



THE SENATE

FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Tuesday, 28th May, 2019

1. The Senate met at 11:13 a.m. The Senate President read Prayers.
2. **Votes and Proceedings:**
The Senate examined the Votes and Proceedings of Thursday, 23rd May, 2019.
Question was put and the Votes and Proceedings were approved.
3. **Announcement:**
Acknowledgment:
The Senate President acknowledged the presence of the Staff and Pupils of Proper Child International Academy, Deidei, Abuja who were at the gallery to observe Senate Proceedings.
4. **Personal Explanation:**
Rising on Rule 43, Senator Ahmad I. Lawan (*Yobe North*) drew the attention of the Senate to the Monday, 27th May, 2019 Children's Day Celebration across Nigeria. He stated that as legislators, they are concern with the current situation of out of school children amounting to about 45% of the population. He argued that their ages range from Seventeen (17) years, remains the tools for criminal activities and armed banditry. He explained that their neglect continue to fuel insecurity. He cited the provision of Universal Basic Education Act, 2004 which encourages basic schooling for this group. He urged for the incorporation of "Almajiri" System into Basic Education Programme to enable them contribute to national development, thereby retarding criminality in the society.
5. **Presentation of Bills:**
 - (i) Federal Capital Territory Appropriation Bill, 2019 (SB. 742) — *Read the First Time.*
 - (ii) Chartered Institute of Forensic and Investigative Professionals of Nigeria (Establishment, etc.) Bill, 2019 (HB. 1621) — *Read the First Time.*
 - (iii) Asset Management Corporation of Nigeria Act (Amendment) Bill, 2019 (HB. 1083) — *Read the First Time.*
6. **Committee on Ethics, Privileges and Public Petitions:**
Motion made: That the Senate do receive the Reports of the Committee on Ethics, Privileges and Public Petitions in respect of:
 - a. Nze Fabian Okechukwu, against the Nigerian Navy for alleged unjust dismissal from the Navy;

Proposed Resolution:

Question: That the Senate do rescind its earlier decision on the affected Clauses and refer same to the Committee of the Whole for consideration and passage — *Agreed to.*

Resolved:

That the Senate do rescind its earlier decision on the affected Clauses and refer same to the Committee of the Whole for consideration and passage (*S/Res/111/05/19*).

ii. Federal Road Authority (Establishment, etc.) Bill, 2019.

Motion made: That the Senate do resolve into the Committee of the Whole to Consider a Bill for An Act to Repeal the Federal Roads Maintenance Agency (Establishment, Etc.) Act, 2002 (As Amended), the Federal Highways Act 1971 and the Control of Advertisement (Federal Highways) Act 1986 and to Establish the Federal Roads Authority to Provide for the Ownership, Regulation, Management and Development of the Federal Roads Network and for Other Matters Connected Therewith, 2019 (*Senate Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO REPEAL THE FEDERAL ROADS MAINTENANCE AGENCY (ESTABLISHMENT, ETC.) ACT, 2002 (AS AMENDED), THE FEDERAL HIGHWAYS ACT 1971 AND THE CONTROL OF ADVERTISEMENT (FEDERAL HIGHWAYS) ACT 1986 AND TO ESTABLISH THE FEDERAL ROADS AUTHORITY TO PROVIDE FOR THE OWNERSHIP, REGULATION, MANAGEMENT AND DEVELOPMENT OF THE FEDERAL ROADS NETWORK AND FOR OTHER MATTERS CONNECTED THEREWITH, 2019.

Clause 1: Substitute the word "Regulator" in Section 1(e) with the word "Managing Director" wherever it appears in the Bill.

Committee's Recommendation:

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

Question that Clause 1 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 Repeal the Federal Roads Maintenance Agency (Establishment, Etc.) Act, 2002 (As Amended), the Federal Highways Act 1971 and the Control of Advertisement (Federal Highways) Act 1986 and to Establish the Federal Roads Authority to Provide for the Ownership, Regulation, Management and Development of the Federal Roads Network and for Other Matters Connected Therewith, 2019 and approved as follows:

Clause 1 — As Recommended

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

9. University of Lagos Act (Amendment) Bill, 2019 (HB. 1106) - Concurrence:

Motion made: That a Bill for an Act to Amend the University of Lagos Act, CAP. U9, Laws of the Federation of Nigeria, 2004 to Specify the Minimum Qualification of the Chairman of the Governing Council, Ownership of Intellectual Property and to Provide for Pre-action Notice to the University Authority; and for Related Matters, 2019 be read the Second Time (*Senate Leader*).

