



SENATE OF THE FEDERAL REPUBLIC OF NIGERIA VOTES AND PROCEEDINGS

Thursday, 26th October, 2017

1. The Senate met at 11:04 a.m. The Senate President read Prayers.
2. **Votes and Proceedings:**
The Senate examined the Votes and Proceedings of Wednesday, 25th October, 2017.
Question was put and the Votes and Proceedings were approved.
3. **Petitions:**
 - (i) Rising on Rule 41, Senator Nelson A. Efiang (*Akwa Ibom South*) drew the attention of the Senate to a petition from his constituent, Onus Bassey & Co. on behalf of Ikot Obio Itong Community in Mkpato-Enin Local Government Area, Akwa Ibom State, against the Federal Ministry of Education, over non-payment of compensation for land acquired for the permanent site of Federal Government College, Ikot Obio Itong. 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.
 - (ii) Rising on Rule 41, Senator Yusuf A. Yusuf (*Taraba Central*) drew the attention of the Senate to a petition from his constituent, Suleiman Isa, against John Mark, former Divisional Police Officer, Gembu, Taraba State, over illegal release of suspects. 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.
4. **Joint Committee on Judiciary, Human Rights and Legal Matters; and Anti-Corruption and Financial Crimes:**
Report on the Proceeds of Crimes Bill, 2017 (SB. 376):
Motion made: That the Senate do resolved into the Committee of the Whole to resume consideration of the Report of the Joint Committee on Judiciary, Human Rights and Legal Matters; and Anti-Corruption and Financial Crimes on the Proceeds of Crimes Bill, 2017 (*Adjourned Consideration 19th October, 2017 — Clause 41*) (*Senate Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

RESUMED CONSIDERATION OF A BILL FOR AN ACT TO MAKE COMPREHENSIVE PROVISIONS FOR THE CONFISCATION, FORFEITURE AND MANAGEMENT OF PROPERTIES DERIVED FROM UNLAWFUL ACTIVITIES AND FOR CONNECTED MATTERS, 2017.

Clause 42: Further Provisions as to Instrumentalities of an Offence:

Where under this Act the Court is required to make an order of forfeiture in respect of an instrumentality of an offence, the Court may make an order forfeiting —

- (a) a means of conveyance, including an aircraft, a vehicle or vessel, used or intended to be used to transport or facilitate the transportation, sale, receipt, possession of the proceeds of crime or other instrumentality, or for the concealment of an offence, but a means of conveyance shall not be forfeited under this section —
 - (i) where it is used by its owner as a common carrier in the transaction of his business unless the owner or other person in charge of the means of conveyance consented to or was privy to the commission of the offence;
 - (ii) by reason of any offence established by its owner to have been committed by any other person while the means of conveyance was unlawfully in the possession of a person other than the owner in violation of the criminal laws of Nigeria; and
 - (iii) by reason of any offence established by the owner to have been committed without his knowledge, consent or wilful connivance;
- (b) books, records, research materials, and data used or intended to be used in the furtherance of any criminal activity;
- (c) monies, negotiable instruments, securities or other things of value furnished or intended to be furnished by any person in exchange for any illegal act or all proceeds traceable to the exchange, and all monies, negotiable instruments, securities and other things used or intended to be used to facilitate any criminal activity; or
- (d) real property, including any right, title or any interest, including any leasehold interest, in land or part of a land and any improvement or appurtenance which is used or intended to be used, in any manner to commit, or facilitate any criminal activity.

Committee's Recommendation:

That the provision in Clause 42 be retained (*Senator David Umāru — Niger North*) — Agreed to.

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

Clause 43: Account Freezing Order:

- (1) The Court may by an order (in this Act referred to, as a "freezing order") on the application of the Agency prohibit a financial institution from allowing a withdrawal from an account with the financial institution, except in the manner and circumstances specified in the order made by the Court, where —
 - (a) there are reasonable grounds to suspect that the account is —
 - (i) a proceed of an unlawful activity, whether or not the identity of the person who committed the offence is known, or
 - (ii) wholly or partly an instrumentality of an offence; and

- (b) the Court is satisfied that, unless a freezing order is made, there is a risk that the account will be reduced to the extent that a person will be deprived of all or some of the proceeds or instrumentality.
- (2) A freezing order shall cover the specified account or any related accounts to which the defendant may be a signatory.
- (3) The Court may make a freezing order in the absence of a finding as to the commission of a particular offence.

Committee's Recommendation:

That the provision in Clause 43 be retained (*Senator David Umaru — Niger North*) — *Agreed to.*

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

Clause 44: Application for a Freezing Order:

- (1) An application for a freezing order by the Agency shall be made ex parte, supported by an affidavit deposed to by an authorised officer.
- (2) The application for a freezing order shall —
 - (a) identify the financial institution;
 - (b) set out sufficient information to identify the account, including the account number; and
 - (c) set out the grounds for suspecting that the content of the account —
 - (i) is a proceed of an offence,
 - (ii) is wholly or partly an instrumentality of an offence, and
 - (iii) will be reduced to the extent that a person will be deprived of all or some of such proceeds or of such an instrumentality.

Committee's Recommendation:

That the provision in Clause 44 be retained (*Senator David Umaru — Niger North*) — *Agreed to.*

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

Clause 45: Service of Freezing Order:

A copy of a freezing order made under section 44 of this Act shall be served on —

- (a) the financial institution affected by the order;
- (b) the account holder; and
- (c) any other party that may be affected by the order.

Committee's Recommendation:

That the provision in Clause 45 be retained (*Senator David Umaru — Niger North*) — *Agreed to.*

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

Clause 46: Offence of contravening a freezing order:

- (1) A financial institution which allows a withdrawal from an account in respect of which a freezing order exists in a manner that contravenes the order commits an offence and is liable to a fine of not less than five million naira and shall, refund the sum withdrawn.
- (2) An officer of a financial institution who intentionally or negligently fails to comply with a freezing order commits an offence and is liable on conviction to imprisonment for a term of not less than five years without the option of fine.

Committee's Recommendation:

That the provision in Clause 46 be retained (*Senator David Umaru — Niger North*) — *Agreed to.*

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

Clause 47: Protection from suits, etc. for those complying with a freezing order:

No action, suit or proceeding shall lie against a financial institution or an officer or agent of a financial institution acting in the course of his employment or agency, in relation to any action taken by the institution, officer or agent in complying with a freezing order or in the mistaken belief that action was required under a freezing order.

Committee's Recommendation:

That the provision in Clause 47 be retained (*Senator David Umaru — Niger North*) — *Agreed to.*

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

Clause 48: Duration of a freezing order:

A freezing order remains in force until the —

- (a) end of the period specified in the order; or
- (b) time the Court otherwise directs.

Committee's Recommendation:

That the provision in Clause 48 be retained (*Senator David Umaru — Niger North*) — *Agreed to.*

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

Clause 49: Extension of a freezing order:

- (1) The Court that granted an order under section 43 of this Act may, on application by the Agency or authorised prosecutor make an order extending the periods referred to in section 48 of this Act, if satisfied that —
 - (a) the conditions in section 43(1) apply;
 - (b) the extension is necessary in order to secure a forfeiture order under section 66 of this Act.
 - (c) Court is satisfied that an application has been made to it for a restraint order to cover the account, whether or not the restraint order covers other property which has not been decided.
- (2) The extension referred to under subsection (1) of this section may be for —
 - (a) end of the period specified in the order; or

- (b) the period ending when the Court decides the application for the restraint order

Committee's Recommendation:

That the provision in Clause 49 be retained (*Senator David Umaru — Niger North*) — *Agreed to.*

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

Clause 50: Variation or Revocation of a Freezing Order in Certain Cases:

- (1) The Court that made a freezing order may on application by a person affected by the order vary or revoke the order where it is satisfied that —
 - (a) the person has given written notice of the application and the grounds for the application to the Agency or authorised prosecutor;
 - (b) the operation of the order will deprive the applicant of the means to provide for his reasonable living expenses and cause undue hardship for the applicant or close dependent relative;
 - (c) the applicant cannot meet the expenses out of property that is not covered by —
 - (i) a freezing order, or
 - (ii) a restraint order;
 - (d) the hardship that the applicant will suffer as a result of the order outweighs the risk that the property concerned may be destroyed, lost, damaged, concealed, transferred, removed or have its value diminished, or otherwise be disposed of;
 - (e) the expenses do not, or will not, relate to legal costs that the person has incurred, or will incur, in connection with proceedings relating to the offences with which the defendant has been charged; and
 - (f) it is in the interest of justice to do so.
- (2) The written notice referred to in subsection (1)(a) of this section shall be given not less than seventy-two hours before the application is heard.

Committee's Recommendation:

That the provision in Clause 50 be retained (*Senator David Umaru — Niger North*) — *Agreed to.*

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

Clause 51: Application for a Restraint Order:

- (1) The Agency or authorised prosecutor may apply for a restraint order for the purposes specified under this Act.
- (2) An application for a restraint order shall —
 - (a) be made ex parte;
 - (b) be in accordance with sections 52 and 53 of this Act; and
 - (c) provide for the period of the notice referred to in section 57 of this Act to be given to persons affected by the order.

- (3) The Court making a restraint order may also make further orders in respect of the discovery or disclosure of any facts, including facts relating to any property over which the defendant may have effective control and the location of such property, as the Court may consider necessary or expedient with a view to achieving the objectives of the restraint order.
- (4) The Court making a restraint order shall at the same time make an order —
 - (a) authorising the Agency to take custody or control of any property specified in the order;
 - (b) for entering premises, where necessary; and
 - (c) any other ancillary orders that the Court considers appropriate for the proper, fair and effective execution of the order.
- (5) Property affected by subsection (4) of this section shall be dealt with in accordance with the directions of the Court that made the restraint order.
- (6) The Court that made a restraint order —
 - (a) may, on application by a person affected by that order, vary or rescind the restraint order or an order authorising the seizure of the property specified in the order or other ancillary order where it is satisfied that the —
 - (i) operation of the order concerned will deprive the applicant of the means to provide for his reasonable living expenses and cause undue hardship to the applicant or close dependant relatives, and
 - (ii) hardship that the applicant will suffer as a result of the order outweighs the risk that the property concerned may be destroyed, lost, damaged, concealed, transferred or otherwise disposed of; and
 - (b) shall rescind or vary the restraint order when the proceedings against the defendant concerned are concluded.
- (7) Where the Court has made a restraint order under section 52 of this Act, it shall rescind the order where the relevant person is not charged within such period as the Court may consider reasonable.
- (8) Where the Court orders the rescission of an order authorising the seizure of property in accordance with subsection (6)(a) of this section, the Court shall make such other order as it considers appropriate for the proper, fair and effective execution of the restraint order.

Committee's Recommendation:

That the provision in Clause 51 be retained (*Senator David Umaru — Niger North*) — *Agreed to.*

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

Clause 52: Making the Restraint Order:

- (1) The Court may on the application of the Agency or authorised prosecutor make an order that a property shall not be disposed of or otherwise dealt with by any person except in the manner as may be specified in the order where —

- (a) a defendant has been convicted of or has been charged with an offence and a confiscation order has been made against that defendant or it appears to the Court that there are reasonable grounds for believing that a forfeiture order or confiscation order may be made against that defendant;
 - (b) when it is proposed that a person is to be charged with an offence and a Court is satisfied that such person is to be so charged, and it appears to the Court that there are reasonable grounds for believing that a forfeiture order or confiscation order may be made against such a person; and
 - (c) an affidavit under section 54 of this Act has been filed in support of the application.
- (2) The Court may make a restraint order even where there is no risk of the property being disposed of or otherwise dealt with.

Committee's Recommendation:

That the provision in Clause 52 be retained (*Senator David Umaru — Niger North*) — *Agreed to.*

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

Clause 53: Property Subject to a Restraint Order.

A restraint order may be made in respect of —

- (a) such realisable property as may be specified in the restraint order and held by the person against whom the order is made;
- (b) all realisable property held by the person against whom the restraint order is made, whether specified in the order or not;
- (c) specified property of another person that is subject to the effective control of the relevant person, whether or not that other person's identity is known;
- (d) specified property of another person that is a proceed of the offence or an instrumentality of the offence, whether or not that other person's identity is known.
- (e) all property which, where it is transferred to such person after the making of the restraint order, would be a realisable property; and
- (f) gifts, within the meaning of section 87 of this Act, made by the relevant person.

Committee's Recommendation:

That the provision in Clause 53 be retained (*Senator David Umaru — Niger North*) — *Agreed to.*

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

Clause 54: Affidavit in Support of a Restraint Order.

- (1) The application for a restraint order shall be supported by an affidavit made by an authorised officer stating that the officer believes that the property is —
 - (a) the proceeds of a specified offence;
 - (b) an instrumentality of a specified offence; or

- (c) the proceeds of unlawful activity.
- (2) An affidavit shall contain the following —
 - (a) the grounds on which the authorised officer holds the belief but the grounds need not be based on a finding as to the commission of a particular offence;
 - (b) where the relevant person has been convicted, a copy of the judgement;
 - (c) where the relevant person has been charged, a copy of the charge pending before a competent court; or
 - (d) where the application is to restrain property of a person other than the relevant person, a declaration that the authorised officer reasonably believes that the property is —
 - (i) subject to the effective control of the relevant person,
 - (ii) proceeds of the unlawful activity or an instrumentality of the offence, or
 - (iii) proceeds of other unlawful activity.
- (3) The Court shall not make a restraint order unless it is satisfied that the facts disclosed in the affidavit support the reasonable beliefs expressed by the authorised officer.

Committee's Recommendation:

That the provision in Clause 54 be retained (*Senator David Umaru — Niger North*) — *Agreed to.*

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

Clause 55: Payment of Expenses out of Restrained Property.

