SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Thursday, 3rd November, 2016

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

2. **Votes and Proceedings:**
The Senate examined the Votes and Proceedings of Wednesday, 2nd November, 2016.

Question was put and the Votes and Proceedings were approved.

3. **Announcement:**
Acknowledgment:
The Senate President acknowledged the presence of the following who were in the gallery to observe Senate Proceedings:
(*i*) Members of Arewa Youth Parliament, No. 11 Sea Breeze Close, Kaduna, Kaduna State; and

(*ii*) Staff and Students of Royal Destiny International School, Kubwa, Abuja.

4. **Petitions:**
(*i*) Rising on Rule 41, Senator Samuel N. Anyanwu *(Imo East)* drew the attention of the Senate to Thirty-Eight (38) petitions from the office of the Senate President as follows:
1. Alhaji Kaka Adam, over complaint against Racial Prejudice on Nigerian Citizen at the Groningen Airport, Netherlands;

2. Hon. I.T. El-Sudi Esq. over complaint against Police activities on the murder of Chekwube Nnamah;

3. Mr. Francis Okolie, on wrongful dismissal from the Nigeria Police Force;

4. HRH Eze Dr. Samuel Ezekwo on behalf of the Association of Anti-Fraud Advocate of Nigeria, against the Auditor-General of the Federation on his plans to scoff, obstruct and ridicule the Anti-corruption war endorsed by Mr. President, Federal Republic of Nigeria, General Muhammadu Buhari, GCFR;

5. Adoka Adaji on behalf of Opiatoha K. Idoma, against the abuse of the principles of Federal Character in the Appointment(s) of the Principal Officers of the Federal University of Agriculture, Makurdi, Benue State;

6. Dr. Saddiq Salawu on behalf of Games Village Residents Association against the Lebanese Community on the proposed construction of church in Games Village;

7. Comrade Morrister Idibra on behalf of the Fitters Senior Staff Association of Nigeria, on the non payment of the Nigerian Fitters in the ongoing Dangote Refinery Project at Lekki, Lagos State;

8. Uloko Caleb and one other on behalf of Recruitment Stampede Victims of Nigerian Immigration Service (NIS), appeal for intervention on the omitted names of the March 15, 2014, NIS Recruitment Stampede Victims;

9. Ahmed Abbas on behalf of Hill City Associates, on the untimely and unjustful retirement of 21 Assistant Inspector-General of Police and its dire consequences on National Security;

10. Prince Bodi Arerebo on behalf of concerned Bayelsa State indigenes, on the injustice of the Federal Government against Bayelsa State;

11. A. Kareem against injustice for dismissal from the Federal Ministry of Works and Housing;

12. Cpl. Sunday Akpan, over appeal for reinstatement into the Nigeria Police Force;

13. Barth Bishop Eze FCMA, against demolition of his property by Dr. Ibekunle Amosun, Governor of Ogun State;

14. Dr. Edet A. Ukpong, against non payment of pensions by the Ministry of Commerce and Industry, Calabar, Cross River State;

15. Sani Mohammed Lapal, on behalf of disengaged staff of SEC, on the unlawful disengagement of their service from Security and Exchange Commission;

16. Mrs. Enekwe Florence, on behalf of Chattered Institute of Certified Secretaries and Reporters on a request for intervention on the Chartered Institute of Certified Secretaries and Reporters of Nigeria Act, 2015;

17. Timipere Adama, on the unlawful dismissal from Nigerian Army;

18. Charmaine Pereira Ph.D, on behalf of Nigerian Women, on the threats of physical assault and use of sexually demeaning language by Senator Dino Melaye against Senator Oluremi Tinubu;

19. Chief A. E. Udeigbo, on behalf of Aba Landlord Protection and Development Association, against the negative and unsavory conduct of Enugu Electricity Distribution Company (EEDC);

20. Alaashe Ogunronmu on behalf of the Family, over complaint and criticism against Inspector Banjoko Oluwemimo for allegedly aiding and abetting criminals and land grabbers and other criminal activities in the community;

21. Chief Olisa Aniunoh, against illegal purported selection of Mr. Ifeanyi Ubah and some persons as chairman and board members of the Anambra State Football Association by Senate Committee Chairman on Sports, Senator Obinna Ogba, NFF President, Mr. Amaju Pinnick and NFF Board Member, Mr. Ibrahim Gusau;

22. B. C. Anyanwu on alleged killing and hurried embalmment of Mrs. Nwokoro Okwuchi (Nee Anyanwu) by the Intensive Care Unit of the Federal Medical Centre, Owerri on 14th November, 2015 without the consent of the next of kin;

23 Captain Emmanuel Iheanacho, against the campaign of terrorism, wanton and malicious destruction of his landed properties in Owerri by Governor Okorocha, the Executive Governor of Imo State;

24. Jimoh O. Abdulsalam, Esq. on behalf of Insp. Felix Adeyemo and Sgt. Patrick Oziegbe, complaint against unlawful dismissal of Insp. Felix Adeyemi and Sgt Patrick Oziegbe from the Nigeria Police;

25. V.A. Ozoemenam Esq. on behalf Mr. Edwin Okolie, against the Deputy Governor of Imo State on the alleged attempted kidnap, threat to life and malicious damage of property of his client;

26. Prince Kingsley F. E. Ikenyiri on behalf of Opuoma Autonomous Community against Mr. Wilfred Anaele Coleman Uwakwe for diversion for 2015 Christmas gift from Shell Petroleum Development Company Limited;

27. Comrade Princewill Okorie, on the plan to stop the reinstatement of Dr. Angela Uwakwem as the Medical Director by the management of Federal Medical Centre, Owerri and the Hospital Labour Union;

28. Sir. (Dr) C.A.C. Joseph, (KSJI) against the University of Nigeria Teaching Hospital (UNTH), Enugu for his untimely removal from office by the hospital;

29. S.N. Ezema, Ezema & Co, on behalf of Mr. Lawrence Monsodi Ifeanyichukwu against Admiral Jibrin Usman and others for attempted harassment, Killing, and unlawful acquisition of his client's landed property in Gbazango Extension Scheme, Kubwa, FCT;

30. Committee for the Defence of Human Rights, Lagos State branch, against Statoil Nigeria Limited, Ikoyi on his persecution, incessant harassment and threat to life and termination of his appointment by the company;

31. Dr. Joel Drisu Umaru on behalf of the Elders of Ai-Onyilobagwu Community against Ijachi Ude (Care-taker Chairman) Otukpo L.G.A. and the Nigeria Police for complicity in the separation agitation of some people in the community;

32. Onyeugo Raymond Esq. on behalf of Umuorisha Family Union of Umuoliagu against the highhandedness of the Federal Airport Management;

33. Dr. A. Biala against the Management of the Federal Medical Centre, Owerri, for non-resumption of Registrars in the hospital;

34. Mr. Emmanuel Orhuesie against the Nigeria Customs Service for unlawful dismissal from the Service;

35. Mr. Joseph Akoko against the Nigerian Army for wrongful dismissal from Service;

36. Olorogun (Mallam) Efe Olowu & 23 others, against the Itsekiris on their call to drop the nomination of an Urhobo nominee in the NDDC Board;

37. Civil Rights Liberties Organisation on behalf of Akinoladipo Agbe, against Alpha Olaiya Shittu & four others on their threat to kidnap and assassinate Akinoladipo; and

38. Tsaragi Elder's Forum, over request for intervention on the unprovoked attack and gruesome murder of five (5) Nupe farmers of Tsaragi on 2nd August, 2016.

He urged the Senate to look into the matters.

Petitions 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 Emmanuel Bwacha *(Taraba North)* drew the attention of the Senate to a petition from his constituent, L/Cpl. Danji Akwana, over appeal for reinstatement into the Nigerian Army. 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.

5. Matter of Urgent Public Importance:

Rising on Rules 15, 42 and 52, Senator Mohammed A. Ndume (*Borno South*) drew the attention of the Senate to the publication on page 6, of the Sun Newspaper of Wednesday, 2nd November, 2016, captioned "Budget 2017: Blame National Assembly for the failure to meet October target". He informed the Senate that the Medium Term Expenditure Framework (MTEF) received from Mr. President, Commander-in-Chief of the Armed Forces of the Federation lacked the necessary inputs and various attachments for its consideration. The Senate had since requested for the various documents from the Executive Arm to enable it commence the consideration of the MTEF, but yet to get the necessary response.

