appropriate provision of this Bill.

(5) Subject to this Bill, any permission granted, direction given or other thing whatsoever made, done or commenced which, immediately before the commencement of this Bill, had or was capable of acquiring force and effect pursuant to the Nigerian Railway Corporation Act, shall, on and after the commencement of this Bill, continue to have, or, as the case may be, to be capable of acquiring force and effect as if it had been granted, given, made, done or commenced, as the case may be pursuant to the equivalent provisions of this Bill.

(6) Any person engaged in the operation of railway infrastructure and in the provision of railway services prior to the commencement of this Bill shall, within six months of the commencement of this Bill, or within such further period as the Railway Regulator may allow, apply in writing to the Railway Regulator for a licence under Part VIII of this Bill.

(7) The Railway Regulator shall grant a licence contemplated in this Bill unless it finds that the applicant is not capable of or is unwilling to operate any of the licensed activities in a manner that is consistent with the purposes and provisions of this Bill.

(8) The relevant provisions of all existing enactments or law, including but not limited to the Utility Charges Commission Act and the Infrastructure Regulatory Commission Act, shall be read with such modifications as to bring them into conformity with the provisions of this Bill.

(9) The Minister may, if he thinks it fit within 12 months of the commencement of this Bill, by order published in the Federal Government Gazette make additional transitional or savings provisions for the better carrying out of the objectives of this section.

Committee's Recommendation:
That the provision in Clause 201 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 201 *do stand part of the Bill, put and agreed to.*

Clause 202: **Interpretation**
In this Bill:
"Affiliate" means the relationship that exists between two companies where one controls the other or where one is controlled by an entity which controls the other company;

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

"Authority" means the Nigerian Railway Authority established by this Bill;

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

"Board" means the Governing Board of the Authority;

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

"Concession" means a contractual arrangement for a specified period where the Authority grants a person, state or local government the right to construct or maintain railway infrastructure or to provide railway services on behalf of the Authority; and the word "concessionaire" shall be interpreted accordingly;

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

"Control" means the possession directly or indirectly of the power to direct or secure the direction of the management and policies of a company, whether through ownership of voting securities, by contract or otherwise and "controlled" and "controls" shall be construed accordingly;

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

"Corporation" means the Nigerian Railway Corporation established by the Nigerian Railway Corporation Act (Cap. N129 LFN 2004);

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

"Court" means a court of law of competent jurisdiction;

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

"Customer" means a shipper or a passenger;

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

"Direction" means a charge or instruction issued by the Railway Regulator to a railway operator or other person in the exercise of its powers under this Bill;

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

"Federal Government" means the Federal Government of Nigeria;

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

"Freight Service" means any service for the carriage of goods by rail;

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

"Freight Service Operator" means a person licensed for the time being to provide freight services;

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

"Freight Tariff" means the freight service operator's fees, rates, charges applicable to the provision of freight services;

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

"Gazette" means the Official Gazette of the Federal Republic of Nigeria;

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

"General Inspector" means the General Inspector of Railways appointed by the Railway Regulator pursuant to section 75 of this Bill;

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

"Inter-switching" means to transfer traffic from the lines of one railway operator to the lines of another railway operator in accordance with regulations made under section 62 of this Bill;

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

"Licence" means a licence issued under Part VIII of this Bill and "licensee" shall be construed accordingly;

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

"Locomotive" means any railway vehicle which has the capacity for self-propulsion;

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

"Managing Director" means the member of the Board appointed pursuant to section 9 of this Bill to be the chief executive officer of the Authority and includes any acting Managing Director of the Authority;

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

"Transport Master Plan" means the 25 Year Strategic Vision of the Federal Government for the Nigerian Railways as may be amended from time to time;

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

"Maintenance" means the works required to keep the railway in good and safe use and repair;

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

"Minister" means the Minister responsible for railway transportation and

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

"Non-Operational Assets" means all assets owned by the Authority which are not required for the purposes of operating a railway and which have been designated by the Minister as non-operational assets in accordance with section 5 of this Bill;

Question: That the words " Non-Operational Assets " defined in the Interpretation to this Act, put and agreed to.

"Operate" means any act necessary for and related to the management and the control movements of trains on a railway track and the terms "operation" and

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

"Operational Assets" means assets owned by Authority that are required for the provision of railway services;

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

"Passenger Service" means any service for the carriage of persons by rail;

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

"Passenger Service Operator" means a person licensed to provide passenger services;

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

"Passenger Fare" means the passenger service operator's schedule of fees, rates, charges;

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

"Person" includes a natural person, body corporate, partnership, joint venture, co-operative, trust, or other entity that is recognized by the law as a distinct body with the right to enter into contracts and to own property;

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

"Prescribed" means as stipulated by the Railway Regulator by regulations and

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

"Private Railway" means a railway which is used exclusively to serve a particular plant, enterprise or industrial firm;

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

"Public Service Obligation" means an obligation to provide essential railway services along the railway routes specified by the Minister in accordance with a declaration made pursuant to section 71 of this Bill;

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

"Private Sector Participation" means a business relationship procured through a contractual agreement whether by means of a concession, Public-Private Partnership, joint venture, or other agreement between a government agency and one or more private sector entities for the purpose of the provision of a project, service or facility by the private sector that will serve the public;

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

"Public-Private Partnership" means a business relationship procured through a contractual agreement which may include concessions or other agreements between a government agency and one or more private sector entities for the use of a government asset for the purpose of the provision of a project, service or facility by the private sector that will serve the public.

Question: That the words " Public-Private Partnership" defined in the Interpretation to this Act, put and agreed to.

