



# THE SENATE

## FEDERAL REPUBLIC OF NIGERIA

### VOTES AND PROCEEDINGS

Thursday, 22nd February, 2018

1. The Senate met at 10:52 a.m. The Deputy Senate President read Prayers.
2. **Votes and Proceedings:**  
The Senate examined the Votes and Proceedings of Wednesday, 21st February, 2018.

*Question was put and the Votes and Proceedings were approved.*

3. **Announcements:**

(a) **Appreciation:**

The Deputy Senate President read a letter from Senator Olanrewaju A. Tejuoso (Ogun Central) as follows:



**Senator Olanrewaju Tejuoso**  
Ogun Central Senatorial District  
Deputy Chairman, Southern Senators' Forum  
Chairman Senate Committee on Health

22<sup>nd</sup> February, 2018

His Excellency,  
The President of the Senate,  
Distinguished Senator Dr. Abubakar Bukola Saraki, CON  
National Assembly,  
Abuja.

Your Excellency,

**LETTER OF APPRECIATION**

*On behalf of my father, His Majesty, Oba Dr. Adedapo Adewale Tejuoso, CON, F.W.A.C.P, Karunwi III, Oranmiyan, Osile Oke-One Egba and the entire Tejuoso Royal family, I wish to express my sincere appreciation to you and my respected Distinguished Colleagues for finding time to attend the 80<sup>th</sup> birthday celebration of my father on Monday, 19<sup>th</sup> February, 2018.*

*Your Excellency, I am indeed very grateful and pray for God's continuous protection and blessings for you all.*

*Please accept the assurances of my highest esteem.*

*(Signed)*

**Senator Olanrewaju Tejuoso**  
*Ogun Central Senatorial District*

**(b) Acknowledgment:**

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

- (i) Staff and Students of ECWA Hills Christian Academy, Maitama, Abuja;
- (ii) Staff and Students of Al-Ihsan Islamic Academy, Keffi, Nasarawa State; and
- (iii) Staff and Students of Precious Memory School, Adavi Local Government Area, Kogi State.

**4. Privileges:**

Rising on Rule 14, Senator Mallam A. Wakili (*Bauchi South*) drew the attention of the Senate to the Wednesday, 21<sup>st</sup> February, 2018 announcement of the removal of former Chairman of Northern Senators Forum, Senator Abdullahi Adamu. He stated that there was no meeting of Members to agree on his removal and a press conference was equally granted by a Member referring to Senators as monkeys. He emphasised that Members of his Constituency and some Northern Leaders are unhappy with this development. He noted that the press conference impugned on his privilege as a Senator.

*By leave of the Senate, the expression was noted.*

**5. Petition:**

Rising on Rule 41, Senator Bareehu O. Ashafa (*Lagos East*) drew the attention of the Senate to a petition from his constituent, Mr. Adetunji O.O. Basorun, against the Abuja Geographic Information System (AGIS), over wrongful allocation of his land. He urged the Senate to look into the matter.

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

**6.  Matter of Urgent Public Importance:**

Rising on Rules 42 and 52, Senator Bukar Abba Ibrahim (*Yobe East*) drew the attention of the Senate on the abduction of female students of Government Girls' Technical College, Dapchi, Busari Local Government Area, Yobe State by the insurgents. He sought and obtained the leave of the Senate to present the matter forthwith:

The Senate:

*notes* that on Monday, 19<sup>th</sup> February, 2018 suspected insurgents attacked Government Girls' Technical College, Dapchi, Busari Local Government Area, Yobe State; and

*concerned* that out of the 926 female students who ran into the bush, 46 are still missing and are suspected to been abducted.

The Senate resolves to:

- (i) condemn the attack on the school and the resurgence of insurgency; and

- (ii) urge the Federal Government to urgently recover the girls and not to repeat the Chibok girls experience.

*Debate:*

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

*Question:* That the Senate do condemn the attack on the school and the resurgence of insurgency — *Agreed to.*

***Proposed Resolution (ii):***

*Question:* That the Senate do urge the Federal Government to urgently recover the girls and not to repeat the Chibok girls experience — *Agreed to.*

*Resolved:*

That the Senate:

- (i) condemn the attack on the school and the resurgence of insurgency; and
- (ii) urge the Federal Government to urgently recover the girls and not to repeat the Chibok girls experience (S/Res/192/03/18).

**7. Presentation of Bills:**

- (i) Nigeria Natural Medicine Development Agency (Establishment, etc.) Bill, 2018 (SB. 594) — *Read the First Time.*
- (ii) Institute of Environmental Practitioners of Nigeria (Establishment, etc.) Bill, 2018 (HB.1022) — *Read the First Time.*
- (iii) Education (National Minimum Standards and Establishment of Institutions) Act Cap E3 LFN 2004 (Amendment) Bill, 2018 (SB. 559) — *Read the First Time.*
- (iv) Banks (Account Opening) (Miscellaneous Provisions) Bill, 2018 (SB. 564) — *Read the First Time.*

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

***Report on the Payment Systems Management Bill, 2018 (SBs. 05 & 268):***

*Motion made:* That the Senate do receive the Report of the Committee on Banking, Insurance and other Financial Institutions on the Payment Systems Management Bill, 2018 (*Senator Rafiu A. Ibrahim — Kwara South*).

*Question put and agreed to.*

*Report Laid.*

**9. National Agricultural Seeds Council Bill, 2018 (HB. 472) - Concurrence:**

*Motion made:* That a Bill for an Act to Repeal and Re-enact the National Agricultural Seeds Council and for Related Matters, 2018 be read the Second Time (*Senate Leader*).

*Debate:*

*Question put and agreed to.*

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

*Motion made:* Pursuant to Rule 81, that the Senate do resolve into the Committee of the Whole to consider a Bill for an Act to Repeal and Re-enact the National Agricultural Seeds Council and for Related Matters, 2018 (*Concurrence*) (*Senate Leader*).

*Question put and agreed to.*

**(SENATE IN THE COMMITTEE OF THE WHOLE)**

CONSIDERATION OF A BILL FOR AN ACT TO REPEAL AND RE-ENACT THE NATIONAL AGRICULTURAL SEEDS COUNCIL AND FOR RELATED MATTERS, 2018.

**Clause 1: Establishment of the Agricultural Seeds Council.**

- (1) There is established a body to be known as the National Agricultural Seeds Council (in this Bill referred to as the "Council").
- (2) The Council shall be a body corporate with perpetual succession and a common seal and may —
  - (a) acquire, hold or dispose of real and personal property; and
  - (b) sue or be sued in its corporate name.

***Committee's Recommendation:***

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

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

**Clause 2: Establishment of the Governing Board.**

- (1) There is hereby established for the management of the Governing Board (in this Bill referred to as "the Board").
- (2) The Board shall consist of a Chairman and a number of members to be defined by Regulation of the Minister, that includes representatives from —
  - (a) the Ministry of Agriculture not below the rank of a Director and other Ministries and public entities with a role in the seed sector;
  - (b) the private sector, including farmers' organizations and other members of the seed industry.
- (3) The Chairman and other members of the Board shall be persons of proven integrity, ability, vast knowledge and experience in the seed sector and shall be appointed by the President upon the recommendation of the Minister.
- (4) The Chairman and members of the Board shall hold office for a term of four years and may be reappointed for another term of four years and no more.
- (5) A member of the Board shall be paid such allowances as the Federal Government may from time to time direct.
- (6) The Chairman or member may at any time be removed from office by the President for inability to discharge the functions of his office whether arising from infirmity of the mind or body or for any fraudulent act or misconduct.

- (7) (i) The Chairman or member may resign by a notice addressed through the Minister to the President;
- (ii) The notice of resignation shall become effective from the date of acceptance of the resignation by the President.
- (8) Upon the occurrence of any vacancy in the membership of the Board, the Chairman shall immediately communicate this fact to the Minister who shall ensure the vacancy is filled as contained in this section.
- (9) The office of the Chairman or member shall become vacant if —
  - (a) he dies;
  - (b) he becomes insane or he is suffering from any permanent disability;
  - (c) he is an undischarged bankrupt; or
  - (d) he is convicted of the commission of a crime relating to fraud or gross misconduct.
- (10) Without prejudice to the provisions of the Bill, where a majority of the members of the Board are satisfied that the continued presence on the Board of the Chairman or a member is not in the national interest or the interest of the Council, the Board may recommend through the Minister to the President for the removal of such Chairman or member.
- (11) No decision of the Board shall be invalidated solely on the reason that there exists a vacancy the number of members.
- (12) In the absence of a duly constituted Board for the Council, the Director-General of the Council shall, with the approval of the Minister carry out such functions of the Board as may be required.
- (13) The supplementary provisions set out in the schedule of this Bill shall have effect with respect to the proceedings of the Board and the other matters specified therein.
- (14) The office of the Chairman or any member shall become vacant if —
  - (a) he dies;
  - (b) he becomes insane or he is suffering from any permanent disability which will render him unable to perform his functions;
  - (c) he is an undischarged bankrupt; or
  - (d) he is convicted of the commission of a crime relating to fraud or gross misconduct.
- (15) No decision of the Board shall be invalidated solely on the reason that there exists a vacancy in the number of members.

***Committee's Recommendation:***

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

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

**Clause 3: Dissolution.**

- (1) Notwithstanding anything to the contrary in this Bill, the Minister shall exercise all the powers of the Board where —
  - (a) the Board has not been constituted; or
  - (b) the Board has been dissolved.
- (2) Subject to subsection (1) of this section, the Director-General of the Council shall, with the approval of the Minister carry out such functions of the Board as may be required.
- (3) Any action taken or decision reached in compliance with the provisions of this section shall be valid for all intent and purposes.

**Committee's Recommendation:**

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

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

**PART II — FUNCTIONS OF THE COUNCIL****Clause 4: Functions of the Council.**

- (1) The Council shall —
  - (a) analyse and formulate programmes, policies and actions regarding seed development and the seed industry in general, including research on issues relating to seed testing, registration, release, production, marketing, distribution, certification, quality control, supply and use of seeds in Nigeria, importation and exportation of seeds;
  - (b) design improved management system and procedure relating to the administration of seed activity;
  - (c) implement official quality control and certification of seeds, and facilitate enrolment of any approved private body in seed certification programmes;
  - (d) advise the Federal Government on the organization, management and financing of seed programs;
  - (e) approve seed standards;
  - (f) advise the national research system on the changing pattern of seed demand and farmers' needs;
  - (g) plan, monitor and evaluate the achievements of the national seed system and recommend improvement thereto;
  - (h) encourage the establishment in Nigeria of seed companies for the purpose of carrying out research, production, processing and marketing of seed;
  - (i) issue licenses and permits under this Bill;
  - (j) approve policies and strategies to protect small seed producers, local varieties and to promote quality seed production;

- (k) regulate the Seed Industry in Nigeria;
  - (l) represent Nigeria and work closely with the West African Committee on Seeds for the development of the seed sector;
  - (m) establish and manage a seed sector support fund; and
  - (n) perform such other related functions as may be required of the council from time to time subject to the approval of the Board.
- (2) From the commencement of the Bill, every company incorporated in Nigeria for the purposes specified in paragraph (g) of section 4 of this Bill, shall enjoy such incentives as are granted by the Federal Government to an agricultural and seed enterprises.
- (3) The Crop Variety Registration and Release Committee shall have responsibility for making recommendations to the Council on matters relating to —
- (a) the registration and release of any given crop variety;
  - (b) the declaration of a crop variety as a notified kind and for the purposes of the Bill, different kinds or varieties of seed may be notified for different areas;
  - (c) a crop kind variety intended to be registered under this section may be required to undergo a minimum of two years of test to determine its adaptability to a particular geo-political area.

**Committee's Recommendation:**

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

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

**Clause 5: Powers of the Board.**

The Board shall have powers to —

- (a) manage and superintend the affairs of the Council;
- (b) fix the terms and conditions of service including remuneration of the employees of the Council;
- (c) make, alter and revoke rules and regulations for carrying out the functions of the Council;
- (d) ensure the proper resourcing and funding of the Council;
- (e) approve seed standards;
- (f) facilitate effective linkages among stakeholders in order to enhance their collaboration for the orderly and balanced growth of the seed sector;
- (g) assist government in creating favourable conditions for private investments in the seed sector; and

- (h) serve as the highest lobby entity for policies to support the development of the seed sector.

***Committee's Recommendation:***

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

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

**PART III — APPOINTMENT OF THE DIRECTOR-GENERAL, ETC.**

**Clause 6: Appointment of the Director-General, etc.**

- (1) There shall be appointed by the President, on the recommendation of the Minister, a Director-General for the Council who shall be the Chief Executive Officer of the Council and shall be responsible for the execution or the policies and day-to-day running of the affairs of the Council.
- (2) The Director General shall possess professional qualifications and cognate experience in seed science and technology.
- (3) The Director-General shall —
  - (a) hold office for a term of four years and may be reappointed for another term of four years and no more; and
  - (b) perform such other functions as the Board may from time to time direct.
- (4) If for any reason the Director-General is unable to perform his functions or carry out his duties, or there exists a vacancy in the office of the Director-General, the Board may designate an employee of the Council, who is next in rank to the Director-General, to act as the Director-General during the period of his inability or vacancy, until a substantive Director-General is appointed in accordance with the provisions of this Bill and the employee shall while so acting, have all the powers and perform all the functions of the Director-General.

***Committee's Recommendation:***

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

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

**Clause 7: Appointment of Other Staff.**

- (1) The Council may make staff regulations relating generally to the following —
  - (a) the appointment, promotion, termination, dismissal and disciplinary control of the staff of the Council, as contained in the scheme of service of the Federal Civil Service;
  - (b) appeals by such staff against dismissal or other disciplinary measures, shall be in line with the regulation of the Federal Civil Service, any instrument relating to the conditions of service of the officers of the Civil Service of the Federation shall be applicable, with such modifications as maybe necessary to the staff of the Council.
- (2) Service in the Council is approved service for the purpose of the Pension Reform Act.

- (3) A staff of the Council may be appointed by way of transfer or secondment from any civil service of the Federation.
- (4) Where any person is seconded under subsection (3) of this section, he shall be notified of the terms and conditions of the secondment, and secondment shall be without prejudice to any pension right which, but for the secondment, will accrue to him.
- (5) A person seconded under subsection (3) of this section may elect to transfer his service to the Council in which case any previous service shall be qualifying service as defined in the Pension Reform Act.

***Committee's Recommendation:***

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

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

**Clause 8: Appointment of Secretary/Legal Adviser.**

- (1) The Board shall appoint for the Council, a Secretary/Legal Adviser who shall be a legal practitioner and must have been so qualified for a period of not less than 10 years.
- (2) The Secretary/Legal Adviser shall —
  - (a) be Secretary to the Board;
  - (b) be responsible for keeping the books and proper records of proceedings and correspondences of the Board and the upkeep of the records of the Council;
  - (c) administer and discharge all legal obligations of the Council;
  - (d) administer and discharge all insurance requirements of the Council;
  - (e) retain external legal services on behalf of the Council as he may deem necessary or expedient; and
  - (f) perform such other functions as the Board or the Director General as the case may be from time to time, assign to him.

***Committee's Recommendation:***

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

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

**PART IV — APPOINTMENT OF SEED INSPECTORS**

**Clause 9: Appointment of Seed Inspectors.**

- (1) The Council shall appoint seed inspectors and define the area within which they can exercise jurisdiction.
- (2) A Seed Inspector shall perform the following duties —
  - (a) take samples of any seed of any variety or hybrid from —
    - (i) any person selling seed or displaying such seed for the purpose of selling; or

- (ii) any person who is in the course of conveying, delivering or preparing to deliver such seed to a purchaser or a consignee; or
  - (iii) a purchaser or a consignee after delivery of such seed to him;
- (b) end such sample to the seed analyst for the area within which such sample was taken for analyses;
  - (c) enter and search any seed related premises including seed distribution compound and buildings and seed deposit, warehouses, store rooms and storage areas in which he has reason to believe that an offence as defined under this Bill has been, or is being committed, and order in writing the person in possession of any seed in respect of which the offences has been committed, not to dispose of any stock of such seed for a specific period not exceeding thirty days;
  - (d) examine any record, register, document or any other material object found in any premises pursuant to paragraph (c) of this subsection and seize the same if he has reason to believe that it may furnish evidence of the commission of an offence punishable under this Bill;
  - (e) undertake all inspection, including field inspection, necessary to implement and monitor seed production and certification; and
  - (f) exercise such other duties as may be necessary for carrying out the purpose of this Bill or any regulations made out there under.
- (3) For the exercise of its functions, a seed inspector will seek the cooperation of seed operators.
  - (4) If the seed inspector has reason to believe that any provisions of this Bill are being violated, he will request the operator to open up any container, package or premises in which seed of any kind or variety is kept for sale.
  - (5) If the seed operator mentioned in paragraph (4) refuses to open the container, package or premises, the inspector may open the container, package or enter in the premises, with the exception of dwelling places, when the inspector has reasonable suspicion that the provisions of this Bill are being violated.
  - (6) In a case where the inspector suspects that seeds are stored in a dwelling place in breach of this Bill, he shall request a permit or warrant to undertake inspection according to national legislation.
  - (7) Where a Seed Inspector takes any action under paragraphs (4) and (5) of this section, he shall, at the time when such action is being taken, prepare an inspection report and obtain the required signatures on a memorandum to be prepared in the prescribed form and manner and send it to the Council.