- (1) The Court may make an order to allow any one or more of the following to be paid out of a property or a specified part of a property covered by a restraint order —
 - (a) the reasonable living expenses of the person whose property is restrained;
 - (b) the reasonable living expenses of close dependants of that person;
 - (c) subject to subsection (4) of this section, reasonable legal costs concerning the current proceedings with which the defendant has been charged or is about to be charged.
- (2) The Court may only make an order under subsection (1) of this section where, the —
 - (a) person whose property is restrained has applied for an order for expenses to be paid out of restrained property;
 - (b) person has notified the Agency in writing of the application and the grounds for the application at least seventy-two hours before the application is heard;
 - (c) person has disclosed all of his interests and liabilities in the property, in a statement on oath that has been filed in the Court; and

- (d) Court is satisfied that the person cannot meet the expense or debt out of property that is not covered by the restraint order.
- (3) The Court shall require a costs assessor, authorised by the Agency to certify that legal expenses have been properly incurred before permitting the payment of expenses from any property covered by an order under subsection (1) of this section.

Committee's Recommendation:

That the provision in Clause 55 be retained (*Senator David Umaru — Niger North*) — *Agreed to.*

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

Clause 56: Application to Exclude Property from a Restraint Order.

- (1) An application may be made to the Court that issued a restraint order to exclude a specified interest in property that is subject to a restraint order by a person who claims to have an interest in it, where the interest is not the proceeds of an offence or an instrumentality of unlawful activity.
- (2) The Court shall not exclude property that is subject to a restraint order under this Act unless it is satisfied that a confiscation order cannot be made against —
 - (a) the person who has the interest; or
 - (b) the defendant, where the interest is not held by the defendant but is under his effective control.
- (3) The applicant shall notify the Agency or authorised prosecutor in writing of the —
 - (a) application referred to in subsection (1) of this section; and
 - (b) grounds on which the application is made.
- (4) The Court shall not hear an application to exclude specified property from a restraint order where the Agency or authorised prosecutor has not been given a reasonable opportunity to conduct examinations in relation to the application.
- (5) The Agency or authorised prosecutor shall give the person notice of any grounds on which it proposes to contest the application, after it has conducted enquiry in relation to the application.
- (6) The Agency or authorised prosecutor may appear and adduce evidence at the hearing of the application.

Committee's Recommendation:

That the provision in Clause 56 be retained (*Senator David Umaru — Niger North*) — *Agreed to.*

Question that Clause 56 do stand part of the Bill, put and agreed to.

Clause 57: Notice of a Restraint Order.

- (1) Where the Court makes a restraint order, the Agency or authorised prosecutor shall give notice to —
 - (a) all persons affected by the restraint order; and

- (b) any other person who may be affected by an order to seize any property in furtherance of the restraint order.
- (2) The notice referred to in subsection (1) of this section shall —
 - (a) be served before or at the time of any seizure and in any other case after the order is obtained; and
 - (b) contain —
 - (i) a copy of the restraint order;
 - (ii) the details of the issuing Court; and
 - (iii) the name and address of the applicant or other person to whom enquiries regarding the restraint order may be made.

Committee's Recommendation:

That the provision in Clause 57 be retained (*Senator David Umaru — Niger North*) — *Agreed to.*

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

Clause 58: Registering Restraint Orders.

- (1) A registration authority that keeps a register of properties of a particular kind shall, on application by the Agency, register the details of a restraint order as it affects the property in that register.
- (2) A person who subsequently deals with the registered property shall be deemed —
 - (a) not to be acting in good faith for the purposes of section 59 of this Act; and
 - (b) to have notice of the restraint order for the purposes of section 60 of this Act.
- (3) Where the Agency has previously applied to a registration authority under subsection (1) of this section for the registration of the particulars of a restraint order, the Agency shall promptly, notify the registration authority where —
 - (a) the property is no longer covered by the restraint order because it is varied or excluded from the restraint order under section 56 of this Act; or
 - (b) a condition to which a restraint order is subject to is varied under section 55 of this Act.

Committee's Recommendation:

That the provision in Clause 58 be retained (*Senator David Umaru — Niger North*) — *Agreed to.*

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

Clause 59: Setting Aside a Disposition Contravening a Restraint Order.

- (1) The Agency or authorised prosecutor may apply to the Court to set aside a disposition or dealing with a property that contravenes a restraint order where that disposition or dealing was not —
 - (a) for sufficient consideration; or
 - (b) in favour of a person who acted in good faith.

- (2) The Agency or authorised prosecutor shall give, to each party to the disposition or dealing, written notice of both the application and the grounds on which it seeks the setting aside of the disposition or dealing.
- (3) The Court may set aside the disposition or dealing and declare the rights of any person who acquired interest in the property null and void.

Committee's Recommendation:

That the provision in Clause 59 be retained (*Senator David Umaru — Niger North*) — Agreed to.

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

Clause 60: Contravening Restraint Orders.

A person who disposes of, or deals with a property knowing that, or is reckless as to the fact that, the property is covered by a restraint order, commits an offence and is liable on conviction to imprisonment for a term of five years without an option of fine.

Committee's Recommendation:

That the provision in Clause 60 be retained (*Senator David Umaru — Niger North*) — Agreed to.

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

Clause 61: Seizure of Property Covered by a Restraint Order.

- (1) An authorised officer may, in order to prevent any realisable property from being disposed of or removed contrary to a restraint order, enter into any premises and seize that property where he has reasonable grounds to believe that the property will be so disposed of or removed.
- (2) Property seized under subsection (1) of this section shall be dealt with by the Agency in accordance with the directions of the Court that made the relevant restraint order.

Committee's Recommendation:

That the provision in Clause 61 be retained (*Senator David Umaru — Niger North*) — Agreed to.

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

Clause 62: Revocation of a Restraint Order.

- (1) Any person with an interest in a property covered by a restraint order may, within twenty - eight days apply to the Court that made the order for revocation of the order.
- (2) The person making an application under subsection (1) of this section shall give written notice to the Agency or authorised prosecutor of the application and the grounds on which the revocation is sought.
- (3) The Agency or authorised prosecutor may adduce additional material to the Court relating to the application to revoke the restraint order.
- (4) The Court may revoke the restraint order where it is satisfied that the order was obtained by suppression or misrepresentation of fact or by fraud.
- (5) A restraint order remains in force until it is revoked by the Court.

Committee's Recommendation:

That the provision in Clause 62 be retained (*Senator David Umaru — Niger North*) — *Agreed to.*

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

Clause 63: Giving Security, Etc. to Revoke a Restraint Order.

- (1) The Court may revoke a restraint order that covers a property belonging to a relevant person or exclude a specified property from a restraint order where the relevant person —
 - (a) applies to the Court to revoke the order or exclude the property;
 - (b) gives written notice of the application to the Agency or authorised prosecutor ; and
 - (c) gives security that is satisfactory to the Court to meet any liability that may be imposed on a person under this Act.
- (2) The Court may revoke a restraint order that covers the property of a person who is not a suspect or exclude specified property from a restraint order where the person —
 - (a) applies to the Court to revoke the order or exclude the property;
 - (b) gives written notice of the application to the Agency or authorised prosecutor; and
 - (c) gives an undertaking concerning the property that is satisfactory to the Court.

Committee's Recommendation:

That the provision in Clause 63 be retained (*Senator David Umaru — Niger North*) — *Agreed to.*

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

Clause 64 Cessation of Restraint Orders.

- (1) A restraint order in relation to one or more offences ceases to be in force in any of the following cases —
 - (a) within twenty-eight days where the —
 - (i) charge, or all of the charges, that relate to the restraint order are withdrawn,
 - (ii) suspect is acquitted of the offence, or all of the offences, with which he was charged, or
 - (iii) suspect's conviction for the offence, or all of the offences, of which he was convicted are quashed;
 - (b) in respect of property covered by the restraint order where —
 - (i) the Court refuses an application for a forfeiture order that would have over the property,
 - (ii) the Court excludes the property from a forfeiture order, or
 - (iii) a forfeiture order that covers the property is discharged or ceases to have effect; or

- (c) in respect of property covered by the restraint order where a confiscation order relates to that offence or those offences and where the confiscation order is satisfied or discharged.
- (2) Subsection (1)(a) of this section shall not apply where —
- (a) there is a confiscation order that relates to the offence;
 - (b) there is an application for a confiscation order before the Court;
 - (c) the suspect is charged with a related offence; or
 - (d) a new trial is ordered in relation to the offence.
- (3) Subsection (1)(b) of this section shall only apply where —
- (a) in the case of a refusal of an application for a forfeiture order —
 - (i) the time for an appeal against the refusal has expired without an appeal being lodged,
 - (ii) an appeal against the refusal has lapsed, or
 - (iii) an appeal against the refusal has been dismissed or finally disposed of;
 - (b) no application for another confiscation order is made relating to
 - (i) an offence to which the restraint order relates, or
 - (ii) a related offence is pending in a court; and
 - (c) no other confiscation order relating to the offence is in force.

Committee's Recommendation:

That the provision in Clause 64 be retained (*Senator David Umaru — Niger North*) — *Agreed to.*

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

Clause 65 Restraint Orders and Instrumentalities Owned by Third Parties.

Notwithstanding the provisions of subsection (1) of section 64 of this Act, the restraint order ceases to be in force in respect of the property —

- (a) where the relevant person has not been charged with the offence or a related offence within twenty-eight days after the restraint order is made; or
- (b) where —
 - (i) a restraint order covers property of a person who is not a relevant person;
 - (ii) the property is not an instrumentality of an offence to which the order relates;
 - (iii) the property is not a proceed of an offence;
 - (iv) the property is not subject to the effective control of another person who is charged or who may be charged with an offence in relation to the order; or
 - (v) the property is not a gift within the meaning of section 87 of this Act.

Committee's Recommendation:

That the provision in Clause 65 be retained (*Senator David Umaru — Niger North*) — *Agreed to.*

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

Clause 66: Forfeiture Order Where a Person Is Convicted of an Offence.

- (1) The Court shall on the application of the Agency, authorised prosecutor or on its own motion make an order that the property specified in the order be forfeited to the Agency, where —
 - (a) a person has been convicted of one or more offences; and
 - (b) the Court is satisfied that the property to be specified in the order—
 - (i) is property derived directly from one or more of the offences of which the person has been convicted;
 - (ii) is an instrumentality of one or more of those offences; or
 - (iii) represents the value derived from the sale of items mentioned in section 142 of this Act.
- (2) In considering whether it is appropriate to make an order under subsection (1) of this section in respect of any particular property, the Court may have regard to the —
 - (a) ordinary use or intended use of the property to be specified in the order; and
 - (b) gravity of the offence or offences concerned.
- (3) An application under subsection (1) of this section shall be made not later than six months after the date of conviction.

Committee's Recommendation:

That the provision in Clause 66 be retained (*Senator David Umaru — Niger North*) — *Agreed to.*

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

Clause 67: Existence of Other Confiscation Orders.

The power of the Court to make a forfeiture order in relation to an offence is not affected by the existence of a confiscation order in relation to that offence.

Committee's Recommendation:

That the provision in Clause 67 be retained (*Senator David Umaru — Niger North*) — *Agreed to.*

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

Clause 68: Making of Forfeiture Order Where Person Has Absconded.

Where a person arrested or charged in connection with an offence is absent during trial, the Court may nevertheless make a forfeiture order under section 66 of this Act as if the person has been convicted where the —

- (a) Court is satisfied on a balance of probabilities that the person has absconded; and
- (b) person has been arraigned for trial for the offence or there is sufficient evidence for putting a person on trial for the offence.

Committee's Recommendation:

That the provision in Clause 68 be retained (*Senator David Umaru — Niger North*) — *Agreed to.*

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

Clause 69: Third Party Interests in Forfeiture Orders.

- (1) In making a forfeiture order, the Court may consider third party interests in the property where —
 - (a) the amount received from disposing of the combined interests will likely be greater than the amount received from disposing of each of the interests separately; or
 - (b) disposing of the interests separately would be impracticable or significantly more difficult than disposing of the combined interests.
- (2) In consideration of third party interests, the Court may make such ancillary orders including an order directing —
 - (a) the Agency to pay a person a specified amount as the value of the person's interest in the property; or
 - (b) that other specified interests in the property be transferred to the person, as it deems fit for the protection of a person having one or more of those other interests.
- (3) In deciding whether to make an ancillary order, the Court shall have regard to —
 - (a) the nature, extent and value of the person's interest in the property concerned; and
 - (b) any other matter that the Court considers relevant.

Committee's Recommendation:

That the provision in Clause 69 be retained (*Senator David Umaru — Niger North*) — *Agreed to.*

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

Clause 70: Making Supporting Directions.

- (1) The Court making a forfeiture order may give all directions that are necessary or convenient for giving effect to the order.
- (2) The Court may, in a forfeiture order specifying registrable property, give a direction to the Agency to do anything necessary and reasonable to obtain possession of any document necessary for the transfer of the property.

Committee's Recommendation:

That the provision in Clause 70 be retained (*Senator David Umaru — Niger North*) — *Agreed to.*

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

Clause 71: Notice of Application for a Forfeiture Order.

- (1) The Agency or authorised prosecutor shall give written notice of an application for a forfeiture order to a person —
 - (a) convicted of an offence where the order relates to such person;

- (b) who claims an interest in property covered by the application; and
 - (c) whom the Agency or authorised prosecutor reasonably believes may have an interest in the property.
- (2) The Court hearing the application may, at any time before the final determination of the application, direct the Agency to give or publish notice of the application to a specified person or class of persons subject to such conditions as to the manner and time as the Court may direct.
- (3) The Court to which an application for a forfeiture order is made in relation to an offence may, on application by the Agency or authorised prosecutor, dispense with the requirements to give notice to a person under subsections (1) and (2) of this section where the Court is satisfied that the person has absconded in connection with the offence.