"Railway" means all moveable and immoveable property required for the provision of railway services;

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

"Railway Infrastructure" means any immoveable property necessary for the provision of railway services and includes the railway track and related equipment; terminal facilities; switching yards; railway stations and related equipment; overhead traction power system and line side substations; depots; workshops; train management systems; telecommunications systems; level crossings, bridges, viaducts, tunnels, culverts, retaining walls, or other similar structures;

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

"Railway Operator" means a person licensed for the time being to operate a railway, provide passenger or freight services or any combination of the foregoing and this term shall where the context so permits, be construed to include the Authority and the operator of a railway developed pursuant to Part IX of this Bill;

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

"Railway Regulator" means the body designated from time to time by an Act of the National Assembly as the regulator of rail transportation in Nigeria;

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

"Railway Service" means the provision of either passenger services or freight services;

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

"Railway Station" means any area of land or other property designated, equipped, set apart or commonly used for the arrival and departure of trains and includes any passenger or freight station or terminal;

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

"Railway Track" means any land and other property comprising the permanent way of any railway taking together the ballast, sleepers and metals laid thereon to facilitate the movement of rolling stock from one destination to another;

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

"Railway Works" means any new construction, fabrication or erection of railway infrastructure other than works in connection with the maintenance of existing railway infrastructure;

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

"Regulations" means the regulations made by the Railway Regulator pursuant to this Bill;

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

"Related Service" means any service necessary for the facilitation of railway operations and shall include but not be limited to refuelling of rolling stock; repairs and maintenance of railway infrastructure and rolling stock; clearing of rolling stock and railway tracks; and the provision of freight handling services;

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

"Rolling Stock" means any locomotive, coach, wagon or other railway vehicle used on railway tracks;

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

"Safety Certificate" means the certificate issued by the General Inspector pursuant to section 92 of this Bill;

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

"Safety and Environmental Plan" means a document prepared by a railway operator and approved by the General Inspector describing the components of its safety and environmental management system;

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

"Shipper" means a person who sends or receives goods through a freight service operator or intends to do so;

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

"States" includes the Federal Capital Territory (FCT);

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

"Tariff Regulation" means the power of the Railway Regulator to regulate the freight tariff or passenger fares of a railway operator pursuant to the provisions of section 57 of this Bill;

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

"Track Access" means a right granted in accordance with this Bill to a railway operator to access the railway track and essential facilities of another railway operator for the purpose of providing a railway service;

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

"Track Access Charges" fees chargeable for the grant of track access;

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

"Traffic" means the carriage of freight or passengers including equipment required for their movement;

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

"Train" means two or more items of rolling stock coupled together, at least one of which is a locomotive.

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

Committee's Recommendation:
That the provision in Clause 202 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 202 do stand part of the Bill, put and agreed to.

Clause 203: Short Title
This Bill may be cited as the Nigerian Railway Authority Act (Repeal and Re-Enacted) Bill 2016.

Committee's Recommendation:
That the provision in Clause 203 be retained (*Senator Olugbenga B. Ashafa — Lagos East*) — *Agreed to.*

Question that Clause 203 do stand part of the Bill, put and agreed to.

FIRST SCHEDULE

TRANSFER PROVISIONS FOR THE NIGERIAN RAILWAY AUTHORITY AND THE RAILWAY PROPERTY COMPANY LIMITED

PART 1

TRANSFER PROVISIONS FOR THE NIGERIAN RAILWAY AUTHORITY

Transfer of Assets and Liabilities

1. (1) All Assets and funds which immediately before the commencement of this Bill were vested in the Corporation shall by virtue of this Bill be vested in the Authority.

(2) All bonds, hypothecations, securities, deeds, contracts, instruments, documents, and working arrangements with respect to the assets transferred, that subsisted immediately before the commencement of this Bill and to which the Corporation was a party shall be as fully effective and enforceable against or in favour of the Authority as if, instead of the Corporation, the Authority had been named therein.

(3) A determination of any court, tribunal or other authority or person made in a proceeding or course of Billion or which existed or was pending with respect to the assets transferred by or against the Corporation immediately before commencement of this Bill, shall be enforced or continued, as the case may be, by or against or in favour of the Authority in the same way that it might have been enforced or continued by or against the Corporation had this Bill not been passed.

(4) The Authority established under this Bill shall be subject to all obligations and liabilities to which the Nigerian Railway Corporation existing immediately before the commencement of this Bill was subject and all other persons shall as from the commencement of this Bill have the same rights, powers, and remedies against the Authority established under this Bill as they had against the Nigerian Railway Corporation existing immediately before the commencement of this Bill.

(5) No Billion or other proceeding shall be commenced against the Authority in respect of an employee or asset that has been transferred to the Authority, if had there been no transfer, the time for commencing the action or other proceeding would have expired.

(6) Nothing in this Bill and nothing done as a result of a transfer under sub-paragraph (1) of this paragraph shall create any new cause of action in favour of —

(a) a holder of a debt instrument that was issued by the Corporation before the commencement of this Bill;

(b) a party to a contract with the Corporation that was entered into before the commencement of this Bill.

(7) Any guarantee or suretyship given or made by the Federal Government or any other person in respect of any debt or obligation of the Corporation, and which was effective immediately before the transfer of the principal debt or obligation, shall remain fully effective against the guarantor or surety on and after the transfer date in relation to the payment of the debt or the performance of the obligation, as the case may be, by the Authority to which the principal debt or obligation was transferred.

Transfer of Employees

2. Upon the Commencement of this Bill, such number of persons employed by the Corporation as may be required by the Authority shall be transferred to the service of the Authority on terms not less favourable than those enjoyed immediately prior to the transfer.

3. (1) Notwithstanding the repeal of the Nigerian Railway Corporation Act referred to in section 1 of this Bill, if the Board thinks it expedient that any vacancy in the Authority should be filled by a person holding office at the commencement of this Bill, the Board shall transfer such a person to the Authority and the previous service in the Corporation by that person shall count as service for the purpose of any pensions or other benefits accruing and being subsequently payable by the Authority.

(2) The service rendered by an employee transferred pursuant to sub-paragraph (1) of this paragraph to the Corporation shall be deemed to be service with the Authority for the purpose of determining employment related entitlements as specified in the relevant laws of employment in Nigeria.

(3) Until such time as conditions of service are drawn up by the Authority —

(a) the terms and conditions of service applicable to employees of the Corporation shall continue to apply to every person transferred to the Authority as if every such person were still in the service of the Corporation; and

(b) the Authority shall continue to contribute towards any pension scheme to which the Corporation was contributing in respect of persons in the employ of the Corporation prior to the transfer date.

(4) Nothing in this paragraph shall operate as to prevent any employee of the Corporation from resigning or being dismissed from service.

(5) Nothing in this paragraph shall operate as to create an entitlement for any employee of the Corporation to become an employee of the Authority.

PART 2

TRANSFER OF NON-OPERATIONAL ASSETS TO THE RAILWAY PROPERTY MANAGEMENT COMPANY LIMITED

1. (1) The Minister shall, by written order in the Gazette, transfer to the Railway Property Company Limited, all the Non-Operational Assets of the Corporation as are stated in the order.

(2) The order shall fix the date on which the assets stated therein shall be transferred to the Railway Property Company Limited.

(3) The assets stated in the order shall on the transfer date, vest in the Railway Property Company Limited.