- 21A. (1) An aggrieved staff or student shall not commence a suit in Court against the University except the staff or student gives the University one month written notice of intention to commence the suit.
- (2) The written notice of under subsection (1) of this section shall be served on the University by the intending plaintiff or his agent and the notice shall explicitly state the —
- (a) cause of action;
 - (b) particulars of claim or the grievance sought to be redressed;
 - (c) name, particulars and official address of the intending plaintiff; and
 - (d) relief which the intending plaintiff claims.
- (3) The written notice under subsection (1) of this section and any summons, notice or other document required or authorized to be served on the University under this Act or any other law shall be addressed to the Vice-Chancellor of the University and may be served by delivering same to the Vice-Chancellor, the Deputy Vice-Chancellor or any other Principal Officer of the University or by sending it by registered post, electronic mail or any other legally recognized digital form of communication in Nigeria.

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 Fourth Schedule.

Article 9 of the Fourth Schedule to the Principal Act is amended by —

- (a) substituting for the existing sub article (2), a new sub article "(2)" -

"(2) The Dean of a teaching unit shall be appointed by the Senate and shall hold office for a term of two years after which he may be eligible for re-appointment for another period of two years and no more".

- (b) inserting a new sub article "(3A)" -

"(3A) Where there is no professor in a faculty, the office of the Dean of the faculty shall be held in rotation by members of the faculty holding the ranks of reader or senior lecturer on the basis of seniority as determined by the Senate".

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: Citation.

This Bill may be cited as the University of Lagos Act (Amendment) Bill, 2019.

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.

- (4) The University shall be supervised by the Federal Ministry of Education through the National Universities Commission (NUC) who shall be responsible for approving and regulating all academic programmes run in the University, to ensure quality compliance and provide funds for academic and research programmes, infrastructures and remunerations of employees.
- (5) The objects of the University shall be —
- (a) to encourage the advancement of learning and to hold out to all persons without distinction of race, creed, sex or political conviction;
 - (b) to develop and offer academic and professional programmes leading to the award of certificates, first degrees, post-graduate research, diploma and higher degrees with emphasis on planning, developmental and adaptive skills in technology, applied science, social science, management and allied professional disciplines;
 - (c) to produce socially mature technologists with capabilities not to only understand the technology need of Nigeria as a nation, but also to exploit existing technological infrastructure and improve on it to develop new ones;
 - (d) to act as agents and catalysts for effective technology system, through post graduate training, research and innovation, for effective economic utilization and conservation of the country's human resources;
 - (e) to bring quality change in Technology Education by focusing on practical teaching and learning innovations;
 - (f) to collaborate with other national and international institutions involved in training, research and development of Technology with a view to promoting governance, leadership and management skills among Technologists;
 - (g) to identify Technology needs of the society with a view to finding solutions to them within the context of overall national development;
 - (h) to provide and promote sound basic technology training as a foundation for the development of Nigeria, taking into account indigenous culture and the need to enhance national unity;
 - (i) to provide higher Education and foster a systematic advancement of the science and Technology Education;
 - (j) to provide for instruction in such branches of Technological education as it may deem necessary to make provision for research advancement and dissemination of knowledge in such manner as it may determine;
 - (k) to provide students with operational competence for applying knowledge in the society as well as making technological changes in the society;
 - (l) to undertake any other activities that is appropriate for a University of Technology of the highest standard.