**Committee's Recommendation:**

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

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

## PART V - SEED REGISTRATION AND RELEASE

**Clause 10: National Seed Catalogue.**

- (1) The Council shall regularly publish the National Seed Catalogue, with a list of released varieties that are eligible for certification in Nigeria.
- (2) Only varieties that are registered and released shall be qualified for the certification program in Nigeria pursuant to the criteria established in this Bill.
- (3) Whenever necessary, the Council shall recommend an updated list of priority crop seed to be introduced into or removed from the National Seed Catalogue.
- (4) The proposed crop seeds, once registered and released, shall be eligible for certification.
- (5) The minister, on the advice of the Council, shall approve the procedures for registration of new varieties in the National Seed catalogue, including accelerated procedures for registration of varieties from similar agro-ecological zones with proven adaptation and agronomic performances for the crop growing conditions of Nigeria.

**Committee's Recommendation:**

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

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

**Clause 11: West African Catalogue of Plant Species and Varieties.**

- (1) For the purposes of this Bill, the West African Catalogue of Plant Species and Varieties shall serve as reference and complement to the National Seed Catalogue.
- (2) Only varieties that are registered and released in the National Seed Catalogue or in the West African Catalogue of Plant Species and Varieties shall be qualified for certification program in Nigeria, pursuant to the criteria established in this Bill.

**Committee's Recommendation:**

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

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

**Clause 12: Seed Registration and Release Subcommittee.**

The Council shall establish a Seed Registration and Release Subcommittee, to advise the Council on the following matters —

- (a) the establishment and update of the National Seed Catalogue;
- (b) evaluate the information from National Performance Trials from the compilations of independently conducted trials;
- (c) recommend any matters for approval by the Council regarding the release and registration of varieties; and
- (d) the implementation of the ECOWAS West African Seed Catalogue.

**Committee's Recommendation:**

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

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

**Clause 13: Registration of Varieties for Release in the Domestic Market.**

- (1) Prior to registration, new varieties for release in the domestic market shall undergo multi-year, multi-location testing as set forth in the variety release and registration guidelines.
- (2) Domestic varieties used in informal seed systems shall be subject to registration and description only prior to their release to the market.
- (3) Registered foreign-bred varieties for release on the domestic market shall undergo limited multi-location verification trial as determined by the Committee in accordance with its rules and procedures.
- (4) In order to facilitate the release of new varieties on the domestic market, the Minister, on advice of the Subcommittee, may waive the testing requirements for varieties falling under the subsection (1) of this section, if the variety is registered under a regional variety release system.
- (5) Genetically modified varieties will only be considered if they conform with the bio-safety regulations of Nigeria, including the Cartagena Protocol.

**Committee's Recommendation:**

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

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

**Clause 14: Registration and Release of Varieties for Export Purposes.**

Varieties for which either reproduced seed or produce shall be exported, shall not be subject to variety release or registration requirements unless otherwise required by the importing country, but shall nonetheless be subject to all controls under prevailing phytosanitary bio-safety and other relevant legislation.

**Committee's Recommendation:**

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

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

**PART VII — SEED CERTIFICATION AND OFFICIAL CONTROL****Clause 15: Quality Control and Seed Certification Service.**

- (1) The Council shall establish an official quality control and certification service, (referred to as the "official certification service") responsible for seed certification and quality control.
- (2) The official certification service will approve a programme of seed certification to certify that the seeds —
  - (a) are of acceptable variety or genetic purity;
  - (b) are in good physiological and health conditions; and
  - (c) meet the seed standards, as appropriate.

- (3) The official certification service will elaborate technical regulations including seed certification standards that will be approved by the Council.
- (4) The Council may authorize private certification bodies to undertake quality control and seed certification on behalf of, and under the supervision of the Council.

***Committee's Recommendation:***

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

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

**Clause 16: Seed Certification and Standards.**

- (1) The Council shall approve national standards for seed certification, including requirements, procedure and criteria for seed certification.
- (2) The national standards for seed certification shall be in compliance with the ECOWAS regulations and the relevant international standards and will be published as prescribed.

***Committee's Recommendation:***

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

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

**Clause 17: Seed Multiplication.**

- (1) Only seeds of varieties listed in the National Seed Catalogue and the West African Catalogue of Plant Species and Varieties shall be eligible for multiplication under certification scheme, with a view to their being sold as seed.
- (2) The characteristics of these varieties shall conform to those of the samples deposited at the time of registration in the National Seed Catalogue or the West African Catalogue of Plant Species and Varieties and maintained under the responsibility of the committee charged with registration in the catalogue.

***Committee's Recommendation:***

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

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

**Clause 18: Seed Categories.**

- (1) The Council shall establish by regulation, the seed categories recognised in Nigeria, including —
  - (a) breeder seed;
  - (b) foundation/inbred lines;
  - (c) certified seeds; or
  - (d) equivalent nomenclature that follows regional or international commitments and recommendations.
- (2) Certified seed may apply to several successive generations.
- (3) The last generation authorized by regulations shall not be used for the production of certified seeds, unless otherwise provided in Regulation.

- (4) The minister shall approve by regulation, the categories of planting materials for certification purposes.

***Committee's Recommendation:***

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

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

**Clause 19:     Obligation to Register as Seed Operator.**

- (1) No person shall engage in seed production, processing, marketing or importation for commercial purposes unless registered under this Bill.
- (2) The Minister shall approve, by regulation, the procedure and technical requirements for registration of seed-related activities which are not seed production.
- (3) This section shall not apply to —
  - (i) a person growing and delivering seeds of any variety directly to another person without monetary consideration for use by that other person for sowing on the latter's own farm;
  - (ii) small exchanges of seeds among small farmers.

***Committee's Recommendation:***

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

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

**Clause 20:     Registrations of Seed Producers.**

- (1) A person shall not produce any seed in commercial quantities unless that person is registered as seed producer by the Council.
- (2) Any person who wants to produce seed in commercial quantity shall apply to the Council —
  - (a) for a license as a seed producer; and
  - (b) to enrol in the seed certification and programme, or a different quality assurance mechanisms approved under the law.
- (3) Every application under subsection (1) of this section shall be in such form and follow such procedure as may be prescribed by the Council.

***Committee's Recommendation:***

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

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

**Clause 21:     Procedure to Apply for a License as Seed Producer.**

- (1) The Council shall grant a license as seed producer for one or several species listed in the National Seed Catalogue or the West Africa Catalogue of Plant Species and Varieties.
- (2) The Council may further grant a license as seed producer for unregistered or obsolete species under official quality control under this Bill.

- (3) Licenses will be granted to producers who —
  - (a) submit an application as prescribed and pay for the prescribed fees before the start of the governing season; and
  - (b) meet the requirements prescribed by regulation, including —
    - (i) the pledge to observe the technical regulations;
    - (ii) having sufficient land;
    - (iii) having sufficient qualified technical personnel;
    - (iv) having appropriate facilities and equipment for the targeted seeds;
    - (v) collaborating with Seed Inspectors and giving them free access to the crops.
- (4) The applicant shall be notified of acceptance or rejection within a reasonable time frame to be established by regulation.
- (5) Seed producer license will have the validity set forth by regulation.
- (6) The Council shall suspend a license, following written notification, in the following cases —
  - (a) non-observance of the technical regulations approved under this Bill; or
  - (b) if the operator is sanctioned for fraud in the sale of seed or a different infringement punishable without suspension.
- (7) The Council shall withdraw a license after a written notification in the following cases —
  - (a) the seed producer has not been active for two consecutive years;
  - (b) the seed producer commits an infringement punishable by suspension under subsection (5) within one year of the lifting or previous suspension;
  - (c) the seed producer under suspension has not conformed to the prescribed requirements within 30 days of such suspension.
- (8) In case of suspension or withdrawal under this section, the Council shall serve notice of termination to the license holder, including information on appeal procedures and time period to submit a new application.

***Committee's Recommendation:***

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

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

**Clause 22: Access to Seed Materials.**

Registered seed operators will only have access to appropriate early generation seed required for the production of seed class he has been authorized to produce.

**Committee's Recommendation:**

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

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

**Clause 23: Recognition of Foreign Seed Certification Agencies.**

The Minister may, on the advice of the Council recognize any seed certification agency established in any foreign country, provided that such agency implements rules and regulations that meet the requirements under this Bill and such recognition shall be published in the gazette.

**Committee's Recommendation:**

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

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

**Clause 24: Incentives to the Seed Industry.**

From the commencement of the Bill, every company incorporated in Nigeria for the purposes of seed production, shall enjoy such incentives as are granted by the Federal Government to an agricultural and seed enterprise.

**Committee's Recommendation:**

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

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

**Clause 25: Conditions of Production.**

- (1) All Natural or legal persons licensed as seed operators shall adhere to the production zones and areas recommended by the breeder of a given variety.
- (2) The seed field shall be accessible for inspection throughout the growing cycle.
- (3) The number of varieties and categories authorized for multiplication on the same agricultural holding shall be determined by the species and the standard laid down by regulation.
- (4) The number of varieties shall not be limited for testing stations or testing fields on condition that isolation standards are observed.
- (5) All seed operators and growers shall have documented evidence of the origin of the early generation seed procured for further multiplication, such as certification label, invoice, delivery slip or any other suitable document.

**Committee's Recommendation:**

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

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

**Clause 26: Control of the Production.**

- (1) The official certification service or approved private certification body shall ascertain that the producer or seed grower uses appropriate certified early generation seed, unless otherwise provided in the Bill.
- (2) Control by the official seed certification service or approved private certification body shall occur at all stages of the process: production, processing, packaging storage, transport, marketing and use of the seeds.

- (3) Before the beginning of each certification season, natural or legal persons who want to enrol in official quality assurance shall send prior notification of sowing to official certification service or approved private certification body within a reasonable period of time.
- (4) Any subsequent modification to the notification of sowing shall be reported immediately to the quality control and official certification service or any other approved private certification body.
- (5) A seed plot may be abandoned for climate or technical reasons at any stage of the vegetative process. In such a case, the producer shall inform, as much as possible, the official certification service or approved private certification body.

**Committee's Recommendation:**

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

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

**Clause 27: Multiplication on Contract.**

- (1) A seed producer shall not conclude a multiplication contract with several producers, unless the official certification service or approved private certification body so authorizes, where the contract with several producers does not cause prejudice to any one of them.
- (2) The multiplication contract agreed between the seed producer and one or several seed producers shall include —
  - (a) a commitment of the seed producer to respect existing regulations, to allow the control agents to inspect his crops and to ensure appropriate crop isolation distances in neighbouring seed crops;
  - (b) a commitment of the operator to provide the seed producer with all necessary technical instructions and to deliver the appropriate early generation seeds in good time.
  - (c) provisions that specify the details of both parties, the method for price determination and delivery, and clauses addressing potential risk in production.

**Committee's Recommendation:**

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

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

**Clause 28: Inspections.**

- (1) The official certification service or approved private certification body shall designate seed inspectors to carry out control of licensed seed producers and implement seed certification programmes.
- (2) Seed inspectors shall carry out field visits and produce a field inspection report at each visit.
- (3) Field inspections and controls shall verify that the seed field —
  - (a) meets the standards for variety purity, physical purity, weeds and health status;

- (b) meets the number of inspections and procedures of control established per crop and area by regulation.
- (4) Inspections shall be organized by seed lots, constituted and identified as prescribed by regulation.
- (5) Inspections shall take place in the presence of the seed grower or an authorized representative of the producer and shall result in an inspection report on the observed condition of the seed plots.
- (6) The report shall contain, inter alia, technical recommendations or instructions reflecting the seed plots.
- (7) Any producer accepted for control may install an internal crop control structure employing qualified seed technicians.
- (8) Inspectors may reject a crop, after verification that the technical recommendations or instructions given at previous visits have not been observed.
- (9) Rejections shall be notified to the seed grower or producer as soon as possible in a justified report.

***Committee's Recommendation:***

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

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

**Clause 29: Sampling and Laboratory Analyses.**

- (1) Seed sampling shall be done in accordance with the international reference standards and packaged in packets bearing the information detailed by regulation.
- (2) All seed lots submitted for certification shall be analysed by a seed analyst or in a seed laboratory designated by the Council.
- (3) Seed analyses shall focus on —
  - (i) analytical purity;
  - (ii) water content;
  - (iii) germination test;
  - (iv) health test; and
  - (v) variety purity.

***Committee's Recommendation:***

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

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

**Clause 30: Seed Laboratory.**

- (1) There shall be a Central Seed Testing Laboratory (in this Bill referred to as "seed Laboratory") to be designated by the Minister on the recommendation of the Council.

- (2) The seed Laboratory shall accredit, supervise and provide technical support to regional and other seed testing laboratories and bring seed testing services in line with international standards.

**Committee's Recommendation:**

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

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

**Clause 31: Seed Packaging and Labeling.**

- (1) Seeds presented for certification shall be conditioned in a seed conditioning facility approved by the Council as prescribed.
- (2) Seeds shall be packaged in materials authorized by the Council.
- (3) Packages of certified seeds shall be labelled as prescribed, including —
- (a) the name and address of the producer or distributor;
  - (b) the logo or trade name, where this exists;
  - (c) the name of the species and the variety as listed in the National Seed Catalogue or the West African Catalogue of Plant Species and Varieties;
  - (d) the category, generation and cycle of production;
  - (e) the net weight;
  - (f) the certification label;
  - (g) the name of the product used for treatment; and
  - (h) any other information prescribed in the regulation.
- (4) Division and repackaging of packaged and labelled seed lots shall be done in the presence of an agent of the official certification service or approved private certification body.
- (5) The new labels shall bear the same particulars as the original labels with an additional annotation of repackaging.

**Committee's Recommendation:**

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

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

**Clause 32: Certification of Labeling.**

- (1) In addition to the labelling requirements in section 31, certified seeds cannot be placed in the market unless they are labelled with a certification label issued by the official certification service or approved private certification body.
- (2) Certification labels shall comply with the regional and international standards.

**Committee's Recommendation:**

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

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

**Clause 33: Seed Storage and Post-Certification Control.**

- (1) Seed storage and transport facilities shall be maintained with the appropriate temperature and humidity levels and shall be clean and well aerated and be regularly disinfected for proper seed conservation.
- (2) The Council shall approve, by regulation detailed requirements for seed storage, and distribution.
- (3) The Council shall approve the procedures and requirements for post-certification control, including seed processing marketing.

**Committee's Recommendation:**

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

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

**Clause 34: Revocation of Certification.**

- (1) The Council may revoke any certification granted under this Bill if it is satisfied that the certification was obtained by misrepresentation, or that the holder of the certification has contravened any of the provisions of this Bill or any regulations made thereunder.
- (2) The Council shall before revoking any certification, give due notice to the aggrieved seed operator.
- (3) A person who is aggrieved by a decision of the Council under subsection (1) of this section may appeal to the Minister within 30 days from the date on which the decision was communicated to him:

Provided that the Minister may entertain an appeal at the expiration of the period of thirty days if the Minister is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

- (4) On receipt of an appeal under subsection (3) of this section, the Minister shall after giving the appellant an opportunity of being heard, dispose of the appeal as expeditiously as possible.

**Committee's Recommendation:**

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

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

**Clause 35: Informal Seeds.**

- (1) Seed of registered varieties from the informal seed sector shall be exempted from the compulsory certification requirements established under this Bill, unless such are commercialized, at which time they shall be subject to the quality control procedures approved under this Bill.

- (2) For registered varieties for which there is no seed certification standard, the Minister may, on the advice of the Council, approve specific quality control procedures including —
  - (a) minimum limits for germination, physical purity, sanitary conditions and other requirements, as appropriate;
  - (b) the form and content of tags and labels to be affixed to such seed lots.
- (3) For unregistered or obsolete varieties, the Minister may, on the advice of the Council, approve standards on quality control. These standards shall include —
  - (a) minimum limits for germination, physical purity, sanitary conditions and moisture content, as appropriate;
  - (b) the form and content of labels or tags to be affixed to such seed lots.
- (4) The Council shall approve policy measures and programmes to support the progressive enrolment of seed producers in certification programmes or other quality control programmes and capacity building in the informal seed sector.

***Committee's Recommendation:***

That the provision in Clause 35 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 36: Seed Import and Export.**

- (1) No person shall for the purpose of sowing or planting by any other person (including himself) export or import or cause be exported or imported any seed or hybrid without written authorization from the Council, provided that —
  - (a) any seed for import shall meet the standards approved by the Council, including the prescribed limited test/evaluation/multi-locational trials;
  - (b) with the exception of seed from ECOWAS members States, any imported seed for marketing in Nigeria must be officially released by the Council upon the approval of Crop Variety Registration and Release Sub-Committee; or
  - (c) any seed for export shall be certified and comply with all necessary phytosanitary requirements.
- (2) Any person intending to import for commercial or research purposes, seed of a genetically modified variety, shall comply with the bio-safety regulations of Nigeria and notify the Council prior to the importation.

***Committee's Recommendation:***

That the provision in Clause 36 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 37: Application for Exporting and Importing Seeds.**

- (1) Any person may apply to the Council for a permit to import or export seeds provided that the person —
  - (a) submits an application on the prescribed forms and follow the prescribed procedures, including payment and fees when applicable; and
  - (b) demonstrate compliance phytosanitary, bio-safety and other requirements in national legislation.
- (2) The Council shall send a copy of such application to the Nigerian Agricultural Quarantine service.
- (3) All seed samples meant for research purposes and seeds intended for export from, or import into Nigeria, shall carry the necessary phytosanitary certificates and viability test results.
- (4) No seed shall be imported unless they are certified by the official seed-certifying agency of the exporting country, except for research purposes, unless otherwise prescribed in Regulation.