(4) All bonds, hypothecation, securities, deeds, contracts, instruments, documents, and working arrangements with respect to the assets transferred, that subsisted immediately before the transfer date and to which the Authority was a party shall, on and after that date, be as fully effective and enforceable against or in favour of the Railway Property Company Limited as if, instead of the Authority, the Railway Property Company Limited had been named therein.

(5) Any cause of action or proceeding which existed or was pending with respect to the assets transferred by or against the Authority immediately before the transfer date shall be enforced or continued, as the case may be, on and after that date by or against or in favour of the Railway Property Company Limited in the same way that it might have been enforced or continued by or against the Authority had the order not been made.

(6) No action or other proceeding shall be commenced against the Railway Property Company Limited in respect of any asset that has been transferred to the Railway Property Company Limited, if had there been no transfer, the time for commencing the action or other proceeding would have expired.

(7) Nothing in this Bill and nothing done as a result of a transfer under sub-paragraph (2) of this paragraph shall create any new cause of action in favour of —

(a) a holder of a debt instrument that was issued by the Authority before the transfer date;

(b) a party to a contract with the Authority that was entered into before the transfer date.

(8) Any guarantee or suretyship given or made by the Federal Government or any other person in respect of any debt or obligation of the Authority, and which was effective immediately before the transfer of the principal debt or obligation, shall remain fully effective against the guarantor or surety on and after the transfer date in relation to the payment of the debt or the performance of the obligation, as the case may be, by the Railway Property Management Company Limited to which the principal debt or obligation was transferred.

Question that part 1 and 2 *under the head (Transfer Provisions for the Nigerian Railway Authority and The Railway Property Company Limited) do stand part of First Schedule to this Bill, put and agreed to.*

SECOND SCHEDULE

CONFLICT OF INTEREST

1. Subject to the provisions of this schedule, no Member or staff of the Authority shall have a direct or indirect financial interest or investment in any railway company throughout the tenure of his office or employment with the Authority.

2. Subject to paragraphs (3) and (4) hereof, each Member or staff of the Authority shall on an annual basis present a written declaration affirming the non-existence of any such interest as is specified in paragraph (1) and shall pledge to disclose and inform the Authority of any such relationship or interest that arises or is likely to arise during his tenure or employment with the Authority.

3. Serving Members and staff of the Authority as at the commencement date of this Act shall be entitled to a maximum of six (6) months from the said commencement date within which to divest themselves of their direct or indirect financial interests or investment in any railway company, if any.

4. All newly appointed Members and staff of the Authority after the commencement of this Act shall be entitled to a maximum of six (6) months from their respective dates of appointments within which to divest themselves of their direct or indirect financial interests or investments in any railway company, if any.

5. Each Member or staff of the Authority shall declare on appointment or at the commencement of employment and annually thereafter, for as long as he serves the Authority, any interest or investment that he —

(a) knowingly has; or

(b) knows any member of his immediate family to have, in any aspect of the Nigerian railway sector.

6. If a Member or staff of the Authority contravenes the provisions of paragraphs (1) and (2) of this schedule, or gives false information under paragraph 5 of this schedule, he shall be liable, on conviction, to the payment of a fine not exceeding N100,000.00 or imprisonment of a term not exceeding one (1) year or to both.

7. Subject to paragraph (8) of this schedule, the Board may from time to time waive the application of the prohibitions specified in paragraph (1) and (2) of this schedule to any Member or staff of the Authority if the Board determines that the financial interest of the relevant person is not of a material nature or is minimal.

8. The Authority in determining whether or not the interest of a Member or staff of the Authority is minimal or not of a material nature shall consider factors including but not limited to the following —

(a) the revenue, investments, profits and managerial effort of the relevant company or other entity in regard to its railway activities compared with other aspects of the company's or such entity's businesses;

(b) the extent to which the Authority regulates and oversees the activity of such company or entity;

(c) the degree to which the economic interests of such company or other entity may be affected by an action of the Authority; and

(d) the perceptions held or likely to be held by the public regarding the relevant person's financial interest or investment in that company or other entity.

9. The Board may at any time review and reverse its determination under paragraph (7) of this schedule and direct the application of the prohibitions contained in this schedule to the affected Member or staff of the Authority and the Board shall not be under any obligation to disclose the reason(s) or basis for its review to the affected Member or staff member.

10. In any case in which the Authority exercises the waiver authority or the review thereof as specified in paragraphs (7) and (9) of this schedule, the Authority shall so soon thereafter publish the details thereof and such publication shall include information regarding the identity of the person who has been granted the waiver or whose waiver grant has been reviewed, the position held by such person and, the nature of the financial interests which are the subject of the waiver or the review thereof.

11. For the purposes of this schedule —

(a) "company" includes partnerships and any other form of undertaking;

(b) "immediate family" means a person's spouse and children who are under the age of 18 years;

(c) "Member" means a member of the governing board of the Authority.

Question that paragraph 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 *do stand part of Second Schedule to this Bill, put and agreed to.*

THIRD SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO THE GOVERNING BOARD

Proceedings of the Board

1. Subject to the provisions of this Bill and section 33 of the Interpretation Act, the Board may make standing orders regulating its proceedings or that of any of its committees.

2. The Chairman shall preside at every meeting of the Board and in his absence the members present at that meeting shall appoint one of their numbers to preside at the meeting.

3. The quorum for any meeting of the Board shall be a simple majority of the members for the time being constituting the Board provided that, such simple majority shall include a minimum of two (2) Executive Directors.

4. The Board shall meet not less than four (4) times in each calendar year and on such other occasions as the Board considers necessary.

5. A member of the Board who directly or indirectly has an interest of a personal nature (including but not limited to financial interests) in any matter being deliberated upon by the Board, or is personally interested in any contract made or proposed to be made by the Authority shall, so soon after the facts of the matter of his interests have come to his knowledge disclose his interest and the nature thereof at a meeting of the Board.

6. A disclosure under paragraph (5) of this schedule shall be recorded in the minutes of meetings of the Board and the member concerned —

(a) shall not, after the disclosure, take part in any deliberation or decision of the Board or vote on the matter; and

(b) shall be excluded for the purpose of constituting a quorum of any meeting of the Board for any deliberation or decision, with regard to the subject matter in respect of which his interest is so disclosed.

Committees

7. (1) Subject to its standing orders, the Board may appoint such number of standing or ad hoc committees as it thinks fit to consider and report on any matter with which the Authority is concerned.

(2) A committee appointed under this paragraph shall —

(a) consist of such number of persons who may not necessarily be members of the Board as may be determined by the Board, provided that the appointment of a non-Board member as a committee member shall be subject to such terms as would be indicated in his letter of appointment; and

(b) be presided over by a member of the Board.

