



SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Thursday, 2nd March, 2017

1. The Senate met at 10:23 a.m. The Deputy Senate President read Prayers.

2. **Votes and Proceedings:**

The Senate examined the Votes and Proceedings of Wednesday, 1st March, 2017.

Question was put and the Votes and Proceedings were approved.

3. **Announcement:**

Acknowledgment:

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

- (i) Staff and Students of the Rosa Mystica Academy, Kubwa, Abuja;
- (ii) Staff and Students of Patriots Education Centre, Kubwa, Abuja; and
- (iii) Staff and Students of Delivine Academy, Gwagwalada, Abuja.

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

Rising on Rules 42 and 52, Senator Gbolahan J. Dada (*Ogun West*) drew the attention of the Senate on the unlawful and outrageous action of Officers of Nigeria Customs Service for breaking into shops of traders at Kayero Market, Sango Otta, Ogun State. He sought and obtained the leave of the Senate to present the matter forthwith:

The Senate:

notes, that the Nigeria Customs Service was established pursuant to the provisions of Customs and Excise Management Act (CEMA), Laws of the Federation of Nigeria 2004 with powers inter alia to control the importation of goods into the country;

further notes, that by virtue of the provisions of Section 8 of the said Customs and Excise Management Act (CEMA), Officers of Nigeria Customs Service have the same powers, authorities and privileges given by law to Police Officers;

aware, that Police Officers including Customs Officers lack the Constitutional and Statutory powers to break into shops or premises of any Nigerian without a valid court order or search warrant and such court order or search warrant must be executed in the presence of witnesses or concerned shop owner or premises owner;

further aware, that the rationale for prescribing above procedure was meant to preserve the rule of law, avoid breakdown of law and order and prevent self-help remedies by aggrieved persons;

informed, that at about 1 a.m on Wednesday, 22nd February, 2017, some Officers of Nigeria Customs Service invaded Kayero Market, Sango Otta, Ogun State, broke into and entered several shops in the market and carted away thousands of bags of rice and cartons of vegetable oil worth billions of naira;

further informed, that the aforesaid action was carried out in the absence of concerned shop owners and at the wee hour of 1 a.m;

disturbed, that the aforementioned incident was not the first time Officers of Nigeria Customs Service will engage in outrageous operation of this nature damning all legal consequence and inflicting untold hardship on hapless traders under the guise of looking for smuggled goods; and

further disturbed, that it is highly unconscionable for Officers of Nigeria Customs Service to claim that the confiscated bags of rice and cartons of vegetable oil are smuggled products considering the fact that such goods never dropped from the skies to find their ways into the affected shops but rather passed through the Nigeria Borders under the watchful eyes of Customs Officers being paid by tax payers money to protect our borders.

Accordingly resolves to:

mandate the Committee on Customs, Excise and Tariff to investigate the breaking into shops of traders at Kayero Market, Sango Otta, Ogun State and report to Senate.

Debate:

Proposed Resolution:

Question: That the Senate do mandate the Committee on Customs, Excise and Tariff to investigate the breaking into shops of traders at Kayero Market, Sango Otta, Ogun State and report to Senate — *Agreed to.*

Resolved:

That the Senate do mandate the Committee on Customs, Excise and Tariff to investigate the breaking into shops of traders at Kayero Market, Sango Otta, Ogun State and report to Senate (S/Res/097/02/17).

5. Conference Committee:

Report on the Nigerian Peace Corps (NPC) Bill, 2017 (SB. 173 & SB. 183):

Consideration of Report deferred to another Legislative Day.

6. Committee on Ethics, Privileges and Public Petitions:

a. Report on the petition from Sani Abakura against the Niger Delta Power Holding Company Ltd, for Unlawful Disengagement from Service:

Motion made: That the Senate do consider the Report of the Committee on Ethics, Privileges and Public Petitions in respect of a petition from Sani Abakura against the Niger Delta Power Holding Company Ltd, for Unlawful Disengagement from Service (*Senator Samuel N. Anyanwu — Imo East*).

Question put and agreed to.

Report presented.

Debate:

Proposed Resolution:

Question: That the Senate should strike out the case from its roll of petitions since the petitioner could not wait for the Senate to conclude the matter, but took it to the National Industrial Court, Abuja — *Agreed to.*

Resolved:

That the Senate should strike out the case from its roll of petitions since the petitioner could not wait for the Senate to conclude the matter, but took it to the National Industrial Court, Abuja (S/Res/098/02/17).