***Committee's Recommendation:***

That the provision in Clause 37 be retained (*Senate Leader*) — *Agreed to.*

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

PART IX — SUPPORT TO PLANT VARIETY DEVELOPMENT  
AND PLANT BREEDERS' RIGHTS

**Clause 38: Support to Research on Plant Varieties.**

The Council shall —

- (a) participate in the registration of new crop varieties as provided for in national legislation;
- (b) approve and implement programmes and measures designed to promote genetic improvement of plant varieties and the protection of breeders' rights.

***Committee's Recommendation:***

That the provision in Clause 38 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 31: Protection of Breeders' Rights.**

- (1) Plant Breeders' Rights shall be granted in respect of registered new plant varieties as shall be specified in a Bill of the National Assembly on Plant Variety Protection —
  - (a) the registration of breeders which have registered a new variety according to national legislation;
- (2) The Bill on Plant Variety Protection in subsection (1) shall regulate—
  - (a) the registration of new plant varieties against internationally recognized criteria;
  - (b) the protection of Plant Breeders' Rights; and
  - (c) the maintenance and update of the National Varietal Catalogue.

**Committee's Recommendation:**

That the provision in Clause 39 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 40: Temporary Measures to Protect Farmers' Rights.**

- (1) The Minister shall promote policies and strategies to foster registration of new plant varieties and protection of Farmers' Rights.
- (2) Subject to the provision of relevant Acts of the National Assembly, the Minister shall approve and implement measures to facilitate the protection of farmers' rights to save, use exchange and sell farm saved seed subject to restrictions specified in regulations, including—
  - (a) the protection of their traditional knowledge relevant to plant genetic resources;
  - (b) the right to equitably share in the benefits arising from the use of plant genetic resources;
  - (c) the right to participate in decision-making on matters related to the conservation and sustainable use of plant genetic resources.

**Committee's Recommendation:**

That the provision in Clause 40 be retained (*Senate Leader*) — *Agreed to.*

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

**PART X — INFRINGEMENTS AND OFFENCES****Clause 41: Offences.**

- (1) Any person who contravenes the provisions of this Bill or any regulation made thereunder commits an offence.
- (2) The following shall constitute breaches of the provisions of this Bill and its enabling regulations —
  - (a) prevention of a Seed Inspector from taking sample under this Bill;
  - (b) prevention of a Seed Inspector from exercising any other power conferred on him under this Bill;
  - (c) production and marketing of seed without license by the Council;
  - (d) marketing of seed without accreditation;
  - (e) misleading information on seed labelling, wilful modification or alteration of labelling and the use of any trickery to mislead third parties as to the quality of the seeds;
  - (f) distribution from animal or human consumption of seeds treated with substances dangerous to human or animal health and thus, unfit for consumption;
  - (g) failure to keep proper records and documents as laid down in paragraph (d) of subsection (2) of section 9 of this Bill;

- (h) import or export of conventional and genetically modified crop seeds violation or applicable declaration;
- (i) obstruction of official inspection or control activities;
- (j) non-compliance with the condition of admission for control; and
- (k) fraud or attempt fraud in the utilization or marketing of seeds.

**Committee's Recommendation:**

That the provision in Clause 41 be retained (*Senate Leader*) — *Agreed to.*

*Question that Clause 41 do stand part of the Bill, put and agreed to.*

**Clause 42: Penalties.**

- (1) Any person who commit an offence under this Bill shall upon conviction be liable—
  - (a) as a first offender, to imprisonment of a term not exceeding one year or a fine not exceeding One Million Naira (₦1,000,000); and
  - (b) in the event of such person having been previously convicted under this section, he shall be liable to imprisonment for a term not exceeding two years or a fine of Two Million Naira (₦2,000,000) or both.
- (2) Where a person has been convicted under this Bill, the seed in respect of which the contravention occurred may be forfeited to the Federal Government.
- (3) Where an offence under this Bill is committed by a company, any officer who at the time the offence was committed was in charge of the conduct of the business of the company, as well as the company, shall be deemed guilty and shall be liable:

Provided that nothing contained in this subsection shall render any such person liable to any punishment under this Bill if he proves that the offence was committed without his knowledge or that he exercised all the diligence to prevent the commission of such offence.

- (4) Where an offence under this Bill is committed by a company and such offence was committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or officer of the company, such director, manager, secretary, or officer shall be deemed to have committed such offence and is therefore liable.

**Committee's Recommendation:**

That the provision in Clause 42 be retained (*Senate Leader*) — *Agreed to.*

*Question that Clause 42 do stand part of the Bill, put and agreed to.*

**Clause 43: Appeals.**

- (1) A person who is aggrieved by a decision or the Council under this Bill may appeal to the Minister within 30 days from the date in which the decision was communicated to him.

- (2) The Minister may entertain an appeal at the expiration of the period of thirty days if the Minister is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

***Committee's Recommendation:***

That the provision in Clause 43 be retained (*Senate Leader*) — *Agreed to.*

*Question that Clause 43 do stand part of the Bill, put and agreed to.*

**Clause 44: Suits Against the Council.**

- (1) A suit shall not be commenced against the Council before the expiration of a period of one month, after written notice of intention to commence the suit shall have been served on the Council by the intending plaintiff or his representative and the notice shall clearly state the —
- (a) cause of action;
  - (b) particulars of the claim;
  - (c) name and place of abode of the intending plaintiff; and
  - (d) relief which he claims.
- (2) The notice referred to in subsection (1) of this section and any summons, notice or other document required or authorized to be served on the Council under the provisions of this Bill or any other enactment of law may be served by —
- (a) delivering same to the office of the Director-General; or
  - (b) sending it by registered post addressed to the Director-General at the Head office of the Council.

***Committee's Recommendation:***

That the provision in Clause 44 be retained (*Senate Leader*) — *Agreed to.*

*Question that Clause 44 do stand part of the Bill, put and agreed to.*

**PART XI — ESTABLISHMENT OF THE SEED FUND**

**Clause 45: Seed Fund.**

- (1) There shall be established by the Council a Fund from which shall be defrayed all expenditure incurred by the Council.
- (2) There shall be paid and credited to the Fund established pursuant to subsection (1) of this section —
- (a) initial take-off grant by the Government;
  - (b) such moneys as maybe provided to the Council by the yearly budgetary allocation approved by the National Assembly;
  - (c) such moneys as may from time to time be granted or received from—
    - (i) the private sector; and
    - (ii) national and international organizations and non-governmental;

- (d) such sum as may be approved by the President from Natural Resources Fund;
  - (e) such moneys as may from time to time be granted to the Council by the Federal Government or a State or Local Government Council;
  - (f) all interest receipt in respect of monies invested by the council including revenue earned from its various billivities;
  - (g) moneys collected from taxes, fees, controls, inspections and permits issued by the Council under this Bill; and
  - (h) all other assets, from time to time, accruing to the Council.
- (3) The Board shall make rules for the management of the Fund under subsection (1) of this section and such rules shall in particular contain provisions —
- (a) specifying the manner in which the assets or the Fund are to be held, and regulating the making of payments into and out of the Fund;
  - (b) requiring the keeping of proper accounts and records for the purposes of the Fund in such form as may be specified in the rules;
  - (c) ensuring that the accounts are audited periodically by Auditor appointed from a list and in accordance with guidelines supplied by the Auditor-General of the Federation;
  - (d) requiring copies of the accounts and of the Auditor's report thereon to be furnished to the Minister; and
  - (e) the Council may with the approval of the Board from time to time borrow by way of overdraft or otherwise such sums as it may require for the performance of its functions under this Bill.

***Committee's Recommendation:***

That the provision in Clause 45 be retained (*Senate Leader*) — *Agreed to.*

*Question that Clause 45 do stand part of the Bill, put and agreed to.*

**PART XII — ESTABLISHMENT OF DEPARTMENTS AND ZONES**

**Clause 46: Establishment of Department and Zones.**

- (1) There are established for the Council, the following Departments that is —
  - (a) the Seed Industry Development, Technical Support and Commercial Services Department;
  - (b) the Seed Coordination and Management Services Department;
  - (c) the Seed Certification, Quality Control, Crops Seed Registration and Release Department;
  - (d) Seed Information Data Management and Capacity Building Department;
  - (e) Seeds Inspectorate Services Department;
  - (f) the Administration and Finance Department; and

- (g) such other departments or bodies as the Board may from time to time deem expedient for effective discharge of the functions of the Council under this Bill.

- (2) Each of the Department referred to under subsection (1) of this section shall be headed by an officer of the rank of a Director.

***Committee's Recommendation:***

That the provision in Clause 46 be retained (*Senate Leader*) — *Agreed to.*

*Question that Clause 46 do stand part of the Bill, put and agreed to.*

**Clause 47: Zonal Offices Schedule.**

- (1) The Council shall have six Operating Zones and six Zonal offices as listed in second schedule of this Bill.
- (2) Each Zonal Office shall be headed by Director or Deputy Director and such number of professional staff the Council deem necessary.

***Committee's Recommendation:***

That the provision in Clause 47 be retained (*Senate Leader*) — *Agreed to.*

*Question that Clause 47 do stand part of the Bill, put and agreed to.*

**Clause 48: Register.**

The Council shall maintain a register of persons licensed to engage in seed production and marketing under the following classification, namely —

- (a) seed production company;
- (b) seed enterprises production on contract for seed company;
- (c) breeder seed production agency including research institutes (both public and private);
- (d) foundation seed grower (research institutes and private);
- (e) enterprise, seed processor;
- (f) seed dealer whether as wholesaler or retailer.

***Committee's Recommendation:***

That the provision in Clause 48 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 49: Issuance of Certification.**

- (1) Any person who sells, keeps for sale, barter or otherwise supplies any seed of any variety or hybrid shall apply to the Council for grant of certification for the purpose.
- (2) Every application under subsection (1) of this section shall be in such form and contain such particulars and fees as may be prescribed by the Council.

- (3) On the receipt of an application for the grant of certification, the Council may, after making such enquiry as it thinks fit and after satisfying itself that the seed to which the application relates is a progeny of a pedigree seed and conforms to the field and seed standard for that seed under this Bill; grant a certificate in such form and on such conditions as may be prescribed.

**Committee's Recommendation:**

That the provision in Clause 49 be retained (*Senate Leader*) — *Agreed to.*

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

**PART XIII — POWER TO PROSECUTE**

**Clause 50: Power to Prosecute.**

Subject to the provisions of section 174 of the 1999 Constitution of the Federal Republic of Nigeria, the Council may with the consent of the Attorney General of the Federation conduct criminal proceeding in respect of offences under this Bill.

**Committee's Recommendation:**

That the provision in Clause 50 be retained (*Senate Leader*) — *Agreed to.*

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

**PART XIV — MISCELLANEOUS**

**Clause 51: Power to Make Regulations.**

- (1) The Council may make regulations to carry out the purposes of this Bill and in particular such regulations may provide for —

- (a) the functions of the Central Seed Testing Laboratory;
- (b) the certification of seeds;
- (c) the manner of marking or labelling the container of seed of any notified kind, hybrid or variety under section 31 of this Bill;
- (d) the requirements which may be complied with by persons carrying on the business referred to in sections 31 and 32 of this Bill;
- (e) the form of application for the grant of the certificates under sections 28,29,30,31 and 32 of this Bill, the particulars it may contain, the fees which may accompany it, the certificate and the conditions for granting the certificate;
- (f) the form and manner in which the fee on payment of which an appeal may be preferred under section 15 subsection (3) of this Bill and the procedure to be followed by the Minister in disposing of the appeal;
- (g) the qualifications and duties of Seed Analyst and Seed inspectors;
- (h) establishment of intellectual Property Rights Policy and Guidelines; and
- (i) formulation of policy, regulation and guidelines on Genetically Modified Crop Seeds introduction, domestication, confinement and use.

- (2) Any regulations made pursuant to subsection (1) of this section shall be published in the official gazette of the Federal Republic of Nigeria.

***Committee's Recommendation:***

That the provision in Clause 51 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 52: Repeal of Cap. N5, LFN, 2004.**

The National Agricultural Seeds Act, Cap. N5, LFN, 2004 is repealed.

***Committee's Recommendation:***

That the provision in Clause 52 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 53: Savings and Transition.**

- (1) Any approval granted under the repealed Act shall continue to be enforced; notwithstanding the repeal thereof.
- (2) The Council shall be subject to all obligations and liabilities to which it was subject immediately before the commencement of this Bill and all other persons shall, as from, the commencement of this Bill, have the same powers rights and remedies as they had under the repealed Act.

***Committee's Recommendation:***

That the provision in Clause 53 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 54: Interpretation.**

In this Bill, unless the context otherwise requires —

"agricultural seeds" includes cereals, legumes, oil seed, grass, fibre, root, tuber, tree or any other kind of crop seed or seedling commonly recognized within Nigeria as agricultural seed, lawn seed, vegetable seed, forestry seed and seedlings, conventional or genetically modified seeds, horticultural seeds and seedlings, ornamental seeds, seed mixtures and all planting materials as the Minister may designate from time to time;

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

"seed laboratory" means a central seed laboratory designated as such under section 30 of this Bill;

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

"certified seed" means any prescribed seed that is certified under the provisions of this Bill;

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

"container" means a box, casket, tin, barrel, tank, receptacle sack, bag, wrapper or other thing in which any article or thing is placed or packed;

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

"Council" means the National Agricultural Seeds Council established by section 1 of this Bill;

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

"labelling" means any label or other written, printed or graphical representation, in any form, accompanying and pertaining to seed, whether in bulk or in container;

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

"Minister" means the Minister charged with the responsibility for Agricultural Development and other related matters;

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

"export" means taking out of Nigeria to a place outside Nigeria;

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

"import" means bringing into Nigeria from a place outside Nigeria;

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

"notified kind or variety" in relation to any seed or variety thereof notified under this Bill;

*Question: That the words " notified kind or variety" defined in the Interpretation to this Act, put and agreed to.*

"seed importer" means any person who, either exclusively or in conjunction with any other trade or business, imports seeds into Nigeria for resale;

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

"seed inspector" means the person appointed as seed inspector pursuant to section 9 of this Bill;

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

"seed producer" means any person who either exclusively or in conjunction with any other trade or business, produces seeds for sale;

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

"seed seller" means any person who, either exclusively or in conjunction with any other person, trade or business, sells seeds for growing to Nigerian farmers;

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

"sell" includes to exchange or to offer, advertise, keep, expose, transmit, convey or deliver in pursuance of a sale, exchange or barter;

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

"Departments" means the Department established by section 46 of this Bill;

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

"variety" means a sub-division of any crop species which can be differentiated from other sub-division of that kind of growth, plant, fruit or other characteristics and any uniform group which can be a first generation hybrid or a plant population reconstituted on each occasion by crossing two or more breeding stock maintained by inbreeding or population maintained;

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

"Government" means the Federal Government of Nigeria;

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

"weed seed" includes the seed of all plants included as weeds in the Seed Regulations or commonly recognized as weeds in Nigeria.

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

***Committee's Recommendation:***

That the provision in Clause 54 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 55: Citation.**

This Bill may be cited as the National Agricultural Seeds Council Bill, 2018.

***Committee's Recommendation:***

That the provision in Clause 55 be retained (*Senate Leader*) — *Agreed to.*

*Question that Clause 55 do stand part of the Bill, put and agreed to.*

**FIRST SCHEDULE**

***Section 2 (13)***

**SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL**

**Proceedings of the Board.**

1. Subject to section 2 (13) of this Bill and section 27 of the Interpretation Act, the Board may make standing orders regulating its proceedings or those of any of its committees.
2. The quorum of the Board shall be seven and the quorum of any committee of the Board shall be determined by the Board.
3. At any time while the office of the Chairman is vacant or the Chairman in the opinion of the Board is temporarily or permanently unable to perform the functions of his office, the vice Chairman shall perform the functions of the Chairman.
4. (1) Subject to the provisions of any applicable standing orders, the Board shall meet quarterly and whenever summoned by the Chairman as dictated to him by not less than six other members, he shall summon a meeting of the Board to be held within twenty- one days from the date on which the notice is given.

- (2) Where the Board wishes to obtain the advice of any person on a particular matter, the Board may co-opt him as a member for such period as it deems fit but a person who are not member by virtue of this sub paragraph shall not be entitled to vote in such meeting and shall not count towards quorum Committees of the Board.
5. (1) The Board may appoint one or more committees to carry out, on behalf of the Board such of its functions as the Board may determine.
- (2) A committee appointed under this paragraph shall consist or the number of persons determined by the Board and not more than one-third of those person may be persons who are not members of the Board, and a person other than a member of the Board shall hold office on the committee in accordance with the terms or the instrument by which he is appointed.
- (3) A decision or a committee or the Board shall be or no effect until the Board ratifies it.
6. (1) The fixing or the seal of the Board shall be authenticated by the signature of the Chairman or of some other member authorized generally or specifically by the Board to act for that purpose.
- (2) Any contract or in which if made or executed by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the Board by any person generally or specifically authorized to act for that purpose by contract.