(3) The quorum of any committee set up by the Board shall be as may be determined from time to time by the Board.

(4) A decision of a committee of the Board shall be of no effect until it is confirmed by the Board.

Miscellaneous

8. The fixing of the seal of the Authority shall be authenticated by the signature of the Secretary and that of the chairman or any other Board member generally or specifically authorised by the Board to act for that purpose.

9. Any contract or instrument which, if made 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 Authority by any person generally or specially authorised by the Board to act for that purpose.

10. Any document purporting to be a contract, instrument or other document duly signed or sealed on behalf of the Authority shall be received in evidence and shall, unless the contrary is proved, be presumed without further proof to have been so signed or sealed.

11. Subject to the provisions of this Act, the validity of any proceedings of the Board or of any of its committees shall not be affected by —

(a) any vacancy in the membership of the Board, or committee;

(b) any defect in the appointment of a member of the Board or committee; or

(c) reason that any person not entitled to do so took part in the proceedings of the Board or committee.

12. No member of the Board or committee of the Board shall be personally liable for any act or omission done or made in good faith while engaged on the business of the Authority.

Question that paragraph 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 *do stand part of Third Schedule to this Bill, put and agreed to.*

FOURTH SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO THE ESTABLISHMENT OF THE RAILWAY REGULATORY COMMISSION

PART 1 - PURPOSE, APPLICATION AND SCOPE OF THE SCHEDULE

Purpose of the Schedule

1. The purpose of this Schedule is to:

(a) establish the Railway Regulatory Commission, set out the objectives, functions and powers of the Commission;

(b) provide for an economic and safety regulatory framework for the provision of services in the railway industry;

(c) provide a mechanism for monitoring compliance of government agencies and service providers with relevant legislation and for providing advice to Government on matters relating to economic and safety regulation of the regulated railway industry;

(d) provide for the efficient regulation of the railway sector by an economic and safety regulator; and

(e) create an enabling environment for State, Local Government and private sector participation in the provision of services in the railway sector.

Application and Scope

2. This Schedule shall apply to:
   (1) the provision of or use of all regulated railway services, facilities and infrastructure in Nigeria; and

   (2) any private service provider or government agency using public infrastructure to provide railway services

Power to Declare a Regulated Railway Sector

3. (1) Except as otherwise provided in this Section, the President may by Order or the Minister may by Regulation in consultation with the Commission, declare a sector to be a regulated railway industry after having regard to:
   (a) the existence of a significant and non-transitory market power;

   (b) the need for economic and/or safety regulation of that industry;

   (c) the benefits of regulation to the Nigerian public; and

   (d) any other relevant considerations.

   (2) The Order or Regulation may declare:
   (a) which services are to be prescribed in respect of the regulated railway sector; and

   (b) which prices are to be prescribed prices in respect of a regulated railway sector.

PART 2 - ESTABLISHMENT

FUNCTIONS AND POWERS OF THE RAILWAY REGULATORY COMMISSION

Establishment of the Railway Regulatory Commission

4. (1) There is hereby established an independent railway industry regulator to be known as the Railway Regulatory Commission ("the Commission").

   (2) The Commission shall be a body corporate with perpetual succession and a common seal, capable of suing and being sued in its corporate name, and shall have the power to do all and any of the following:
   (a) enter into contracts and incur obligations;

   (b) acquire, hold, mortgage, purchase, sell, lease and deal howsoever with property, whether movable or immovable, real or personal for the purpose of this Act;

   (c) do and suffer all acts and things which a body corporate may by law do and suffer and which are necessary or convenient for the purposes of this Act; and

   (d) exercise all of the powers given to it under this Act, do and suffer all acts and things which are necessary or convenient for carrying out its functions and duties under this Act.

(3) The common seal of the Commission shall be kept in such custody as the Commission directs and shall not be used except as authorised by the Commission.

(4) The Commission shall be structured by the Board taking into paramount cognisance the enhancement of intermodalism for the effective discharge of its functions and operations.

Functions and Powers of the Commission

5. (1) The functions and powers of the Commission under this Act shall be as conferred upon the Commission by this Act and any other legislation as applicable;

(2) Subject to the provisions of this Act, the Commission shall:

(a) Issue, renew and cancel licences

(b) Approve and fix maximum fees for grant of licences and permits for the provision railway of services;

(c) Ensure that users have equitable access to railway facilities, services, channels and routes while having regard to the level of competition in, and efficiency of, the regulated railway industry

(d) Monitor the performance of the regulated sectors including, in relation to-

(i) the review and setting of tariffs in cases of abuse of monopoly power or dominant position and anti-competitive behaviour by public and private railway service providers and operators;

(ii) the relationship between public railway service providers and their affiliates, and the relationship between Licences and their affiliates to ensure that no party derives unfair advantage over other railway service providers

(iii) the development of standards and indices relating to the quality of railway services and facilities provided to users in Nigeria having regard to the best international performance indicators; and

(iv) Safety standards and guidelines.

(e) To facilitate:

(i) effective competition and promote competitive market conduct as well as ensure that the misuse of monopoly, or dominant position or non-transitory market power is prevented;

(ii) the financial viability of the regulated railway industry and related services and facilitate the incentive for efficient long-term investment in Nigeria for the provision of railway services and facilities;

(f) To examine and resolve complaints, objections and disputes between Government agencies and concessionaires, licensed operators, users, shippers and consumers or any other person involved in the regulated railway industry, using such dispute-resolution methods as the Commission may determine from time to time including mediation and arbitration;

(g) To perform an oversight safety role in respect of the day-to-day technical safety regulation by the government agencies and the private sector service provider in the regulated railway industry to ensure compliance with established standards and quality service delivery subject to the powers and duties conferred on the Railway Regulator under this Act;

(h) To implement Government's economic and safety regulatory policies on railway and execute all such other functions and responsibilities as are given to the Railway Regulator under this Act; and

(i) To enforce regulatory provisions of all relevant legislation on the regulated railway industry;

(3) The Commission shall have the power to do all things necessary or convenient to be done for or in connection with the performance of its functions and to enable it to achieve its objectives under this Act and under any relevant legislation.

(4) The Commission shall at all times perform its functions and exercise its powers in such a manner as the Commission considers best achieves the objectives of this Act and any objectives under any subsidiary legislation pursuant to this Act.

(5) In the case of conflict between this Schedule and the provisions of this Act on the economic and safety regulatory functions of the Commission, the provisions of this Act shall prevail.