- b. **Report on the petition from Mr. Philips Ororho against the Federal Medical Centre, Asaba, Delta State over Alleged Wrongful Termination of his Appointment by the Centre:**
Motion made: That the Senate do consider the Report of the Committee on Ethics, Privileges and Public Petitions in respect of a petition from Mr. Philips Ororho against the Federal Medical Centre, Asaba, Delta State over Alleged Wrongful Termination of his Appointment by the Centre (*Senator Samuel N. Anyanwu — Imo East*).

Question put and agreed to.

Report presented.

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

Question: That the Management Board of the Federal Medical Centre, Asaba, Delta State should immediately reinstate the petitioner, Mr. Philips Ororho — *Agreed to.*

Proposed Resolution (ii):

Question: That his entitlements be paid to him from the time of his termination to date — *Agreed to.*

Resolved:

- (i) That the Management Board of the Federal Medical Centre, Asaba, Delta State should immediately reinstate the petitioner, Mr. Philips Ororho; and
- (ii) That his entitlements be paid to him from the time of his termination to date (S/Res/099/02/17).

- c. **Report on the petition from Umoru Abdulmiminu Odafe against the National Board for Technology Incubation for Alleged Malicious Transfer from Technology Incubation Centre, Warri to Yenagoa:**

Motion made: That the Senate do consider the Report of the Committee on Ethics, Privileges and Public Petitions in respect of a petition from Umoru Abdulmiminu Odafe against the National Board for Technology Incubation for Alleged Malicious Transfer from Technology Incubation Centre, Warri to Yenagoa (*Senator Samuel N. Anyanwu — Imo East*).

Question put and agreed to.

Report presented.

Debate:

Proposed Resolution (i):

Question: That the decision of the Management of National Board for Technology Incubation (NBTI) to post out the petitioner (Centre's Accountant) and the other two principal officers be sustained — *Agreed to.*

Proposed Resolution (ii):

Question: That the petitioner, Umoru Abdulmiminu Odafe should write a letter of apology to the Director - General of National Board for Technology Incubation (NBTI) on his rude behaviour — *Agreed to.*

Proposed Resolution (iii):

Question: That all the outstanding salaries of the petitioner, Umoru Abdulmiminu Odafe be paid — *Agreed to.*

Resolved:

- (i) That the decision of the Management of National Board for Technology Incubation (NBTI) to post out the petitioner (Centre's Accountant) and the other two principal officers be sustained;
- (ii) That the petitioner, Umoru Abdulmiminu Odafe should write a letter of apology to the Director - General of National Board for Technology Incubation (NBTI) on his rude behaviour; and
- (iii) That all the outstanding salaries of the petitioner, Umoru Abdulmiminu Odafe be paid (*S/Res/100/02/17*).

d. Report on the petition from I. O. Ngene Esq. on behalf of Mbulu-Owo/Owo Communities in Nkanu East Local Government Area of Enugu State against Soldiers of the 82 Division of the Nigerian Army for Unwarranted Invasion/Displacement/Threatened Ejection from their Ancestral Land:

Motion made: That the Senate do consider the Report of the Committee on Ethics, Privileges and Public Petitions in respect of a petition from I. O. Ngene Esq. on behalf of Mbulu-Owo/Owo Communities in Nkanu East Local Government Area of Enugu State against Soldiers of the 82 Division of the Nigerian Army for Unwarranted Invasion/Displacement/Threatened Ejection from their Ancestral Land (*Senator Samuel N. Anyanwu — Imo East*).

Question put and agreed to.

Report presented.

Debate:

Proposed Resolution (i):

Question: That the Senate do urge the Federal Government to direct the Nigerian Army to withdraw its troops from occupation of the land of Mbulu-Owo/Owo communities forthwith to avoid any unpleasant consequences.

Amendment Proposed:

Leave out the words "the Federal Government to direct" (Senator Emmenuel Bwacha — Taraba South).

Question the amendment be made, put and agreed to.

Proposed Resolution (ii):

Question: That the Senate do further urge the Federal Government to warn the Nigerian Army to desist from any action or similar action now or in the future on issues of land over which they have no proof of ownership, as such actions threaten the peace and tranquillity of innocent citizens and communities.