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

#### SECOND SCHEDULE

##### OPERATING ZONES

1. North-Central Zone - Comprising the Federal Capital Territory Abuja, Benue, Kwara, Nassarawa, Kogi, Niger and Plateau States with the Secretariat in Jos, Plateau State.
2. North-Eastern, Zone - Comprising Adamawa, Bauchi, Gornbe, Bornu, Taraba and Yobe States with Secretariat in Gombe, Gombe State.
3. South-Eastern Zone - Comprising Abia, Ebonyi, Anambra, Enugu and Imo States with Secretariat in Umudike. Abia State.
4. South-Western Zone - Comprising Lagos, Ekiti, Ogun ,Ondo, Osun and Oyo States with Secretariat in Ibadan, Oyo State.
5. North-Western Zone - Comprising Jigawa, Kaduna, Zamfara, Katsina, Kebbi, Kano and Sokoto States with Secretariat in Zaria, Kadunu State.
6. South-South Zone - Comprising Akwa Ibom, Bayelsa. Cross River, Delta, Edo and Rivers States with Secretariat in Asaba, Delta State.

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

Chairman to report Bill.

(SENATE IN PLENARY)

The Deputy Senate President reported that the Senate in the Committee of the Whole considered a Bill for an Act to Repeal and Re-enact the National Agricultural Seeds Council and for Related Matters, 2018 and approved as follows:

Clauses 1- 55 — As Recommended

Schedules 1- 2 — As Recommended

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

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

*Question put and agreed to.*

~~✱~~ *Bill accordingly Read the Third Time and Passed.*

**10. Chartered Institute of Logistics and Transport of Nigeria Bill, 2018 (HB. 973) - Concurrence:**

*Motion made:* That a Bill for an Act to Establish the Chartered Institute of Logistics and Transport (CILT) of Nigeria with Responsibility, among Others, for Determining the Standards of Knowledge, Skill and Qualification for Persons Seeking to Become Registered Professionals and Practitioners in Logistics and Transport in Nigeria and Licensing and Regulating the Practice of Logistics and Transport in All Ramifications; and for Related Matters, 2018 be read the Second Time (*Senate Leader*).

*Debate:*

*Question put and agreed to.*

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

*Motion made:* Pursuant to Rule 81, that the Senate do resolve into the Committee of the Whole to consider a Bill for an Act to Establish the Chartered Institute of Logistics and Transport (CILT) of Nigeria with Responsibility, among Others, for Determining the Standards of Knowledge, Skill and Qualification for Persons Seeking to Become Registered Professionals and Practitioners in Logistics and Transport in Nigeria and Licensing and Regulating the Practice of Logistics and Transport in All Ramifications; and for Related Matters, 2018 (*Concurrence*) (*Senate Leader*).

*Question put and agreed to.*

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO ESTABLISH THE CHARTERED INSTITUTE OF LOGISTICS AND TRANSPORT (CILT) OF NIGERIA WITH RESPONSIBILITY, AMONG OTHERS, FOR DETERMINING THE STANDARDS OF KNOWLEDGE, SKILL AND QUALIFICATION FOR PERSONS SEEKING TO BECOME REGISTERED PROFESSIONALS AND PRACTITIONERS IN LOGISTICS AND TRANSPORT IN NIGERIA AND LICENSING AND REGULATING THE PRACTICE OF LOGISTICS AND TRANSPORT IN ALL RAMIFICATIONS; AND FOR RELATED MATTERS, 2018 (HB. 973)

**Clause 1: Establishment of the Chartered Institute of Logistics and Transport, Nigeria (CILTN).**

- (1) There is hereby established a body known as the Chartered Institute of Logistics and Transport, Nigeria (in this Bill referred to as "the Institute") which shall be a body corporate and charged with —
  - (a) perpetual succession;
  - (b) a common seal which shall be kept in such custody as the Council may direct;
  - (c) may sue and can be sued in its corporate name;
  - (d) may, subject to the Land Use Act, acquire, hold and dispose of any property, moveable or immovable;
  - (e) on the commencement of this Bill, all properties held immediately before that day by or on behalf of the former Institute shall, by virtue of this subsection and without any further assurances, vest in the Institute and be held by it for the purposes of the Institute; and
  - (f) the former Institute shall cease to exist.
- (2) The Institute shall have general duty of—
  - (i) determining what standard of knowledge and skill are to be attained by person seeking to become registered professionals and practitioners in Logistics and Transport;
  - (ii) certifying and licensing persons/bodies wishing to practice as Logisticians and/or Transportants;
  - (iii) holding and maintaining a register of logistics and transport professionals and practitioners in Nigeria;
  - (iv) promoting the study and practice of the art and science of logistics and transport in all ramifications;
  - (v) ensuring supply of quality personnel to be industry;
  - (vi) establishing, maintaining and upholding the ethics of professional practice in Logistics and Transport;
  - (vii) keeping qualified individuals professionally up-to-date throughout their career;
  - (viii) establishing, promoting and monitoring standards of professional practice;
  - (ix) conducting, encouraging and sponsoring research in the field of logistics and transport;
  - (x) accrediting reputable training providers to train students for the Institute's Examinations;
  - (xi) providing advisory and advocacy services in Logistics and Transport;

- (xii) rewarding excellence and sanctioning unprofessional practice;
- (xiii) collaborating with other reputable professional bodies towards professional development.

***Committee's Recommendation:***

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

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

**Clause 2: Election and Appointment of Council members of the Institute.**

- (1) There shall be a President and six (6) Regional Vice Presidents representing the six Geo political Zones of the country, i.e. North-West, North-Central, North-East, South-West, South-East and South-South, all of whom shall —
  - (a) be Fellows of the Institute;
  - (b) be elected by the General Assembly;
- (2) There shall be an elected Female representative in the Council.
- (3) All international office holders resident in Nigeria including but not limited to International Vice President (IVP) for Africa/Chairman, Africa Forum, International Vice President for Nigeria and Global Convenor, Women in Logistics and Transport (WLAT) shall be members of the Council.
- (4) There shall be a representative appointed from each of the following —
  - (i) Ministry of Transportation;
  - (ii) Ministry of Trade, Industry and Investment;
  - (iii) accredited Training providers;
  - (iv) Women in Logistics and Transport (WILAT);
  - (v) one Member each from the Arms to represent the Nigerian Armed Forces.
- (5) There shall be a Regional Secretariat under the supervision of the national Secretariat.
- (6) There shall be a Regional Council, each headed by the respective Regional Vice President with the head of the regional Secretariat who shall not be a member of Council serving as Secretary. The Regional Council shall consist of the following members —
  - (i) the Regional Vice President - Chairman;
  - (ii) a Vice Chairman shall rotate among the branches within the Council.
  - (iii) representative of Road Mode;
  - (iv) representative of Air Mode;
  - (v) representative of Maritime Mode;
  - (vi) representative of Pipeline Mode;

- (vii) representative of Logistics;
  - (viii) one Female representative;
  - (ix) one WiLAT Representative;
- (7) The Council shall through the instrumentality of the Constitution determine the process of election and appointment to all Council offices.

***Committee's Recommendation:***

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

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

**Clause 3: The Governance Council.**

- (1) There is established for the Institute a Governing Council (in this bill referred to as "the Council") with the responsibilities for—
  - (a) policy making;
  - (b) providing general direction for the management of the Institute.
- (2) The Council shall consist of 17 members constituted as follows —
  - (i) the National President of the Institute, who shall be the Chairman of the Council;
  - (ii) the Deputy President of the Institute, who shall the Deputy Chairman of the Council;
  - (iii) six (6) Regional Vice-President of the Institute, who shall each be the Vice Chairman of the Council;
  - (iv) the immediate past President of the Institute who shall serve for one year as ex- officio;
  - (v) the International Vice President (IVP);
  - (vi) representative of Women in Logistics and Transport (WiLAT);
  - (vii) female representative;
  - (viii) representative from the Ministry of Transportation;
  - (ix) representative of Trade, Industry and Investment;
  - (x) representative from the Armed Forces;
  - (xi) representative of the Accredited Training Providers;
- (3) The President shall be —
  - (i) the Head of the Institute, Chairman of the Council and preside over all Meeting of the Council;
  - (ii) in the event of the permanent unavailability arising from death, incapacity or inability, of the President, the Deputy President shall assume the position of the president for the unexpired period of the tenure and shall be eligible to contest a fresh term.

**Committee's Recommendation:**

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

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

**Clause 4: Appointment of Board of Trustees.**

- (1) There shall be appointed a seven-member Board of Trustees by the Council for the Institute, whose period shall be for a term of three (3) years. Any member of the Board of Trustees may be eligible for re-appointment for another term of three (3) years, only.
- (2) Membership of the Board of Trustees shall be drawn from amongst the distinguished Fellow (FCILT) of the Institute who have made substantial contributions to the Industry.

**Committee's Recommendation:**

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

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

**PART 2 — THE REGISTRAR AND STAFF****Clause 5: Appointment and Duties of the Registrar and Maintenance of the Register.**

- (1) The Council shall appoint a qualified person to be Registrar for the purposes of this Bill, as the Institute may, from time to time, deem necessary, who shall be a professional/practitioner of Logistics and Transport, and at least of Chartered Member of the Institute.
- (2) The Registrar shall be the Chief Executive Officer of the Institute and Secretary to the Council though not a member of Council.
- (3) It shall be the duty of the Registrar to prepare and maintain, in accordance with rules made by the Council, a register of members names, address and approved qualifications and such other relevant particulars as may be specified in the rules, of all persons who are entitled to be enrolled as Professional Ambassadors, Honorary Fellows, Fellow, Chartered Members, Member, Affiliates, and Student Members. In addition, the Registrar shall keep a specialist Register of Professionals, Practitioners and Corporate Members who apply to be so registered.
- (4) Subject to the following provisions of this section, the Council may make rules with respect to the form and keeping of the register and the making of entries therein, and in particular —
  - (a) the making of applications for enrolment;
  - (b) providing for notification to the Registrar, by the person or entity to whom any registered particulars relate, to any change in those particulars;
  - (c) authorizing a registered person to have any qualification which is, in relation to the relevant division of the profession, either an approved qualification or an accepted qualification for the purposes of this Bill, registered in relation to his name in addition to or, as he may elect, in substitution for any other qualifications so registered;

- (d) specifying the fees including subscription to be paid to the Institution in respect of the entry of name on the register and authorizing the Registrar to refuse to enter a name on the register until any fee specified for the entry has been paid;
- (e) specifying anything failing to be specified under the foregoing provisions of this section, but rules made for the purposes of paragraph (d) of this subsection shall not come into force until they are confirmed at a special meeting of the Institute convened for the purpose thereafter or at the next annual general meeting as the case maybe.

**Committee's Recommendation:**

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

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

**Clause 6: Publication and Maintenance of a Register.**

- (1) It shall be the duty of the Registrar to —
  - (a) prepare and publish a Registrar within one year after the enactment of this Bill;
  - (b) update the Register with new entrants to and exists from the Institute from time to time;
  - (c) cause the register to be printed, published and put out on sale to member of the public every year;
  - (d) correct, in accordance with the directions of the Council, any entry in the Register which in the opinion of the Council was incorrectly made; and to cause to be printed, published and put on sale either a corrected edition of the register or a list of alterations made to the register since it was last printed;
  - (e) cause a print of each edition of the register and of each list of corrections to be deposited at the principal office of the Institute, and made available at all reasonable times for inspection by members of the Institute; and
  - (f) cause to publish on the Institute's website a register of members.
- (2) A document purporting to be a print of an edition of the register published under this section by authority of the Registrar or documents purporting to be prints of an edition of the register so published and of a list of corrections to that edition so published, shall (without prejudice to any other mode of proof) be admissible in any proceedings as evidence that any person specified in the document, or documents read together, as being registered, is so registered at the date of the edition or of the list of corrections, as the case may be, and that any person not so specified was not so registered.
- (3) Where in accordance with subsection (2) of this section, a person in any proceedings is shown to have been or not to have been registered at a particular date, shall, unless the contrary is proved, be taken for the purposes of those proceedings as having at all material times thereafter continued to be or not to be so registered.

- (4) If the Registrar sends by post, email or any other medium to any registered person a correspondence addressed to him at his address on the register enquiring whether the registered particulars relating to him are correct and receives no reply to the letter within the period of six months from the date of posting it.
- (5) Upon the expiration of that period send in the like manner to the person in question a second similar letter and receives not reply to that letter within three months from the date of posting it, the Registrar may remove the particulars relating to the person in question from the register.
- (6) However, the Council may direct the Registrar to restore to the appropriate part of the register any particulars removed there from under this subsection, if it is satisfied that the conditions are met.
- (7) Make from time to time, any necessary alteration to the registered particulars of registered persons.
- (8) Remove from the register the name of any registered person who has died or ceased to be a member.
- (9) Record the names of members of the Institute who are in default for more than six months in the payment of annual subscriptions, and to take such action in relation thereto (including removal of the names of defaulters from the register) as the Council under this Bill, may direct or require.

***Committee's Recommendation:***

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

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

**Clause 7: Registration of Logistics and Transport Professionals and Practitioners.**

- (1) The Institute will hold a General Register in two parts, namely —  
Part 1: Individual Members;  
  
Part 2: Corporate Members.
- (2) A person may be entitled to be registered as a student Member, Affiliate Member, Member, Chartered Member, Fellow, Honorary Fellow, and Professional Ambassador, subject to qualifications, professional experience and contributions.
- (3) A Corporate entity may be registered in any of the Four Categories, such as Platinum, Gold, Silver and Bronze, subject to satisfactory evaluation of its structure, performance, contributions and other established criteria.
- (4) The Institute shall publish from time to time, the approved qualifications and criterial for registration under this Bill.

***Committee's Recommendation:***

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

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

**Clause 8: Licensing.**

- (1) The Institute shall license professionals and practitioners according their areas of expertise and professional practice. In general, an individual can be registered as a Chartered Transportant and/or Logistician, if he satisfies the established criteria set from time to time by the Council.
- (2) An individual can be registered in any of the specialized areas in Transport and Logistics, as a Transport Planner, Transport Economist, Transport Geographer, Transport Administrator, Transport Technologist, Transport Engineer, Transport Lawyer, Transport Modeler, Transport Analyst, Transport Operator, Port Operations Specialists, Inventory/Warehouse Specialist, Air Operation Specialist, Logistics Integrator, Transport Policy Specialist, Air Passenger Specialist, Road Operations Specialist, Road Passenger Specialist, Maritime Operations Specialist, etc.
- (3) Those so licensed under subsection (2) above shall be entitled to apply for the Institute's seal, for use in their professional practice.
- (4) There shall be Certification of Transport and Logistics Professionals, such as Certified Transport Technician (CTT), Certified Logistician (CL), Certified Transportant (CT).
- (5) Practitioners who are corporate bodies shall be registered as a Certified Logistics Service Providers, Certified Passenger Transport Operators, Certified Freight Operators, etc.

***Committee's Recommendation:***

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

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

**PART 3 — PROFESSIONAL DEVELOPMENT****Clause 9: Approval and Withdrawal of Qualifications.**

- (1) The Institute shall determine and publish approved qualifications and levels of experience for the various grades of entry and upgrades in its Membership.
- (2) In pursuance to subsection (1) above, the Institute shall accredit Institutions for the purpose of providing trainings towards the Institute's certification.
- (3) The Institute may establish educational Institutions for the purpose of developing the profession.
- (4) The Institute may approve —
  - (a) any course of training at any approved institution which is intended for persons seeking to become or are already members of the Institute and which in the opinion of the Council is designed to confer on persons completing it sufficient knowledge and skills for the practice of the profession;

- (b) any qualification which, as a result of an examination taken in conjunction with a course of training approved by the Council under this section, is granted to candidate searching as standard at the examination indicating in the opinion of the Council, that the candidates have sufficient knowledge and skill for the practice of the profession.
- (5) The Council may, if it thinks fit, withdraw any approval given under this section in respect of any course, qualification or institution; but before withdrawing such approval the Council shall —
  - (a) give notice that it proposes to do so to Institutions by whom the course is conducted or the qualification is granted;
  - (b) afford such Institutions an opportunity of making to the Council representations with regard to the proposal; and
  - (c) take into consideration any representation by trainees of such Institutions benefiting from its programmes with respect to the proposal in pursuance of paragraph (b) of this subsection.
- (6) A course, qualification or institution shall not be treated as approved during any period the approval is withdrawn under subsection (2) of this section.
- (7) The withdrawal of an approval under subsection (6) of this section shall not prejudice the registration or eligibility for registration of any person who by virtue of the approval was registered or was eligible for registration (either unconditionally or subject to his obtaining certificate of experience) immediately before the approval was withdrawn.
- (8) The giving or withdrawal of any approval under this section shall have effect from such date either before or after the execution of the instrument signifying the giving or withdrawal of the approval, as the Council may specify in that instrument.
- (9) As provided in this section, holders of Certificate in Logistics and Transport shall be known as Assistant Logisticians/Transportants with entry level of Grade Level 05, holders of the Diploma in Logistics and Transport shall be known as Senior Logisticians/Transportants with entry level of Grade Level 07, while holders of the Advanced Diploma in Logistics and Transport shall be known as Principal Logisticians/Transportants, with entry level of Grade Level 09 in the Civil Service.
- (10) Certified Logisticians/Transportants' entry level in the Civil Service shall be Grade Level 12 and are qualified to certify projects requiring professional endorsements. No person, who is not a Chartered Logistician/Transportant shall endorse any logistics and transport related projects.