Consultation

6. (1) This Section applies to the Commission and to prescribed Agencies for the purpose of ensuring that -

(a) the regulatory and decision making process of the Commission and prescribed Agencies are closely integrated and better informed; and

(b) overlap or conflict between existing and proposed regulatory activities is avoided.

(2) The Commission shall consult with a relevant prescribed Agency:

(a) in the making of a determination; and

(b) in the conduct of an inquiry; and

(c) in preparing and reviewing industry regulations and regulatory practice.

(3) If required to do so by the Commission, a prescribed Agency shall consult with the Commission:

(a) in relation to any matter specified by the Commission which is relevant to the objectives or functions of the Commission under this Act and under any relevant legislation; or

(b) in respect of any matter specified by the Commission which may impact on a regulated railway industry.

(4) A prescribed Agency must ensure that consultation occurs as early as practicable in the regulatory, advisory or decision making processes of the prescribed Agency.

(5) The requirements under this Section are in addition to any other requirements or processes under any other relevant legislation or regulatory schemes to the extent that such legislation is consistent with the provisions of this Act.

(6) The Commission shall institute a mechanism to advise the Ministry on railway sector policy making and enforcement among the different transport sectors consistent with the Commission's functions under this Act and any subsidiary legislation pursuant to this Act.

Relationship between the Commission and the Ministry

7. (1) Subject to subsection (2) of this Section, the Ministry shall, in consultation with the Commission formulate policy of Government for the railway sector.

(2) The Commission shall comply with and implement the government policy on railway provided that it shall at all times be independent in the performance of its functions.

(3) In the execution of his functions and in relating with the Commission, the Minister shall at all times ensure that the independence of the Commission, in regard to the discharge of the Commission's functions and operations under this Act is protected and not compromised in any manner whatsoever.

PART 3 - MEMBERSHIP OF THE BOARD OF THE RAILWAY REGULATORY COMMISSION

Railway Regulatory Commission's Board and membership of the Board

8. (1) The affairs of the Commission shall be governed by a Board comprising a maximum of 9 Commissioners made up of -

(a) 5 Non- Executive Commissioners including the Chairman

(b) 4 Executive Commissioners including the Chief Executive.

(2) Notwithstanding any other provision of this Act, the President shall ensure at all times that there is a duly constituted Board of the Commission and that there are a minimum of 6 serving Commissioners on the Board at any and all times, made up of

(a) The Chief Executive;

(b) 2 Executive Commissioners; and

(c) 3 non-executive Commissioners

(3) The supplementary provisions set out in the Third Schedule to this Act shall have effect with respect to the proceedings of the Board and the other matters contained therein.

(4) Subject to subsection (3) of this Section, the Board shall have the capacity to make standing orders for the regulation of its proceedings and meetings howsoever and acts of the Board shall be deemed to be acts of the Commission.

Qualification for Membership of the Commission's Board

9. (1) Executive Commissioners shall be persons of recognised expert knowledge, qualification and experience in one or more of the following fields -

(a) Ports, airports, railway administration;

(b) maritime railway;

(c) air railway

(d) rail railway;

(e) road railway;

(f) engineering;

(g) economics;

(h) finance;

(i) law;

(j) railway logistics; and

(k) regulatory matters

(2) In nominating persons for appointment to the Board, the President shall take into consideration the functions of the Commission and the objects of this Act.

(3) A person shall not be appointed or remain in office as a Commissioner if

(a) he is not a Nigerian citizen;

(b) he is a serving member of the National Assembly, State House of Assembly or any Local Government Council;

(c) he is incapacitated by any physical illness;

(d) he has been certified to be of unsound mind;

(e) he is an undischarged bankrupt;

(f) he has been convicted in Nigeria or elsewhere of a criminal offence;

(g) he has at any time been removed from an office of trust on account of misconduct.

(4) The Conflict of Interest provisions contained in the Second Schedule to this Act shall apply to all Commissioners.

Appointment and Tenure of Commissioners

10. (1) Subject to subsection (3) of this Section, all Commissioners shall be appointed by the President in the following manner:

(a) The President shall nominate only persons qualified in accordance with Section 9 of this Act;

(b) The list of nominees and their proposed position in the Board shall be sent by the President to the Senate of the National Assembly for ratification and confirmation in accordance with the relevant rules of procedure in the Senate; and

(c) Upon ratification and confirmation of the nominees, the President shall duly appoint such persons as Commissioners.

(2) The President shall appoint one Commissioner as the Chairman of the Commission.

(3) The Commission's Board shall appoint a Commissioner to act as Vice Chairman of the Board -

(a) during a vacancy in the office of the Chairman; or

(b) during any period when the Chairman is unable for any reason to attend meetings of the Board.

(4) All Commissioners except the Chief Executive and the Executive Commissioners shall hold office on part-time basis.

(5) To ensure continuity in the Board, the initial set of Commissioners shall be appointed to serve for a staggered tenure of 3 (three) to 5 (five) years and thereafter, each Commissioner shall serve for a term of 5 (five) years from the date of his appointment at the expiration of which the President may renew his term for a further period of 5 (five) years.

(6) 3 Each Commissioner may serve for a maximum of 2 (two) terms totalling 10 (ten) years after which he shall be ineligible for renewal of his tenure or re-appointment as a Commissioner.

Commissioner's Remunerations and Allowances

11. The remunerations and allowances, howsoever called, payable to the Commissioners, including the Chief Executive and Executive Commissioners, shall be determined by the Board in consultation with the National Salaries, Income and Wages Commission.

Resignation of a Commissioner

12. A Commissioner may resign his office by giving 3 (three) months written notice thereof addressed to the President.

Removal of a Commissioner

13. (1) Subject to subsections (2), (3) and (4) of this Section, a Commissioner may be suspended or removed from office by the President if he

(a) is found to have been unqualified for appointment as a Commissioner pursuant to Section 9 of this Schedule or is in breach of Section 9(3) of this Schedule after his appointment; or

(b) has demonstrated inability to effectively perform the duties of his office; or

(c) has been absent from 5 (five) consecutive meetings of the Board without the consent of the Chairman except he shows good reason for such absence; or

(d) is guilty of serious misconduct in relation to his duties as a Commissioner; or

(e) in the case of a person possessed of professional qualifications, he is disqualified or suspended from practising his profession in any part of the world by an order of a competent authority; or

(f) is in breach of the Conflict of Interest rules set out in the Second Schedule to this Act.