Committee's Recommendation:

That the provision in Clause 71 be retained (*Senator David Umaru — Niger North*) — *Agreed to.*

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

Clause 72: Additional Application for a Forfeiture Order.

- (1) The Agency or authorised prosecutor shall not, without the leave of the Court apply for a forfeiture order under section 66 of this Act where —
- (a) an application has previously been made under this Act for an order under the same sections for the forfeiture or for condemnation of the property under the Customs and Excise Management Act in relation to the offence; and
 - (b) the application has been finally determined on its merits.
- (2) The Court shall not grant leave unless it is satisfied that —
- (a) the property to which the new application relates was identified only after the first application was determined;
 - (b) additional relevant evidence became available only after the first application was determined; or
 - (c) it is in the interests of justice to grant the leave

Committee's Recommendation:

That the provision in Clause 72 be retained (*Senator David Umaru — Niger North*) — *Agreed to.*

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

Clause 73: Procedure on Application by a Person Who Claims Interest in a Property, Etc.

- (1) A person who claims an interest in a property covered by an application for a forfeiture order may appear and adduce evidence at the hearing of the application.
- (2) The Court may, in determining the application, have cognisance of the record of any proceeding against the person for an offence that constitutes unlawful activity; and evidence given in any such proceeding.

- (3) The Court may make a forfeiture order where a person entitled to be given notice of the relevant application received notice, but fails to appear at the hearing of the application.

Committee's Recommendation:

That the provision in Clause 73 be retained (*Senator David Umaru — Niger North*) — *Agreed to.*

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

Clause 74: Vesting of Title of Forfeited Property.

- (1) Subject to subsection (2) of this section, any property specified in a forfeiture order vests absolutely in the Agency on behalf of the Federal Government at the time the order is made.
- (2) Where the property specified in a forfeiture order is a registrable property, the Agency shall —
- (a) give notice in writing of the forfeiture order to the registration authority;
- (b) do anything necessary or convenient to protect the interest of the Federal Government or any other authority as may be appropriate in the circumstance and register the title of the Agency or any other authority in the property.
- (3) Any action by the Agency under subsection (2)(b) of this section is not a dealing for the purposes of section 76(1) of this Act.

Committee's Recommendation:

That the provision in Clause 74 be retained (*Senator David Umaru — Niger North*) — *Agreed to.*

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

Clause 75: Death of a Joint Owner of Forfeited Property.

- (1) Where a person who is the joint owner of property specified in a forfeiture order, dies before the order is made, but —
- (a) after the Agency applied for the order; or
- (b) while a restraint order covering the property was in force, that property is deemed to have been vested in the Agency immediately before the person's death.
- (2) The restraint order is also deemed to have continued to apply to the property as if the person had not died.

Committee's Recommendation:

That the provision in Clause 75 be retained (*Senator David Umaru — Niger North*) — *Agreed to.*

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

Clause 76: Dealing in Forfeited Property.

- (1) The Agency and persons acting on its behalf, shall not dispose of, or otherwise deal with the property specified in a forfeiture order unless —
- (a) the period provided for lodging an appeal against the order has ended without an appeal having been lodged;

- (b) where an appeal against the order has been lodged, the appeal has lapsed or has been finally determined; or
- (c) where the order was made in relation to a person's conviction for an offence —
 - (i) the period provided for lodging an appeal against the conviction has ended without an appeal having been lodged, or
 - (ii) where an appeal against the conviction has been lodged, the appeal has lapsed or has finally been determined.
- (2) Notwithstanding the provision of subsection (1) of this section, the Agency may, with leave of the Court and while the forfeiture order is still in force —
 - (a) dispose of, by sale or otherwise, any property specified in the order that is not money in the exercise of its functions under section 101 of this Act; and
 - (b) subject to the provision of subsection (5) of this section and any regulations made under this Act, credit the proceeds of the disposal and any property specified in the order to the Confiscated and Forfeited Properties Account in accordance with section 147 of this Act.
- (3) Where any part of the property included in a forfeiture order consists of money —
 - (a) in a bank account, the Agency shall serve a copy of the order on the manager or any person in control of the branch of the bank where the account is operated or on a designated officer at the head office of the bank concerned; or
 - (b) in the possession of any other person, the Agency shall serve a copy of the order on the person or his authorised agent.
- (4) The manager or person referred to in subsection (3)(a) of this section shall immediately, on being served with a copy of the order, pay over the money to the Agency without any further assurance than this Act and the Agency shall, subject to subsection (5) of this section, credit the money received into the Confiscated and Forfeited Properties Account in line with section 151 of this Act.
- (5) The Agency may before crediting the Confiscated Assets and Forfeited Properties Account with proceeds of a disposal or money in accordance with subsections (3) and (4) of this section apply any amount received to the payment of its costs, and other charges and expenses of the kind referred to in sections 55(1) and 22(6) of this Act payable to or incurred by it in connection with the disposal and with the restraint order that covered the property.

Committee's Recommendation:

That the provision in Clause 76 be retained (*Senator David Umaru — Niger North*) — *Agreed to.*

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

Clause 77: Unauthorised Dealing in Forfeited Property.

- (1) A person who, without due authorisation by the Agency, deals with, sells or otherwise disposes of any property or assets which is the subject of a forfeiture order commits an offence and is liable on conviction to imprisonment for a term of five years without the option of a fine.
- (2) A manager or person in control of the head office or branch of a bank, or any other person who fails to pay over to the Agency upon the service of a forfeiture order commits an offence and is liable on conviction to imprisonment for a term of three years, without the option of a fine.

Committee's Recommendation:

That the provision in Clause 77 be retained (*Senator David Umaru — Niger North*) — *Agreed to.*

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

Clause 78: Making Exclusion Orders.

- (1) A Court that made a forfeiture order, or that is hearing or is to hear an application for a forfeiture order, may make an order excluding a specified interest in the property from forfeiture where —
 - (a) a person makes an application for the exclusion order;
 - (b) the application for the forfeiture order specifies property in which the applicant has an interest; and
 - (c) the Court is satisfied that the applicant's interest in the property is not the proceeds or instrumentality of an offence to which the order or forfeiture application relates.
- (2) The Court shall in the exclusion order —
 - (a) specify the nature, extent and value at the time of making the order of the interest concerned;
 - (b) direct that the interest be excluded from the operation of the relevant forfeiture order;
 - (c) direct the Agency to transfer the interest to the applicant, where the interest has vested, in law or equity, in the Agency and is yet to be disposed of; and
 - (d) direct the Agency to pay the applicant an amount equal to the value specified under paragraph (a) of this subsection, where the interest has vested, in law or equity, in the Agency under this Act and has been disposed of.

Committee's Recommendation:

That the provision in Clause 78 be retained (*Senator David Umaru — Niger North*) — *Agreed to.*

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

Clause 79: Application for Exclusion Orders.

- (1) A person who claims an interest in any property that —
 - (a) he reasonably believes may be specified in a forfeiture order which has been applied for, but yet to be made, may apply to the Court before whom the application for a forfeiture order was made for an exclusion order; or

- (b) is specified in a forfeiture order may, at any time after the forfeiture order is made, apply to the Court that made the forfeiture order for an exclusion order.
- (2) Except with the leave of Court, a person shall not apply for an exclusion order where he —
 - (a) was notified of the application for the forfeiture order, but failed to appear at the hearing of that application; or
 - (b) appeared at the hearing of that application but failed to apply for an exclusion order.
- (3) The Court may grant leave to a person to apply for exclusion order where the Court is satisfied that —
 - (a) in the case of subsection (2)(a) of this section, the person had a good reason for not appearing; or
 - (b) in the case of subsection (2)(b) of this section, the person now has evidence relevant to his application that was not available to him at the time of the hearing; or
 - (c) there are other special grounds for granting the leave.

Committee's Recommendation:

That the provision in Clause 79 be retained (*Senator David Umaru — Niger North*) — *Agreed to.*

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

Clause 80: Giving Notice of Matters Relevant to an Application.

- (1) An applicant for an exclusion order shall give written notice to the Agency or authorised prosecutor of both the application and the grounds on which the order is sought.
- (2) The Agency or authorised prosecutor may appear and adduce evidence at the hearing of the application.

Committee's Recommendation:

That the provision in Clause 80 be retained (*Senator David Umaru — Niger North*) — *Agreed to.*

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

Clause 81: Notice of Discharge of a Forfeiture Order.

- (1) Where in relation to a particular property, a forfeiture order that covered that property is discharged by the Court hearing an appeal against the making of the order, the Agency or authorised prosecutor shall, within three working days or such a period as may be specified by the Court, give written notice of the discharge to any person the Agency or authorised prosecutor reasonably believes may have had an interest in that property immediately before the order was made.

Amendment Proposed:

Immediately after the word "such" in line 4, *leave out* word "a" and *insert* the word "other" instead thereof (*Senator Bala Ibn Na'Allah — Kebbi South*).

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

- (2) The Agency shall, where required by a Court, give or publish notice of the discharge to a specified person or class of persons.
- (3) The Court may also specify the time and manner in which the notice is to be given or published.
- (4) A notice given under this section shall include a statement to the effect that a person claiming to have had an interest in that property may apply for the transfer of the interest, or its value, to any person (*Senator David Umaru — Niger North*).

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

Clause 82: Making Confiscation Orders.

- (1) The Court shall make a confiscation order requiring a person to pay an amount to the Agency where —
 - (a) a person has been convicted of an offence;
 - (b) the Agency or authorised prosecutor applies for the order; and
 - (c) the Court is satisfied that the person has benefitted from —
 - (i) that offence,
 - (ii) any other offence of which the person has been convicted at the same trial, and
 - (iii) any criminal activity which the Court finds to be sufficiently related to those offences.
- (2) An order made under this section against the person is an order to make a payment to the Agency of any amount that the Court considers appropriate and is in addition to any punishment that the Court may impose in respect of the offence or offences that the person has been found guilty.
- (3) The Court may make any further orders as it may deem fit to ensure the effectiveness and fairness of that order.
- (4) The amount that the Court may order the person to pay to the Agency under subsection (1) of this section shall not exceed —
 - (a) the value of the person's proceeds of the offences or related criminal activity as determined by the Court in accordance with the provisions of this Act; or
 - (b) an amount which in its opinion may be realised if the Court is satisfied that the amount which might be realised as contemplated in section 84(1) of this Act is less than the value referred to in paragraph (a) of this subsection.
- (5) The Court convicting a person may, when passing sentence, indicate that it will conduct an enquiry at a later date where —
 - (a) it is satisfied that such enquiry will unreasonably delay the proceedings in sentencing the person; or
 - (b) the Agency or authorised prosecutor applies to the Court to first sentence the person and the Court is satisfied that it is reasonable and justifiable to do so in the circumstances.

- (6) The Agency or authorised prosecutor may apply for a confiscation order —
 - (a) within six months after the date of conviction; or
 - (b) where there is an order extending the period specified in paragraph (a) of this subsection, three months after the end of the period extended by an order.
- (7) The Court hearing an application under this section may, in exceptional circumstances grant leave for extension of time for the application to be made if it is satisfied that it would be in the interests of justice to allow the application.
- (8) The Court before which proceedings under this section are pending may—
 - (a) in considering an application under subsection (1) of this section —
 - (i) refer to the evidence and proceedings at the trial,
 - (ii) hear such further evidence as the Court may deem fit,
 - (iii) direct the Agency or authorised prosecutor to tender to the Court a statement referred to in section 88(1) of this Act, and
 - (iv) direct a defendant to tender to the Court a statement referred to in subsection 88(5) of this Act;
 - (b) adjourn proceedings under this section, subject to sections 88(2) and (6) of this Act;
 - (c) set the date of the adjournment mentioned in paragraph (b) of this subsection not later than three months from the date at which the hearing was adjourned; and
 - (d) in exceptional circumstances extend the period referred to in paragraph (c) of this subsection.

Committee's Recommendation:

That the provision in Clause 82 be retained (*Senator David Umaru — Niger North*) — *Agreed to.*

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

Clause 83: Value of Proceeds of Unlawful Activities.

- (1) Subject to the provisions of subsection (2) of this section, the value of a defendant's proceeds of unlawful activities shall be the sum of the values of the property, services, advantages, benefits or rewards received, retained or derived by him at any time, whether before or after the commencement of this Act, in connection with the unlawful activity carried on by him or any other person.
- (2) In determining the value of a defendant's proceeds of unlawful activities the Court shall —
 - (a) leave the property out of account where it has made a forfeiture order or where a forfeiture order has previously been made in respect of property which is proved to the satisfaction of the Court to have been the property which the defendant received in connection with the criminal activity carried on by him or any other person;

- (b) where a confiscation order has previously been made against the defendant, leave out of account those proceeds of unlawful activities which are proved to the satisfaction of the Court to have been taken into account in determining the amount to be recovered under that confiscation order; and
- (c) ensure that none of the following are deducted—
 - (i) expenses or outgoings that the person incurred in relation to the unlawful activity;
 - (ii) the value of any benefits that the person derives as agent for, or otherwise on behalf of, another person, whether or not the other person receives any of the benefits.

Committee's Recommendation:

That the provision in Clause 83 be retained (*Senator David Umaru — Niger North*) — Agreed to.

Question that Clause 83 do stand part of the Bill, put and agreed to.