Amendment Proposed:

Leave out the words "further urge the Federal Government to warn" and *insert* the word "urge" (*Senator Emmanuel Bwacha — Taraba South*).

Question the amendment be made, put and agreed to.

Resolved:

- (i) That the Senate do urge the Nigerian Army to withdraw its troops from occupation of the land of Mbulu-Owo/Owo communities forthwith to avoid any unpleasant consequences; and
- (ii) That the Senate do urge the Nigerian Army to desist from any action or similar action now or in the future on issues of land over which they have no proof of ownership, as such actions threaten the peace and tranquillity of innocent citizens and communities (*S/Res/101/02/17*).

7. Advance Fee Fraud and Other Related Offences Act (Amendment) Bill, 2017 (HB.287):

Motion made: That a Bill for an Act to Amend the Advance Fee Fraud and Other Related Offences Act, No. 14 of 2006 by removing the Prescribed Minimum Punishment; and for Other Related Matters be read the Second Time (*Senate Leader*).

Debate:

Question put and agreed to.

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

Motion made: Pursuant to Rule 81, that the Senate do resolve into the Committee of the Whole to consider a Bill for an Act to amend the Advance Fee Fraud and Other Related Offences Act, No. 14 of 2006 by removing the Prescribed Minimum Punishment; and for Other Related Matters (*Concurrence*) (*Senate Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO AMEND THE ADVANCE FEE FRAUD AND OTHER RELATED OFFENCES ACT, NO. 14 OF 2006 BY REMOVING THE PRESCRIBED MINIMUM PUNISHMENT; AND FOR OTHER RELATED MATTERS.

Clause 1: Amendment of Act No. 14, 2006.

The Advance Fee Fraud and other related Offences Act (in this Bill referred to as the "Principal Act") is amended as set out in this Bill.

Committee's Recommendation:

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

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

Clause 2: Amendment of Section 1 (3).

Section 1 (3) of the Principal Act is amended in line 2 by substituting the expression, "not more than 20 years and not less than 7 years" with the expression, "not exceeding 20 years".

Committee's Recommendation:

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

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

Clause 3: Amendment of Section 2 (c).

Section 2 (c) of the Principal Act is amended by substituting the expression "not more than 15 years and not less 5 years" in line 3, with the expression "not exceeding 15 years".

Committee's Recommendation:

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

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

Clause 4: Amendment of Section 3.

Section 3 of the Principal Act is amended by substituting the expression "not more than 15 years and not less 5 years" in line 3, with the expression "not exceeding 15 years".

Committee's Recommendation:

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

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

Clause 5: Amendment of Section 4.

Section 4 of the Principal Act is amended by substituting the expression, "not more than 20 years and not less than 7 years" in line 4, with the expression, "not exceeding 20 years".

Committee's Recommendation:

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

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

Clause 6: Amendment of Section 7.

(a) Subsection (2) (b), by substituting the expression "not more than 10 years and less not less than 5 years" in line 2, with the expression "not exceeding 10 years".

(b) Subsection (3) (a), by substituting the expression "not less than ₦100.00" in line 2, with the expression "₦100,000.00";

(c) Subsection 3 (b), by substituting the expression "not less than 3 years in line 4, with the expression "not exceeding 3 years" and

(d) Subsection (5), by substituting the expression "not less than 10 years" in line 4, with the expression "10 years".

Committee's Recommendation:

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

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

Clause 7: Amendment of Section 10 (1).

Section 10 (1) is amended in line 4 by substituting the word "person", in line 4, with the word "official".

Committee's Recommendation:

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

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

Clause 8: Amendment of Section 12 (2).

Section 12 (2) (b) is amended by substituting the expression "not less than 3 years" in line 3, with the expression "3 years".

Committee's Recommendation:

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

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

Clause 9: Amendment of Section 13 (5) (c).

Section 13 (5) (c) is amended by substituting the expression "not less than 3 years" in line 4, with the expression "3 years".

Committee's Recommendation:

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

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

Clause 10: Amendment of Section 16 (3) (a).

Section 16 (3) (a) is amended by substituting the expression "not less than 2 years or more than 5 years" in line 2, with the expression "5 years".

Committee's Recommendation:

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

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

Clause 11: Citation.

This Bill may be cited as the Advance Fee Fraud and Other Related Offences (Amendment) Bill, 2017.