***Committee's Recommendation:***

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

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

**Clause 10: Instructional and Examination Standards.**

- (1) The Institute shall establish uniform standards of Instruction and examination for all accredited training providers/institutions.

- (2) Any Institution applying for accreditation must meet the standards in respect of facilities and faculties.
- (3) Each accreditation has a life-span of three years before re-accreditation.
- (4) The Institute shall hold its examinations twice every year - June and November.
- (5) The Council shall appoint a visitor to oversee the conduct of instruction and examination of accredited training providers.

***Committee's Recommendation:***

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

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

**Clause 11: Mandatory Professional Development.**

The Institute shall organize two categories of Mandatory Professional Development as follows —

Category 1: For Students, Affiliates and Members;

Category 2: For Chartered Members and Fellows.

***Committee's Recommendation:***

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

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

**PART 4 — FINANCIAL PROVISIONS, ASSETS AND LIABILITIES**

**Clause 12: Management of Constitute Funds.**

- (1) The Council shall establish and maintain a fund for the Institute the management of which shall be in the hands of the Registrar who is the Chief Accounting Officer and into which shall be paid —
  - (a) all monies received by the Institute in pursuance of its objectives including fees, levies, grants, investitures, donations and honoraria;
  - (b) such monies as may be payable to the Institute whether in the course of the discharge of its functions or otherwise;
  - (c) such monies as may, from time to time, be granted to the Institute by government, parastatals, companies, agencies and institutions and such other funds as may be provided by donors, benefactors or external sources; and
  - (d) such monies as are held by the Chartered Institute of Logistics and Transport in Nigeria incorporated under the Companies and Allied Matters Act 1990 (in this Bill hereinafter referred to as "as Institute") on its ceasing to exist as provided in this Bill.
- (2) There shall be disbursed out the fund of the Institute —
  - (a) all reasonable expenditures incurred by the Council in the discharge of its functions under this Bill.
  - (b) the remuneration and allowance of the Registrar and other staff of the Institute;

- (c) the remuneration for professional services rendered by Members or any other party on behalf of the Institute or in collaboration with the Institute; and
- (d) such reasonable traveling and subsistence allowances of members of the Council in respect of the time spent on the duties of the Council as the Council may determine from time to time.

**Committee's Recommendation:**

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

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

**Clause 13: Powers to Accept Gifts.**

- (1) Subject to subsection (1) of this section, the Council may accept gifts of lands, money or other property upon such terms and conditions, if any, as may be specified by the person making the gift. The Council shall not accept any gift if any of the conditions attached by the person making the gift is inconsistent with the objectives of the Institute.
- (2) The Institute may invest its funds in any security such as treasury bills, shares or other securities in Nigeria approved by the Council.

**Borrowing.**

- (3) The Council may, from time to time, borrow for the purposes of the Institute and any interest payable on money so borrowed shall be paid out of the Institute's Fund.

**Committee's Recommendation:**

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

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

**Clause 14: Accounts, Record and Audit.**

- (1) The Registrar shall Keep proper accounts on behalf of the Institute in respect of each financial year and proper records in relation to those accounts; and
- (2) The Council shall —
  - (a) appoint an external Auditor for the purpose of this section who shall not be a member of the Council;
  - (b) cause the accounts to be audited each year by the external auditor.

**Committee's Recommendation:**

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

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

**Clause 15: Assets and Liabilities.**

- (1) On the commencement of this Bill —
  - (a) all properties held immediately before that day or on behalf of the former Institute shall, by virtue of this subsection and without any further assurances, vest in the Institute and be held by it for the purposes of the Institute; and

- (b) the former Institute shall cease to exist.
- (2) The provisions of the Second Schedule to this Bill shall have effect with respect to, and matters arising from the transfer by this section to the Institute of the property of the former Institute and with respect to the other matters mentioned in the Schedule.

***Committee's Recommendation:***

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

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

**PART 5 — PROFESSIONAL ETHICS AND DISCIPLINE**

**Clause 16: Code of Conduct and Ethics.**

- (1) It shall be considered unprofessional and inconsistent with honourable and dignified conduct and contrary to public interest, for any Member of the Chartered Institute of Logistics and Transport, Nigeria to —
  - (a) practice as a Logistician and/or Transportant without a valid license;
  - (b) practice as a Logistician and/or Transportation without a registered business premises —
    - (i) charge more than 10 percent of the total cost of the contract as professional fees;
    - (ii) operate a business in a manner that compromises health and safety standard;
    - (iii) engage unprofessional staff to execute professional services;
    - (iv) operate without insurance cover for passengers as a passenger transport operator;
    - (v) fail to adhere to regulations guiding the use of plant, equipment;
    - (vi) hold out his services outside of what he is registered and know for by the Institute;
    - (vii) exert undue influence or to offer, solicit or accept compensation for the purpose for affecting negotiations for a professional engagement;
    - (viii) use the advantages of a salaried position to compete unfairly with other professionals;
    - (ix) accept remuneration for services rendered other than from his client or his employer;
    - (x) attempt to supplant another practitioner in a particular engagement after definite steps have been taken toward employment for a project;

- (xi) review the work of another practitioner for the same client except with the knowledge of such practitioner, unless such practitioner's engagement on the work which is subject to review has been terminated;
- (xii) attempt to injure, falsely or maliciously, the profession, business, or employment position of another Logistician and/or Transportation
- (xiii) place orders on his own behalf, in respect of a project on which he is engaged but shall only do so explicitly on behalf of his client;
- (xiv) be the medium of payments made on his behalf unless especially so requested in writing by his client, but shall only issue certificates for payment;
- (xv) take part in a completion involving the submission of proposals and designs for logistics and transport work unless an assessor who shall be a Transport and Logistics Professional of acknowledged standing, has been appointed to whom such proposals and designs are to be submitted for assessment;
- (xvi) advertise Logistics and Transport services in any manner derogatory to the dignity of the profession;
- (xvii) practice in a dual capacity as a consultant and contractor for the same project except with prior written consent of the client.

(2) A member shall —

- (i) have an obligation to exercise honesty, objectivity, and diligence in the performance of his duties and responsibilities;
- (ii) refrain from entering into any activity which may be in conflict with the interest of his profession or which would prejudice his ability to carry out objectively, his duties and responsibilities to the Institute, Members, Nigeria and the general public at large;
- (iii) be prudent in the use of information acquired in the course of his duties. He shall not use confidential information for any person gain nor in a manner which would be damaging to the welfare of his members, employers and the general public;
- (iv) in expressing an opinion, use all reasonable care to obtain sufficient factual evidence to warrant such expression. In his reporting, a Member shall reveal such material facts known to them which, if not revealed, could either distort the report of the results of operations under reviews or conceal unlawful practice;
- (v) continually strive for improvement in the proficiency and effectiveness of his service;

- (vi) abide by the by-law and uphold the objectives of the Institute. In the practice of his profession, he shall be ever mindful of his obligation to maintain the highest standard of competence, morality, and dignity, which the CILT Nigeria National Council has established;
  - (vii) declare all necessary details pertaining financial transactions on which he is liable to pay charges to the Institute within three (3) months. Failure of which shall amount to the offence of concealing material facts.
- (3) A training provider in holding the trust of the general public, shall exhibit loyalty in all matters pertaining to the affairs of Training their students and to whosoever they may be rendering a service.
  - (4) Sanctions for breaches of the Code shall include a fine, suspension and delisting. The amount of fine and the appropriate penalty shall be left at the discretion of the Council.
  - (5) On Logistics and Transport works in foreign countries, a member may adapt his conduct according to the professional standards and customs of that country, but shall adhere as closely as practicable, to the principles of this code.

***Committee's Recommendation:***

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

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

**Clause 17: Establishment of Disciplinary Tribunal and Investigation Panel.**

- (1) There is established the Chartered Institute of Logistics and Transport Disciplinary Tribunal (in this Bill referred to as "the tribunal") which shall be charged with the duty of considering and determining any case referred to it by the Panel established under subsection (3) of this section, and any other case which the tribunal has cognizance under this Bill.
- (2) The tribunal shall consist of a Chairman and 4 other members appointed by the Council.
- (3) There is established the Chartered institute of Logistics and Transport Investigation Panel (in this Bill referred to as "the Panel") which shall be charged with the duty of —
  - (a) conducting a preliminary investigation into any case where it is alleged that a member has misbehaved in his capacity as a Chartered Transportant or Logistician or, should for any other reason, be the subject of proceedings before the tribunal;
  - (b) determining the disciplinary measures to be taken on any erring Member where applicable; and/or/
  - (c) deciding whether the case shall be referred to the Tribunal.
- (4) The panel shall be appointed by the Council and shall consist of the chairman who shall be a member of the Council and three senior members who shall be Fellows of the Institute.

- (5) The provisions of the Third Schedule to this Bill shall, so far as they are applicable to the tribunal and panel respectively, have effect with respect to those bodies.
- (6) The Council may make rules consistent with this Bill as to acts which constitute unprofessional conduct.

***Committee's Recommendation:***

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

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

**Clause 18: Penalties for Unprofessional Conduct.**

- (1) Where —
  - (a) a person enrolled or registered under this Bill is —
    - (i) adjudged by the tribunal to be guilty of infamous conduct in any professional respect;
    - (ii) convicted by any court in Nigeria or elsewhere having power or competent jurisdiction, of an offence (whether or not punishable with imprisonment) which, in the opinion of the Tribunal, is incompatible with the status of a Chartered Transportant or Logistician;
    - (iii) the Tribunal is satisfied that the person was fraudulently enrolled or registered.
  - (b) the Tribunal may, if it deems fit, give a direction reprimanding that person or ordering the registrar to strike his name off the relevant part of the register.
- (2) The Tribunal may, if it deems fit, defer or further defer its decisions as to the giving of a direction under subsection (1) of this section until a subsequent meeting of the Tribunal.
- (3) No decision of the Tribunal shall be deferred under subsection (2) of this section for period exceeding one year in the aggregate.
- (4) As far as possible, no person shall be a member of the Tribunal for the purposes of reaching a decision which has been differed or further deferred, unless he was a member of the Tribunal when the decision was deferred.
- (5) For the purpose of subsection (1) (a) (ii) of this section, a person not be treated as convicted as therein mentioned unless the conviction stands at a time when no appeal or further appeal is pending or may (without extension of time) be brought in connection with the conviction.
- (6) When the Tribunal gives a direction under subsection (1) of this section, it shall give a notice of the direction to be served on the person to whom it relates.

- (7) The person to whom the direction gives under subsection (1) of this section relates may, at any time within 28 days of the date of service on him of notice of that direction, appeal against the direction to the Federal High Court, and the Tribunal may appear, as respondent to the appeal and, for the purpose of enabling directions to be given as the costs of the appeal and of the proceeding before the Tribunal, the Tribunal shall be deemed to be a party thereto whether or not it appears on the hearing of the appeal.
- (8) A direction of the Tribunal given under subsection (1) of this section shall take effect where —
- (a) no appeal under this section is brought against the direction within the time limited to such appeal, or on the expiration of that time;
  - (b) such an appeal is brought and withdrawn or struck out for want of prosecution on the withdrawal or striking out of the appeal;
  - (c) such an appeal is brought and is not withdrawn or struck out if and when the appeal is dismissed.
- (9) A person whose name is removed from the register in pursuance of a direction of the Tribunal under this section shall not be entitled to be registered again except in pursuance of a direction in that behalf given by the Tribunal on the application of that person.
- (10) A direction under this section for the removal of person's name from the register may prohibit an application under subsection (9) of this section by that person until the expiration of such period from the date of this direction (and where he had duly made such an application, from the date of his last application) or as may be specified in the direction.

***Committee's Recommendation:***

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

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

**PART 6 — MISCELLANEOUS PROVISIONS**

**Clause 19: Application of Bill to Un-enrolled Person.**

- (1) Any practicing person or body corporate who is not registered before the commencement of this Bill, shall at the commencement of this bill be required to register with the Institute within six months from the commencement of this Bill.
- (2) Where an application under subsection (1) of this section is approved by the Council, the applicant shall be enrolled or registered, as the case may be, according to his qualification.
- (3) After the expiration of the time given in subsection (1) of this section, any person practicing as a Transportant or Logistics without registration shall be served a notice of default.
- (4) If he fails to register, such a person or body corporate shall be subjected to the following disciplinary actions —
- (i) the name of the operator and/or person shall be published;
  - (ii) the business premises shall be sealed up;

- (iii) a legal proceeding shall be instituted against such a person or body corporate; if he continues in default. The penalties shall include ban on practice, fines, and other sanctions as the Council may decide from time to time or a jail terms if convicted by a court of competent jurisdiction.

***Committee's Recommendation:***

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

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

**Clause 20: When a Person is Deemed to Practice as a Logistician or Transportant.**

- (1) Subject to subsection (2) of this section, a person shall be deemed to practice as a Transportant or Logistician if, in consideration of remuneration received or to be received, and whether by himself or in partnership with any other person(s), he —
  - (a) engage himself in the practice of transport or logistics management or holds himself out to the public as a Transportant or Logistician;
  - (b) renders professional service or assistance in or about matters of principle or detail relating to Logistics and Transport;
  - (c) renders any other service which may, by regulations made by the Council, be construed as service constituting practice as Transportant or Logistician.
- (2) This section applies to persons who, while in the employment of any government or private organizations, are required under the terms of such employment, to perform the duties of a Transportant or Logistician.

***Committee's Recommendation:***

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

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

**Clause 21: When an Organization is Deemed to be in Logistics or Transport Practice.**

- (1) Subject to subsection (2) of this section, an organization which holds out itself to provide services in logistics and transport shall be deemed to be in logistics and/or transport practice if, in consideration of remuneration received or to be received, and whether by itself or in partnership with any other persons/organizations, it —
  - (a) engages itself in the practice in any area of logistics or transport service or holds itself out to the public as a Transport or Logistics service provider;
  - (b) renders professional service or assistance in or about matters of principle or detail relating to Logistics and Transport.
  - (c) renders any other service which may, by regulations made by the Council, be construed as Transport or Logistics practice.
- (2) This section applies to any organization which offers service relating to logistics and transport, either alone or in partnership with other persons or body corporate.

**Committee's Recommendation:**

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

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

**Clause 22: Licensing and Practicing Fees.**

- (1) The Council shall establish a licensing regime for professionals and practitioners.
- (2) Licensed professionals shall be issued with an Operating License and a Seal to practice.
- (3) Licensed practitioners shall be issued with a compliance certificate renewable every two years.
- (4) A license will take an oath of office before he is given a license and he is expected to discharge his responsibilities with the highest ethical standards and utmost integrity.
- (5) The license remains the property of the Institute and is subject to be withdrawn or suspended if the professional is involved in any unethical practices. Such a license may also be subject to established disciplinary processes as the Council may prescribe from time to time.
- (6) The licensee shall pay a licensing fee to obtain a practicing license which shall be renewable every two years.
- (7) The licensing fee is inclusive of a mandatory professional standard training which must be attended once in every year.
- (8) The license shall be subject to a practicing fee to the Institute, as may be prescribed by the Council from time to time.
- (9) The practitioner shall be subject to withdrawal or suspension of Certificate if he falls below prescribed standard of practice.
- (10) All withdrawals and/or suspension of certificates are to be published.
- (11) All rules and regulations shall be published by the Institute.

**Committee's Recommendation:**

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

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

**Clause 23: Conferment of Professional Ambassador.**

The Institute may confer awards of Professional Ambassador on deserving personalities in logistics and transport as the Council may deem fit from time to time.

**Committee's Recommendation:**

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

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

**Clause 24: Provisions of Knowledge Centre.**

The Institute shall —

- (a) provide and maintain conducive knowledge centres comprising resource library, demonstration equipment, learning aids, etc. for the advancement of knowledge competence and skills in logistics and transport;
- (b) encourage research in logistics and transport and allied subjects to the extent Council may, from time to time, consider necessary;
- (c) engage of qualified knowledge resource manager to run the Institute's knowledge centre;
- (d) allow unfettered access of members to the stock of educational resources in the knowledge centre;
- (e) allow access of approved members of the public by the Registrar to the stock of education resources in Knowledge Centre for research purpose at a token charge to be decided upon by the Council from time to time.

**Committee's Recommendation:**

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

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

**Clause 25: Extraordinary Rules and Regulations.**

- (1) The Council may from time to time make rules and regulations it considers to be of interest to the Institute and the generality of its members.
- (2) Any regulation made under this Bill shall be published within three months after it has been made; and a copy shall be deposited at the office of the Registrar, a copy each shall be sent to the office of the Patron - the Honourable Minister of Transportation, as well as the National Library, and published in the Institute's website within three months after such rule was made.
- (3) Rules made for the purposes of this Bill shall be subject to ratification by the Institute at its Annual General Meeting or at any extra-ordinary meeting of the Institute convened for the purpose and, if annulled shall cease to have effect immediately after such resolution without prejudice to anything done in pursuance or intended pursuance of such rules.

**Committee's Recommendation:**

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

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

**Clause 26: Offences and Penalties.**

- (1) A person is guilty of an offence if for the purpose of registering any name, qualification or other matter —
  - (a) makes a statement which is untrue in a material particular, or
  - (b) deliberately makes a statement which is false in a material particular.