Clause 84: Amounts that may be realised:

- (1) The amount realisable at the time of the making of a confiscation order against a defendant shall be the amount equal to the sum of —
 - (a) the values at that time of all realisable property held by the defendant; and
 - (b) the values at that time of all affected gifts made by the defendant, less the sum of all obligations, where any, of the defendant having priority and which the Court may recognise for this purpose.
- (2) Notwithstanding the provisions of section 86(1) of this Act but subject to the provisions of section 87(2) of this Act, the value of an affected gift at the time of the making of the relevant confiscation order shall be —
 - (a) the value of the affected gift at the time when the recipient received it, taking into account subsequent fluctuations in the value of money; or
 - (b) where subsection (3) of this section applies, the value mentioned in that subsection, whichever is the greater value.
- (3) Where at the time of the making of the relevant confiscation order, the recipient holds the property —
 - (a) other than cash, which he received, the value concerned shall be the value of the property at that time; and
 - (b) which directly or indirectly represents in his hands the property which he received, the value concerned shall be the value of the property, in so far as it represents the property which he received at the time.
- (4) For the purposes of subsection (1) of this section, an obligation has priority at the time of the making of the relevant confiscation order if —
 - (a) it is an obligation of the defendant, where he has been convicted by a court of any offence to pay —
 - (i) a fine imposed before that time by the court, or
 - (ii) any other amount under any resultant order made before that time by the court;

- (b) it is an obligation where —
 - (i) the estate of the defendant had at that time been made subject to any court order; or
 - (ii) the defendant is a company or other juristic person, where such company or juristic person is at that time being wound up, would be payable in pursuance of any secured or preferred claim against the insolvent estate or against such company or juristic person, as the case may be.
- (5) The Court shall not determine the amounts realisable as contemplated in subsection (1) of this section unless it has afforded all persons holding any interest in the property concerned an opportunity to make representations to it in connection with the realisation of that property.
- (6) Where there is no amount that may be realised, the Court may make an order for a nominal amount.

Committee's Recommendation:

That the provision in Clause 84 be retained (*Senator David Umaru — Niger North*) — *Agreed to.*

Question that Clause 84 do stand part of the Bill, put and agreed to.

Clause 85: Realisable Property.

- (1) Subject to the provisions of subsection (2) of this section, the following property shall be realisable under this Part, namely—
 - (a) any property held by the defendant concerned;
 - (b) any property held by a person to whom that defendant has directly or indirectly made any affected gift; and
 - (c) subject to section 94 of this Act, any property which is subject to the effective control of the defendant.
- (2) Property shall not be realisable property where a declaration of forfeiture is in force in respect of the property.

Committee's Recommendation:

That the provision in Clause 85 be retained (*Senator David Umaru — Niger North*) — *Agreed to.*

Question that Clause 85 do stand part of the Bill, put and agreed to.

Clause 86: Value of Property:

- (1) For the purposes of this Part, the value of property, other than money, in relation to any person holding the property shall be, where —
 - (a) any other person holds an interest in the property, the market value of the property less the amount required to discharge any encumbrance on the property; and
 - (b) no other person holds an interest in the property, the market value of the property.
- (2) Notwithstanding the provisions of subsection (1) of this section, any reference in this Part to the value at a particular time of a payment or reward, shall be construed as a reference to —

- (a) the value of the payment or reward at the time when the recipient received it, as adjusted to take into account subsequent fluctuations in the value of money; or
 - (b) where subsection (3) of this section applies, the value mentioned in that subsection, whichever is greater in value.
- (3) Where at the particular time referred to in subsection (2) of this section the recipient holds —
- (a) property, other than cash, which he received, the value concerned shall be the value of the property at the particular time; or
 - (b) property which directly or indirectly represents in his hands the property which he received, the value concerned shall be the value of the property, in so far as it represents the property which he received, at the relevant time.

Committee's Recommendation:

That the provision in Clause 86 be retained (*Senator David Umaru — Niger North*) — *Agreed to.*

Question that Clause 86 do stand part of the Bill, put and agreed to.

Clause 87: Gifts made by a Defendant:

- (1) For the purposes of this Act, a defendant shall be deemed to have made a gift where he has transferred any property to any other person directly or indirectly for a consideration, the value of which is significantly less than the value of the consideration supplied by the defendant.
- (2) For the purposes of section 84(2) of this Act, the gift which a defendant is deemed to have made shall consist of that share in the property transferred by the defendant that is equal to the difference between the value of that property as a whole and the consideration received by the defendant in return.
- (3) For the purposes of this Act, "affected gift" means any gift made by the defendant concerned —
 - (a) not more than six years before the prescribed date; or
 - (b) at any time, where it was a gift of property —
 - (i) received by that defendant in connection with an offence committed, or
 - (ii) any part which directly or indirectly represented in that defendant's hands property received by him in connection with an offence committed by him or any other person, whether any such gift was made before or after the commencement of this Act.
- (4) For the purpose of this Part, 'prescribed date' in relation to a defendant means, where —
 - (a) a prosecution for an offence has been instituted against the defendant, it means the date on which such prosecution has been instituted; or
 - (b) a restraint order has been made against the defendant, it means the date of such restraint order, whichever is earlier.

Committee's Recommendation:

That the provision in Clause 87 be retained (*Senator David Umaru — Niger North*) — *Agreed to.*

Question that Clause 87 do stand part of the Bill, put and agreed to.

Clause 88: Statements Relating to Proceeds of Unlawful Activities:

- (1) The Agency or authorised prosecutor may, or where so directed by the Court, tender to the Court a statement in writing under oath or affirmation by an authorised person in connection with any matter which is being enquired into by the Court under section 82 of this Act, or which relates to the determination of the value of a defendant's proceeds of unlawful activities.
- (2) A copy of such statement shall be served on the defendant or his representative at least fourteen days before the date on which that statement is to be tendered to the Court.
- (3) A defendant may dispute the correctness of any allegation contained in a statement referred to in subsection (1) of this section, and where the defendant disputes the correctness of any such allegation, he shall state the grounds on which he relies.
- (4) Where a defendant does not dispute the correctness of any allegation contained in such statement, that allegation shall be deemed to be conclusive proof of the matter to which it relates.
- (5) A defendant may, or where so directed by the Court, tender to the Court a statement in writing under oath or affirmation by him or by any other person in connection with any matter that relates to the determination of the amount that might be realised as contemplated in section 84(1) of this Act.
- (6) A copy of the statement referred to in subsection (5) of this section shall be served on the Agency or authorised prosecutor at least fourteen days before the date on which that statement is to be tendered to the Court.
- (7) The Agency or authorised prosecutor may admit the correctness of any allegation contained in a statement referred to in subsection (5) of this section, and where the Agency or authorised prosecutor admits the correctness of any allegation contained in such statement, that allegation shall be deemed to be conclusive proof of the matter to which it relates.

Committee's Recommendation:

That the provision in Clause 88 be retained (*Senator David Umaru — Niger North*) — *Agreed to.*

Question that Clause 88 do stand part of the Bill, put and agreed to.

Clause 89: Evidence Relating to Proceeds of Unlawful Activities.

- (1) For the purposes of determining whether a defendant has derived a benefit under section 82(1) of this Act, where it is found that the defendant did not at the prescribed date, or since the beginning of a period of six years before the prescribed date, have legitimate sources of income sufficient to justify the interests in any property that the defendant holds, the Court shall accept this fact as prima facie evidence that the interests form part of the benefit.

- (2) For the purposes of section 82(1) of this Act, where it is found that the Court had ordered the defendant to disclose any facts under section 51(3) of this Act and that the defendant had without sufficient cause failed to disclose such facts or had, after being so ordered, furnished false information, knowing such information to be false or not believing it to be true, the Court shall accept these facts as prima facie evidence that any property to which the information relates —
- (a) forms part of the defendant's benefit, in determining whether he has derived a benefit from an offence; or
 - (b) is held by the defendant as an advantage, payment, service or reward in connection with the offences or related unlawful activities referred to under section 82(1) of this Act.
- (3) For the purposes of determining the value of a defendant's proceeds of unlawful activities under section 83(1) of this Act, where the Court finds that he has benefited from an offence and that —
- (a) he held property at any time, or since, his conviction; or
 - (b) property was transferred to him at any time since the beginning of a period of six years before the prescribed date, the Court shall accept these facts as prima facie evidence that the property was received by him at the earliest time at which he held it, as an advantage, payment, service or reward in connection with the offences or related unlawful activities referred to in section 82(1) of this Act.
- (4) For the purpose of determining the value of any property under section 82(1) of this Act, where a Court finds out that the defendant received property at any time as an advantage, payment, service or reward in connection with the offences or related unlawful activities referred to in that section, whether committed by him or by any other person, the Court shall accept this fact as prima facie evidence that he received that property free of any other person's interest in it.
- (5) Where, at the hearing of an application for a confiscation order in relation to an offence concerning a narcotic substance, the value of the substance is brought into question, an investigating officer from the relevant organisation who is experienced in the investigation of the specified offence may testify, to the best of his knowledge, information and belief, with respect to the —
- (a) market value, at the time of the offence, of similar or substantially similar narcotic substances; and
 - (b) amount that was, or the range of amounts that were, ordinarily paid for the doing of a similar or substantially similar act or thing.
- (6) Evidence given in subsection (5) of this section is prima facie evidence of the matters testified.

Committee's Recommendation:

That the provision in Clause 89 be retained (*Senator David Umaru — Niger North*) — *Agreed to.*

Question that Clause 89 do stand part of the Bill, put and agreed to.

Clause 90: Procedure Where a Person Absconds or Dies.

- (1) Where the Court is satisfied that —

- (a) a person —
 - (i) had been charged with an offence,
 - (ii) had been convicted of any offence,
 - (iii) has had a restraint order made against him, or
 - (iv) can be tried for an offence on the grounds that sufficient evidence exists against him; and
 - (b) a warrant for his arrest had been issued and that the attendance of that person in Court could not be secured after all reasonable steps were taken to execute that warrant;
 - (c) the proceedings against him cannot be resumed within a period of six months due to his continued absence; and
 - (d) there are reasonable grounds to believe that a confiscation order would have been made against him were it not for his continued absence, the Court may, on the application by the Agency, enquire into any benefit the person may have derived from that offence.
- (2) Where a defendant who has been convicted of an offence dies before a confiscation order is made, the Court may, on the application by the Agency, and if the Court is satisfied that there are reasonable grounds to believe that a confiscation order would have been made against him were it not for his death, enquire into any benefit the deceased may have derived from that offence.

Amendment Proposed:

Immediately after the word “grounds” in line 3, *leave out* words “to believe” and *insert* the word “for believing” instead thereof (*Senator Bala Ibn Na’Allah — Kebbi South*).

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

- (3) The executor of the estate of the deceased shall be entitled to appear before the Court and make representations for purposes of the enquiry referred to in subsection (2) of this section.
- (4) The Court in conducting an enquiry under this section may —
 - (a) where the Court finds that the defendant or deceased referred to in subsection (1) or (2) of this section has so benefited, make a confiscation order and the provisions of this Part shall, with the necessary changes, apply to the making of the order;
 - (b) where an asset manager has not been appointed in respect of any of the property concerned, direct the Agency to appoint an asset manager in respect of realisable property; and
 - (c) authorise the realisation of the property concerned.
- (5) The Court shall not exercise its powers under subsection (4) (a) and (c) of this section, except it has afforded a person having any interest in the property concerned an opportunity to make representations to it in connection with the making of any order.

- (6) The Court in conducting an enquiry under this section shall not apply sections 88 and 89 of this Act.
- (7) Where a person, excluding a person contemplated in subsection (1) (a) (ii) of this section against whom a confiscation order had been made under subsection (4) of this section is subsequently tried and —
 - (a) convicted of one or more of the offences in respect of which the order had been made, the Court convicting him may conduct an enquiry under section 82 and make an appropriate order; or
 - (b) acquitted of an offence in respect of which the order had been made, the Court acquitting him may make an appropriate order.
- (8) The Court may make a determination under section 82 of this Act against a person contemplated under subsection (1)(a) and (b) of this section who absconded prior to an enquiry under section 82 of this Act and who is subject to a confiscation order made under subsection (4) of this section where that person is subsequently brought before the Court.
- (9) The Court making a determination contemplated in subsection (8) of this section shall take into account any order made under subsection (4) of this section (*Senator David Umaru — Niger North*).

Question that Clause 90 as amended do stand part of the Bill, put and agreed to.

Clause 91: Reconsideration of the Confiscation Order.

- (1) This section applies where —
 - (a) the Court has made a confiscation order;
 - (b) there is evidence which was not available to the Agency or authorised prosecutor at the time of the original confiscation hearing;
 - (c) the Agency or authorised prosecutor believes that if the Court were to determine the amount of the defendant's benefit in pursuance of this section it would exceed the amount determined as the defendant's benefit in the original confiscation hearing;
 - (d) notwithstanding the provisions of subsection (1) (c) of this section, the Agency or authorised prosecutor believes that —
 - (i) the amount determined as the defendant's benefit in the original confiscation hearing is greater than the amount of the confiscation order, and
 - (ii) if the Court were to determine the amount of the defendant's realisable assets in pursuance of this section, it would exceed the amount determined as the defendant's realisable assets in the original confiscation hearing;
 - (e) before the end of the period of six years starting with the date of conviction, the Agency or authorised prosecutor applies to the Court to consider the evidence; and
 - (f) after considering the evidence, the Court believes it is appropriate for it to proceed under this section.