6. Presentation of Bills:

(*i*) Assisted Reproductive Technology (Regulation) Bill, 2016 (SB. 325) — *Read the First Time.*

(*ii*) Gas Flaring (Prohibition and Punishment) Bill, 2016 (SB. 337) — *Read the First Time.*

(*iii*) 1999 Constitution of the Federal Republic of Nigeria (Alteration) Bill, 2016 (SB. 349) — *Read the First Time.*

(*iv*) 1999 Constitution of the Federal Republic of Nigeria (Alteration) Bill, 2016 (SB. 350) — *Read the First Time.*

(*v*) 1999 Constitution of the Federal Republic of Nigeria (Alteration) Bill, 2016 (SB. 351) — *Read the First Time.*

(*vi*) 1999 Constitution of the Federal Republic of Nigeria (Alteration) Bill, 2016 (SB. 352) — *Read the First Time.*

(*vii*) 1999 Constitution of the Federal Republic of Nigeria (Alteration) Bill, 2016 (SB. 353) — *Read the First Time.*

(*viii*) River Basins Development Authority (Establishment, etc.) Act CAP. R9 LFN 2004 (Amendment) Bill, 2016 (SB. 358) — *Read the First Time.*

(*ix*) National Institute for Legislative Studies (NILS) Act (Amendment) Bill, 2016 (SB. 359) — *Read the First Time.*

(*x*) National Livestock (Protection, Control and Management) Bureau Bill, 2016 (SB. 373) — *Read the First Time.*

7. **Committee on Tertiary Institutions and TETFUND:**
Report on the Gross Mismanagement of Education Tax Fund:
Motion made: That the Senate do consider the Report of the Committee on Tertiary Institutions and TETFUND on Gross Mismanagement of Education Tax Fund (*Senator Jibrin I. Barau — Kano North*).

Question put and agreed to.

Report presented.

Debate:

Proposed Resolution (i):
Question: That in addition to the approval of Mr. President, Commander-in-Chief of the Armed Forces of the Federation, the approval of National Assembly should be included in the process of allocation and disbursement of funds belonging to TETFUND — *Agreed to.*

Proposed Resolution (ii):
Question: That the appointments of the Executive Secretary and that of the Chairman and Members of the Board of Trustees of TETFUND should be made by Mr. President and confirmed by the Senate — *Agreed to.*

Proposed Resolution (iii):
Question: That the TETFUND Act be amended to include (i) and (ii) above — *Agreed to.*

Proposed Resolution (iv):
Question: That Senate should work to ensure the refund of all monies borrowed from the Education Tax Account as there are numerous infrastructural projects to be executed in our tertiary institutions around the country — *Agreed to.*

Resolved:

(*i*) That in addition to the approval of Mr. President, Commander-in-Chief of the Armed Forces of the Federation, the approval of National Assembly should be included in the process of allocation and disbursement of funds belonging to TETFUND;

(*ii*) That the appointments of the Executive Secretary and that of the Chairman and Members of the Board of Trustees of TETFUND should be made by Mr. President and confirmed by the Senate;

(*iii*) That the TETFUND Act be amended to include (i) and (ii) above; and

(*iv*) That Senate should work to ensure the refund of all monies borrowed from the Education Tax Account as there are numerous infrastructural projects to be executed in our tertiary institutions around the country ***(S/Res/041/02/16).***

8. **Committee on Finance:**
Report on the 2016 Budget of the Federal Inland Revenue Service:

Consideration of Report deferred to another Legislative Day.

9. **Committee on Health:**
Report on the Counterfeit and Fake Drugs and Unwholesome Processed Food (Miscellaneous Provisions) Act 2004 LFN (Amendment) Bill, 2016 (SB. 55):
Motion made: That the Senate do consider the Report of the Committee on Health on the Counterfeit and Fake Drugs and Unwholesome Processed Food (Miscellaneous Provisions) Act 2004 LFN (Amendment) Bill, 2016 (*Senator Olanrewaju A. Tejuoso — Ogun 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 *(Deputy Senate Leader).*

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO REPEAL THE COUNTERFEIT AND FAKE DRUGS AND UNWHOLESOME PROCESSED FOODS (MISCELLANEOUS PROVISIONS) ACT, CAP. C34, LAWS OF THE FEDERATION OF NIGERIA, 2004 AND TO MAKE COMPREHENSIVE PROVISIONS FOR THE PROHIBITION AND CONTROL OF COUNTERFEIT AND FAKE MEDICAL PRODUCTS; DRUGS AND UNWHOLESOME PROCESSED FOODS AND OTHER RELATED MATTERS, 2016

PART I: OFFENCES AND PENALTIES

Clause 1: **Prohibited activities relating to Counterfeit and fake medical products, drugs and unwholesome processed foods.**

(1) A person who -

(a) produces, imports, exports, manufactures, sells, transship, transport; or

(b) aids or abets another person to produce, import, export, manufacture, sell, transship, transport; or

(c) distributes, sells or displays for sale; or aids or abets another person to distribute, sell or display for sale; or

(d) knowingly is in possession of, for the purpose of distribution or sale; or

(e) prints, produces, sells, distributes or is in possession of labels, wrappers, packaging materials, authenticity codes chemicals or equipment for the purpose of manufacture, revalidation, warehousing, distribution, sale or use of, a counterfeit, adulterated, banned or fake, substandard or expired medical products, drugs or unwholesome processed foods or packaged water, adulterated cosmetic or adulterated or mislabeled chemical in any form whatsoever, commits an offence under this Act and shall, accordingly, be punished as specified in this Act.

(2) A person who sell drugs and fails or neglects to make and keep appropriate record of such transaction or neglects or fails to issue a person to whom he has sold drugs a written or Printed receipt indicating the drugs sold, date of sale, name and address of the seller commits an offence.

Committee's Recommendation:
That the provision in Clause 1 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — *Agreed to.*

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

Clause 2: Prohibited activities relating to the hawking, sale or display of drugs and poisons on line or in certain premises or places.

(1) A person who-

(a) hawks or sells; or

(b) displays for the purpose of sale; or

(c) aids or abets any person to hawk, sell or display for the purpose of sale, of a drug or poison on-line or in a place not duly licensed or registered by the appropriate authority for the purpose of drugs or poisons distribution including a market, kiosk, motor park, road-side stall, street, or in a bus, ferry or other means of transportation, commits an offence. under this Act and shall, accordingly, be punished as specified in this Act.

(2) In this section, "appropriate authority" means - the Pharmacist Council of Nigeria; or

Committee's Recommendation:
That the provision in Clause 2 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — *Agreed to.*

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

Clause 3: Conspiracy to commit offences under section 1 or 2 of this Act.

A person who -

(a) conspires with another person to commit an offence under sections 1 or 2 of this Act; or

(b) with intent to commit an offence under section 1 or 2 of this Act agrees with another person to do an act or make an omission; commits an offence.

Committee's Recommendation:
That the provision in Clause 3 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — *Agreed to.*

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

Clause 4: Penalties for offences under sections 1, 2 and 3 of this Act.

(1) A person who commits an offence under -

(a) section 1(1) (a) or (c), (d) , (e)of this Act shall be liable on conviction to -

(i) imprisonment for life, and payment of a fine not less than 5million naira, and

(ii) payment of compensation to the victim or his next of kin or personal representative of an amount not less than Ten Million Naira.

(b) section 1(1) (b), (d), (e) or (f) of this Act shall be liable on conviction to -

(i) imprisonment for a term of twenty years in addition to payment of a fine of an amount not less than Five Million Naira; and

(ii) payment of compensation to the victim or his next of kin or personal representative in the event of death or grievous bodily harm, of an amount not less than Five Million Naira.

(c) section 1 (2) of this Act, shall be liable to such punishment as stated in line with the Pharmacists Council of Nigeria Act CAP.P17, Laws of the Federation of Nigeria 2004;

(d) section 2 of this Act, shall be liable on conviction to imprisonment for a term of three years and to a fine of not less than One Million Naira; and

(e) section 3 of this Act, shall be liable on conviction to imprisonment for a term of not less than twelve months or to a fine of not less than Two Hundred Thousand Naira.

(2) Without prejudice to section 6 of this Act, where a corporate body commits an offence under sections 1, 2 or 3 of this Act, the court shall -
(a) order the corporate body to pay the prescribed fine; and

(b) seal the premises of the corporate body for a period not exceeding the term of imprisonment prescribed for the relevant offence.

(3) where a person listed under paragraphs (a) to (e) of section 6 of this Act who contravenes the provisions of:
(a) subsection (1) of section 1 of this Act shall on conviction and with an order of the court, be permanently prohibited from directing, engaging in the production, importation, exportation, manufacture, distribution or sale of medical products either by itself or in association with or on behalf of anybody corporate or individuals; or

(b) subsection (2) of section 1 and section 2 of this Act shall on conviction and with an order of court, be prohibited from directing, engaging in the production, importation, exportation, manufacture, distribution or sale of medical products either by itself or in association with or on behalf of anybody corporate or individuals for a period of not less than 10 years.