- (c) to institute professorships, readerships or associate professorships, lectureships, and other posts and offices and to make appointments thereto;
- (d) to institute and award fellowships, scholarships, exhibitions, bursaries, medals, prizes and other titles, distinctions, awards and forms of assistance;
- (e) to provide for the discipline and welfare of members of the University;
- (f) to hold examinations and grant degrees, diplomas, certificates and other distinctions to persons who have pursued a course of study approved by the University and have satisfied such other requirements as the University may lay down;
- (g) to grant honorary degrees, fellowships or academic titles;
- (h) to demand and receive from any student or any other person attending the University for the purposes of instruction, such fees as the University may from time to time determine subject to the overall directives of the Minister;
- (i) subject to section 20 of this Bill, to acquire, hold, grant, charge or otherwise deal with or dispose of movable and immovable property wherever it is situate;
- (j) to accept gifts, legacies and donations, but without obligation to accept the same for a particular purpose unless it approves the terms and conditions attached thereto;
- (k) to enter into contracts, establish trusts, act as trustee, solely or jointly with any other person, and employ and act through agents;
- (l) to erect, provide, equip and maintain libraries, laboratories, workshops, lecture halls, halls of residence, refectories, sports grounds, playing fields and other buildings or things necessary, suitable or convenient for any of the objects of the University;
- (m) to hold public lectures and to undertake printing, publishing and book selling;
- (n) subject to any limitations or conditions imposed by statute, to invest any moneys appertaining to the University by way of endowment it, not being immediately required for current expenditure in any investments or securities or in the purchase or improvement of land, with power from time to time, to vary any such investments to deposit any moneys for the time being not invested with any bank on deposit or current account;
- (o) to borrow, whether on interest or not and if need be upon the security of any or all of the property, movable or immovable, of the University, such moneys as the Council may from time to time in its discretion find it necessary or expedient to borrow of to guarantee any loan, advances or credit facilities;
- (p) to make gifts for any charitable purpose;

- (g) two persons appointed by Congregation from among its members;
 - (h) one person appointed by Convocation from among its members.
 - (i) two persons representing the community appointed by the President.
- (2) Persons to be appointed to the Council shall be of proven integrity, knowledgeable and familiar with the affairs and tradition of the University.
- (3) The Council so constituted shall have a tenure of four years from the date of its inauguration provided that where a Council is found to be incompetent and corrupt, it shall be dissolved by the Visitor and a new Council shall be immediately constituted for the effective functioning of the University.
- (4) The powers of the Council shall be exercised, as in this Bill and to that extent establishment circulars that are inconsistent with this Bill' shall not apply to the University.
- (5) The Council shall be free in the discharge of its functions and exercise of its responsibilities for the good management, growth and development of the University.
- (6) The Council in the discharge of its functions shall ensure that disbursement of funds of the University complies with the approved budgetary ratio for —
- (a) personnel cost;
 - (b) overhead cost;
 - (c) research and development;
 - (d) library developments; and
 - (e) the balance in expenditure between academic vis-a-vis non-academic activities.

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: Functions of the Council and its Finance and General Purposes Committee.

- (1) Subject to the provisions of this Bill relating to the Visitor, the Council shall be the governing body of the University and shall be charged with the general control and superintendence of the policy, finances and property of the University.
 - (2) There shall be a committee of the Council, to be known as the Finance, and General Purposes Committee, which shall, subject to the directions of the Council, exercise control over the property and expenditure of the University and perform such other functions of the Council as the Council may from time to time delegate to it.
 - (3) Provision shall be made by statute with respect to the constitution of the Finance and General Purposes Committee.
-

- (5) Subject to this Bill and the statutes, the Council and the Finance and General Purposes Committee may each make rules for the purpose of exercising any of their respective functions or of regulating their own procedure.
- (6) Rules made under sub-section (5) of this section by the Finance and General Purposes Committee shall not come into force unless approved by the Council; and in so far and to the extent that any rules so made by that Committee conflict with any direction given by the Council, whether before or after the coming into force of the rules in question, the directions of the Council shall prevail.
- (7) There shall be paid to the members respectively of the Council, the Finance and General Purposes Committee and of any other committee set up by the Council, allowances in respect of travelling and other reasonable expenses, at such rates as may from time to time be fixed by the Minister.
- (8) The Council shall meet as and when necessary for the performance of its functions under this Bill and shall meet at least three times in every year.
- (9) If requested in writing by any five members of the Council, the chairman shall within 28 days after the receipt of such request call a meeting of the Council.
- (10) Any request made under sub-section (9) of this section shall specify the business to be considered at the meeting and no business not so specified shall be transacted at that meeting.

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: Functions of the Senate of the University.