- (2) Where the Court is proceeding under subsection (1)(c) of this section, it shall make a new calculation of the amount in respect of the defendant's activities mentioned in section 82(1)(c) of this Act.
- (3) Where the amount found under the new calculation mentioned in subsection (2) of this section, exceeds the amount originally determined as the defendant's benefit, the Court —
 - (a) shall make a new calculation of the defendant's realisable assets for the purposes of section 82 of this Act; and
 - (b) if it exceeds the amount required to be paid under the original confiscation order, may vary the order by substituting for the amount required to be paid by such amount as it deemed fit and proper.
- (4) Where the court is proceeding under subsection (1)(d) of this section, it shall —
 - (a) make a new calculation of the defendant's realisable assets for the purposes of section 82 of this Act; and
 - (b) if it exceeds the amount required to be paid under the confiscation order, may vary the order by substituting for the amount required to be paid an amount, not exceeding the amount as originally determined within the provisions of section 83 of this Act, as it deemed fit and proper.
- (5) Section 89 of this Act shall not apply in making a determination under this section.
- (6) Where a Court applies subsection (2) or (3) of this section, it shall have regard in particular to —
 - (a) any fine imposed on the defendant for the offence or any of the offences concerned; and
 - (b) any other order made under this Act.
- (7) In making a decision under this section, the Court shall, where one amount exceeds another, take account of any variation in the value of money.

Committee's Recommendation:

That the provision in Clause 91 be retained (*Senator David Umaru — Niger North*) — *Agreed to.*

Question that Clause 91 do stand part of the Bill, put and agreed to.

Clause 92: Enforcement of Confiscation Orders.

- (1) An amount payable by a person to the Agency under a confiscation order is a civil debt due by the person to the Agency on behalf of the Federal Government.
- (2) A confiscation order against a person may be enforced as if it were an order made in civil proceedings instituted by the Agency against a person to recover a debt due by that person to the Agency on behalf of the Federal Government.
- (3) A debt arising from the order is deemed to be a judgment debt.

- (4) Where a confiscation order is made against a person after his death, this section shall have effect as if the person had died on the day after the order was made.
- (5) Where a person fails to satisfy any or part of a confiscation order made by the Court, the Court may order that the person against whom the order was made be committed to prison in addition to any other sentence prescribed under this Act.
- (6) The period of imprisonment referred to under subsection (5) of this section shall be as prescribed in Schedule II to this Act.

Committee's Recommendation:

That the provision in Clause 92 be retained (*Senator David Umaru — Niger North*) — *Agreed to.*

Question that Clause 92 do stand part of the Bill, put and agreed to.

Clause 93: Variation of Confiscation Order.

- (1) Where the Court has made a confiscation order, the Agency, authorised prosecutor or the defendant may apply to the Court to vary the order under this section.
- (2) In considering an application under subsection (1) of this section, the Court shall calculate the available amount and in doing so shall apply section 84 of this Act as if references to the time the confiscation order is made were to the time of the calculation and as if references to the date of the confiscation order were made to the date of the calculation.
- (3) Where the Court finds that the available amount as so calculated is inadequate for the payment of any amount remaining to be paid under the confiscation order, it may vary the order by substituting for the amount required to be paid, a smaller amount as the Court believes is just.
- (4) Where a person has been adjudged bankrupt or his estate has been sequestrated, or where an order for the winding up of a company has been made, the Court shall take into account the extent to which the realisable property held by that person or that company may be distributed amongst creditors.
- (5) The Court may disregard any inadequacy that it believes is attributable, wholly or partly, to anything done by the defendant for the purpose of preserving property held by the recipient of an affected gift from any risk of realisation under this Part.

Committee's Recommendation:

That the provision in Clause 93 be retained (*Senator David Umaru — Niger North*) — *Agreed to.*

Question that Clause 93 do stand part of the Bill, put and agreed to.

Clause 94: Property Subject to a Person's Effective Control.

- (1) Where —
 - (a) a person is subject to a confiscation order;
 - (b) the Agency or authorised prosecutor applies to the Court for an order under this section; and

- (c) the Court is satisfied that any particular property is subject to the effective control of the person referred to in paragraph (a) of this subsection, the Court may make an order declaring that the whole, or a specified part of that property be made available to satisfy the confiscation order.
- (2) The order under subsection (1) of this section may be enforced against the property as if the property were the person's property.
- (3) A restraint order may be made in respect of a property as if —
 - (a) the property were the person's property; and
 - (b) the person had committed an offence.
- (4) Where the Agency or authorised prosecutor applies for an order under subsection (1) of this section relating to a particular property, it shall give written notice of the application to —
 - (a) the person who is subject to the confiscation order; and
 - (b) any person whom the Agency or authorised prosecutor has reason to believe may have an interest in the property.
- (5) A person who is subject to the confiscation order, and any person who claims an interest in the property, may appear and adduce evidence at the hearing of the application.
- (6) Any person claiming an interest under subsection (5) of this section shall give written notice to the Agency or authorised prosecutor of the claim and the grounds on which the claim is based at least seventy-two hours before the date of the hearing.

Committee's Recommendation:

That the provision in Clause 94 be retained (*Senator David Umaru — Niger North*) — *Agreed to.*

Question that Clause 94 do stand part of the Bill, put and agreed to.

Clause 95: Discharge of Confiscation Order Made in Relation to a Conviction.

- (1) Subject to subsections (2) and (3) of this section, a confiscation order made in relation to a person's conviction for an offence is discharged where —
 - (a) the person's conviction for any of the offences to which the order relates is subsequently quashed; and
 - (b) the Agency or authorised prosecutor does not, within fourteen working days after the conviction is quashed, apply to the court that made the order for the order to be confirmed or varied.
- (2) Unless and until the Court decides otherwise on such an application, the quashing of the conviction does not affect the confiscation order —
 - (a) for fourteen working days after the conviction is quashed; and
 - (b) if the Agency or authorised prosecutor makes an application referred to in subsection (1)(b) of this section.
- (3) The Agency or authorised prosecutor may make an application to confirm the order and an application to vary the order, and the court may hear both applications at the same time.

- (4) The Agency or authorised prosecutor may apply to the Court for the period mentioned under subsection (2) of this section to be extended in exceptional circumstances.
- (5) A confiscation order made in relation to a person's conviction for an offence is discharged where the —
 - (a) person's conviction of the offence is subsequently quashed; and
 - (b) order does not relate to any other offence.

Committee's Recommendation:

That the provision in Clause 95 be retained (*Senator David Umaru — Niger North*) — *Agreed to.*

Question that Clause 95 do stand part of the Bill, put and agreed to.

PART VI - PROCEEDS OF CRIMES RECOVERY AND MANAGEMENT AGENCY

Clause 96: Establishment of the Proceeds of Crimes Recovery and Management Agency

- (1) There is established a body to be known as the Proceeds of Crimes Recovery and Management Agency (in this Act referred to as "the Agency").
- (2) The Agency —
 - (a) is a body corporate with perpetual succession and a common seal;
 - (b) may sue and be sued in its corporate name, and
 - (c) may acquire, hold, purchase, mortgage and deal howsoever with property, movable or immovable, real or personal, subject to the provisions of the Land Use Act.
- (3) The Agency shall be independent in the discharge of its duties under this Act.
- (4) The common seal of the Agency shall be kept in the custody of such person as the Board may direct and shall be authenticated by the signature of the Director - General or such other officer as the Board may designate.

Committee's Recommendation:

That the provision in Clause 96 be retained (*Senator David Umaru — Niger North*) — *Agreed to.*

Question that Clause 96 do stand part of the Bill, put and agreed to.

Clause 97: Objectives of the Agency:

The principal objects of the Agency are to —

- (a) enforce and administer the provisions of this Act;
- (b) co-ordinate and enforce all other laws on the investigation, identification, tracing and recovery of the proceeds and instrumentalities of unlawful activity and the recovery and the management of proceeds of crime; and
- (c) regulate, supervise and ensure the effective administration of recovery and management of proceeds of crime and other related matters in Nigeria.

Committee's Recommendation:

That the provision in Clause 97 be retained (*Senator David Umaru — Niger North*) — *Agreed to.*

Question that Clause 97 do stand part of the Bill, put and agreed to.

Clause 98: Governing Board of the Agency:

- (1) There is established, a part-time Governing Board for the Agency (in this Act referred to as "the Board").
- (2) The Board shall consist of the following members —
 - (a) a part time Chairman;
 - (b) a representative not below the rank of a Director or its equivalent from each of the following Ministries and institutions —
 - (i) Federal Ministry of Justice
 - (ii) Federal Ministry of Finance,
 - (iii) Accountant-General of the Federation,
 - (iv) Central Bank of Nigeria,
 - (v) Economic and Financial Crimes Commission,
 - (vi) National Drug Law Enforcement Agency,
 - (vii) Independent Corrupt Practices and Other Related Offences Commission,
 - (viii) Code of Conduct Bureau,
 - (ix) National Agency for the Prohibition of Trafficking in Persons,
 - (x) Nigeria Customs Service, and
 - (xi) Nigeria Police;
 - (c) two other part time members with cognate experience in the recovery and management of proceeds of crimes, one of which shall be a representative of the civil society organisations; and
 - (d) the Director - General of the Agency, who shall also be the secretary to the Board.
- (3) The Chairman shall have at least twenty years cognate experience in the area of law, accounting, finance, public or business administration.
- (4) The Chairman and other Members of the Board other than ex - officio Members and the Director-General shall —
 - (a) be appointed by the President on the recommendation of the Attorney - General of the Federation;
 - (b) hold office for a term of four years; and
 - (c) be eligible for re-appointment for another term of four years and no more.

- (5) The office of a member of the Board shall become vacant where —
- (a) his term of office expires;
 - (b) he resigns his office by a notice in writing under his hand addressed to the President;
 - (c) he dies;
 - (d) he is incapable of performing the functions of his office due to mental or physical illness;
 - (e) he has been convicted of a felony or any offence involving dishonesty;
 - (f) he is guilty of gross misconduct relating to his duties; or
 - (g) the President directs the removal of a member where he is satisfied that it is not in the interest of the Agency or of the public for the person to continue in office as a member of the Board; or
 - (h) in the case of an ex - officio member, he ceases to hold the office on the basis of which he became a member of the Board.
- (6) Where a vacancy occurs in the membership of the Board, it shall be filled by an appointment by the President of a successor to hold office for the remainder of the term of office of his predecessor and the successor shall represent the same interest as that member whose exit created the vacancy.
- (7) The provisions of the Schedule 1 to this Act shall have effect with respect to the proceedings of the Board and other matters mentioned under this Act.
- (8) The Board shall —
- (a) formulate and provide general policy guidelines for the discharge of the functions of the Agency;
 - (b) monitor and ensure the implementation of the policies and programmes of the Agency; and
 - (c) carry out such other functions as are necessary or expedient to ensure the efficient performance of the functions of the Agency under this Act.

Committee's Recommendation:

That the provision in Clause 98 be retained (*Senator David Umaru — Niger North*) — *Agreed to.*

Question that Clause 98 do stand part of the Bill, put and agreed to.

Clause 99: Appointment and tenure of the Director-General of the Agency:

- (1) There shall be for the Agency, a Director - General who shall be appointed by the President on the recommendation of the Attorney-General.

- (2) A person shall not be appointed as the Director - General, except he has a recognised degree in law, accounting, finance, public administration, business administration or economics with at least fifteen years cognate experience, five of which shall be at senior management level.
- (3) The Director-General shall hold office —
 - (a) for a period of four years subject to re-appointment by the President on the recommendation of the Attorney - General for a further term of four years and no more; and
 - (b) on such other terms and conditions as may be specified in his letter of appointment.
- (4) The Director - General shall be the chief executive of the Agency and be responsible for —
 - (a) the day-to-day administration of the Agency;
 - (b) the execution of the policies of the Agency;
 - (c) the organisation, control and management of the affairs of the Agency;
 - (d) the implementation of the Agency's functions and ensuring that it achieves its goals;
 - (e) the direction, supervision and control of other employees of the Agency; and
 - (f) ensuring the transparent maintenance of accounting records in accordance with applicable laws governing statutory bodies.

Committee's Recommendation:

That the provision in Clause 99 be retained (*Senator David Umaru — Niger North*) — *Agreed to.*

Question that Clause 99 do stand part of the Bill, put and agreed to.

Clause 100: Other Employees of the Agency and Conditions of Service:

- (1) The Agency shall appoint, designate or cause to be deployed, directly or on secondment from any public or private bodies such number and category of employees as it may require to assist it in the effective discharge of its duties and functions under this Act.
- (2) The Board shall be responsible for determining the job description, title, terms, qualifications and salaries, including allowances of the employees of the Agency, subject to the approval of the National Income, Salaries and Wages Commission in the case of remunerations.
- (3) The Board shall make rules relating generally to the conditions of service of employees of the Agency, including rules providing for the appointment, promotion, advancement, determination of appointment, and disciplinary control, of those employees.
- (4) Service in the Agency shall be subject to the Pension Reform Act, provided that nothing in this section shall exclude the Agency from employing staff on non-pensionable terms and conditions.

- (5) The Agency has powers to —
 - (a) set up Departments, Special Units, technical committees, working groups and task forces to assist the Agency in the performance of its duties and functions under this Act; and
 - (b) make changes to its structure, from time to time, with the approval of the Board.
- (6) There shall be appointed for each of the Departments and Special Units, a principal officer who shall be known by such designation as the Agency may determine.

Committee's Recommendation:

That the provision in Clause 100 be retained (*Senator David Umaru — Niger North*) — *Agreed to.*

Question that Clause 100 do stand part of the Bill, put and agreed to.