(4) Where a person is charged with an offence but the evidence establishes an attempt to commit the offence, he may be convicted of having attempted to commit that offence, although the attempt is not separately charged and is liable to the same punishment as prescribed for the offence under this Act.

Committee's Recommendation:
That the provision in Clause 4 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — *Agreed to.*

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

Clause 5: **Duty of occupier or manager to report.**

An occupier or person responsible for the management of any premises who knows or is likely to know that any counterfeit, expired medical product, fake drugs, unwholesome processed food, adulterated, cosmetic or adulterated or mislabeled chemical is being produced or stored within his premises or even that the premise is not licensed, but fails, neglects or refuses to report to the appropriate authority commits an offence and shall be liable on conviction to imprisonment for a term of twenty years or to a Five Million Naira or to both imprisonment and fine.

Committee's Recommendation:
That the provision in Clause 5 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — *Agreed to.*

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

Clause 6: **Offence by body corporate.**

Where an offence under this Act is committed by a body corporate or firm or other association of individuals -

(a) every proprietor, superintendent director, manager, secretary or other officer of the body corporate;

(b) every partner or officer of the firm;

(c) every trustee of the body concerned;

(d) every person concerned in the management of the affairs of the association; or

(e) every person who was purporting to act in any capacity referred to in paragraphs (a) to (d) of this section, is severally guilty of that offence and liable to be proceeded against and punished for that offence in the same manner as if he had himself committed the offence unless he proves that the act or omission constituting the offence took place without his knowledge, consent or connivance.

Committee's Recommendation:
That the provision in Clause 6 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — *Agreed to.*

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

PART II - ENFORCEMENT PROVISIONS

Clause 7: **National Agency for Food and Drug Administration and Control to enforce Act.**

(a) The National Agency for Food and Drug Administration and Control established under the National Agency for Food and Drug Administration and Control Act; CAP N.1 LFN 2004 (in this Act referred to as "the Agency") shall be responsible for the enforcement of the provisions of this Act and shall for this purpose exercise any of its powers under the National Agency for Food and Drug Administration Act.

(b) The agency, in collaboration with the appropriate authority shall be responsible for facilitating lawful procedures to achieve relocation to approved premises by owners of illegal premises or open drug markets.

Committee's Recommendation:
That the provision in Clause 7 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — *Agreed to.*

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

Clause 8: **National Committee on Counterfeit and Fake Medical Products, Drugs and Unwholesome Processed Food.**

(1) A Committee to be known as the National Committee on Counterfeit and Fake Medical Products, Drugs and Unwholesome processed Food (in this Act referred to as "the National Committee") shall be constituted by the Minister.

(2) The National Committee constituted under subsection 1 shall be approved by the President.

(3) The National Committee constituted under subsection 1 of this section shall consist of -

(a) Chairman; a Pharmacist of not less than 10 years experience inclusive of appropriate regulatory experience who shall neither be the Director-General of NAFDAC nor the Director of the Food and Drug Department of the Federal Ministry of Health nor their representatives thereof and who is a member of the Pharmaceutical Society of Nigeria.

(b) the Director of the Food and Drug Department of the Federal Ministry of Health or his representative;

(c) a representative of the Nigeria Police not below the rank of Assistant Commissioner of Police, to be appointed by the Inspector-General of Police;

(d) a representative of the Nigeria Customs Service not below the rank of Assistant Comptroller of Custom to be appointed by the Comptroller-General of Customs;

(e) The Registrar of the Pharmacists Council of Nigeria or his representative.

(f) the Head of Enforcement Directorate of the Agency;

(g) the Head of the Legal Directorate of the Agency;

(h) a representative of the Minister of Agriculture;

(i) a representative of the Minister of Environment;

(j) a representative of the Minister in charge of Trade, Investment and Industry ;

(k) a representative of the Association of Food, Beverage and Tobacco Employers; and

(l) a representative of the Nigerian Agricultural Quarantine Service (NAQS);

(m) a representative of the Pharmaceutical Manufacturers Group of the Manufacturers Association of Nigeria(PMGMAN)

(n) a representative of the overseas representatives of Pharmaceutical Manufacturers (NIROPHARM)

(o) Two Good Manufacturing Practice (GMP) Inspectors. NAFDAC and PCN to nominate one each

(p) such other persons as may be co-opted and approved by the Minister of Health.

Committee's Recommendation:
That the provision in Clause 8 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — *Agreed to.*

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

Clause 9: **State Committee on Counterfeit and Fake Medical Products, Drugs and Unwholesome Processed Food.**

(1) The State commissioner for health shall constitute for each State of the Federation a State Committee on Counterfeit and Fake Medical Products, Drugs and Unwholesome Processed Food (in this Act referred to as the "State Committee")

(2) The State Committee constituted under subsection 1 of this section shall be approved by the Executive Governor of the State.

(3) The State Committee constituted under this subsection 1 of this section shall consists of -

(a) Chairman; a Pharmacist of not less than 10 years' experience inclusive of appropriate regulatory experience in regulation who shall neither be the Head of the State Offices of NAFDAC nor the Director of the Food and Drug Department of the State Ministry of Health nor their representatives thereof and who is a member of the Pharmaceutical Society of Nigeria.

(b) an officer of the Nigeria Police Force, not below the rank of Chief Superintendent of Police, to be nominated by the Commissioner of Police;

(c) a representative of the State Commissioner for Health;

(d) The Director of Pharmaceutical Services of the Ministry of Health or a representative.

(e) the officer-in-charge of the State Command of the Nigerian Customs Service.

(f) such other persons as may be co-opted and approved by the Commissioner of Health (*Senator Olanrewaju A. Tejuoso — Ogun Central*).

Amendment Proposed:
Leave out Clause 9 and *insert* the following instead thereof:
"(1) The Minister shall constitute for each State of the Federation a State Committee on Counterfeit Medical Products, Fake Drugs and Unwholesome Processed Food (in this Act referred to as the "State Committee").

(2) The State Committee constituted under subsection 1 of this section shall consist of -
(a) the Head of the State Office of the Agency, as chairman;

(b) an officer of the Nigeria Police Force, not below the rank of Chief Superintendent of Police, to be nominated by the Inspector-General of Police;

(c) a representative of the State Commissioner for Health;

(d) a principal officer nominated by the State Office of the Pharmacists Council of Nigeria; and

(e) the officer-in-charge of the State Command of the Nigerian Customs Service" *(Senator Bala Ibn Na'Allah — Kebbi South).*

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

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

Clause 10: Operations of the National and State Committees on Counterfeit and Fake Medical Products, Drugs and Unwholesome Processed Food.

(1) A Committee constituted under this Act shall assist and advise the Council of the Agency in the discharge of the Agency's functions under this Act and shall -
(a) in the case of the National Committee -
(i) meet at least twice yearly, and

(ii) supervise the State Committees.

(b) in the case of a State Committee -
(i) meet bi-monthly;

(ii) be concerned with the State or Zonal Offices of the agency and the appropriate authority.

(iii) work under the supervision of, and submit monthly reports to, the National Committee.

(2) The Agency is responsible for the administration of the secretariats of the National and State Committees.

(3) The members of the National and State Committees shall be paid such allowances in line with relevant government guidelines.

Committee's Recommendation:
That the provision in Clause 10 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — *Agreed to.*

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

Clause 11: **Powers of the Agency.**

The Agency shall have powers to -

(a) enter any premises at any reasonable time with reasonable force and examine an article found in the premises if there is reason to believe that the provisions of this Act or related legislation are being contravened;

(b) take samples or specimen of an article and, while on the premises, open and examine any container or package;

(c) examine a book, document or record found on the premises, which is reasonably believed to contain an information relevant to the enforcement of this Act or related legislation and cause copies or extracts to be made of or from them;

(d) seize a counterfeit medical product, a banned, fake, substandard or an expired medical product including drugs, or an adulterated or a mislabeled chemical product or packaged water, an adulterated cosmetic or a counterfeit medical product or a drug or poison or an unwholesome processed food product;

(e) seize a document, an item or article which is the subject matter or constitutes evidence of an offence under this Act or related legislation;

(f) arrest a person suspected of committing an offence under this Act or related legislation and detain the person on the premises of the Agency or any other premises designated by it;

(g) seal any premises that is used or is being used in connection with an offence under this Act until the medical product, processed food, packaged water, cosmetic, chemical, drug or poison, as the case may be, on the premises has been removed by the Agency or until such reasonable time as is necessary for proper investigation and prosecution of suspects; and

(h) establish and maintain designated inspection points at all ports of entry in Nigeria for the purpose of examining all products regulated and controlled by the Agency.

(i) in agreement with the National and State Committees, destroy seized or confiscated counterfeit and fake medical products, or unwholesome foods, witnessed by the appropriate right owners, press and security agencies.