(2) Prior to the suspension or removal of a Commissioner under subsection (1) of this Section, the President shall inform the Commissioner by written notice, as soon as practicable, of his intention to suspend or remove the Commissioner from office and the reasons thereof.

(3) The affected Commissioner shall be given a reasonable opportunity to make written submissions to the President within a time period specified in the notice and such time period shall not be less than 14 (fourteen) days from the date of the notice.

(4) The affected Commissioner may, within the time period specified in the notice, submit a written submission and the President shall consider the submission in making his final decision on the Commissioner's suspension or removal from office.

(5) A Commissioner shall not be removed from office except in accordance with the provisions of this Act.

Vacancy on the Board

14. (1) There shall be a vacancy in the Board if a Commissioner
(a) dies; or

(b) is removed from office in accordance with Sections 9(3) or 13 of this Act; or

(c) resigns from office; or

(d) upon the completion of his tenure of office.

(2) A vacancy in the Board shall be filled by the appointment of another person to the vacant office by the President in accordance with Section 10 of this Act, as soon as is reasonably practicable after the occurrence of such vacancy.

(3) To ensure continuity, any person appointed in accordance with subsection (2) of this Section shall hold office for a term of 5 (five) years from the date of his appointment at the expiration of which the President may renew his term for a further period of 5 (five) years.

(4) Any person appointed in accordance with subsection (2) of this Section may serve for a maximum of 2 (two) terms totalling 10 (ten) years after which he shall be ineligible for renewal of his tenure or re-appointment as a Commissioner.

PART 4 - APPOINTMENT/MANAGEMENT AND STAFFING OF COMMISSION

Chief Executive

15. (1) The President shall appoint a Chief Executive for the Commission, in accordance with the provisions of Sections 9 and 10 of this Act.

(2) The Chief Executive shall be a person possessing expert knowledge of and proven ability in one or more fields of regulated industries and regulatory matters and subject to Sections 10(4) and 10(5) of this Act, he shall hold office for a term of 5 (five) years.

(3) The Chief Executive may serve for a maximum of 2 (two) terms totalling 10 (ten) years after which he shall be ineligible for renewal of his tenure or re-appointment as a Chief Executive or Commissioner.

(4) The Chief Executive shall be responsible for:

(a) the execution of the policies and decisions of the Board;

(b) the implementation of the Commission's regulatory and control functions;

(c) the day-to-day management and supervision of the activities of the Commission;

(d) matters concerning the accounts and records of the Commission;

(e) performing such other functions as may, from time to time, be assigned to him by the Board.

(5) The Chief Executive may in writing delegate any of his powers or assign any of his duties to any Executive Commissioner of the Commission and shall advise the Board of such delegation or assignment.

Executive Commissioners

16. (1) The President shall appoint 4 Executive Commissioners for the Commission which number shall include the Chief Executive, in accordance with the provisions of Sections 9 and 10 of this Act.

(2) The Executive Commissioners shall be persons possessing expert knowledge of and acknowledged ability in one or more fields of regulated industries and qualified in accordance with Section 9 of this Schedule and subject to Section 10(5) of this Schedule, they shall hold office for respective terms of 5 (five) years renewable only once.

Commission Secretary

17. (1) There shall be appointed by the Board of the Commission, a Secretary who shall possess relevant and adequate professional qualifications and experience as a barrister-at-law, solicitor or chartered secretary.

(2) The Commission Secretary shall keep the corporate records of the Commission and perform such other duties and functions as the Board or the Chief Executive may from time to time direct.

Staff of the Commission

18. (1) The Commission shall have powers to appoint such number of other persons as it deems necessary as employees of the Commission and pay persons so employed such remuneration including allowances as the Commission may from time to time determine.

(2) The employment of the Commission's staff, including the Commission Secretary, shall be subject to such terms and conditions as may from time to time be stipulated by the Board and contained in the respective staff's employment contracts.

(3) The Commission shall develop and implement appropriate Staff Conditions of Service for its employees with particular regard to the issues of remuneration, pension's scheme and other service benefits, sufficient for the Commission to attract and retain knowledgeable and expert manpower.

(4) The Conflict of Interest provisions contained in the Second Schedule to this Act shall apply to all employees of the Commission.

Delegation

19. The Commission may, by instrument under its common seal, delegate to: -

(a) a Commissioner; or

(b) a person referred to in Section 18 of this Act; or

(c) a member of a department, committee or panel appointed or designated by the Commission any function or power of the Commission under this Act or the regulations or under any other relevant legislation other than this power of delegation or the powers of the Commission under Section 5(d)(i) or Section 57 of this Act.

PART 5 - FINANCIAL PROVISIONS

Fund of the Commission

20. The Commission shall establish and maintain a Fund ("the Commission's Fund") which shall comprise of -

(a) an initial subvention as may be appropriated to the Commission by the National Assembly or any other subsequent subvention as shall be appropriated from time to time;

(b) contribution from the regulated railway industry not exceeding 1% of throughput fees collected by an authority empowered to collect such from operators, concessionaires and licencees by sector legislation;

(c) subject to subsection (2) of this Section, all charges, levies and fees collected by the Commission under this Act and any subsidiary legislation pursuant to this Act or under any licence issued pursuant to this Act;

(d) licence fees issued annually by the Commission;

(e) gifts, loans, grants, aids;

(f) all other assets that may from time to time be vested in or accrue to the Commission in the course of performing its functions under this Act or under any subsidiary legislation pursuant to this Act;

(g) any other source of income as the Commission may deem necessary.

Borrowing Powers, Gifts, etc.

21. (1) The Commission may, borrow such sums of money or raise capital otherwise than from the Government as the Commission may require in the exercise of its functions under this Act and any subsidiary legislation pursuant to this Act.

(2) The Commission may accept gifts or grants of money or aids or other property from national, bilateral and multi-lateral organisations and upon such terms and conditions, if any, as may be agreed upon between the donor and the Commission provided that such gifts are not inconsistent with the objectives and functions of the Commission under this Act and any subsidiary legislation pursuant to this Act.

Budget and Expenditure

22. (1) The Commission shall not later than 30th September in each financial year prepare and present to the National Assembly a statement of estimated income and expenditure for the following financial year.

(2) Subject to subsection (1) of this Section, the Commission shall apply the monies in the Commission 's Fund for -

(a) the administrative and operating costs of the Commission;

(b) the payment of salaries, wages, fees and other allowances, retiring benefits such as pensions and gratuities and, any other remunerations payable to the Commissioner sand staff members of the Commission;

(c) the purchase or acquisition of property or other equipment or other capital expenditure or for maintenance of any property acquired or vested in the Commission; and

(d) the performance of all or any of the functions of the Commission under this Act and any subsidiary legislation pursuant to this Act.