Clause 101: Functions of the Agency:

The Agency shall —

- (a) implement, enforce and duly administer the provisions of this Act;
- (b) oversee the management of recovered assets;
- (c) authorise and appoint private asset managers and ensure that assets managers are properly bonded and insured;
- (d) ensure transparency in the appointment of asset managers, monitoring asset and management costs;
- (e) establish and maintain —
 - (i) disposal systems;
 - (ii) lists of approved auctioneers and valuers, and issue instructions for the realisation or security of assets whilst ensuring fair process;
- (f) establish and maintain a central database of the activities and casework of the Agency, all seized and recovered assets and of the asset managers and auctioneers, insurers and other necessary support services;
- (g) negotiate the return and management of all assets seized by foreign countries on behalf of the Federal and State Governments for the benefit of Nigerians under the direction of the Attorney-General of the Federation;
- (h) recommend that in exceptional circumstances, a portion not exceeding two percent of the recovered proceeds of offences be allocated to the agency responsible for the recovery of the proceeds for operational expenses;
- (i) recommend the proper application of all returned assets and proceeds of unlawful activities;
- (j) collaborate with relevant organisations in the investigation of the proceeds of unlawful activity or the instrumentalities of offences;
- (k) maintain statistics as to amounts sought, managed and recovered by the Agency;

- (l) collaborate with other government bodies both within and outside Nigeria that are carrying on functions wholly or in part analogous with those of the Agency;
- (m) have the custody and management of confiscated and forfeited assets and funds pursuant to this Act;
- (n) maintain an accurate inventory of all assets, recording their location, value, condition, and a description of their status in relation to any proceedings;
- (o) establish training programmes for its staff, prosecutors, judicial officers and financial investigators; and
- (p) carry out such other activities as are necessary or expedient for the full discharge of all or any of the functions conferred on it under this Act.

Committee's Recommendation:

That the provision in Clause 101 be retained (*Senator David Umaru — Niger North*) — *Agreed to.*

Question that Clause 101 do stand part of the Bill, put and agreed to.

Clause 102: Powers of the Agency.

- (1) For the purpose of effectively managing seized, confiscated and forfeited assets and funds, and in exercise of its administrative powers, the Agency may, subject to the provisions of this Act, execute such agreements or contracts as it considers necessary and, in particular may —
 - (a) engage contractors, consultants, brokerage companies, investment advisers, financial investigators and other experts for the effective discharge of its functions under this Act; and
 - (b) order the disposal of assets that are perishable or susceptible to deterioration, or whose maintenance or administration may be excessively onerous or expensive leading to a diminution of the recoverable amount.
- (2) Where seized assets are disposed under subsection (1)(b) of this section, the proceeds from the disposal shall be deposited and maintained in an interest bearing account that guarantees the reasonable preservation of its economic value, until such time as a final judicial decision is taken.

Amendment Proposed:

Immediately after the word "interest" in line 3, *leave out* word "bearing" and *insert* the word "yielding" instead thereof (*Senator Bala Ibn Na'Allah — Kebbi South*).

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

- (3) The Agency may do anything it considers appropriate for facilitating, or which is incidental or conducive to the performance of the functions of the Agency (*Senator David Umaru — Niger North*).

Question that Clause 102 as amended do stand part of the Bill, put and agreed to.

Clause 103: Co-operation with Other Bodies.

- (1) In the performance of its functions under this Act, the Agency shall cooperate with relevant organisations, financial supervisory institutions and

any other person or authority involved in the investigation and prosecution of crimes under this Act or any other law relating to the recovery of unlawful activities..

- (2) The Agency shall have power to require any relevant organisation or authority to surrender to it, any proceedings for the recovery of the proceeds or instrumentalities of unlawful activities by the relevant organisation or authority.

Committee's Recommendation:

That the provision in Clause 103 be retained (*Senator David Umaru — Niger North*) — *Agreed to.*

Question that Clause 103 do stand part of the Bill, put and agreed to.

Clause 104: Information Relating to the Recovery of Proceeds of Crime.

Where at the commencement of an investigation for an offence or where in the course of an investigation, it appears to a relevant organisation that there is a reasonable prospect of recovering the proceeds or instrumentalities of unlawful activity or assets, the organisation shall inform the Agency and shall take such measures as are necessary under this Act to recover those proceeds or instrumentalities of unlawful activity or assets.

Committee's Recommendation:

That the provision in Clause 104 be retained (*Senator David Umaru — Niger North*) — *Agreed to.*

Question that Clause 104 do stand part of the Bill, put and agreed to.

Clause 105: Fund of the Agency.

There is established for the Agency a fund comprising of —

- (a) take off grants, annual subventions and other budgetary allocations received from the Federal Government;
- (b) such monies as may, from time to time, be granted to the Agency by the Government of the Federation;
- (c) gifts, grants, aids, and testamentary disposition, if the terms and conditions attached to any of them are not inconsistent with the functions of the Agency;
- (d) such other sums of monies as may be received by the Agency from other sources.

Committee's Recommendation:

That the provision in Clause 105 be retained (*Senator David Umaru — Niger North*) — *Agreed to.*

Question that Clause 105 do stand part of the Bill, put and agreed to.

Clause 106: Expenditure of the Agency.

The Director - General, under the direction of the Board, shall, from time to time, apply the funds at the disposal of the Agency to —

- (a) the cost of administration of the Agency;
- (b) pay the salaries, allowances and benefits of employees of the Agency;
- (c) pay other overhead allowances and benefits and other administrative costs, charges and expenses of the Agency; and

- (d) undertake such other activities as are connected with the functions of the Agency under this Act.

Committee's Recommendation:

That the provision in Clause 106 be retained (*Senator David Umaru — Niger North*) — *Agreed to.*

Question that Clause 106 do stand part of the Bill, put and agreed to.

Clause 107: Estimates of the Agency.

- (1) The Agency shall not later than 30th September in each financial year prepare and present to the Attorney-General for onward transmission to the National Assembly, a statement of estimated income and expenditure for the following financial year.
- (2) Notwithstanding the provisions of subsection (1) of this section, the Agency may, where necessary due to unforeseen circumstances, submit supplementary or adjusted statements of estimated income and expenditure to the Attorney-General for onward transmission to the National Assembly for approval.

Committee's Recommendation:

That the provision in Clause 107 be retained (*Senator David Umaru — Niger North*) — *Agreed to.*

Question that Clause 107 do stand part of the Bill, put and agreed to.

Clause 108: Accounts and Audit.

- (1) The Agency shall keep proper and regular accounts and other records of monies received and paid by the Agency and of the several purposes for which the monies have been received or paid, and of its assets, credits and liabilities.
- (2) The Agency shall do all things necessary to ensure that all payments out of its funds and bank accounts are correctly made and properly authorised and that adequate control is maintained over the assets in its custody and over the expenditures incurred by the Agency.
- (3) The Agency shall, within the first four months of each financial year, submit its accounts to auditors appointed by the Agency from the list and in accordance with guidelines approved by the Auditor-General of the Federation, its accounts for audit.
- (4) As soon as the accounts and the financial statements of the Agency have been audited in accordance with the requirement of this Act, the Board shall forward a copy of the audited financial statements to the Attorney - General for onward transmission to the National Assembly, together with any report or observations made by the auditors and the Auditor-General on the statement of accounts.
- (5) The remuneration of the auditor shall be paid out of the funds of the Agency.
- (6) The audited accounts of the Agency and the Auditor-General's report on those accounts shall form part of the Auditor-General's overall annual report to the National Assembly.

Committee's Recommendation:

That the provision in Clause 108 be retained (*Senator David Umaru — Niger North*) — *Agreed to.*

Question that Clause 108 do stand part of the Bill, put and agreed to.

Clause 109: Annual Report.

- (1) The Director - General shall, not later than 30th June in each financial year, submit to the Board in respect of the preceding financial year an annual report on the activities of the Agency in such form as the Board may direct.
- (2) The report under subsection (1) of this section, shall include —
 - (a) information with regard to the activities of the Agency in that year;
 - (b) a copy of the audited accounts of the Agency in respect of that year together with the Auditor-General's report on the accounts; and
 - (c) such other information as the Board may request.
- (3) The Board shall on receiving the annual report, cause it to be submitted to the Attorney - General for onward transmission to the National Assembly within the financial year.
- (4) The Director-General shall from time to time, provide the Board with such information relating to the affairs of the Agency as the Board may request.

Committee's Recommendation:

That the provision in Clause 109 be retained (*Senator David Umaru — Niger North*) — *Agreed to.*

Question that Clause 109 do stand part of the Bill, put and agreed to.

Further consideration of Report deferred to another Legislative Day.

Chairman to report progress.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole resumed consideration on the Report of the Committee on Judiciary, Human Rights and Legal Matters; and Anti-Corruption and Financial Crimes on the Proceeds of Crimes Bill, 2017 and approved as follows:

Clauses 42 - 80	—	As Recommended
Clause 81	—	As Amended
Clauses 82 - 89	—	As Recommended
Clause 90	—	As Amended
Clauses 91 - 101	—	As Recommended
Clause 102	—	As Amended
Clauses 103 - 109	—	As Recommended

Further consideration of Report deferred to another Legislative Day.

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

5. Committee on Establishment and Public Service:

Report on the Chartered Institute of Entrepreneurs (Establishment, etc.) Bill, 2017 (SB. 07):

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

Question put and agreed to.

Report presented.

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

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO ESTABLISH THE CHARTERED INSTITUTE OF ENTREPRENEURS; TO REGULATE AND CONTROL THE PRACTICE OF ENTREPRENEURSHIP AND FOR RELATED MATTERS, 2017.

PART 1 - ESTABLISHMENT OF CHARTERED INSTITUTE OF ENTREPRENEURS

Cause 1: Establishment of the Institute.

- (1) There is hereby established a body to be known as Chartered Institute of Entrepreneurs (in this Bill referred to as "the Institute").
- (2) The Institute shall be a body corporate with:
 - (a) Shall be a body corporate with:
 - (i) Perpetual succession;
 - (ii) A common seal which shall be kept in such custody as the Council direct;
 - (iii) May sue and be used in its corporate name; and
 - (iv) May acquire, hold, and dispose of any property, moveable or immovable

Committee's Recommendation:

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

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

Clause 2: The General Duties and Functions of the Institute.

The Institute shall be charged with the following duties and functions -

- (i) Provision of Technical and professional skills for both emerging and existing entrepreneurs;

- (ii) Breeding better educated, more courageous and vibrant entrepreneurs;
- (iii) Evolving a reliable databank and information service system for resourceful operation of the small scale enterprises;
- (iv) Breeding knowledge-driven SME start-ups;
- (v) Facilitation of stronger cooperation between owner-manager and his stakeholders such as banks, insurance institutions, shippers, government agencies etc;
- (vi) Facilitation of greater involvement in the promotion of international business with high level of competitiveness at the level of market level;
- (vii) Provision of opportunity for students to be active participants in wealth creation through school to work programmes;
- (viii) Empowerment and support on continuous basis to teachers and instructors of entrepreneurship education in both senior secondary and tertiary institutions via specially packaged trainings, meetings, exhibitions, industrial exposures and other platforms.

Committee's Recommendation:

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

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

Clause 3: Membership of the Institute.

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

Committee's Recommendation:

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

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

PART II - ELECTION OF PRESIDENT AND VICE PRESIDENTS OF
CHARTERED INSTITUTE OF ENTREPRENEURS

- Clause 4:**
- (1) There shall be a President and two Vice-Presidents of the Institute who shall be Fellows of the Institute.
 - (2) The President and Vice-Presidents shall be elected at the Annual General Meeting of the Institute and each shall hold office for a term of two years from the date of election.
 - (3) The President shall be the Chairman of the Governing Council established by Section 1- of this Act and in his absence the First Vice-President, shall be the Chairman of the Governing Council.
 - (4) The President shall preside at meetings of the Institute and in the event of his absence, death, permanent incapacity or disability, the First-Vice President or in the absence of the First Vice-President, the second Vice president shall preside.
 - (5) The First Vice-President or Second Vice President shall in the event of the death, resignation, removal from office or permanent incapacity of the President or First Vice President in that order act for the unexpired term of his office as the case may be and reference in the act to the president of First Vice president shall be construed accordingly.
 - (6) If the President or any of the Vice-President ceases to be a Member of the Institute, he shall ipso Facto cease to hold any of the offices designated under this section.

Committee's Recommendation:

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

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

PART III - GOVERNING COUNCIL OF THE INSTITUTE, ETC.

- Clause 5:**
- (1) There is hereby established for the Institute a Governing Council (in this Bill referred to as "the Council") which shall be charged with the responsibility for the administration and general management of the Institute.
 - (2) The Council shall consists of the following members
 - (a) A Chairman who shall be president of the Institute;
 - (b) Two Vice-Chairman who shall be the Vice presidents of the Institute;
 - (c) A treasurer who shall be elected by the Institute;
 - (d) One representative each of the following;

- (e) Federal Ministry of Education;
 - (f) Twelve persons elected by the Institute;
 - (g) All past president of the Institute including the past presidents of the Incorporated Institute of Entrepreneurs existing before the commencement of this Act;
 - (h) Two persons to represent institutions of higher learning in Nigeria offering courses leading to approved qualifications, to be appointed by the Federal Ministry of Education on rotation, so, however that the two shall not be from the same institution;
 - (i) The Executive Secretary of the Institute.
- (3) The provision of First Schedule to this Act shall have effect with respect to the supplementary provision of the council and the qualifications and tenure of office of members of the Council and the other matters therein mentioned.

Committee's Recommendation:

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

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

Clause 6: Tenure of Office, Resignation and Cessation of Membership of the Council.

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

- (b) Such member was elected, the Council may, if the time between the unexpired portion of the term of office and the next general meeting of the Institute appears to warrant the filling of the vacancy, co-opt a fit and proper person for such time.

Committee's Recommendation:

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

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

Clause 7: Power of the Council.