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — *Agreed to.*

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

Clause 12: **Nigeria Police Squad on Counterfeit Medical Products, Fake Drugs and Unwholesome Processed Food.**

(1) There is established, a Nigeria Police Squad on Counterfeit Medical Products, Fake Drugs and Unwholesome processed Food (in this Act referred to as "the Squad") which shall consist of -

(a) a Deputy Superintendent of Police; and

(b) such number of Police Officers, to be appointed by the Inspector-General of Police.

(2) The Squad shall -

(a) assist the Agency in the lawful execution of the Agency's functions under this Act;

(b) arrest any person suspected of committing an offence under this Act; and

(c) assist in conducting investigation into matters arising under the Act.

Committee's Recommendation:
Leave out the provision in Clause 12 (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — *Agreed to.*

Clause 13: Agency not to be obstructed.

(1) A person shall not -

(a) obstruct or resist a member of the Agency or a person authorised by it in the exercise of its powers under this Act; or

(b) without the authority of the Agency, remove, alter or interfere in any way with a drug, poison, processed food product, medical product, chemical, cosmetic, packaged water or any other thing seized under this Act.

(2) A person who contravenes the provision of this section commits an offence and liable on conviction to a term of imprisonment of not less thantwo years or to a fine of Two Million Naira or to both fine and imprisonment.

Committee's Recommendation:
That the provision in Clause 13 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — *Agreed to.*

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

PART III - FORFEITURE OF PROCEEDS AND DESTRUCTION OF SEIZED PROPERTY

Clause 14: Property liable to forfeiture and destruction of seized property.

(1) A property-

(a) whether real or personal, which is used for the commission of an offence or represents the proceeds of an offence under this Act;

(b) within Nigeria, which represents the proceeds of an offence under the laws of a foreign country within whose jurisdiction the offence or activity would be punishable by imprisonment or fine and which would be punishable by imprisonment or fine under this Act if the act or activity had occurred within Nigeria;

(c) in the form of intellectual property, a book, record, research material and data used or intended to be used in violation of this Act;

(d) in the form of money, negotiable instrument, security or other thing of value furnished or intended to be furnished by a person in exchange for an act to further the commission of an offence under this Act or all proceeds traceable to the exchange, and any money, negotiable instrument and security used or intended to be used to facilitate a violation of this Act; and

(e) in the form of real property, including a right, title and an interest (including a leasehold interest) in the whole or part of a piece or parcel of land and an improvement or appurtenances on or to the land, which is used or intended to be used, in any manner or part to commit, or facilitate the commission of an offence under this Act, is liable to forfeiture to the Federal Government of Nigeria and no other property rights shall exist on it.

(2) Without prejudice to subsection (1) of this section, a means of transportation or carriage, including an aircraft, a vehicle, and a vessel used or intended for use to transport or in any manner, to facilitate or conceal an offence under this Act is liable to forfeiture, but a means of transportation -

(a) used by a person as a common carrier in the transaction of business shall not be forfeited under this section unless it is proved that the owner or other person in charge of the means of transportation was a consenting party or privy to a violation of this Act;

(b) shall not be forfeited under this section by reason of an act established by the owner to have been committed by a person other than the owner while the means of transportation was unlawfully in the possession of a person, other than the owner, in violation of the criminal laws of Nigeria or a part of Nigeria; and

(c) shall not be forfeited under this section to the extent of the interest of an owner, by reason of an act established by that owner to have been committed without the knowledge, consent or connivance of that owner.

(3) The Agency shall destroy an article or a property seized under subsection (1) of this section, where -

(a) the court on the conviction of the person in respect of which the article or property was seized orders its destruction; or

(b) where a conviction is not recorded but the court, being satisfied that the article or property is counterfeit, adulterated, fake or is an unwholesome processed food, makes an order for its destruction; or

(c) the owner of the article or property consents to its seizure and destruction.

(4) Where the Agency destroys an article or a property under subsection (3) of this section, the person convicted or the owner of the article or property, as the case may be, shall bear the cost of its destruction.

Committee's Recommendation:
That the provision in Clause 14 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — *Agreed to.*

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

Clause 15: Laundering, Concealment and Related Offences.

(1) A person who -

(a) converts or transfers property, knowing the property to represent proceeds of an offence under this Act; or

(b) conceals or disguises the true nature, source, location, disposition or movement of the property or rights of ownership in respect of property, knowing the property to represent proceeds of an offence under this Act or related Acts, commits an offence and shall be liable on conviction to imprisonment for a term of five years or payment of a finetwo times the value of the property or to both the imprisonment and fine.

(2) A person who -

(a) whether by concealment, removal from jurisdiction, transfer to nominees or otherwise retains property constituting the proceeds of an offence under this Act on behalf of another person with knowledge that the other person is engaged in or has benefited from conduct constituting an offence under this Act; or

(b) unlawfully acquires, is in possession of or uses property constituting the proceeds of an offence under this Act knowing that the property directly or indirectly represents proceeds of an offence; commits an offence and shall be liable on conviction to imprisonment for a term of five years or payment of a fine five times the value of the property or to both the imprisonment and fine.

Committee's Recommendation:
That the provision in Clause 15 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — *Agreed to.*

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

Clause 16: Foreign properties and assets.

(1) Where a person is convicted of an offence under this Act, a property or an asset in a foreign country belonging to the person which constitutes proceeds of the offence shall, subject toappropriatetreaty or an arrangement with that foreign country, be forfeited to the Government of the Federation.

(2) The Agency shall, through the Office of the Attorney-General of the Federation, ensure that the forfeited asset or property is transferred and vested in the Government of the Federation.

Committee's Recommendation:
That the provision in Clause 16 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — *Agreed to.*

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

Clause 17: Disclosure of assets and properties by an arrested person.

(1) Where a person is arrested for committing an offence under this Act, the person shall make full disclosure of all his assets and properties by completing the Declaration of Assets Form as specified in Form A set out in the Schedule to this Act.

(2) The completed Declaration of Assets Form shall be investigated by the Agency.

(3) A person who -

(a) knowingly fails to make full disclosure of his assets and properties ;

(b) knowingly makes a declaration that is false; or

(c) knowingly fails, neglects or refuses to make a declaration or furnish an information required, in the Declaration of Assets Form commits an offence under this Act and shall be liable on conviction to imprisonment for a term of at least one year.

(4) Except for the purpose of prosecution for an offence under subsection (3) of this section, evidence of a declaration by a suspect made under this section is inadmissible in the trial of the suspect or proceedings for the interim attachment of a property subject to forfeiture.

(5) The Chairman may modify or alter the Declaration of Assets Form specified in Form A set out in the Schedule to this Act as may be necessary in order to give effect to the provisions of this Act.

Committee's Recommendation:
That the provision in Clause 17 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — *Agreed to.*

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

Clause 18: Seizure of property.

(1) An officer of the Agency may, in the course of investigation or search, seize a property where the officer reasonably believes that the property is liable to forfeiture under this Act.

(2) Where a person is arrested for an offence under this Act, the Agency shall immediately trace and seize all the assets and properties of the person used for or constituting proceeds of an offence under this Act.

(3) Whenever property is seized under this section, the Agency may -

(a) place the property under seal; or

(b) remove the property to a place designated by the Agency.

(4) A property taken or detained under this section is deemed to be in the custody of the Agency, subject only to an order of Court.

Committee's Recommendation:
That the provision in Clause 18 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — *Agreed to.*

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

Clause 19: Interim order of forfeiture.

(1) Where the Agency has seized an asset or a property under section 18 of this Act, it shall, not more than one week after the seizure, apply to the Court for an interim order of forfeiture of the property concerned to the Government of the Federation and the Court shall, if satisfied that there is prima facie evidence that the property concerned is subject to forfeiture under this Act, make an interim order forfeiting the property to the Government of the Federation.

(2) Where the Court declines to make an interim order of forfeiture under subsection (1) of this section, the Court shall order the Agency to forthwith return the property seized to the person from whose custody it was removed.

Committee's Recommendation:
That the provision in Clause 19 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — *Agreed to.*

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

Clause 20: Forfeiture order after conviction.

(1) A person convicted of an offence under this Act shall forfeit to the Government of the Federation -

(a) all the assets and properties which are the subject of an order of attachment of Court made under section 19 of this Act;

(b) an asset or a property, not falling under paragraph (a) of this subsection, proved to have been derived from the proceeds of an offence under this Act, notwithstanding that the person convicted did not disclose the asset or property in the Declaration of Assets Form specified in Form A set out in the Schedule to this Act; and

(c) a property not falling under paragraph (a) of this subsection, used in any manner to commit or to facilitate the commission of an offence under this Act, notwithstanding that the person convicted did not disclose the property in the Declaration of Assets Form specified in Form A set out in the Schedule to this Act.