Financial Year and Audit of Commission's Accounts

23. (1) The financial year of the Commission shall start on 1st January of each year and end on 31st December of the same year.

(2) The Commission shall keep proper records of its accounts in respect of each year and shall cause its accounts to be audited within three months from the end of each financial year by auditors whose appointment shall be approved by the Board and shall be subject to reappointment on annual basis provided that such auditors are on the list of auditors approved from time to time by the Auditor-General of the Federation.

Annual Reports for National Assembly

24. The Commission shall prepare and submit to the National Assembly annually, not later than four months after the end of its financial year, a report on the activities of the Commission for the preceding financial year and shall include the Commission's audited accounts for the year under review together with the auditor's report.

Exemption from taxation

25. (1) The Commission shall be exempted from the payment of income tax on any income accruing from investments made by the Commission or otherwise howsoever.

(2) The provisions of any enactment relating to the taxation of companies or trust funds shall not apply to the Commission.

Question that paragraph 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11,12,13,14,15,16,17,18,19,20,21,22,23,24, and 25 *do stand part of Fourth Schedule to this 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 resumed consideration of the Report of the Committee on Land Transport on the Nigerian Railway Authority Act, 1955 (Repeal and Re-enactment) Bill, 2016 and approved as follows:

Clauses 21- 75	—	As Recommended
Clause 76	—	As Amended
Clauses 77- 80	—	As Recommended
Clause 81	—	As Amended
Clauses 82 - 164	—	As Recommended
Clauses 165 -167	—	As Amended
Clauses 168 - 172	—	As Recommended
Clause 173	—	As Amended
Clause 174	—	As Recommended
Clause 175	—	As Amended
Clauses 176 - 202	—	As Recommended
Schedules 1-4	—	As Recommended

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

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

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

16. **Motions:**

(a) ***Indiscriminate Rock Blasting in the FCT and other parts of Nigeria (Bearing in mind that with the passage of the 2016 Appropriation Act, construction works will soon commence):***

Consideration of Motion deferred to another Legislative Day.

(b) *Need to Investigate Pre-shipment Inspection of Export Activities in Nigeria:*
Motion made: That the Senate notes that Pre-shipment Inspection of Export means inspection of goods (oil and non-oil) in Nigeria prior to the shipment of those goods outside Nigeria as provided under the Pre-shipment Inspection of Export Act, Cap P26 Laws of the Federation of Nigeria 2004;

aware that the period prior to the Pre-shipment Inspection of Export enactment, export of Crude Oil and Gas was characterized by under valuation, delays in issuance of invoices and payments for goods, sometimes up to 120 days, manipulation of crude oil prices, illegal swaps, deliberate illegal over loadings, topping-up of tanker loads by as much as 1% (against International Standard of 0.1 %) and other disturbing leakages and lapses;

aware also that the Federal Government instituted two panels of enquiries which were headed by Generals Abisoye and Olanrewaju, in 1994 and 1995 respectively to investigate and determine the truth or otherwise of the sharp practices. The two panels discovered serious leakages amounting to a loss of around 150,000 barrels of crude oil exports per day (i.e about 54,750,000 barrels per year);

further aware that as a result of the recommendations of these panels, the Pre-shipment Inspection Decree No. 10 of 1996 which is now known as Pre-shipment Inspection of Export Act Cap P26 Laws of the Federation of Nigeria 2004 was enacted;

notes that the purpose of Pre-shipment Inspection of Export Act is to instill probity and integrity to reduce losses due to sharp practices of employees at the oil terminals, monitor the export activities of the Joint Venture Oil Companies and their agents, to enforce effective supervision of loading and lifting of the Nigerian Crude Oil and Non- oil export based on quantity, quality and value of the product;

notes also that Section 11 of the Pre-shipment Inspection Act and Article 26 of the export Policy Guidelines and Procedures for Crude Oil, Gas and Non-oil Goods of the Federal Ministry of Finance makes provisions for repatriation of export proceeds within 90 days of Bill of Lading;

further notes that the Central Bank of Nigeria is empowered to administer the provisions of the Act and the Supervision of Technical Committee comprising of eight (8) Federal Government Agencies and Ministries under its Chairmanship;

aware that the Act mandates Central Bank of Nigeria to establish special account and maintain same for the purpose of payment of levies payable by Exporters of all oil and non-oil exports to meet the statutory requirements of the Nigerian Export Supervision Scheme;

further aware that from the commencement and implementation of the Act in April 1996 to March 2000 the following successes were recorded:

(*a*) Nigeria saved huge sums of foreign exchange;

(*b*) Reduction in diversion of crude oil from terminals;

(*c*) Reduction of Arbitration on prices, quality and quantity shortfall claims; and

(*d*) Provision of on-the-job training, local seminars and overseas training of Officers working in designated government relevant agencies.

worried that the Joint Venture Oil Companies have refused to repatriate crude oil export proceeds of over USD850 billion between 1996 to 2014 in total contravention of Section 11 of the Pre-shipment Inspection of Export Act and Article 26 of the Export Policy Guidelines and Procedures for Crude Oil, Gas and Non-oil goods of the Federal Ministry of Finance which mandates Exporters as provided in Section 11 of the Act as follows:
"An exporter of goods, including petroleum products, shall open, maintain and operate a foreign currency domiciliary account in Nigeria into which shall be paid all exports proceeds corresponding to the entire proceeds of the exports concerned",
AND
Article 26 of the Guidelines provide thus:
"Repatriation of Export proceeds":

a. Within 90 days from the date of export, all exporters (whether oil, gas or non-oil) shall ensure that the export proceeds are repatriated and credited into their domiciliary account opened with a bank in Nigeria;

b. It is the responsibility of the Central Bank of Nigeria to monitor the repatriation of all export proceeds;

further worried that there is no congruence in the data for Nigeria export earnings published by various relevant Federal Government Agencies namely: Central Bank of Nigeria (CBN), Department of Petroleum Resources (DPR), National Bureau of Statistics (NBS), on one hand, with those published by the Nigerian National Petroleum Corporation (NNPC), on the other;

certain that the enforcement of this Act and the punishment of the violators will certainly boost the foreign exchange inflow and reduce pressure on the meagre foreign exchange supply, which will go a long way in increasing foreign exchange liquidity in the economy, strengthen the value of the Naira and also generate more income for banks and insurance companies; and

concerned that in this period of micro economic crisis characterized by unwarranted devaluation of the Naira, where our dear country is exploring all areas to survive, we cannot continue to allow Operators of our survival kit (sources of our foreign exchange) to ignore our Laws and Regulations with impunity.