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

Committee's Recommendation:

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

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

PART IV-FINANCIAL PROVISIONS

- Clause 8:**
- (1) There shall be established for the Institute. A fund which shall be managed and controlled by the Council.
 - (2) There shall be paid into the fund established pursuant to subsection (1) of this section:
 - (a) All fees and other moneys payable to the Institute in pursuance of this Bill; and
 - (b) Such other moneys as may be payable to the Institute in the course of its operations or in relation to the exercise of any of its functions under this Bill.
 - (3) There shall be paid out of the fund of the Institute:
 - (a) The remuneration and allowances of the Secretary and other employees of the Institute;
 - (b) Such reasonable traveling and subsistence allowances of members of the Council may determine;
 - (c) Any other expense incurred by the Council in the discharge of its functions under this Bill.
 - (4) The Council may, from time to time, borrow money for the purposes of the Institute and any interest payable on moneys so borrowed shall be paid out of the fund.
 - (5) All the institutional members in Nigeria shall cause to be paid to the fund, an annual subvention as may be determined by the Council from time to time.

- (6) The Council shall on behalf of the Institute keep proper books of accounts in respect of each financial year and proper records in relation to those accounts and the Council shall cause the accounts to be audited by an external auditor and when audited, the accounts shall be presented to the members of the Institute for approval at a general meeting.

Committee's Recommendation:

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

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

PART V- THE EXECUTIVE SECRETARY AND THE REGISTER

- Clause 9:**
- (1) The Council shall appoint a fit proper person to be the Executive Secretary for the purpose of this Act, and such other persons as the Council may from time to time, deem necessary' to assist the Executive Secretary in the performance of his functions under this Act.
- (2) The Executive Secretary, shall in addition to his other functions under this Act, be the Secretary to the Council and shall keep minutes of the proceedings of all meetings of the Council and committees thereof.
- (3) The Executive Secretary appointed under Subsection (1) of this section shall be the Chief Executive of the Institute and shall report to the Council of the institute.
- (4) The Council shall appoint other principal officers such as:
- (a) Director of Corporate Affairs;
 - (b) Director Membership and Marketing;
 - (c) Business Development Manager;
 - (d) Membership and Administration;
 - (e) Information technology.
- (5) There shall be for the purpose of this Act two registers as follows:
- (a) he register of members which shall consist of six parts of which:
 - i. The first part shall be in respect of Ordinary Members;
 - ii. The second part shall be in respect of Student Members;
 - iii. The third part shall be in respect of Graduate Members;
 - iv. The fourth part shall be in respect of Associate Members;
 - v. The fifth part shall be in respect of Members;
 - vi. The sixth part shall be in respect of fellows.

- (b) The register of Institutional members.
- (6) Subject to the provisions of this Act, the Council shall make rules with respect to the form and keeping of registers and the making of entries therein, and in particular:
- (a) Regulate the making of applications for enrolment or registration, as the case may be, and providing for the evidence to be produced in support of the application;
 - (b) Provide for the notification to the Registrar, by the person to whom any registered particular relates or any change in those particulars;
 - (c) Authorize an enrolled or registered person to have any qualification which is in relation to the relevant division of the profession, either an approved qualification or an accepted qualification, for the purposes of this Act, registered in relation to his name in addition to, or as he may elect, in substitution for any other qualification so registered;
 - (d) Specify the fees, including any annual subscription, to be paid to the institute in respect of the entry of names on the Register and authorizing the registrar to refuse to enter a name on the Register until such fees specified for the entry has been paid;
 - (e) Specify the standards of conduct required of a member of the institute and actions or omissions that amount to a misconduct; and
 - (f) Specify anything failing to be specified under the foregoing provisions of this section; but rules made for the purpose of paragraph (d) of this sub-section shall not come into force until they are confirmed at a general meeting of the Institute.
- (7) The Executive Secretary shall:
- (a) Correct, in accordance with the Council's directions, any entry in the register which the Council directs him to correct as being in the Council's opinion an entry which was incorrectly made;
 - (b) Make, from time to time, any necessary alterations in the registered particulars of registered persons;
 - (c) Remove from the register the name of a deceased member or members whose names he is directed to strike off as a result of disciplinary action;
 - (d) Record the names of members of the institute who are in the default for more than one year in the payment of annual subscriptions, and to take such action in relation thereto (including removal of the names of defaulters from the register) as the Council may direct and any person whose name is removed from the register for being in default of payment of any year may be re-registered subject to payment of outstanding subscription and re-registration fees as may be approved by the Council.

- (8) The rule made pursuant to subsection (6) of this section shall provide for a procedure for updating members particulars in the register, and conditions under which the registrar may remove the name of a member from the list for failing to update his particulars, and the manner to cause a restoration of such a member in the list.

Committee's Recommendation:

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

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

Clause 10: Publication of Register and List Correction Etc.
The Executive Secretary shall:

- (a) Cause the register to be printed, published and put on sale to members of the public not later than two years from the commencement of this Act;
- (b) Thereafter in each year, cause to be printed, published and put on sale as aforesaid, either a corrected edition of the register or list of corrections made to the register, since it was last printed;
- (c) Cause a print of each edition of the register and of each list of the corrections to be deposited at the principal office of the institute;
- (d) Keep the register and list so deposited and make the register and such lists available at all reasonable time for inspection by members of the public, physically and through an internet portal.
 - i. A document purporting to be print of an edition of the Register published, pursuant to this section by authority of the Registrar, or document purporting to be print of an edition so printed, shall (without prejudice to any other mode of proof) be admissible in any proceeding as evidence that any person specified in the document, or the documents read together, as being registered was 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.
 - ii. Where in accordance with subsection (2) of this section, a person is, in any proceeding, shown to have been, or not to have been registered at a particular date, he shall, unless the contrary is proven, be taken for the purposes of these proceedings as having at all material times thereafter continued to be, or not to be, so registered.

Committee's Recommendation:

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

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

PART VI- REGISTRATION OF MEMBERS

- Clause 11:** (1) Subject to subsection (2) of this section a person, other than one whose membership has been suspended by a directive of the Disciplinary Panel shall be entitled to be registered as member in the following categories:

- (a) Ordinary Member, where the person does not satisfy the conditions for registration as a Student Member, Graduate Member, Associate Member, Member, Fellow specified in paragraphs (b) to (c) of this sub-section;
- (b) Student Member, where the person:
 - i. Works in a institutional outfit and has a degree or equivalent qualification or the minimum qualification prescribed by the Council;
 - ii. Does not work in any institution, but has the basic qualification approved by the Council from time to time, for registration as a student;
 - iii. Satisfies any other condition which the Council may, from time to time, approve.
- (c) Graduate member, where the person:
 - i. Has passed the Associates examination specified by Council, but has not had the period of on the job practical experience prescribed by council;
 - ii. Not being a member of the institute has passed the qualifying examination of a recognized Institute of Entrepreneurs in any other country acceptable to the Council;
 - iii. Has not been elected a fellow or an Associate by a recognized foreign Institute of Entrepreneurs.
- (d) Associate Member, where the person:
 - i. Has passed the associate ship examination specified by the Council;
 - ii. Not being a member of the institute at the time of application for membership has passed the qualifying examination of a recognized Institute of Entrepreneurs in any other country acceptable to the Council;
 - iii. Has had a period of the on the job practical experience not less than the minimum period prescribed by the Council for the category of membership sought;
 - iv. Has been elected by any recognized related foreign institute to that category of membership.
- (e) Member, where the person:
 - i. Has contributed immensely to the growth of Entrepreneurship;
 - ii. Is considered by the Board of Members and the Council as a fit and proper person to be awarded the member of the Institute;
- (f) Fellow, where the person;

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

Committee's Recommendation:

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

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

Clause 12: Approval of Qualifications, etc.

- (1) The Council may approve any qualification for the purpose of this Bill and may for such purposes approve:
 - (a) Any course of training at any approved institution which is intended for persons seeking to become or are already Entrepreneur and which the Council considers is designed to confer on persons having sufficient knowledge and skill for admission to the Institute;
 - (b) Any qualification which as a result of the examination taken in conjunction with a course of training approved by the Council under this section is granted to candidates having reached a standard in the examination, indicating in the opinion of the Council, that the candidates have sufficient knowledge and skill to practice as an Entrepreneur.

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

Committee's Recommendation:

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

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

Clause 13: Supervision of instruction, etc.

- (1) It shall be the duty of this Council to keep itself informed of Supervision of the content and methods of:
- (a) The instructions given at approved institutions to persons attending approved courses of training;
 - (b) The examinations as a result of which approved qualifications are granted and for the purposes of performing that duty the Council may appoint, its members or otherwise, persons to a visit approved institutions or observe such examinations.

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

Committee's Recommendation:

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

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

PART VII - PROFESSIONAL DISCIPLINE

Clause 14: Establishment of Investigation Panel and Disciplinary Tribunal.

- (1) There shall be constituted a body to be known as the Chartered Institute of Entrepreneurs investigating Committee (in this Act referred to as the Investigating Committee") which shall be charged with the duty to:
- (a) Conduct a preliminary investigation into any case where it is alleged that a member of the Institute is involved in misconduct in his capacity as Entrepreneurs or shall for any other reason be the subject of proceedings before the Disciplinary Panel;
 - (b) Decide whether the case should be referred to the Disciplinary Panel or not.
- (2) The Investigating Committee shall be appointed by the Council and shall consist of five members as follows:
- (a) Two members of the Council, one of whom shall be Chairman of the Committee;
 - (b) Three members of the Institute who are not members of the Council.
- (3) The Council may make rules not inconsistent with this Bill as regard acts, which constitute professional misconduct.
- (4) The Investigating Committee shall act independently in receiving and investigating allegations under paragraph (a) of subsection (1) of this section and shall have power to receive complaints directly from any individual or organization.

- (5) There shall be established a Panel to be known as the Chartered Institute of Entrepreneurs (in this Act referred to as "the Disciplinary Panel") which shall be charged with the duty of considering and determining any case referred to it by the Investigating Committee constituted under Subsection (1) of this section.
- (6) The Disciplinary Panel shall be appointed by the Council and shall consist of two members of the Council, one of whom shall be the Chairman, and three other members of the Institute who are not members of the Council.
- (7) The Council shall have power to confirm, rescind or amend, as the case may be, any directive to be conveyed by the Disciplinary Panel to any person adjudged by the Panel to be guilty of professional misconduct in accordance with the provisions of section 15 of this Act: Provided that, the Council shall prior to taking any decision on the matter, first give to the person concerned the opportunity of being heard.
- (8) The provisions of Third Schedule to this Act shall, so far as applicable to the Investigating Committee and Disciplinary Panel respectively, have effect with respect to those bodies.

Committee's Recommendation:

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

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

Clause 15: Penalties for Professional Misconduct.

(1) Where:

- (a) A member is adjudged by the Disciplinary Panel to be guilty of professional misconduct in any professional respect;
 - (b) A member is convicted by any court of law having power to award imprisonment for an offence (whether or not punishable with imprisonment), which in the opinion of the Disciplinary Panel is incompatible with the conduct required of a member of the Institute;
 - (c) The Disciplinary Panel is satisfied that the name of any person has been fraudulently enrolled or registered; the Disciplinary Panel shall order the Registrar to strike his name off the relevant part of the register.
- (2) A person who is found guilty of misconduct by the decision of the Disciplinary Panel shall have his name struck out from the register of members.
 - (3) For the purpose of (b) subsection (1) (b) of this section, a person shall not be treated as guilty as therein mentioned, unless the guilt stands at a time when no appeal or further appeal is pending or may, (without extension of time) be brought in connection with the direction.
 - (4) The Disciplinary Panel shall always give its decision and directions promptly, and in all cases within three months of conclusion of proceedings.

- (5) The person to whom such a directive is given under subsection of this section may, at any time within twenty-eight days from the date of service on him of notice of the direction, appeal against the direction to the Federal High Court, and where necessary to the Court of Appeal and the Disciplinary Panel and complainant if any may appear as a respondent to the appeal and for the purpose of enabling directions to be given as to the costs of the appeal and of proceedings before the Federal High Court or Court of Appeal, the Disciplinary Panel and complainant shall be deemed to be a party thereto, whether or not it appears on the hearing of the appeal.
- (6) A direction of the Disciplinary Panel given under subsection (I) of this section shall take effect where:
- (a) No appeal under the section is brought against the direction within the time limit for such an appeal, or on the expiration of that time;
 - (b) Such an appeal is brought and is withdrawn or struck out as for want of prosecution, on the withdrawal or striking out of the appeal;
 - (c) Such an appeal is brought and is not withdrawn or struck out as aforesaid, if and when the appeal is dismissed, and shall take no effect except in accordance with the provisions of this subsection.
- (7) A person whose name is struck off the Register in pursuance of a direction of the Disciplinary Panel under this section, shall not be entitled to be enrolled or registered again, except in pursuance of a direction in that behalf and a direction under this section for the striking off of a person's name from the register may prohibit an application under this subsection by that person until the expiration of such period from the date of the directive (and where he has duly made such an application, from the date of his last application), as may be specified in the direction.

Committee's Recommendation:

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

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

PART VIII - MISCELLANEOUS

Clause 16: Application of this Act to Unregistered Persons.

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

Committee's Recommendation:

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

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

Clause 17: Practice as Professional Entrepreneurs.

- (1) Subject to subsection (2) of this section, a person shall be deemed to practice as a professional Entrepreneurs if in consideration of remuneration received or to be received and whereby himself or in partnership with any other persons he:
 - (a) Engages himself in the practice of professional Entrepreneurs or holds himself out to the public as professional Entrepreneurs;
 - (b) Renders professional service or assistance in, or about matters of principles or detail, relating to the practice of Entrepreneurs;
 - (c) Renders any other service which may, by regulations made by the Council, be designated as service constituting practice as a professional Entrepreneurs.
- (2) Nothing in Subsection (1) of this section shall be construed as to apply to persons who, while in the employment of any government, perform the duties or any of the duties of professional Entrepreneurs

Committee's Recommendation:

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

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

Clause 18: Rules as to Practice, Etc.