(2) The Court in imposing a sentence on a person under this section shall, in addition to any other sentence imposed pursuant to any other provisions in this Act, order that the person forfeit to the Government of the Federation all properties described in subsection (1) of this section.

Committee's Recommendation:
That the provision in Clause 20 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — *Agreed to.*

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

Clause 21: Final order.

Where a person is convicted of an offence under this Act, the Agency or an authorized officer may apply to the Court for an order of forfeiture of the convicted person's assets and properties which constitutes proceeds of an offence under this Act and are already subject to an interim order made under this Act

Committee's Recommendation:
That the provision in Clause 21 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — *Agreed to.*

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

Clause 22: Final disposal of forfeited property.

(1) The Court shall forward to the Agency a copy of a final order forfeiting the asset and property of a person convicted under this Act.

(2) On receipt of the final order pursuant to this section, the Agency shall take steps to dispose of the property concerned by sale or otherwise and where the property is sold, the net proceeds shall be paid into the Asset Recovery Fund established under section 37 of this Act.

(3) Where a part of the property included in a final order is money in a bank account or in the possession of a person, the Agency shall cause a copy of the order to be produced and served on the manager or a person in control of the head office or branch of the bank concerned.

(4) The manager or person, on receiving a copy of an order under subsection (3) of this section, shall forthwith pay over the money to the Agency without any further assurances than this Act and, subject to subsection (2) of this section; the Agency shall pay the money received into the Consolidated Revenue Fund of the Federation.

Committee's Recommendation:
That the provision in Clause 22 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — *Agreed to.*

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

Clause 23: Forfeiture of property where there is no prosecution or conviction for an offence.

(1) Where a property has been seized under this Act and there has been no prosecution or conviction for an offence, the Agency may, before the expiration of twelve months from the date of the seizure, apply to the Court for an order of forfeiture of that property on the ground that the property constitutes proceeds of an offence under this Act.

(2) The Court to whom an application is made under subsection (1) of this section shall direct a notice to be published in at least two national daily newspapers calling on a person who claims to have an interest in the property to appear before that Court on a date specified in the notice, to show cause why the property should not be forfeited to the Government of the Federation.

(3) Where the Court to which an application is made under subsection (1) of this section is satisfied that-

(a) the property constitutes the proceeds of an offence under this Act or is used to further the commission of the offence; and

(b) there is no purchaser in good faith for valuable consideration of the property without notice, the Court shall make an order for the forfeiture of the property.

(4) Where in respect of a property seized under section 18 of this Act, prosecution is not commenced or an application is not made under subsection (1) of this section after the expiration of twelve months from the date of its seizure, the Agency shall release the property to the person from whom it was seized.

Committee's Recommendation:
That the provision in Clause 23 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — *Agreed to.*

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

Clause 24: Offences in relation to forfeiture orders.

(1) A person who, without due authorization by the Agency, deals with, sells or otherwise disposes of a property or an asset which is the subject of an attachment, interim order or final order commits an offence and shall liable on conviction to imprisonment for a term of five years without option of a fine.

(2) A manager or person in control of the head office or branch office of a bank or other financial institution who fails to pay over to the Agency on the service on him of the final order made under section 21 of this Act commits an offence and shall be 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 24 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — *Agreed to.*

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

Clause 25: Consequences of an acquittal in respect of assets and properties.

(1) Without prejudice to subsection (2) of this section and where a person is discharged and acquitted by a Court of an offence under this Act, the Court may revoke an interim order of attachment made pursuant to this Act or make a final order, as the case may be.

(2) The Court may make an order in respect of property already subject to an interim order where a discharge is merely given on technical grounds.

(3) Where an interim order is revoked by a Court under subsection (1) of this section, the Agency shall release to the person concerned all assets and properties which are affected by an order of attachment.

Committee's Recommendation:
That the provision in Clause 25 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — *Agreed to.*

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

Clause 26: Freezing Order on Financial or Designated Non Financial Institutions.

(1) Notwithstanding anything contained in any other enactment or law, the Director - General or an officer authorized by him may, if satisfied that the money in the account of a person constitutes proceeds of an offence under this Act, apply to the Court ex-parte for power to issue or instruct a bank examiner or such other appropriate regulatory authority to issue an order as specified in Form B set out in the Schedule to this Act.

(2) An order issued under subsection (1) shall be addressed to the manager of the financial institution or the person in control of the designated non financial institution where the account is or believed by him to be or the head office of the financial institution or the designated non financial institution to freeze the account.

(3) The Agency, or an officer authorized by it may by an order issued under subsection (1) of this section, or by a subsequent order, direct the financial institution or designated non financial institution to -

(a) supply an information and produce books and documents relating to the account; and

(b) stop all outward payments, operations or transactions (including a bill of exchange) in respect of the account of the person.

(4) The manager or the person in control of the financial institution or designated non financial institution shall on being served with the order made pursuant to subsection (2) of this section shall take appropriate steps to comply with the requirements of the order.

(5) In this section -

(a) "bank" has the meaning given to it in the Banks and other Financial Institutions Act CAP B3 LFN 2004; and

(b) "Designated non-financial institutions" means dealers in "jewellery, cars and luxury goods, chartered accountants, audit firms, tax consultants, clearing and settlement companies, legal practitioners, hotels, casinos, supermarkets or such other business as the Federal Ministry of Trade and Investment or appropriate regulatory authorities may from time to time designate"

(c) "Financial Institution" means

(i) any body or institution which carries on any banking business or financial transactions whether lawfully or unlawfully as defined in the Banks and other Financial Institutions Act;

(ii) banks, body, association or group of persons whether corporate or incorporate which carries the business of investments and securities, a discount house, insurance institutions, debt factorization and conversion firms, bureau de Change, finance Company, Money brokerage firms whose principal business includes factoring, project financing equipment leasing, debt administration, fund management, private ledger services, investment services, local purchase order financing, export finance, project consultancy , pension funds management and other business as the Central Bank or other appropriate regulatory authorities may from time to time designate.

(d) Reference to an order issued.
Reference to an order issued, includes a reference to an order, a direction or requirement addressed to the manager of a bank or other officer of a bank which directs the manager or other officer to stop all outward payments, operations or transactions in respect of an account with that bank.

Committee's Recommendation:
That the provision in Clause 26 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — *Agreed to.*

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

PART IV - PROCEEDINGS AND EVIDENCE

Clause 27: Jurisdiction and special powers of the Court.

(1) The Federal High Court shall have exclusive jurisdiction to try any offence under this Act and deal with all matters arising from or relating to the provisions of this Act.

(2) The Court has power, notwithstanding anything to the contrary in any other Act to -

(a) ensure that all matters brought before the Court by the Agencies against a person, body or an authority shall be conducted with dispatch and given accelerated hearing; and concluded in the shortest possible time as provisions of the Criminal Justice Act may allow.

Amendment Proposed:
Leave out Subclause 2(a) (*Senator Bala Ibn Na'Allah — Kebbi South).*

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

(b) adopt all lawful measures necessary to avoid unnecessary delays and abuse in the conduct of matters brought by the Agency before it or against a person, body or an authority.

(3) The Chief Judge of the Federal High Court may designate a Court or Judge as he deems appropriate to hear and determine all cases under this Act or other related offences under this Act(*Senator Olanrewaju A. Tejuoso — Ogun Central*).

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

Clause 28: **Admissibility of Statements in Document produced from computers.**
In proceedings under this Act, a statement contained in a document reproduced by means of a computer or other electronic media is admissible as evidence of a fact stated in it in any circumstance where oral evidence would be admissible.

Committee's Recommendation:
That the provision in Clause 28 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — *Agreed to.*

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

Clause 29: **Conduct of Proceedings.**

(1) Subject to the provisions of section 174 of the Constitution of the Federal Republic of Nigeria 1999, a legal officer or legal practitioner appointed by the Agency shall conduct criminal proceedings in respect of offences under this Act or regulations made under this Act and related legislation.

(2) In judicial proceedings for an offence under this Act or regulations made under it, the provisions of the Criminal Justice Act 2015 apply in respect of the matter (*Senator Olanrewaju A. Tejuoso — Ogun Central*).

Amendment Proposed:
Leave out the provision in subclause 29(2) (*Senator Philip T. Aduda — FCT*).

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

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

Clause 30: **Presumption of source of proceeds.**
Where, in a case involving the proceeds of an offence under this Act -

(a) the property or money was acquired during or within a reasonable time after the commission of an offence; and

(b) there is no other source of the property or money other than the offence, the Court shall, subject to any contrary evidence, presume that the property or money constitutes the proceeds of that offence.