- (2) Any person not a member of the Institute is guilty of an offence if, he practices as a Transportant or Logistician or uses any name, title, or description implying that he is in practice as a registered member of the institute.
- (3) A person guilty of sections (1) and (2) above shall subject to section 14 be absolved or his offences if he makes successful application to the Institute and is so notified.
- (4) An employee of the Institute commits an offence if he wilfully makes any falsification in any matter relating to the Register.
- (5) A person who commits an offence under this section is liable —
  - (a) on summary conviction, to a fine of an amount not less than ?100 and
  - (b) on conviction or indictment, to a fine not less than ?100,000 or to imprisonment for a term not below six months, or both.
- (6) Where an offence under this section which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any employee or any person purporting to act in such capacity, he, as well as the body corporate, shall be deemed to be guilty of that offence and liable for prosecution accordingly.
- (7) In addition to subsections (1)-(6) of this section, a list of all offenders shall be periodically published.

**Committee's Recommendation:**

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

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

**Clause 27: Interpretations.**

In this Bill —

"Commencement date" means the day this Bill comes into force;

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

"Transportant" means a transport professional;

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

"Logistician" means a logistics professional;

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

"Practitioner" means a transport/logistic service provider;

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

"Fellow" mean a Transportant/Logistician with a Fellow status of the Institute. This is the core professional and the highest status of the Institute, with Pot nominal FCILT;

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

"Honorary Fellow" means a Transportant/Logistician with an Honorary status of the Institute, with Post nominal HFCILT;

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

"Chartered Transportant" means a Transportant with a Chartered Status of the Institute, with post nominal CMILT;

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

"Chartered Logistician" means a Logistician with a Chartered Status, with a post nominal MILT;

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

"Member of the Institute" means persons admitted and registered as Chartered and none Chartered Members of the Institute;

*Question: That the words "Member of the Institute" defined in the Interpretation to this Act, put and agreed to.*

"Affiliate Member" means an entry level Transportant/Logistician, with no post nominal;

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

"Student Member" means a trainee Transportant/Logstician, with no post nominal;

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

"Council" mean the governing body of the Institute;

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

"Board of Trustees" mean a board set up by Council to carry out prescribed functions as contained in this Bill;

*Question: That the words "Board of Trustees" defined in the Interpretation to this Act, put and agreed to.*

"Registrar" mean the Chief Executive Officer of the Institute employed by Council;

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

"Enrolled" means members registered in the part of the register relating to professional Ambassador, Honorary Fellow, Fellow Chartered Member, and none Chartered member such as Members, Affiliates, and students, as the case may be;

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

"Fees" means all statutory moneys in respect to registration, annual subscriptions, licensing, practicing, renewals, levies, etc.;

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

"Incorporated Institute" means the Chartered Institute of Logistics and Transport of Nigeria incorporated under the Companies and Allied Matters Act;

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

"Institute" means the Chartered Institute of Logistics and Transport of Nigeria established under section 1 (1) of this Bill;

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

"Council Member" means an elected member of the Council;

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

"Minister" means the Minister charged with responsibility for matters related to Transportation;

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

"Panel" means the Chartered Institute of Transport and Logistics Investigation Panel established by section 15 (3) of this Bill;

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

"International Vice President, President, Deputy President and Vice-Presidents" means respectively the office holders under those names in the institute; and

*Question: That the words "International Vice President, President, Deputy President and Vice-Presidents" defined in the Interpretation to this Act, put and agreed to.*

"Register" means the register prepared and maintained under section 10 (2) of this Bill;

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

"Approved qualification" means qualification approved by Council;

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

"Ethics" means well-based principles of right and wrong that prescribe what the professional and practitioner ought to do, usually in terms of rights, obligations, benefits to society, fairness, and specific virtues, and include those that enjoin virtues of honesty, compassion, and loyalty;

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

"Ethical Standards" means standards relating to rights, such as the right to life, the right to freedom from injury, the right to choose, the right to privacy, and right to freedom of speech and expression.

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

**Committee's Recommendation:**

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

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

**Clause 28: Short Title.**

This Bill may be cited as the Chartered Institute of Logistics and Transport (CILT) Nigeria Bill, 2018.

**Committee's Recommendation:**

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

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

FIRST SCHEDULE

(Section 2)

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

**Qualification and Tenure of Office of Member of the Council.**

1. (i) Subject to the provisions of this paragraph, every elected member of the Council shall hold office for a period of two (2) years in the first instance and shall be eligible for re-election for a further term of two years in the same office. He shall not be eligible for election into a different office at the expiration of the two terms. In the same vein, any appointed member shall not be reappointed;
- (ii) Only Fellows of the Institute are eligible to be elected into the office of President, Deputy President and Vice President while the minimum qualifications for other positions shall be Chartered Member;
- (iii) Any member of the Institute who ceases to be a member thereof shall, if he is also a member of the Council, cease to hold office in the Council;
- (iv) Any member of the Council may be notice in writing addressed to the President resign as a member of Council;
- (v) If for any reason there is a vacation of office by a member and such member was elected, the Council may, if the time between the unexpired portion of the term of office and the next meeting of the Institute appears to warrant the filling of the vacancy, co-opt some fit person for such time as aforesaid.

**Powers of Council.**

2. The Council shall have power to do anything which in its opinion can facilitate the objectives of the Institute.

**Proceedings of the Council.**

3. (i) Subject to the provision of this Bill, the Council may in the name of the Institute make standing orders regulating the proceedings of the Institute or of the Council, and in the exercise of its powers under this Bill, may set up committees in the general interest of the Institute, and make standing orders thereof;

- (ii) Standing orders shall provide for decisions to be taken by a majority of the members, and in the event of equality votes, the President or the chairman, as the case may be shall exercise his right of second vote;
- (iii) Standing orders made for a Committee shall provide that the Committee reports back to the council on any matter not within its competence to decide;
- (iv) The quorum of the Council shall be one-third (a) of Council membership and the quorum of a committee of the Council shall be fixed by the Council.

#### Meeting of the Institute.

- 4. (i) The Council shall convene the Annual General Meeting (AGM) of the Institute on 30 April in every year or on such other day as the Council may, from time to time, appoint, however not exceeding 30th July of the same year. In addition to 4 (1) above, the Council may convene an extraordinary general meeting as the need arises.
  - (ii) The Chairman of the Council shall convene a "Special Meeting" of the Institute if not less than twenty (20) financial members of the Institute requires it and issues a notice in writing to the Registrar of the Institute setting out the objectives of the proposed meeting.
  - (iii) The quorum of any meeting of the Institute shall be Thirty (30) financial members and that of any special meeting of the Institute shall be twenty (20) financial members.
- 5. (i) Subject to the provisions of any standing orders of the Council, the Council shall meet whenever it is summoned by the chairman, and if the chairman is required to do so by notice in writing given to him by not less than five council members, he shall summon a meeting of the Council to be held within seven days from the date on which the notice is given;
  - (ii) At any meeting of the Council, the Chairman or in his absence the Vice- Chairman shall preside, but if both are absent, any of the Vice Presidents shall preside and where none is present members present at the meeting shall appoint from amongst them to preside;
  - (iii) Where the Council desires to obtain the advice of any person on a particular matter, the Council may co-opt him as a member for such period as the Council thinks fit; but a person who is a member by virtue of this sub-paragraph shall not be entitled to vote at any meeting of the Council and shall not count towards a quorum.

#### Committees.

- 6. (1) There shall be three Committees of the Council each headed by elected Council members; namely —
  - (a) Professional Development Committee (PDC);
  - (b) Communications and Strategy Committee (CSC);
  - (c) Audit and Finance Committee (AFC).
- (2) The Council may appoint one or more other committees to carry out on behalf of the Institute or the Council, such functions as the Council may determine.

- (3) A committee appointed under this paragraph shall consist of the number of persons determined by the Council and any person other than a member of the Council shall hold office in the committee in accordance with the terms of the instruments by which he is appointed.
- (4) A decision of a Committee of the Council shall be of no effect until it is confirmed by the Council.

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

## SECOND SCHEDULE

(Section 13)

### TRANSFER OF PROPERTY

1. (1) Every agreement which the former Institute was a party immediately before the commencement of this Bill, whether in writing or not and whether or not of such a nature that the rights, liabilities and obligations thereunder could be assigned by the former Institute, shall, unless its terms or subject matter make it impossible that it should have effect as modified in the manner provided by these subparagraphs, have effect from the commencement of this Bill so far as it relates to assets and liabilities transferred by this Bill to the Institute, as if —
  - (a) the Institute had been a party to the agreement;
  - (b) for any reference (however worded and whether express or implied) to the former Institute, were substituted as respects anything failing to be done on or after the commencement of this Bill as reference to the Institute; and
  - (c) for any reference (however worded and whether express or implied) to a member or members of the Council of the former Institute or an officer of the Institute, that were substituted, as respects anything failing to be done on or after the commencement of this Bill, a reference to a member or members of the Council under this Bill or the officer of the Institute who corresponds as nearly as may be to the member or officer in question of the Institute.
- (2) Other documents which refer, whether specifically or generally, to the former Institute shall be considered in accordance with subparagraph (1) of this paragraph so far as applicable.
- (3) Without prejudice to the generality of the foregoing provisions of this Schedule, where, by the operation of section 5 of this Bill, any right, liability or obligation vests in the Institute, the Institute and all other persons shall, as from the commencement of this Bill have the same rights, power and remedies (and, in particular, the same rights as to taking or resisting of legal proceedings or the making or resisting of applications to any authority) for ascertaining, perfecting times been a right, liability or obligation of the Institute.
- (4) Any legal proceedings or application to any authority pending on the commencement of this Bill by or against the former Institute and relating to property transferred by this Bill to the Institute may be continued on or after that day by or against the Institute.

- (5) If the law in force at the place where any property transferred by this Act is situated provides for the registration of transfers or property of the kind in question (whether by reference to an instrument of transfer or otherwise), the law shall, so far it provides for alterations of a registration (but not for avoidance of transfers, the payment of fees or any other matter) apply, with the necessary modifications, to the transfer of the property aforesaid; and it shall be the duty of the Council to furnish the necessary particulars of the transfer to the proper officer of the registration authority, and of that officer to register the transfer accordingly.

#### **Transfer of Functions, etc.**

2. (1) At its first meeting, the Council of the Institute shall fix a date, not later than three months after the commencement of this Bill, for the annual general meeting of the Institute.
- (2) The members of the Council of the former Institute shall be deemed to be the members of Council of the Institute for the unexpired period of their tenure.
- (3) The members of the former Institute shall, as from the commence of this Act, by registered as members of the Institute; and without prejudice to the generality of the provisions of this Schedule relating to the transfer of property, any person who, immediately before the commencement of this Bill, was a member of the staff of the former Institute shall on that day become the holder of an appointment with the Institute with the status, designation and functions which correspond as nearly as may be to those which appertained to him in his capacity as a member of that staff.
- (4) Any person being an office holder on or member of, the Council of the former Institute immediately before the commencement of this Bill and deemed under this paragraph to have been appointed to any like position in the Institute, or the Council of the Institute; and thereafter ceasing to hold office otherwise than by reason of his misconduct, shall be eligible for appointment to office in the Institute or to membership of the Council, as the case may be.
- (5) All regulations, rules and similar instruments made for the purposes of the former Institute and in force immediately before the commencement of this Bill, shall, except in so far as they are subsequently revoked or amended by any authority having power in that behalf, have effect, with any necessary modifications, as if duly made for the corresponding purposes of the Institute.

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

#### **THIRD SCHEDULE**

(Section 16)

#### **SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY TRIBUNAL AND INVESTIGATION PANEL**

##### **The Tribunal.**

1. The quorum of the Tribunal shall be three members.
2. (1) The Chief Justice of Nigeria shall make rules as to the selection of members of the Tribunal for the purposes of any proceedings and as to the procedure to be followed and the rules of evidence to be observed in proceedings before the Tribunal.
- (2) The rules shall subject to the provision of section 15 of this Bill, as to the costs of proceedings before the Tribunal; in particular provide —

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

**The Panel.**

4. (1) The quorum of the Panel shall be three.
- (2) The Panel may, at any meeting of the Panel attended by the members of the Panel, making standing orders with respect to the Panel.
- (3) Subject to the provisions of any such standing orders, the Panel may regulate its own proceedings.

**Miscellaneous.**

5. (1) A person ceasing to be a member of the Tribunal or the Panel shall be eligible for re- appointment as a member of that body.
- (2) A person may, if otherwise eligible, be a member of both the Tribunal and the Panel; but no person who acted as a member of the Panel with respect to any case shall act as a member of the Tribunal with respect to that case.
6. The Tribunal or the Panel may act notwithstanding any vacancy in its membership; and the proceedings of either body shall not be invalidated by any irregularity in the appointment of a member of the that body, or (subject to paragraph 7 (2) of this Schedule) by reason of the fact that any person who was not entitled to do so took part in the proceedings of that body.
7. Any document authorized or required by virtue of this Act to be served on the Tribunal or the Panel shall be served on the Registrar appointed in pursuance of section 6 of this Bill.
8. Any expenses of the Tribunal or the Panel shall be defrayed by the Institute.
9. Elections to the Council shall be held in such manner as may be prescribed by the rules made by the Council; and until so prescribed; they shall be decided by a show of hands.
  - (1) The fixing of the seal of the Institute shall be authenticated by the signatories of the President or of some other members of the Council Authorized generally or specially by the Institute to act for that purpose.
  - (2) Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the Institute of the Council as the case may require, by any person generally or specially authorized to act for that purpose by the Council.
  - (3) Any document purporting to be a document duly executed under the seal of the Institute shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.
  - (4) The validity of any proceedings of the Institute or the Council or of a committee of the Council shall not be adversely affected by any vacancy in membership, or by any defect in the appointment of a member of the Institute or of the Council or of a person to serve on the committee or by reason that a person not entitled to do so took part in the proceedings.
  - (5) Any member of the Institute or the Council, and any person holding office on a committee of the Council, who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Council on behalf of the Institute, or on behalf of the Council or a committee thereof, shall forthwith disclose his interest to the President of the Institute or to the Council, as the case may be, and shall not vote on any question relating to the contract or arrangement.

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

Chairman to report Bill.

**(SENATE IN PLENARY)**

The Deputy Senate President reported that the Senate in the Committee of the Whole considered a Bill for an Act to Establish the Chartered Institute of Logistics and Transport (CILT) of Nigeria with Responsibility, among Others, for Determining the Standards of Knowledge, Skill and Qualification for Persons Seeking to Become Registered Professionals and Practitioners in Logistics and Transport in Nigeria and Licensing and Regulating the Practice of Logistics and Transport in All Ramifications; and for Related Matters and approved as follows:

Clauses 1- 28 — As Recommended

Schedules 1- 3 — As Recommended

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

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

*Question put and agreed to.*

*Bill accordingly Read the Third Time and Passed.*

11. **National Security Agencies Protection of Officers' Identity Bill, 2018 (HB.830) - Concurrence:**  
*Motion made:* That a Bill for an Act to Provide for the Protection of the Identity of Officers, Agents, Sources of Information, Informants and Method of Operation of National Security Agencies from Unlawful Disclosure; and to Protect its Establishments, Facilities and Equipment Against Unauthorized Access and to Provide for the Promotion and Enhancement of National Security and for Related Matters, 2018 be read the Second Time (*Senate Leader*).

*Debate:*

*Question put and agreed to.*

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

*Motion made:* Pursuant to Rule 81, that the Senate do resolve into the Committee of the Whole to consider a Bill for an Act to Provide for the Protection of the Identity of Officers, Agents, Sources of Information, Informants and Method of Operation of National Security Agencies from Unlawful Disclosure; and to Protect its Establishments, Facilities and Equipment Against Unauthorized Access and to Provide for the Promotion and Enhancement of National Security and for Related Matters, 2018 (*Concurrence*) (*Senate Leader*).

*Question put and agreed to.*

**(SENATE IN THE COMMITTEE OF THE WHOLE)**

CONSIDERATION OF A BILL FOR AN ACT TO PROVIDE FOR THE PROTECTION OF THE IDENTITY OF OFFICERS, AGENTS, SOURCES OF INFORMATION, INFORMANTS AND METHOD OF OPERATION OF NATIONAL SECURITY AGENCIES FROM UNLAWFUL DISCLOSURE; AND TO PROTECT ITS ESTABLISHMENTS, FACILITIES AND EQUIPMENT AGAINST UNAUTHORIZED ACCESS AND TO PROVIDE FOR THE PROMOTION AND ENHANCEMENT OF NATIONAL SECURITY AND FOR RELATED MATTERS, 2018.

PART ONE — PROTECTION OF OFFICERS' IDENTITY  
AND OTHER MATERIALS

**Clause 1: Protection of Identities of Officers.**

- (1) The Identity of an Officer or Agent shall not without due authorization from the Agency be disclosed to any other person.
- (2) A person who willfully discloses the identity of an Officer or Agent to a person to whom he is not authorized on behalf of the government to disclose, is guilty of an offence and shall be liable on conviction to imprisonment for a term of five years or a fine not less than the sum of five hundred thousand Naira or both.
- (3) Where the unauthorized disclosure of the identity of an Officer or Agent is likely to or results in grievous bodily harm or death of the Officer or Agent or in any manner impedes the intelligence collection of the Agency, the punishment shall be as follows —
  - (i) likely to death is five (5) years imprisonment;
  - (ii) result to death is ten (10) years imprisonment;
  - (iii) impedes the intelligence collection is five (5) years imprisonment.