- (1) The Council may make rules to guide training in professional Entrepreneurship methods and practice.
- (2) The Council may also make rules:
 - (a) Prescribing the amount and due date for the payment of the annual subscription and for such purposes, different amounts may be prescribed by rules according to the category of membership;
 - (b) Prescribing the form of license to practice to be issued annually, or if the Council thinks fit, by endorsement on an existing license;
 - (c) Restricting the right to practice as a professional Entrepreneurs in default of the amount of the annual subscription where the default continues for longer than such period as may be prescribed by the rules;
 - (d) Restricting the right to practice as a member of the profession if the qualification granted outside Nigeria does not entitle the holder to practice as a member of the profession;
 - (e) Prescribing the period of practical training in the office of a profession in practice to be completed before a person qualifies for a license to practice as a member of the profession.
- (3) Rules made under this section shall, be published in the official news letter, website and magazine of the Institute.

Committee's Recommendation:

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

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

Clause 19: Provision of Library Facilities Etc.

The Institutes shall:

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

Committee's Recommendation:

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

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

Clause 20: Offences and Penalties.

- (1) A person who, for the purpose of procuring the registration of any name, qualification or other matter, recklessly makes a statement which is false in any material particular commits an offence.
- (2) If on or after the coming into force of this Act, a person who is not a member of the Institute Practices or holds himself out as a Professional Entrepreneurs for, or in expectation of reward or takes or uses any name, title, addition or description, implying that he is in practice as a Professional Entrepreneurs, commits an offence.
- (3) In the case of a person failing within section 15 of this Act:
 - (a) The provision of subsection (2) of this section shall not apply in respect of anything done by him during the period of three months;
 - (b) If within that period he duly applies for membership of the Institute then unless within that period he is notified that his application has not been approved, the provision of subsection (2) of this section shall not apply in respect of anything done by him between the end of that period and the date on which he is enrolled, or registered or notified as aforesaid.
- (4) The Executive Secretary or any other person employed by or on behalf of the Institute, who willfully makes any falsification in any matter relating to the register, commits an offence.
- (5) A person who commits an offence under this section shall be liable on conviction to a minimum fine of One Hundred thousand naira (N100,000.00); or imprisonment for a maximum term of two years, or to both such fine and imprisonment.

- (6) Where an offence under this section which has been committed by a body corporate is proved to have been committed with the consent or connivance of or be attributable to any neglect on the part of any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he, as well as the body corporate shall be deemed to have committed the offence and shall be liable on conviction by court of competent jurisdiction -
- (a) in the case of an individual to the punishment prescribed in subsection (5) of this section; and
- (b) in the case of a body corporate, to a fine of not less than N500,000 (Five Hundred Thousand Naira) and or a ban on practice of share registration for a specific period of time not less than one year.

Committee's Recommendation:

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

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

Clause 21: Regulations.

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

Committee's Recommendation:

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

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

Clause 22: Transfer to the Institute of Certain Properties.

- (1) As from the commencement of this Act:
- (a) All assets and liabilities held or incurred immediately before the commencement date, by or on behalf of the incorporated Institute shall, by virtue of this subsection and without further assurance, vest in the Institute and be held by it for the purpose of the Institute;
- (b) The Incorporated Institute shall cease to exist;
- (c) Subject to subsection (2) of this section, any act, matter or thing made or done by the Incorporated Institute shall be deemed to have been done by the Institute.
- (2) The provisions of Second Schedule to this Act shall have effect with respect to matters arising from the transfer of assets and liabilities of the Incorporated to the institute and with respect to other matters mentioned in that schedule.

Committee's Recommendation:

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

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

Clause 23: Interpretation.

In this Bill -

"Professional Entrepreneurs" means any person registered to practice Professional Entrepreneurship under this Act;

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

"Council" means the Council established as the governing body of the Institute under section 1, of this Act;

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

"Disciplinary Panel" means Chartered Institute of Entrepreneurs Disciplinary Panel established under subsection (2) of section H. of this Act;

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

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

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

"Institute" means Chartered Institute of Entrepreneurs established under section 1 of the Bill;

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

"Investigation Committee" means the Chartered Institute of Entrepreneurs Investigating Committee established under subsection (3) of section 14 of this Act;

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

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

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

"Minister means the Minister for Education;

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

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

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

"Register means the register maintained pursuant to section B of this Act.

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

Committee's Recommendation:

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

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

Clause 24: Short Title.

This Bill may be cited as the Chartered Institute of Entrepreneurs Bill, 2017.

Committee's Recommendation:

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

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

FIRST SCHEDULE

[Section 4(3)]

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

1. (1) Subject to the provisions of this Bill, the Council may make Standing Orders, regulating its proceedings or proceedings of any Committee of Councilor, the institute thereof, excepting rules of the Investigation committee of Disciplinary Panel.
- (2) The Standing Orders shall provide for decisions to be taken by a majority of the members and in the event of the equality of votes, the President or the Chairman, as the case may be, shall have a second or casting vote.
- (3) The Standing Orders made for a Committee of the Council shall provide the committee report back to the Council on any matter referred to it by the Council.
- (4) The quorum at any meeting of the Council shall be 10 and the quorum of a Committee of the Council shall be determined by the Council General Meeting of the Institute.
2. (1) The Council shall convene the annual general meeting of the Institute once a year at such time and place as may be determined by the Council, but, if the meeting is not held within one year after the previous annual general meeting, not more than fifteen months shall elapse between the respective dates of the two meetings; Provided that, notice of the annual general meeting shall be given to all members of the Institute not later than twenty-one days from the date of the meeting.

- (2) A special meeting of the Institute may be convened by the Council at anytime if, not less than thirty(30) members of the Institute so require, by notice in writing addressed to the President of the Council setting out the objects of the proposed meeting, the President of the Council shall convene a special general meeting of the Institute; Provided that, notice of the annual general meeting shall be given to all members of the Institute not later than Twenty-Eight days from the date of the meeting.
- (3) The quorum of any general meeting of the Council shall be fifteen (15) members and that of any special meeting of the Institute shall be thirty- five (35) members.

Meeting of (The Council).

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

Committees.

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

Miscellaneous.

5. (1) The fixing of the seal of the Institute shall be authenticated by the signature of the President or of some other members of the Council authorized generally or specifically by the Institute to act for that purpose.
- (2) Any contract or instrument which if made or executed by a person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the Institute or the Council, as the case may require by any authorized to act for the purpose by the Council, person generally or specifically authorized to act for the purpose by the Council.

- (3) Any document purporting to be a document duly executed under the seal of the Institute, shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

Validity of Proceedings.

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

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

SECOND SCHEDULE

Section 22(2)

TRANSITIONAL PROVISIONS AS TO PROPERTIES, ETC.

Transfer of Properties.

1. Every agreement to which the Incorporated Institute was a part to before the commencement of this Act, whether it be in writing or not and whether or not of such nature that the rights, liabilities and obligations there under could be assigned by the Incorporated Institute, shall have effect from the appointed day so far as it relates to property transferred by this Act to the Institute as if:
- (a) The Institute had been a party to the agreement;
 - (b) For any reference (however worded and whether express or implied) to the Incorporated Institute, there were substituted as respects anything failing to-be done on or after the commencement of this Act, a reference to the Institute;
 - (c) For any reference (however worded and whether (express or implied) to a member or members of the Council of the incorporated institute there were substituted, as respects anything failing to be done on or after the commencement of the Act, a reference to a member or members of the Council under this Bill.
2. Other documents referring, whether specifically or generally on the Incorporated Institute shall be constructed in accordance with sub-paragraph of this paragraph so far as applicable.
3. Any legal proceedings or application to any authority pending on the commencement of this act by or against the Incorporated Institute may be continued on or after that day by or against the Institute.
4. On the commencement of this Act, any person holding any paid appointment in the Incorporated Institute shall hold corresponding appointment in the Institute on the same terms and conditions as already exist.

5. Any regulations, rules and-similar instruments made for the purpose of the Incorporated Institute and in force immediately before the coming into force of this Bill shall, except in so far as they are subsequently revoked or amended by any authority, having power in that behalf, have effect with any necessary modifications as if daily made for the corresponding purpose of the Institute.

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

THIRD SCHEDULE

Section 22(2)

SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY TRIBUNAL AND INVESTIGATING PANEL

The Disciplinary Committee.

1. The quorum of the Disciplinary Panel shall be four members.
2.
 - (1) The Attorney-General of the Federation shall make rules as to the selection of members of the Panel for the purpose or any proceedings, the procedure to be followed and the rules of evidence to be observed in the proceedings before the Panel.
 - (2) The rules shall in particular provide:
 - (a) For securing that any party to the proceedings shall be entitled to be heard by the panel.
 - (b) For determining who, in addition to the person aforesaid, shall be a party to the proceedings;
 - (c) For securing that any party to the, ' proceedings shall, if he so requires, be entitled to be heard by the Disciplinary Panel;
 - (d) For securing that any party to the proceedings may be represented by a legal practitioner;
 - (e) Subject to the provision of section 13(6) of this Act, as to the cost of proceedings before the Disciplinary Panel;
 - (f) For requiring, in a case where it is alleged that the person who is the subject of the proceedings is guilty of misconduct in any professional respect, that where the Disciplinary Panel adjudges that the allegation has been proved it shall record a finding that the person is guilty of such misconduct in respect of the matters to which the allegation relates;
 - (g) Requiring that the Executive Secretary shall publish and carry out decisions and directions of the Disciplinary Panel which has taken effect including striking out a person's name off the register.
3. For the purposes of any proceeding before the Disciplinary Panel, any member of the Disciplinary Panel may administer Oaths, and any party to the proceedings may issue out of the registry of (the Federal High Court by writs of subpoena ad testificandum and ducestecum but no person appearing before the Disciplinary Panel shall be compelled:
 - (a) To make any statement before the Disciplinary Panel tending to incriminate himself;

- (b) To produce any document under such a writ which he could not be compelled to produce at the trial of an action.

Assessor.

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

The Investigating Panel.

4. (1) The quorum of the Investigation Committee shall be three.
- (2) The Governing Council may, at any of its meetings attended by all members, make Standing Orders with respect to the Investigation Committee.
- (3) Subject to the provision of any such standing order, the Investigation Committee may regulate its own proceedings.

Miscellaneous.

5. (1) A person whose tenure as a member of the Disciplinary Panel, or the Investigation Committee has expired shall be eligible for re-appointment as a member of the Disciplinary Panel or Investigation Committee, as the case may be, however, nobody shall serve in the Investigating Committee for more than two consecutive terms totaling four years.
- (2) A person may, if otherwise eligible, be a member of both the Disciplinary Panel and Investigation Committee, but no person who acted as a member of Investigating Committee with respect to any case shall act as a member of the Disciplinary Panel with respect to that case.
- (6) The Disciplinary Panel or the Investigation Panel may act notwithstanding any vacancy in its membership and the proceedings of either body shall not be invalidated by any irregularity in the appointment of a member of that body or subject to Paragraph 4 (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 the body

7. Any document authorized or required by virtue of this Act to be served on the Disciplinary Panel or the Investigation Committee; shall be served on the Executive Secretary.
8. All expenses of the Disciplinary Panel or the Investigation Committee shall be defrayed by the Institute.

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

Chairman to report Bill.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered the Report of the Committee on Establishment and Public Service on the Chartered Institute of Entrepreneurs (Establishment, etc.) Bill, 2017 and approved as follows:

Clauses 1- 24 — 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.

6. Reports of Committees on the 2017 Budget of Corporations and Agencies of Government of the Federal Republic of Nigeria:

That the Senate do consider the Reports of Senate Committees on the 2017 Budget of Corporations and Agencies of Government of the Federal Republic of Nigeria:

S/N	Committee	Government Owned Enterprises (GOE)
(i)	Education (Basic and Secondary)	-National Examination Council; and -National Business and Technical Education Board.
(ii)	Science and Technology	-Raw Materials Research and Development Council.
(iii)	Sports and Youth Development	-National Lottery Regulatory Commission
(iv)	Health	-National Agency for Food and Drug Administration and Control
(v)	Aviation	-Nigerian Airspace management Agency; and -Nigerian Civil Aviation Authority
(vi)	Information and Communication Technology (ICT)	-Galaxy Backbone Limited; and -National Information Technology Development Agency.
(vii)	Agriculture and Rural Development	-Nigerian Agricultural Insurance Corporation
(viii)	Privatization	-Bureau of Public Enterprises

Consideration of Reports deferred to another Legislative Day.

7. Committee on Tertiary Institutions and TETFUND:

That the Senate do consider the Reports of the Committee on Tertiary Institutions and TETFUND on:

- (a) Federal University of Education, Zaria (Establishment, etc.) Bill, 2017 (SB. 400);
- (b) Alvan Ikoku Federal University of Education, Owerri (Establishment, etc.) Bill, 2017 (SB.398);
- (c) Federal University of Agriculture, Kabba (Establishment, etc.) Bill, 2017 (SB. 402);
- (d) Federal University of Education, Kano (Establishment, etc.) Bill, 2017 (SB. 397);
- (e) Adeyemi Federal University of Education, Ondo (Establishment, etc.) Bill, 2017 (SB.399);
- (f) Nigeria Arabic Language Village, Ngala (Establishment, etc.) Bill, 2017 (SB. 386);
- (g) Nigeria French Language Village, Badagry (Establishment, etc.) Bill, 2017 (SB. 387);
- (h) Federal Polytechnic Act CAP F17 (Amendment) Bill, 2017 (SB. 241); and
- (i) Federal College of Education, Malam Madori, Jigawa State.

Consideration of Reports deferred to another Legislative Day.

8. Adjournment:

Motion made: That the Senate do now adjourn till Tuesday, 31st October, 2017 at 10:00 a.m. (*Senate Leader*).

Adjourned accordingly at 1:17 p.m.

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