Committee's Recommendation:
That the provision in Clause 30 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — *Agreed to.*

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

Clause 31: **Appeals against interlocutory rulings.**
Subject to the provisions of the Constitution of the Federal Republic of Nigeria, 1999, an application for stay of proceedings, in respect of a criminal matter brought or commenced by the Agency before the Court, shall not be entertained by any court until final judgment is delivered by the Court in the substantive criminal matter.

Committee's Recommendation:
That the provision in Clause 31 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — *Agreed to.*

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

Clause 32: **Evidence of Accomplice and Agent Provocateur.**

Notwithstanding a written law or rule of law to the contrary, in any proceedings against a person for an offence under this Act-

(a) a witness is not regarded as an accomplice by reason only that the witness is in any manner concerned with the commission of the offence, or that he had knowledge of the commission of the offence if, before the completion of the act or acts constituting the offence, the witness had reported his knowledge of his participation to the Agency;

(b) an agent provocateur, whether he is an officer of the Agency or not, is not presumed to be unworthy of credit by reason only of his having attempted to commit, or abet or having abetted or engaged in a criminal conspiracy to commit the offence, if the main purpose of the attempt, abetment or engagement was to secure evidence of the commission of the offence against the person; and

(c) a statement, whether oral or written, made to an agent provocateur by the person is admissible as evidence at his trial.

Committee's Recommendation:

That the provision in Clause 32 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — *Agreed to.*

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

Clause 33: **Bail.**

(1) Where a person is arrested for, or charged with an offence under this Act, the Court may on an application by the person grant bail unless there is reasonable ground to believe that if that person is released on bail he may-

(a) commit another offence under this Act;

(b) evade trial;

(c) influence, interfere with or intimidate witnesses;

(d) conceal or destroy evidence; or

(e) interfere with the investigation of the case.

(2) In addition to any other condition prescribed under any other law, the Court may require the deposit of a sum of money or other security as the Court may specify from the person applying for bail or the surety before bail is granted

Committee's Recommendation:

That the provision in Clause 33 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — *Agreed to.*

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

Clause 34: **Power to receive information without hindrance.**

(1) The Agency shall seek and receive information from a person, authority, a corporation or company without let or hindrance in respect of an offence under this act.

(2) An officer of the Agency shall not be compelled to disclose the source of information or identity of an informant except by order of court.

Committee's Recommendation:
That the provision in Clause 34 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — *Agreed to.*

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

Clause 35: Penalty for false information.

(1) A person who makes or causes another person to make to an officer of the Agency in the course of the exercise by the officer of his duties, a statement which to the knowledge of the person making the statement, or causing the statement to be made-

(a) is false, or intended to mislead or is untrue in any material particular; or

(b) is inconsistent with another statement previously made by the person to another person who had authority or power under any law to receive, or require to be made that other statement, notwithstanding that the person making the statement is not under any legal or other obligation to tell the truth; commits an offence and shall be liable on conviction to imprisonment for a term of not less than one year or to a fine not less than Five Hundred Thousand Naira or to both the fine and imprisonment.

(2) For the purposes of subsection (1) of this section, a statement criminal, or a statement made by a person in the course of disciplinary proceedings, whether the legal or disciplinary proceedings are against the person making the statement or against another person, is deemed to be a statement made to a person having authority or power under the law to receive the statement so made.

Committee's Recommendation:
That the provision in Clause 35 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — *Agreed to.*

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

Clause 36: Voluntary Surrender.

(a) Individuals or organizations who willingly and voluntarily give up the infringing products in their custody, prior to intervention of Committee or the agency shall not be prosecuted and be encouraged to do so.

(b) Such individuals and organization shall however be responsible for the Cost of Evacuation and Destruction and should abide by the provisions of this act.

(c) Such individuals and organization shall sign an undertaking of compliance (*Senator Olanrewaju A. Tejuoso — Ogun Central*).

Amendment Proposed:
Leave out the provision in Clause 36 (*Senator Bala Ibn Na'Allah — Kebbi South*).

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

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

PART V - ESTABLISHMENT OF SPECIAL ADMINISTRATIVE AND INTERVENTION FUNDS

Clause 37: Special Regulated Products Levy.

(1) There is established under this Act a Special Regulated Products Levy Fund.

(2) The Agency shall collect a two percent levy ("the Levy") from importers and manufacturers of Special Regulated Products and pay the proceeds of the Levy collected into the Special Regulated Products Fund established under sub-section (1) of this section.

(3) For the purpose of this Part, "Special Regulated Products" include alcoholic beverage, tobacco and tobacco products, energy drinks, and any health or health product as may be designated by the Minister and published in the Official Gazette of the Federal Government.

(4) The monies accruing into the Special Regulated Products Levy Fund established under sub-section (1) of this section shall be disbursed as follows:

(a) Thirty percent into the Consolidated Revenue Fund of the Federation;

(b) Twenty-five percent to meet part of the running costs of the Agencies for the implementation and enforcement of the provisions of this Act and its other statutory functions;

(c) ten percent to the Bank of the Industry as part of the Food and Drug Intervention Fund for the establishment and development of the food and drug Industries;

(d) five percent to the National Health Insurance Fund to meet part of its running costs; and

(e) fifteen percent into the Research and Development Account of the National Institute for Pharmaceutical Research and Development for purposes of research and development to implement policies, plans and programmes under the National Health Policy.

(f) Twenty percent to the Pharmacists Council of Nigeria for the purposes of adequate regulation of premises used in manufacturing and sales or regulated products.

Amendment Proposed:

Leave out Subclauses 4(a) - (f) and *insert* the following instead thereof:

"(a) Sixty percent into the Consolidated Revenue Fund of the Federation;

(b) Ten percent to meet part of the running costs of the Agencies for the implementation and enforcement of the provisions of this Act and its other statutory functions;

(c) Ten percent to the Bank of the Industry as part of the Food and Drug Intervention Fund for the establishment and development of the food and drug Industries;

(d) Fifteen percent into the Research and Development Account of the National Institute for Pharmaceutical Research and Development for purposes of research and development to implement policies, plans and programmes under the National Health Policy.

(e) Five percent to the Pharmacists Council of Nigeria for the purposes of adequate regulation of premises used in manufacturing and sales or regulated products" (*Senator Mao A. Ohuabunwa — Abia North*).

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

(5) To enable the Agency assess and collect the Levy imposed under subsection (1) of this section from an importer or a manufacturer, the Agency shall-

(i) examine all Special Regulated Products at all ports of entry, manufacturing, establishments and points of sale;

(ii) device appropriate forms and documents necessary for the assessments and collection of the Levy (*Senator Olanrewaju A. Tejuoso — Ogun Central*).

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

Clause 38: Establishment of an Asset Recovery Fund.

(1) There is established for the Agency under this Act an Asset Recovery Fund into which shall be paid a percentage of proceeds of assets recovered from crimes committed under this Act.

Amendment Proposed:
Leave out the words "a percentage of" in line 2, *(Senator John O. Enoh — Cross River Central).*

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

(2) The percentage referred to in sub-section (1) of this section to be paid to the Agency, shall be as may be determined by the President of the Federal Republic of Nigeria from time to time.

Amendment Proposed:
Leave out the provision subclause 38(2) *(Senator Barnabas A. I. Gemade — Benue North-East).*

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

(3) The Agency shall, subject to regulations made by the Minister under section 38 of this Act, administer the monies in the Assets Recovery Fund solely for the purpose of-

(a) strengthening the activities of the Agency; and

(b) exercising the other related powers of the Agency

(c) Compensation of victims of offenders under this Act (*Senator Olanrewaju A. Tejuoso — Ogun Central*).

Amendment Proposed:
Leave out the words "Compensation of victims of offenders" in line 1, and *insert* the words "Compensating victims of offences" instead thereof *(Senator Bala Ibn Na'Allah — Kebbi South).*

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

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

Clause 39: Power to make Regulations.

(1) Subject to the other provisions of this Act, the Agency with the approval of the Minister may make regulations -

(a) for the disposal or sale of any property or assets forfeited pursuant to this Act;

(b) to prescribe the obligation and responsibilities of retailers, distributors or manufacturers in the eradication of counterfeit and fake medical products; and unwholesome foods.

(c) to prescribe the obligation and responsibilities of proprietors, managers, superintendents in the eradication of counterfeit medical products and unwholesome foods

(d) generally for purposes of this Act and its due administration.

(2) The Agency may prescribe, subject to the agreement of the National Committee and approval of the Minister, payment of such monetary reward to a person or whistle blower who gives vital and genuine information that leads to the arrest and prosecution of a person who has committed an offence under the provisions of this Act and/or of the recovery of an article or item connected with the commission of the offence

Committee's Recommendation:
That the provision in Clause 39 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — *Agreed to.*

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

Clause 40: Repeal of CAP C 34, LFN 2004 and Savings.