**Committee's Recommendation:**

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

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

**Clause 2: Protection of Agency Facilities.**

- (1) A person is guilty of an offence if, without lawful authority, he —
  - (a) enters or is in the vicinity of or, inspects an establishment or facility of the Agency;
  - (b) photographs, sketches or in any other manner makes a record of the description of, or of anything situated in a facility or establishment of the Agency;
  - (c) obtains, reproduces or retains any photograph, sketch, plan, model or document relating to, or to anything situated in a facility of the Agency; or
  - (d) obstructs, misleads or otherwise interferes with a person engaged in guarding a facility of the Agency.
- (2) A person charged with an offence under subsection (1) (a), (b) and (c) of this Section shall be deemed to have acted without lawful authority if he carries out any of the acts without the written permission of the Head of the Agency.
- (3) A person who commits an offence under this section is liable on conviction to imprisonment not exceeding three (3) years.

**Committee's Recommendation:**

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

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

**Clause 3: Damaging Disclosure.**

- (1) A person who is or has been a Public Officer or Government Contractor or Consultant if, without lawful authority, makes a damaging disclosure of information, document or other article in his possession originating from, or given to the Agency —
  - (a) relating to security or intelligence;
  - (b) relating to classified international relations;
  - (c) received in confidence from an Agent or a State other than the Federal Republic of Nigeria or its agencies; or
  - (d) received in confidence from an international organization or a member thereof; is guilty of an offence and shall be liable on conviction to imprisonment for a term of five years or a fine not below the sum of five hundred thousand Naira or both.
- (2) For the purpose of Section 4, a disclosure is damaging if it is likely to cause harm to the interest of the Agency or Government of the Federal Republic of Nigeria or impedes the work of the Agency or causes injury or harm to any of its Officers or Agents.

**Committee's Recommendation:**

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

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

**Clause 4: Further Protection of Security Materials.**

Any person who obtains, reproduces or retains any information, document or article relating to security or intelligence originating from, or given to the Agency, which he is not authorized on behalf of the Government to obtain, reproduce or retain, as the case may be, is guilty of an offence and liable upon conviction to imprisonment for a term of five years or a fine not below the sum of five hundred thousand Naira.

**Committee's Recommendation:**

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

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

**Clause 5: Information Resulting from Authorized Disclosure or Entrusted in Confidence.**

Where any information, document or other article protected against disclosure by the foregoing provisions of this Bill has come into a person's possession as a result of having been —

- (a) disclosed (whether to him or another) by a Public Officer, Government Contractor or any other source without lawful authority;
- (b) entrusted to him by a Public Officer, Government Contractor, or any other source on terms requiring it to be held in confidence or in circumstances in which the disclosing party could reasonably expect that it would be so held; or

- (c) disclosed (whether to him or another) without lawful authority by a person to whom it was entrusted as mentioned in paragraphs (a) and (b) above; such a person is guilty of an offence if he discloses it without lawful authority knowing or having reasonable cause to believe that it is protected against disclosure and is liable upon conviction to a term of imprisonment not exceeding five years.

***Committee's Recommendation:***

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

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

**Clause 6: Duty of Care Regarding Classified Information.**

A person is guilty of an offence and punishable with a term of imprisonment not exceeding three years if —

- (a) he fails to take such care to prevent disclosure of a classified material, document or article as a person in his position may reasonably be expected to take;
- (b) being a Public Officer, he retains a classified material, document or article contrary to his official duty; or
- (c) being a Government Contractor or Consultant, he fails to comply with an official directive for the return or disposal of a classified material, document or article.

***Committee's Recommendation:***

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

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

**Clause 7: Further Offences.**

- (1) A person is guilty of an offence and punishable with a term of imprisonment not exceeding five years if, without lawful authority, he discloses any official information" document, material or other articles which can be used for the purpose of obtaining access to any information, document, article, facility or installation protected against disclosure by the provisions of this Bill.
- (2) Provided that the circumstances in which the official information, document, material or other article is disclosed are such that it would be reasonable to expect that it might be used for the purpose of obtaining unauthorized access to protected information, document, article, facility or installation.

***Committee's Recommendation:***

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

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

**Clause 8: Attempt to Commit Offence and Abetment.**

A person is guilty of an offence and punishable with a term of imprisonment not exceeding five years if he —

- (a) attempts to commit any offence under this Bill;
- (b) does any act preparatory to or in furtherance to the commission of any offence under this Bill; or

- (c) abets, conceals or engages in criminal conspiracy to commit any offence under this Bill.

***Committee's Recommendation:***

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

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

**Clause 9:      Protection of Operational Files.**

The Head of any National Security Agency may in the interest of national security designate file, record or document as classified. Such classified documents shall remain exempted from publication, disclosure, search or review howsoever. The disclosure of such document or information shall be at the approval of Mr President upon the advice of the National Security Adviser.

***Committee's Recommendation:***

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

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

**Clause 10:      Operational Files to be Exempted.**

The operational files to be exempted include —

- (i) files of the Agency which contain information on the conduct of foreign intelligence or counter-intelligence operations or intelligence liaison arrangements or information exchanges with foreign governments or their Intelligence or Security Services; information on past or ongoing intelligence operations or activities, sources, informants, methods, agents, installations, locations of persons or objects of intelligence interest to the Federal Government;
- (ii) files of the Agency which contain information on the means by which intelligence and counter-intelligence are collected through scientific and technical methods; or contain information on the location of communications or technical equipment used in intelligence gathering; and
- (iii) files of the Agency which contains information on the Services' Instruments, directives on operations or intelligence activities by the President or the Head of the Agency, decisions or minutes of meetings of the Joint Intelligence Board and the Intelligence Community Meeting, directives of the Head of the Agency, decisions of Senior Management of the Agency, internal circulars, information on policy, records of past and serving members of staff of the Agency, Administrative Rules, Regulations and Manuals.

***Committee's Recommendation:***

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

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

**Clause 11:      Search and Review of Information.**

- (1) Notwithstanding sections 9 and 10 above, declassified documents, information, any intelligence activity and record shall be published or made available as may be required by the National Assembly or the Court.

- (2) The Head of the Security Agency may, from time to time and having regard to the security and intelligence interest of Nigeria, issue directives in writing for the declassification of any information or document in the possession of the Agency.

***Committee's Recommendation:***

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

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

PART TWO — LIAISON WITH THE NATIONAL ASSEMBLY

**Clause 12: Procedure for Reporting to National Assembly.**

The National Security Adviser shall in collaboration with the National Assembly establish such procedures as may be necessary to carry out the provisions of this Bill.

***Committee's Recommendation:***

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

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

**Clause 13: Procedure to Protect from Disclosure.**

The Senate and the House of Representatives shall each establish, by Rule or Resolution, procedures to protect from unauthorized disclosure, all classified information relating to intelligence that is furnished to the National Assembly Committees on Security and Intelligence. Such procedures shall be established in consultation with the President's designated officials.

***Committee's Recommendation:***

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

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

**Clause 14: Form and Contents of Reports.**

Any report relating to an intelligence activity that is submitted to the National Assembly Committees on Security and Intelligence by the Agency for purposes of this Part shall be in writing and contain the following —

- (a) a concise statement of any facts pertinent to such report;
- (b) an explanation of the significance of the intelligence activity covered by such report;
- (c) use of gaps, asterisks, alphabets, pseudo words, dots or blacken words, to conceal sensitive names, figures, locations, issues, matters, sources and methods, which may, in compelling circumstances, be orally disclosed.

***Committee's Recommendation:***

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

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

## PART THREE — DEFENCES, POWERS AND IMMUNITIES

**Clause 15: Defences.**

- (1) It is a defence for a person charged with an offence under this Bill to prove that —
  - (a) at the time of the alleged offence, he had no reasonable cause to believe that the act in question was one to which this Bill applies;
  - (b) when he knew or could reasonably have been expected to believe that the matter was classified matter, he forthwith placed his knowledge of the case at the disposal of the Head of the Agency; and
  - (c) at the time of the alleged offence, he believed that he was acting in accordance with his official duty and had no reasonable cause to believe otherwise.
- (2) It is a defence for a person charged with an offence under Sections 4, 5, 6 and 8 of this Bill to prove that the disclosure of the information, article or document was in the public interest insofar as he had reasonable cause to believe that it indicated the existence of crime, fraud, abuse of authority, neglect in the performance of official duty or other misconduct. Provided that before making the said disclosure, he has taken reasonable steps to draw such misconduct to the attention of the Head of the Agency without effect.

**Committee's Recommendation:**

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

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

**Clause 16: Power and Immunities of Officers.**

Officers of the Agency shall have all the powers and immunities of a Police Officer under the Police Act and any other laws conferring power and immunity on law enforcement agents and shall exercise these powers both within and outside Nigeria, especially in Nigeria's Diplomatic Missions abroad in furtherance of Nigeria's national security.

**Committee's Recommendation:**

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

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

**Clause 17: Power to Investigate.**

- (1) A Senior Officer of the Agency not below GL 14 or above in any of the National Security Organisations shall have powers to investigate an offence under this Bill and may direct —
  - (a) any person to appear before him for the purpose of investigation in relation to any matter which may, in his opinion, assist in the investigation of the offence;
  - (b) any person to produce any book, documents, articles or materials which, in his opinion, may assist in the investigation of an offence; and

- (c) by written notice, any person to furnish a statement in writing made under oath containing all such information required by the notice which in the officer's opinion would be of assistance in the investigation of an offence.

- (2) No investigation shall be initiated under this Bill without the written authorization of the Head of the Security Agency.

***Committee's Recommendation:***

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

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

**Clause 18: Search Warrant.**

Where an officer of the Agency not below the rank of Assistant Chief Intelligence Officer has reasonable cause to believe that an offence under this Bill has been committed and that a material relating to the offence is likely to be found on a particular premises, he may issue a warrant to any Senior Officer of the Agency authorizing him and such other officers as may accompany him, to enter and search those premises and to seize and remove any material found there on which the Senior Officer considers as evidence of an offence under this Bill.

***Committee's Recommendation:***

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

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

**Clause 19: Power to Arrest without Warrant.**

- (1) Without prejudice to any other power of arrest, an Agency officer may arrest without warrant any person whom he finds committing an offence under this Bill or whom he reasonably suspects of having committed such an offence.
- (2) An Officer of the Agency may use such force as may be reasonably necessary for the purpose of executing an arrest under this Bill.

***Committee's Recommendation:***

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

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

**Clause 20: Power to Bear Firearms.**

Officers of the Agency shall be issued with such firearms and ammunition, and such other weapons of offence or defence for use within Nigeria and in Nigerian Diplomatic Missions abroad as may be authorized by the President, acting with the advice of the National Security Adviser.

***Committee's Recommendation:***

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

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

## PART FOUR — JURISDICTION AND LEGAL PROCEEDINGS

**Clause 21: Court to Examine Documents in Camera.**

- (1) In the interest of national security, defence and foreign relations, where a classified information, material or matter is in issue, any document, article or material filed or produced by the Agency, shall be examined ex-parte and in camera by the court.
- (2) The court shall, to the fullest extent possible and practicable, determine issues of fact based on sworn written submissions of the parties.
- (3) The court may not order the Agency to review the content of any exempted operational file or files unless the complainant disputes the Agency's submission with a sworn written submission based on personal knowledge or otherwise admissible evidence.

**Committee's Recommendation:**

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

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

**Clause 22: Prosecution of Offences.**

- (1) Without prejudice to the general powers of the Attorney-General of the Federation to institute and undertake criminal proceedings on behalf of the Federal Government of Nigeria, any of the Agency shall have powers to prosecute criminal cases against any person in respect of offences under this Bill.
- (2) A prosecution for an offence under this Bill shall be concluded and judgment delivered within ninety (90) working days of its commencement except that the jurisdiction of the court to continue to hear and determine the case shall not be affected where good grounds exist for a delay.
- (3) Where the need arises or there is a justifiable ground, the prosecutor may apply to the court that part of entire proceedings be done in camera.

**Committee's Recommendation:**

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

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

**Clause 23: Extra-Territorial Jurisdiction.**

Where an offence under this Bill has been committed outside Nigeria by a citizen of Nigeria, proceedings in respect of the offence may be brought in a Federal High Court in Nigeria which would have had jurisdiction in the matter as if the offence had been committed in Nigeria.

**Committee's Recommendation:**

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

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

## PART FIVE — MISCELLANEOUS PROVISIONS

**Clause 24: Misuse of Agency Name, Acronym or Seal.**

A person who, without the written permission of the Head of the Agency, knowingly uses the Agency's identity card or the name of any Agency or the acronym Agency or its seal or any imitation of such words, acronym, or seal in connection with any merchandise, solicitation, commercial activity or communication, designed to impersonate or in any manner reasonably calculated to convey the impression that such use is approved, endorsed, or authorized by the Agency, is guilty of an offence and is liable on conviction for a term of imprisonment not exceeding three years.

**Committee's Recommendation:**

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

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

**Clause 25: Oath of Secrecy and Oath of Allegiance.**

- (1) On the appointment or promotion of any person as an officer of the Agency, he shall forthwith take and subscribe to the Agency Oath of Secrecy and the Oath of Allegiance as contained in the Schedule to this Bill.
- (2) A serving or retired Agency officer who, having subscribed to the Agency Oath of Secrecy and the Oath of Allegiance, breaches or violates any provisions of the Oaths, is guilty of an offence and is liable on conviction to imprisonment for a term of five years.

**Committee's Recommendation:**

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

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

## PART SIX — INTERPRETATION SECTION

**Clause 26: Interpretation.**

In this Bill —

"Agency" means the National Intelligence Agency, State Security Service and Defence Intelligence Agency established under the National Securities Agencies Act, as the case may be;

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

"Agency Facility or Establishment" means any area, building, structure, installation, equipment or office in Nigeria or elsewhere used by the Agency for or in connection with intelligence activities;

*Question: That the words "Agency Facility or Establishment" defined in the Interpretation to this Act, put and agreed to.*

"Agent" means any individual who furnishes to the Agency through any means or works for the Agency as an informant or source, in the course of an intelligence relationship and whose identity and relationship with the Agency is classified information;

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

"Authorized", when used with respect to access to classified information, means having authority, right or permission pursuant to the provisions of a statute or directive of the Federal Government or the Head of the relevant Agency;

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

"Classified Information or Material" means any information, document, article or material which, under any system of security classification in use by any branch of the government, is not to be disclosed to the public in the interest of national security;

*Question: That the words " Classified Information or Material" defined in the Interpretation to this Act, put and agreed to.*

"Counter-intelligence" means information gathered and activities conducted, to protect against espionage, sabotage and other hostile intelligence activities;

*Question: That the words " Counter-intelligence" defined in the Interpretation to this Act, put and agreed to.*

"Covert Action" means a clandestine operation designed to influence foreign governments, events, organizations or persons to support and promote Nigeria's foreign policy and national security;

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

"Head of the Agency" means the head of any of the national security agencies established by the National Security Agencies Act, 1986;

*Question: That the words " Head of the Agency" defined in the Interpretation to this Act, put and agreed to.*

"Disclose" or "Disclosure" means to communicate, provide, impart, transmit, transfer, convey, publish, or otherwise make available;

*Question: That the words " Disclose " or" Disclosure" defined in the Interpretation to this Act, put and agreed to.*

"Foreign intelligence" means information relating to the capabilities, intentions or activities of foreign governments or elements thereof, foreign organizations, foreign persons or international terrorist activities;

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

"Government Contractor" or "Government Consultant" means any person who is not a Public Officer but who provides or is employed to provide any service to government and includes retired Agency officers who are engaged as consultants to the Agency;

*Question: That the words " Government Contractor" or" Government Consultant" defined in the Interpretation to this Act, put and agreed to.*

"Informant" means any individual who furnishes information to the Agency in the course of a confidential relationship;

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

"International Organization" includes any organization with foreign affiliation or sponsorship whether or not it is one of which only states are members;

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

"Intelligence" is the product or knowledge resulting from collecting, processing, integrating, analyzing, evaluating and interpreting available information concerning the capabilities, intentions, policies or activities of foreign countries/governments or elements thereof, foreign organizations or persons, international criminal organizations or subjects, hostile or potentially hostile forces or elements and other persons of interest to the Federal Government of Nigeria, as well as areas of actual or potential operations;

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

"Intelligence Activities" are any or all of the activities undertaken by intelligence organizations;

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

"Agency Officer" means —

- (a) a serving or retired officer, employee or member of the Agency assigned to duty either within or outside the country, whose identity as such an officer, employee or member is classified information; and
- (b) an individual whose past or present intelligence relationship to the Agency is classified information and includes a present or former agent, informant or source of operational assistance to the Agency;

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

"Nigeria", when used in a geographic sense, means all areas under the territorial sovereignty of Nigeria or entities or premises (covered by the Vienna Conventions on Diplomatic and Consular Relations) used by the Federal Government in a Foreign State irrespective of ownership;

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

"Public Officer" means a person who exercised or formerly exercised, for the purposes of government, the functions of any office or employment under the state, including a Minister of the Federation, a Commissioner of a State Government and officers and staff of the Ministries, Departments and Agencies (MDAs);

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

"Service Instruments" means the operational guidelines signed and issued by the Head of State in 1999 pursuant to section 6 of the National Security Agencies Act, 1986;

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

"Significant Intelligence Activities" means any activity other than covert actions or operations;

*Question: That the words "Significant Intelligence Activities" defined in the Interpretation to this Act, put and agreed to.*

"Senior Officer" means an Agency Officer from the rank of an Intelligence Officer (10).