Committee's Recommendation:

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

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

Chairman to report Bill.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered a Bill for an Act to Amend the Advance Fee Fraud and Other Related Offences Act, No. 14 of 2006 by removing the Prescribed Minimum Punishment; and for Other Related Matters and approved as follows:

Clauses 1- 11 — 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.

8. Petroleum Training Institute Act (Amendment) Bill, 2017 (HB. 251):

Motion made: That a Bill for an Act to amend the Petroleum Training Institute Act, CAP. P16, Laws of the Federation of Nigeria, 2004, to introduce Hearing by a Disciplinary Panel so as to Comply with requirements of Fair Hearing; and for Other Related Matters be read the Second Time (*Senate Leader*).

Debate:

Question put and agreed to.

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

Motion made: Pursuant to Rule 81, that the Senate do resolve into the Committee of the Whole to consider a Bill for an Act to Amend the Petroleum Training Institute Act, CAP. P16, Laws of the Federation of Nigeria, 2004, to introduce Hearing by a Disciplinary Panel so as to Comply with requirements of Fair Hearing; and for Other Related Matters (*Concurrence*) (*Senate Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO AMEND THE PETROLEUM TRAINING INSTITUTE ACT, CAP. P16, LAWS OF THE FEDERATION OF NIGERIA, 2004, TO INTRODUCE HEARING BY A DISCIPLINARY PANEL SO AS TO COMPLY WITH REQUIREMENTS OF FAIR HEARING; AND FOR OTHER RELATED MATTERS.

Clause 1: Amendment of Principal Act.

The Petroleum Training Institute Act CAP. P16 Laws of the Federation of Nigeria, 2004 (in this Bill referred to as "the Principal Act) is amended as set out in this Bill.

Committee's Recommendation:

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

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

Clause 2: Substitution of the Section 7(2) of the Principal Act.

Section 7 of the Principal Act is amended by substituting existing subsection (2) for new subsection (2) —

“if it appears to the Council that the principal, vice principal or any other member of the academic is senior administrative staff of the Institute should be removed from office or employment on the grounds of misconduct or inability to perform the function of his office, the Council shall make a recommendation to the effect to the Minister after have given the said staff an opportunity to appear before a disciplinary committee and, if the Minister approves the recommendation, the Council shall remove the person concerned from office or employment”.

Committee's Recommendation:

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

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

Clause 3: Citation.

This Bill is cited as the Petroleum Training Institute Act (Amendment) Bill, 2017.

Committee's Recommendation:

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

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

Chairman to report Bill.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered a Bill for an Act to Amend the Petroleum Training Institute Act, CAP. P16, Laws of the Federation of Nigeria, 2004, to introduce Hearing by a Disciplinary Panel so as to Comply with requirements of Fair Hearing; and for Other Related Matters and approved as follows:

Clauses 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.

9. Price Control Act (Amendment) Bill, 2017 (HB. 264):

Motion made: That a Bill for an Act to Amend the Price Control Act, CAP. P28, Laws of the Federation of Nigeria, 2004 to Provide for Concessions, Waivers and Stiffer Penalties; and for Other Matters Connected Therewith be read the Second Time (*Senate Leader*).

Debate:

Question put and agreed to.

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

Motion made: Pursuant to Rule 81, that the Senate do resolve into the Committee of the Whole to consider a Bill for an Act to Amend the Price Control Act, CAP. P28, Laws of the Federation of Nigeria, 2004 to Provide for Concessions, Waivers and Stiffer Penalties; and for Other Matters Connected Therewith, 2017 (*Concurrence*) (*Senate Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO AMEND THE PRICE CONTROL ACT, CAP. P28, LAWS OF THE FEDERATION OF NIGERIA, 2004 TO PROVIDE FOR CONCESSIONS, WAIVERS AND STIFFER PENALTIES; AND FOR OTHER MATTERS CONNECTED THEREWITH.

Further consideration of Bill deferred to another Legislative Day.

Chairman to report Bill.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered a Bill for an Act to Amend the Price Control Act, CAP. P28, Laws of the Federation of Nigeria, 2004 to Provide for Concessions, Waivers and Stiffer Penalties; and for Other Matters Connected Therewith, 2017. Further consideration of the Bill deferred to another Legislative Day.

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

10. Adjournment:

Motion made: That the Senate do now adjourn till Tuesday, 7th March, 2017 at 10:00 a.m. (*Senate Leader*).

Adjourned accordingly at 11:56 a.m.

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