(1) The Counterfeit and Fake Drugs and Unwholesome Processed Foods (Miscellaneous Provisions) Act CAP C34, LFN, 2004 is hereby repealed.

(2) The repeal of the Act specified in subsection (1) of this section shall not affect a thing done or purported to be done under the repealed Act.

Committee's Recommendation:
That the provision in Clause 40 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — *Agreed to.*

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

Clause 41: Interpretation.

In this Act, unless the context otherwise requires-

"adulterated" when used in relation to medical product, chemical or cosmetic, refers to a situation when-

(a) the method used in, or the facilities or controls used for, its manufacture, processing, packing, or holding do not conform to, or are not operated or administered in conformity with, current good manufacturing practice to ensure that the product meets-

(i) the requirements of the Food and Drugs Act Cap. F32, LFN, 2004 or any other standard prescribed by any other legislation as to safety, identity and strength, and

(ii) the quality and purity characteristics, which it purports or it represents to possess; or

(b) it purports to be or is represented as a product, the name of which is recognized in an official compendium or in a legislation and has its strength differing from, or its quality or purity falling below the standard set forth in the compendium or legislation;

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

"Agency" means the National Agency for Food and Drug Administration and Control Agency established under the National Agency for Food and Drug Administration and Control Act Cap. N1, LFN, 2004;

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

"banned medical product" means a medical product prohibited under the provisions of a legislation or notice issued by the Minister;

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

"chemical" means a substance or reagent that is produced or used in a process to produce a chemical effect and it includes dusts, mixtures and common materials such as paints, fuels, solvents and fertilizers;

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

"cosmetic" includes a substance or mixture intended to be rubbed, poured or sprinkled or sprayed, introduced into or otherwise applied to the human body or any part of it for cleansing, beautifying, promoting attractiveness, altering the complexion, skin, hair or teeth and include deodorants and detergent powder;

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

"Council" means the Governing Council of the Agency;

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

"counterfeit medical product" means a product whether branded or generic that is falsely labeled with respect to identity or source and includes a medical product without the correct active ingredients and excipients or with insufficient quantity of active ingredients and excipients or with fake packaging;

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

"Court" means the Federal High Court;

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

"Chairman"means the Chairman of the Committees;

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

"drug or drug product" includes cosmetic product containing an active medical ingredient, synthetic, natural or herbal, both animal or plant origin, including veterinary medicines, packaging materials, labels, wrappers, containers, instruments apparatus, or equipment used in the manufacture, processing, storing, dispensing or packaging of drugs";

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

"fake medical product" means -

(a) a medical product -

(i) which is not what it purports to be,

(ii) which is so coloured, coated, powdered or polished that the damage is concealed,

(iii) which is made to appear to be better or of greater therapeutic value than it really is,

(iv) which is not labeled in the prescribed manner or which label or container or anything accompanying a drug bears any statement, design or device which makes a false claim for a drug or which is false or misleading,

(v) the container of which is so made, formed or filled as to be misleading; or

(b) a drug or drug product the label of which does not bear adequate directions for use and such adequate warning against use in those pathological conditions or by children where its use may be dangerous to health or against unsafe dosage or method or duration of use;

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

"Generic" means -

1. a drug product whose active substance is identical to a brand product but manufactured and marketed by a company other than the innovator company. It may be marketed under the generic name or under a new brand name and it is marketed after the expiry of patent or other exclusivity of rights.

2. drug products that are meant to be copies or innovator/reference drug products and shall be pharmaceutical equivalent or bioequivalent to those innovator/reference drug products in chemical content, dosage form, safety, strength, route of administration, quality, performance, characteristics and intended use.

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

"medical product" include drug, medical device and their accessories, active pharmaceutical ingredient, excipients, biologics, vaccines, toxins, venoms, blood and blood products and tissues;

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

"medical device" includes packaging material, label, wrapper, container, instrument, apparatus, or equipment used in the manufacture, processing, storing, dispensing or packaging of a medical product";

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

"market" includes a place of commercial activities where drugs and drug products are sold, bought, displayed for sale or offered for sale; and this includes cyber sale;

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

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

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

"National Committee" means the National Committee established under section 8 of this Act;

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

"Online" includes the internet, web retailing, on-line market places or e. commerce service provider;

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

"Other Related Matters" means -
All matters as applied by or related or associated with contents of this act including, but not limited to smuggling and parallel importation of medicines and food products by unauthorized persons and the global terminology of substandard, spurious, falsely labelled, falsified and counterfeit (SSFFC) medical products.

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

"poison" includes the substances enumerated in the Poison and Pharmacy Act, Cap 152 L & F 1958 which shall, whether natural or synthetic, be deemed poisons whether mixed with other ingredients or not and whatever restrictions placed on any particular poison shall apply to it whether it is unmixed or is contained as an ingredient in some preparation, unless it is contained in one of the preparations specifically exempted from such provision;

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

"proceeds" means, subject to section 26 of this Act, property or money derived or obtained directly or indirectly, from the commission of an offence under this Act;

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

"property" means any property, whether real or personal which is capable of being owned by a person;

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

"related legislations" include:

(i) National Agency for Food and Drug Administration and Control Act, Cap. N1, LFN, 2004 and related regulations;

(ii) Food Drugs and related Products(Registration, etc) Act, Cap. F33, LFN, 2004 and related agencies;

(iii) Marketing Breast Milk Substitute Act, Cap. M5, LFN, 2004 or regulations made there under;

(iv) Import Prohibition Act, Cap. I3, LFN, 2004 and related regulations;

(v) section1 (18) and (19), 2 and 3 of the Miscellaneous Offences Act, Cap. M17, LFN, 2004

(vi) section 243 of the Criminal Code Act, Cap. C38, LFN 2004; and

(vii) National Drug Formulary and Essential Drugs List Act, Cap. N29, LFN, 2004 or regulations made there under.

(viii) The Pharmacists Council of Nigeria Act,CAP. P17, LFN, 2004.

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

"State Committee" means a State Committee established under section 9 of this Act;

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

"substandard drug" means a drug which has in its preparation or manufacture an ingredient that falls below the specification contained in the official compendium, namely, the British Pharmacopoeia, British Pharmaceutical Codex, United States Pharmacopoeia, European Pharmacopoeia or any official compendium recognized by the Agency;

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

"the Act" means the National Agency for Food and Drug Administration and Control Act, Cap. N1, LFN, 2004;

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

"unwholesome processed food product" means any food product which -

(a) consists in whole or in part, of any filthy, putrid or decomposed substance;

(b) has been prepared, transported, marketed, packaged, preserved or stored under unsanitary conditions where it may have been contaminated with filth or whereby it may have been rendered injurious to health;

(c) is packed in a container composed in whole or in part of any injurious or deleterious substance which may render the content injurious to health;

(d) bears or contains for the purposes of colouring only a colour other than one which is prescribed;

(e) contains any harmful or toxic substance which may render it injurious to health or has been mixed with some other substance which may render it injurious to health or has been mixed with some other substance so as to reduce its quality or strength;

(f) the "best before" date, batch number, ingredients list, information as prescribed by the Agency or date of expiry on the label of the food article has been revalidated";

(g) is a food article beyond the shelf-life stated on the label, packaging material or beyond the Best Before Date prescribed by the National Agency for Food and Drug Administration and Control for that food article";

(h) is labeled, presented or advertised in a manner that is false, deceptive or misleading; or

(i) has an expired best before date; or

(j) when imported does not leave sufficient time as prescribed by the Agency for distribution before the best before date;

Question: That the words "unwholesome processed food product" be as defined in the Interpretation to this Act, put and agreed to.

"victim" means a person who has suffered a disability or an adverse consequence as a result of using or consuming a counterfeit medical product, an adulterated, banned or fake, substandard or an expired medical product or unwholesome processed foods or a packaged water, adulterated cosmetic or adulterated or mislabeled chemical in any form.

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

Committee's Recommendation:
That the provision in Clause 41 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — *Agreed to.*

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

Clause 42: **Short Title.**
This Act may be cited as the Counterfeit and Fake Medical Products; Drugs and Unwholesome Processed Foods (Prohibition and Control) Act, 2016.

Committee's Recommendation:
That the provision in Clause 42 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — *Agreed to.*

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

SCHEDULE

FORM A

(Sections 17, 20)

COUNTERFEIT AND FAKE MEDICAL PRODUCTS, DRUGS AND UNWHOLESOME PROCESSED FOODS (PROHIBITION AND CONTROL) ACT, 2016

DECLARATION OF ASSETS FORM

To be completed in TRIPLICATE and in BLOCK LETTERS or typed.