Accordingly resolves to:
mandate the Committees on Finance; Trade and Investment; Gas; Petroleum Upstream; Banking and other Financial Institutions; Judiciary, Human Rights and Legal Matters; Customs and Excise; and any other relevant Committee to;

(a) conduct investigative hearing as a matter of urgency to determine the exact amount of crude oil and gas, and non-oil export proceeds un-repatriated since the inception of the Act in April 1996 to date;

(b) ascertain why the relevant Government Agencies usually have conflicting data of same product value published in Nigeria on one hand while those published by NNPC, are different on the other;

(c) engage experts to conduct forensic reconciliation of the Export proceeds of both Crude Oil, Gas and Non-oil Export into their Domiciliary Accounts since the inception of the Programme in 1996 and ascertain the exact amount due for repatriation;

(d) engage Experts to conduct forensic reconciliation of the Accounts of Nigerian Export Supervision Scheme and Comprehensive Importers Supervision Scheme domiciled with the Central Bank of Nigeria;

(e) investigate and ascertain the proper or otherwise of the usage of the payments into the Nigerian Export Supervision Scheme and Comprehensive Import Supervision Scheme; and

(f) direct the Central Bank of Nigeria which is saddled with the responsibility to administer the Nigerian Export Supervision Scheme (NESS) under the Technical Committees to forthwith comply strictly with the Provisions of the Act and the Guidelines for maximum benefit to Nigeria and Nigerians (*Senator Yusuf A. Yusuf — Taraba Central*).

Debate:

Proposed Resolution:
Question: That the Senate do mandate the Committees on Finance; Trade and Investment; Gas; Petroleum Upstream; Banking, Insurance and other Financial Institutions; Judiciary, Human Rights and Legal Matters; Customs and Excise; and any other relevant Committee to;

(a) conduct investigative hearing as a matter of urgency to determine the exact amount of crude oil and gas, and non-oil export proceeds un-repatriated since the inception of the Act in April, 1996 to date;

(b) ascertain why the relevant Government Agencies usually have conflicting data of same product value published in Nigeria on one hand while those published by NNPC, are different on the other;

(c) engage experts to conduct forensic reconciliation of the Export proceeds of both Crude Oil, Gas and Non-oil Export into their Domiciliary Accounts since the inception of the Programme in 1996 and ascertain the exact amount due for repatriation;

(d) engage Experts to conduct forensic reconciliation of the Accounts of Nigerian Export Supervision Scheme and Comprehensive Importers Supervision Scheme domiciled with the Central Bank of Nigeria;

(e) investigate and ascertain the proper or otherwise of the usage of the payments into the Nigerian Export Supervision Scheme and Comprehensive Import Supervision Scheme; and

(f) direct the Central Bank of Nigeria which is saddled with the responsibility to administer the Nigerian Export Supervision Scheme (NESS) under the Technical Committees to forthwith comply strictly with the Provisions of the Act and the Guidelines for maximum benefit to Nigeria and Nigerians — *Agreed to.*

Resolved:
That the Senate do:
mandate the Committees on Finance; Trade and Investment; Gas; Petroleum Upstream; Banking, Insurance and other Financial Institutions; Judiciary, Human Rights and Legal Matters; Customs and Excise; and any other relevant Committee to;

(a) conduct investigative hearing as a matter of urgency to determine the exact amount of crude oil and gas, and non-oil export proceeds un-repatriated since the inception of the Act in April, 1996 to date;

(b) ascertain why the relevant Government Agencies usually have conflicting data of same product value published in Nigeria on one hand while those published by NNPC, are different on the other;

(c) engage experts to conduct forensic reconciliation of the Export proceeds of both Crude Oil, Gas and Non-oil Export into their Domiciliary Accounts since the inception of the Programme in 1996 and ascertain the exact amount due for repatriation;

(d) engage Experts to conduct forensic reconciliation of the Accounts of Nigerian Export Supervision Scheme and Comprehensive Importers Supervision Scheme domiciled with the Central Bank of Nigeria;

(e) investigate and ascertain the proper or otherwise of the usage of the payments into the Nigerian Export Supervision Scheme and Comprehensive Import Supervision Scheme; and

(f) direct the Central Bank of Nigeria which is saddled with the responsibility to administer the Nigerian Export Supervision Scheme (NESS) under the Technical Committees to forthwith comply strictly with the Provisions of the Act and the Guidelines for maximum benefit to Nigeria and Nigerians ***(S/Res/015/02/16).***

(c) ***Need for the establishment of Inland Ports at Onitsha, Enugu and other Landlocked States:***

Consideration of Motion deferred to another Legislative Day.

(d) ***The need to sustain the laudable Anti-Polio campaign in Nigeria:***

Consideration of Motion deferred to another Legislative Day.

(e) ***Need to revisit the regulatory conflict between Joint Admission and Matriculation Board (JAMB) and Universities in offering admissions in Nigeria:***

Consideration of Motion deferred to another Legislative Day.

(f) ***Urgent need to decongest the Nigerian Prisons:***

Consideration of Motion deferred to another Legislative Day.

(g) ***The need to ascertain the Degree of Local Content in the Nigerian Oil and Gas Industry:***

Consideration of Motion deferred to another Legislative Day.

(h) ***The need for value orientation and re-introduction of history as a course of study in the education sector:***

Consideration of Motion deferred to another Legislative Day.

(i) ***Need to include Pan- Africanism in Nigerian Secondary Schools Curriculum:***

Consideration of Motion deferred to another Legislative Day.

17. **United Nations Convention on the Elimination of all forms of discrimination against Women Bill, 2016 (SB.-301):**

Consideration of Bill deferred to another Legislative Day.

18. **Nigerian Ports Authority Act, CAP 126 LFN, 2004 (Repeal and Re-enactment) Bill, 2016 (SB.243):**

Consideration of Bill deferred to another Legislative Day.

19. **Federal Roads Maintenance Agency Act, 2002 (Repeal and Re-enactment) Bill, 2016 (SB.219):**

Consideration of Bill deferred to another Legislative Day.

20. **Adjournment:**
And it being 4:02 p.m. the Senate President adjourned the Senate till Tuesday, 13th September, 2016 at 10:00 a.m.

Adjourned accordingly at 4:02 *p.m.*

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