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

**Committee's Recommendation:**

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

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

**Clause 27: Short Title.**

This Bill may be cited as the National Security Agencies Protection of Officers' Identity Bill, 2018.

**Committee's Recommendation:**

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

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

**SCHEDULE**

**Oath of Secrecy.**

I, ....., swear that I shall not directly or indirectly reveal any matter that shall come to my knowledge in the course of my official duties and committed to my secrecy by this Oath except as may be required for the discharge of my official duties or as may be specially permitted by the Director-General of the Agency; and I shall not engage or be involved in any activity in conflict with the interest of the Agency. I realize that failure to keep this Oath is an offence and shall render me liable to prosecution under the National Security Agencies Protection of Officers' Identity Bill 2017. I also realize that the Obligation of secrecy imposed upon me by this Oath will continue even after I have left Government service. So help me God.

**Oath of Allegiance.**

I, ....., swear that I will be faithful and bear true allegiance to the Federal Republic of Nigeria and I will obey all lawful commands of the Federal Government, the Agency and any officer set over me while in the service of the Agency; I will also use my best endeavours for the preservation of peace and apprehension of offenders and will, in all respects and to the best of my skill and knowledge, discharge all duties of the said office diligently and efficiently. So help me God.

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

Chairman to report Bill.

**(SENATE IN PLENARY)**

The Deputy Senate President reported that the Senate in the Committee of the Whole considered a Bill for an Act to Provide for the Protection of the Identity of Officers, Agents, Sources of Information, Informants and Method of Operation of National Security Agencies from Unlawful Disclosure; and to Protect its Establishments, Facilities and Equipment Against Unauthorized Access and to Provide for the Promotion and Enhancement of National Security and for Related Matters, 2018 and approved as follows:

Clauses 1- 27 — As Recommended

Schedule 1 — 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.*

**12. Committee on Tertiary Institutions and TETFUND:**

*Report on the Federal Polytechnics Act and for Other Related Matters 2018 (SB. 241):*

*Motion made:* That the Senate do consider the Report of the Committee on Tertiary Institutions and TETFUND on the Federal Polytechnics Act and for Other Related Matters 2018 (*Senator Barau I. Jibrin — Kano North*).

*Question put and agreed to.*

*Report presented.*

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

*Question put and agreed to.*

**(SENATE IN THE COMMITTEE OF THE WHOLE)**

CONSIDERATION OF A BILL FOR AN ACT TO AMEND THE FEDERAL POLYTECHNICS ACT (CAP F17, LAWS OF THE FEDERATION OF NIGERIA, 2004), TO REVIEW THE RETIREMENT AGE OF STAFF OF FEDERAL POLYTECHNICS, HARMONIZE THE TENURE OF THE OFFICE OF THE RECTOR AND OTHER PRINCIPAL OFFICERS OF THE FEDERAL POLYTECHNICS IN NIGERIA AND FOR OTHER RELATED MATTERS, 2018.

*Debate:*

*Consideration of Report deferred, and referred back to the Committee for further Legislative Action.*

Chairman to report progress.

**(SENATE IN PLENARY)**

The Deputy Senate President reported that the Senate in the Committee of the Whole considered the Report of the Committee on Tertiary Institutions and TETFUND on the Federal Polytechnics Act and for Other Related Matters 2018 and deferred consideration of Report and referred back to the Committee for further Legislative Action.

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

**13. Joint Committee on Land Transport; Marine Transport; and Aviation:**

*Report on the National Transport Commission Bill, 2018 (SB. 242):*

*Motion made:* That the Senate do consider the report of the Joint Committee on Land Transport, Marine Transport and Aviation on the National Transport Commission (Establishment, etc.) Bill, 2018 (*Senator Bareehu O. Ashafa — Lagos East*).

*Question put and agreed to.*

*Report presented.*

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

*Question put and agreed to.*

~~(X)~~ (SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE NATIONAL TRANSPORT COMMISSION AS AN INDEPENDENT MULTI -MODAL REGULATOR FOR THE REGULATED TRANSPORT INDUSTRY SECTORS AND FOR OTHER MATTERS RELATED THERETO, 2018.

PART I -PURPOSE, APPLICATION AND SCOPE OF THE BILL

**Clause 1: Purpose of the Bill.**

The purpose of this Act is to:

- (a) establish the National Transport Commission as an effective, impartial and independent regulatory authority in the transport sector and to set out the objectives, functions and powers of the Commission;
- (b) promote the implementation of the national transport policy;
- (c) provide an economic regulatory framework and safety oversight regime for the regulated transport sector;
- (d) provide mechanism for monitoring compliance of government agencies and transport operators in the regulated transport sector with relevant legislation and advice Government on matters relating to economic and safety regulation of regulated transport sector;
- (e) provide for the efficient regulation of the regulated transport sector by a multi-modal economic regulator;
- (f) protect the rights and interests of service operators and users within Nigeria; and
- (g) create an enabling environment for private sector participation in the provision of services in the transport sector.
- (h) ensure consumer protection and quality of service in the provision of any transport service in the regulated transport sector

***Committee's Recommendation:***

That the provision in Clause 1 be retained (*Senator Bareehu O. Ashafa — Lagos East*) — *Agreed to.*

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

**Clause 2: Application and Scope.**

This Act shall apply to:

- (a) the provision or use of any regulated transport services or facilities in a regulated transport sector in Nigeria; and
- (b) any private or public sector operator or service provider using public infrastructure to provide transport services or facilities in a regulated transport sector in Nigeria.

**Committee's Recommendation:**

That the provision in Clause 2 be retained (*Senator Bareehu O. Ashafa — Lagos East*) — *Agreed to.*

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

**Clause 3: Power to declare a Regulated Transport Sector.**

- (1) The President may by Order or Regulation on the advice of the Commission declare a sector to be a regulated transport industry after having regard to:
  - (a) the existence of a significant and non-transitory market power;
  - (b) the non-existence of economic and or safety regulation specific to that sector;
  - (c) the existence of significant failures in the management and operations of a transport sector as a result of lack of regulation in that sector ; and
  - (d) other relevant considerations.
- (2) The Order or Regulation which shall be published in the Federal Government Gazette may declare -
  - (a) which sector is to be deemed a regulated transport sector; and
  - (b) the extent or the scope of such regulation
- (3) A transport sector shall become regulated under this Act only as prescribed under this Act or under such Order or Regulation made pursuant to the provisions of this Bill.

**Committee's Recommendation:**

That the provision in Clause 3 be retained (*Senator Bareehu O. Ashafa — Lagos East*) — *Agreed to.*

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

**PART II - ESTABLISHMENT OF THE NATIONAL TRANSPORT COMMISSION****Clause 4: Establishment of the National Transport Commission.**

- (1) There is established an independent multi-modal transport sector economic regulator to be known as the National Transport Commission (in this Bill referred to as "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 Bill;
  - (c) do all acts and things which a body corporate may by law do and which are necessary or convenient for the purposes of this Bill; and
  - (d) exercise all of the powers given to it under this Bill and do all acts and things which are necessary or convenient for carrying out its functions and duties under this Bill.

- (3) The common seal of the Commission shall be kept in such custody as the Commission shall direct and shall not be used except as authorised by the Commission.
- (4) The Commission shall determine its management and operational structure and may create directorates, departments, and units, however called, as it deems necessary for the discharge of its functions and duties under this Bill.

***Committee's Recommendation:***

That the provision in Clause 4 be retained (*Senator Bareehu O. Ashafa — Lagos East*) — *Agreed to.*

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

**Clause 5: Functions and Powers of the Commission.**

- (1) The Commission shall have and exercise the following functions and powers—
  - (a) All such functions and powers as may be conferred on it by sector legislation or any other legislation;
  - (b) create an economic regulatory framework and safety oversight regime for the provision of transport services and facilities;
  - (c) implement Government's economic and safety regulatory policies on transport and execute all such other functions and responsibilities as are given to the Commission under this Bill or any relevant transport sector legislation;
  - (d) enforce and supervise economic regulatory and safety oversight provisions of all relevant legislations on a regulated transport sector;
  - (e) protect the interest of users of transport services by ensuring that prices are fair and reasonable while having regard to the level of competition in, and efficiency of, the regulated transport sector;
  - (f) facilitate effective competition and promote and protect a transparent and competitive market; free of unfair business conduct as well as ensure that the misuse of monopoly, or dominant position or non-transitory market power is prevented;
  - (g) ensure the prevention or regulation of negative activities including price or rate fixing and discrimination, predatory pricing, conspiratorial pricing amongst some competitors or against others or against service users, as well as hoarding and other restrictive or exclusive contracts which have or may have a negative effect within the regulated transport sector;
  - (h) examine and resolve complaints, objections and disputes referred to it on any regulatory matter as between Government agencies in a regulated transport sector and concessionaires, operators, users, shippers and consumers or any other person involved in a regulated transport sector, using such dispute-resolution methods as the Commission may determine from time to time including mediation and arbitration;
  - (i) ensure that regulatory decision making has regard to the relevant health, safety, environmental and social legislation and best practices applicable to a regulated transport industry;

- (j) approve, review and fix terms, conditions and maximum fees for the grant of licenses and permits for the provision of transport services and make regulations for the grant of licenses;
  - (k) ensure that users have equitable access to transport facilities, services, channels and routes while having regard to the level of competition and efficiency within a regulated transport industry;
  - (l) monitor the performance of the regulated sectors and to effect the review and setting of tariffs in cases of abuse of monopoly power or dominant position and anti-competitive behavior by public and private transport operators and service providers and operators;
  - (m) set guidelines, general policies and monitor compliance on tariffs, rates, charges or other fees charged and by public and private transport operators and service providers of prescribed goods and services;
  - (n) monitor the relationship between public transport service operators and their affiliates and the relationship between concessionaires and their affiliates to ensure that no party derives unfair advantages over other transport service operators;
  - (o) enforce and monitor performance standards and indices relating to the quality of transport services and facilities provided to users, and consumers in Nigeria having regard to best international performance indicators;
  - (p) perform a supervisory safety role in respect of safety regulation by government agencies and the private sector service provider in the regulated transport sector to ensure compliance with established standards and quality service delivery in accordance with the powers and duties conferred on the Commission by this Act and sector legislations;
  - (q) advice Government on matters relating to economic and safety regulation of regulated transport sector;
  - (r) make such regulations as may be necessary under this Bill to give full force and effect to the provisions of this Bill; and
  - (s) execute all such other functions and responsibilities as are given to the Commission under this Bill and sector legislations.
- (2) Subject to this Bill, the Commission has the power to do all things necessary for the performance of its functions and to enable it to achieve its objectives under this Bill and any sector legislation.
- (3) Further to the provisions of subsections (1) and (2) of this Section, the Commission shall have such other functions and powers as may be conferred on the Commission any other relevant legislation and regulation.
- (4) In the case of any conflicts between this Bill and any sector legislation on the economic regulatory functions and powers of the Commission, the provisions of this Bill shall prevail

- (5) The Commission shall not perform its functions in such a manner as to contravene any mandatory international convention to which Nigeria is a party and shall ensure compliance with obligations under those international conventions by government agencies charged with the responsibility for those matters.

**Committee's Recommendation:**

That the provision in Clause 5 be retained (*Senator Bareehu O. Ashafa — Lagos East*) — *Agreed to.*

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

**Clause 6: Powers of the Commission.**

- (1) In carrying out its functions, the Commission shall exercise the following powers -
- (a) implement Government's economic regulatory policies on transport;
  - (b) protect the interest of users of transport services by ensuring that prices are fair and reasonable while having regard to the level of competition in, and efficiency of, the regulated transport industry;
  - (c) examine and resolve complaints, objections and disputes referred to it as between Government agencies in the regulated transport industry and concessionaires, licensed operators, users, shippers and consumers or any other person involved in the regulated transport industry, using such dispute-resolution methods as the Commission may determine from time to time including mediation and arbitration;
  - (d) ensure that regulatory decision making has regard to the relevant health, safety, environmental and social legislation and best practices applicable to the regulated transport industry;
  - (e) register all transport service providers and determine the fees for such Registration.
  - (f) set guidelines and general policies on tariffs charged and monitor compliance by public and private transport service operators and suppliers of prescribed goods and services;
  - (g) monitor the relationship between public transport service operators and their affiliates and the relationship between concessionaires and their affiliates to ensure that no party derives unfair advantages over other transport service operators;
  - (h) develop, enforce and monitor performance standards and indices relating to the quality of transport services and facilities provided to users, shippers and consumers in Nigeria having regard to best international performance indicators;
  - (i) enforce economic regulatory provisions of all relevant legislation on the regulated transport industry including but not limited to legislation on ports, inland waterways, road and rail transport;
  - (j) make such regulations as may be necessary under this Bill to give full force and effect to the provisions of this Bill; and

- (k) execute all such other functions and responsibilities as are given to the Commission under this Bill;
- (2) Subject to this, the Commission has the power to do all things necessary for the performance of its functions and to enable it to achieve its objectives under this Act.
- (3) The Commission shall at all times perform its functions and exercise its powers in such a manner as to achieve the objectives of this Act and any objectives specified in any sector legislation under which a regulated transport industry operates.
- (4) Further to the provisions of subsections (1) and (2) of this section, the Commission shall have such other functions and powers as may be conferred on the Commission by the relevant legislation and regulations under which a regulated transport industry operates.

***Committee's Recommendation:***

*Leave out the provision in Clause 6 (Senator Bareehu O. Ashafa — Lagos East) — Agreed to.*

**Clause 7: Consultation .**

- (1) This section applies to the Commission and to prescribed Agencies for the purpose of ensuring that -
  - (a) the regulatory and decision making processes of the Commission and prescribed Agencies are closely integrated and better informed; and
  - (b) overlap or conflict between regulatory schemes are avoided.
- (2) The Commission may, as it deems fit, consult with a relevant Prescribed Agency in -
  - (a) the making determinations;
  - (b) the conducting inquiries; or
  - (c) preparing and reviewing economic sector regulations and regulatory practices.
- (3) Where required to do so by the Commission, a Prescribed Agency shall consult with the Commission in -
  - (a) relation to any matter specified by the Commission which is relevant to the objectives or functions of the Commission under this Bill or under any other legislation; or
  - (b) respect of any matter specified by the Commission which may impact on a regulated transport industry sector.
- (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 Commission shall whenever it deems it appropriate and practicable to do so consult with relevant stakeholders, the public and representatives of a relevant transport sector in the exercise of its powers with regard to a sector wide, new or revised set of regulations which is published in the Federal Government Gazette

- (6) For the purposes of this subsection 5 of this Section, it shall be the duty of the Commission to establish and identify the relevant persons, organisations and institutions to be consulted.
- (7) The Commission shall include in its Annual Report a report on the implementation of its consultation programmes carried out during the year covered by the Report.
- (8) 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.

***Committee's Recommendation:***

That the provision in Clause 7 be retained (*Senator Bareehu O. Ashafa — Lagos East*) — *Agreed to.*

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

**Clause 8:      Role of the Minister .**

- (1) Subject to subsection (2) of this Section, the Minister shall convey to, the Commission in writing, the general policy direction of government for the transport sector provided that such policies are not in conflict with this Act or the Constitution of the Federal Republic of Nigeria.
- (2) The Commission shall comply with and implement the government policy on transport provided that it shall at all times be independent in the performance of its functions.
- (3) In the execution of his functions in relation to the Commission, the Minister shall at all times ensure that the independence of the Commission, with regards to the discharge of the Commission's regulatory functions and operations under this Bill, are protected and not compromised in any manner.
- (4) Prior to the formulation or review of policies for the relevant sector, the Minister shall ensure consultation with relevant stakeholders in that sector.
- (5) The Minister of Transportation shall, in consultation with the President not later than three months after the coming into force of this Bill, take such steps as are necessary to bring into being the institutional structures of the Commission.

***Committee's Recommendation:***

That the provision in Clause 8 be retained (*Senator Bareehu O. Ashafa — Lagos East*) — *Agreed to.*

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

*Consideration of Report deferred, and referred to the Joint Committee for further Legislative Action.*

Chairman to report progress.

**(SENATE IN PLENARY)**

The Deputy Senate President reported that the Senate in the Committee of the Whole considered the Report of the Joint Committee on Land Transport, Marine Transport and Aviation on the National Transport Commission (Establishment, etc.) Bill, 2018 and approved as follows:

Clauses 1- 8

— As Recommended

*Consideration of Report deferred, and referred to the Joint Committee for further Legislative Action.*

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

**14. Committee on Establishment and Public Service:**

*Report on the Chartered Institute of Management Accountant Bill, 2018 (SB. 236):*

*Consideration of Report deferred to another Legislative Day.*

**15. Committee on Tertiary Education and TETFUND:**

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

*Consideration of Report deferred to another Legislative Day.*

**16. Adjournment:**

*Motion made:* That the Senate do now adjourn till Tuesday, 27th February, 2018 at 10:00 a.m. (Senate Leader).

*Adjourned accordingly at 1:10 p.m.*

**Ike Ekweremadu, CFR**  
*Deputy Senate President,  
Senate of the Federal Republic of Nigeria.*