All available information should be included

Important:

(A)
It is an offence punishable by at least one year imprisonment under the Act to -

(i) knowingly fail to make full disclosure of your assets and liabilities

(ii) knowingly make a declaration that is false, or

(iii) fail, neglect or refuse to make a declaration or furnish any information required

(B)

(i) Each item is to be completed. If it does not apply, the person affected must write 'nil' or 'none' in the space. Where necessary, an extra sheet or sheets may be used and attached to this form by the person affected.

(ii) The Form shall be addressed to the Chairman or any other officer authorized by him with copy to the Director-General of the Agency

I....., being accused of the offence..... under the Counterfeit and Fake Drugs And Unwholesome Products Foods (Miscellaneous Provisions) Act 2016 declare my assets as follows -

Surname	Other Names	Date of Birth	If dead State the date of Death	Place of Birth Nationality	State of Origin	Local Government	Occupation	Present Address	Home Address
(a) Now (b) at birth if different			(a) Now (b) at birth						
1. Declarant									
2. Spouse if married, state date and place									
3. Father									
4. Mother									
5. Brothers (i) (ii) (iii) 6. Sisters (i) (ii) (iii)									
7. Children (i) (ii) (iii)									
8. Dependants, Relatives, Uncles, Aunt, Next of kin									

9. Associated Persons	Names in full	Address	Occupation	Nationality
(i) ..... (ii)..... (iii).....				

10. Aliens:
    (a) Nationality

    (b) If Naturalized Alien provide Registration No. Certificate

11. Schools attended with dates: Primary School:
    Post Primary School

    Or

    Secondary:
    University, etc.
    Qualifications attained.

12. Amount held in own account
    i. Cash in hand .. ..
    ii. Cash at bank .. ..
    iii. Outside Nigeria (Countries/Banks/Amountto be named) .. ..

13. Amount held on behalf of or as trustee for any person other than your spouse
    i. Cash in hand .. ..
    ii. Cash at bank .. ..
    iii. Outside Nigeria (Countries/Banks/Amountto be named) .. ..

14. Loans or advances made .. ..

15. Loans or advances received .. ..

16. Amount held on behalf of or as trustee of spouse
    i. Cash in hand .. ..
    ii. Cash at bank .. ..
    iii. Outside Nigeria (Countries/Banks/Amount to be named) .. ..

17. Spouse/children's account held (beneficial or otherwise)
    i. Cash in hand .. ..
    ii. Cash at bank .. ..
    iii. Outside Nigeria (Countries/Banks/Amountto be named) .. ..

18. Government securities including premium bonds and other interests held in companies, firms or partnerships (giving names of companies, firms and partnerships)-
    (a) By you (here state the bonds, etc)
    (b) By spouse (here state the bonds, etc)
    (c) By children (here state the bonds, etc)

19. Property in Nigeria in which you are interested in giving date when acquired
    i. Land:
    ii. Buildings:
    iii. Other property, (if any).

20. Membership, ownership, directorship, shareholding, or other related interest in
    i. A Company incorporated in Nigeria
    ii. A Company incorporated outside Nigeria
    iii. A Partnership or sole proprietorship

21. Property outside Nigeria in which you are interested in giving date when acquired
    i. Land:
    ii. Buildings:
    iii. Other property, (if any)

22. Property outside Nigeria in which any spouse is interested in giving date when acquired-
    i. Land:
    ii. Buildings:
    iii. Other property, (if any):

23. Property in Nigeria in which any spouse is interested in giving a date when acquired
    i. Land
    ii. Buildings

iii. Other Property, (if any):

24. Property in Nigeria in which any child of yours is interested in giving date when acquired-
i. Land:
ii. Buildings:
iii. Other property, (if any).

25. Property outside Nigeria in which any child of yours is interested in giving date when acquired-
i. Land:
ii. Buildings
iii. Other property, (if any).

26. Names of other dependent relatives:

27. Estate in which you are interested as trustee or beneficially interested (Name of deceased or trustee).

28. Property held by any person on your behalf- (in or outside Nigeria)
i. Cash in hand;
ii. Cash at bank;
iii. Land:
iv. Buildings
v. Other Properties

If outside Nigeria, insert names of countries and banks.....
Signature of Suspect/Accused Person .....
Signature and Address of Witness .....

FORM B

Section 26 (1)

COUNTERFEIT AND FAKE MEDICAL PRODUCTS, DRUGS AND UNWHOLESOME PROCESSED FOODS (PROHIBITION AND CONTROL) ACT, 2016.

FREEZING ORDER

(This form may be amended according to circumstances)

1. To the Manager
.....
(Here insert name and branch of bank)

Under the authority conferred on me by section 22 of the Counterfeit and Fake Drugs and Unwholesome Processed Foods (Miscellaneous Provisions) Act 2012, you are hereby ordered to -

(a) supply the following information relating to the under mentioned accounts, that is to say -
.....
(Here set out the information required in respect of named accounts)

(b) produce the books and documents relating to the under mentioned accounts, that is to say -
.....
(Here set out the books and documents to be produced in respect of the named accounts)

(c) stop all outward payments, operations or transactions (including bills of exchange) as far as possible in the ordinary cause of banking in respect of the following accounts -

.....

(Here indicate the accounts)

2. This order shall remain in force until revoked

DATED at .....this..... day of ..... 20.....

.....

Chairman/Authorised Officer

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 Health on the Counterfeit and Fake Drugs and Unwholesome Processed Food (Miscellaneous Provisions) Act 2004 LFN (Amendment) Bill, 2016 and approved as follows:

Clauses 1- 8	—	As Recommended
Clause 9	—	As Amended
Clauses 10-26	—	As Recommended
Clause 27	—	As Amended
Clause 28	—	As Recommended
Clause 29	—	As Amended
Clauses 30-35	—	As Recommended
Clauses 36-38	—	As Amended
Clauses 39-42	—	As Recommended
Schedule	—	As Recommended

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

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

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

10. **Joint Committees on Poverty Alleviation; and National Planning:**
Report on the National Poverty Eradication Commission (Establishment, etc.) Bill, 2016 (SB.023):

Consideration of Report deferred to another Legislative Day.

11. **Committee on Agriculture and Rural Development:**
Report on the Nigerian Agricultural Quarantine Service Bill, 2016 (SB. 81):

Consideration of Report deferred to another Legislative Day.

12. **Committee on Finance:**
Report on the Nigerian Sovereign Investment Authority (Establishment, etc) Act 2011 (Amendment) Bill, 2016 (SB. 38):

Consideration of Report deferred to another Legislative Day.

13. **Committee on Ethics, Privileges and Public Petitions:**
Report on the non-payment of Compensation for Lands:

Consideration of Report deferred to another Legislative Day.

14. **Committee on Interior:**
Report on the Nigerian Peace Corps (NPC) Bill, 2016. (SB. 173 & SB. 183):

Consideration of Report deferred to another Legislative Day.

15. **Joint Committee on Information and National Orientation; and Trade and Investment:**
Report on the Unwholesome Practices by Multi-choice Nigeria (DSTV):.

Consideration of Report deferred to another Legislative Day.

16. **Committee on Ethics, Privileges and Public Petitions:**
Report on the Alleged Double Allocation of Plot No. 2022:

Consideration of Report deferred to another Legislative Day.

17. **Official Secrets Act CAP 03 LFN 2004 (Amendment) Bill, 2016 (HB. 317 & 426):**

Consideration of Bill deferred to another Legislative Day.

18. **National Film and Video Censor Board Act CAP N40 LFN 2004 (Amendment) Bill, 2016 (HB.224):**

Consideration of Bill deferred to another Legislative Day.

19. **Pension Rights of Judges Act CAP P5 LFN 2004 (Amendment) Bill, 2016 (HB. 06):**

Consideration of Bill deferred to another Legislative Day.

20. **Federal Capital Territory District Courts (Establishment, etc) Bill, 2016 (HB. 07):**

Consideration of Bill deferred to another Legislative Day.

21. **Mortgage Institutions Act CAP M19 LFN 2004 (Amendment) Bill, 2016 (HB. 253):**

Consideration of Bill deferred to another Legislative Day.

22. **Oaths Act CAP 01 LFN 2004 (Amendment) Bill, 2016 (HB. 169):**

Consideration of Bill deferred to another Legislative Day.

23. **Nigerian Investment Promotion Commission Act CAP N117 LFN 2004 (Amendment) Bill, 2016 (HB. 248):**

Consideration of Bill deferred to another Legislative Day.

24. **Dangerous Drugs Act CAP D1 LFN 2004 (Amendment) Bill, 2016 (HB. 292):**

Consideration of Bill deferred to another Legislative Day.

25. **Adjournment:**
Motion made: That the Senate do now adjourn till Tuesday, 8th November, 2016 at 10:00 a.m. (*Deputy Senate Leader*).

Adjourned accordingly at 1:21 *p.m.*

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