- (1) Subject to section 6 of this Bill and subsections (3) and (4) of this section and the provisions of this Bill relating to the Visitor, it shall be the general function of the Senate to organize and control the teaching by the University, the admission of student where no other enactment provides to the contrary and the discipline of students; and to promote research at the University.
- (2) Without prejudice to the generality of subsection (1) of this section and subject as therein mentioned, it shall in particular be the function of the Senate to make provision for —
 - (a) the establishment, organization and control of campuses, colleges, schools, institutes and other teaching and research units of the University and the allocation of responsibility for different branches of learning;
 - (b) the organization and control of courses of study at the University and of the examinations held in conjunction with those courses, including the appointment of examiners, both internal and external;
 - (c) the award of degrees, and such other qualifications as may be prescribed in connection with examinations held as aforesaid;
 - (d) the making of recommendations to the Council with respect to the award to any person of an honorary fellowship or honorary degree or the title of professor emeritus;

- (4) It shall be the responsibility of the Vice Chancellor to establish and appoint members of the Tenders' Board in line with the extant Public Procurement Rules and Regulations.

Committee's Recommendation:

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

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

PART II — GENERAL FUND, TRANSFER OF PROPERTY, ETC, TO
THE UNIVERSITY AND CONDITION OF SERVICE OF EMPLOYEES

Clause 10: General Fund of the University.

- (1) There shall be a general fund of the University which shall consist of the following —
- (a) grants-in-aid;
 - (b) fees;
 - (c) income derived from investments;
 - (d) gifts, legacies, endowments and donations not accepted for a particular purpose;
 - (e) income derived from the exercise of any functions conferred or imposed on the University by this Bill;
 - (f) any other amounts, charges or dues recoverable by the University;
 - (g) revenue, from time to time, accruing to the University by way of subvention;
 - (h) interests on investments;
 - (i) donations and legacies accruing to the University from any source for the general or special purposes of the University; and
 - (j) regular TETFUND interventions.
- (2) The general fund shall be applied for the purposes of the University.

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: Transfer of Property, etc.

- (1) All property held by or on behalf of the Provisional Council of the University shall, by virtue of this sub-section and without further assurance, vest in the University and be held by it for the purpose of the University.
- (2) The provisions of the Second Schedule to this Bill shall have effect with respect to, and to matters arising from, the transfer of property by this section and with respect to the other matters mentioned in that Schedule.

- (3) A proposed statute may originate either in the Senate or in the Council, and may be approved as required by subsection (2) of this section by either one of those bodies or the other.
- (4) A statute which —
 - (a) makes provision for or alters the composition or constitution of the Council, the Senate or any other authority of the University; or
 - (b) provides for the establishment of a new campus or college or for the amendment or revocation of any statute.
- (5) For the purpose of section 2 (2) of the Interpretation Act, a statute shall be treated as being made on the date on which it is duly approved by the Council after having been duly approved by the Senate, or on the date on which it is duly approved by the Senate after having been duly approved by the Council, as the case may be or, in the case of a statute falling within subsection (4) of this section, on the date on which it is approved by the President.
- (6) In the event of any doubt or dispute arising at any time —
 - (a) as to the meaning of any provision of a statute; or
 - (b) as to whether any matter is for the purposes of this Bill an academic or non-academic matter as they relate to such doubt or dispute, the matter may be referred to the Visitor, who shall take such advice and make such decision thereon as he shall think fit.
- (7) The decision of the Visitor on any matter referred to him under sub-section (6) of this section shall be binding upon the authorities, staff and students of the University and where any question as to the meaning of any provision of a statute has been decided by the Visitor under that sub-section, no question as to the meaning of that provision shall be entertained by any court of law in Nigeria.
- (8) Nothing in sub-section (7) of this section shall affect any power of a court of competent jurisdiction to determine whether any provision of a statute is wholly or partly void as being ultra vires or as being inconsistent with the Constitution of the Federal Republic of Nigeria, 1999.

Committee's Recommendation:

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

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

Clause 14: Proof of Statutes.

A statute may be proved in any court by the production of a copy thereof bearing or having affixed to it a certificate purporting to be signed by the Vice-Chancellor or the Secretary to the Council to the effect that the copy is a true copy of a statute of the University.

Committee's Recommendation:

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

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

- (c) for the person in question to be afforded an opportunity of appearing before and being heard by the investigating committee with respect to the matter, and if the Council, after considering the report of the investigating committee, is satisfied that the person in question should be removed as aforesaid, the Council may so remove him by an instrument in writing signed on the directions of the Council.
- (2) The Vice-Chancellor may, in a case of misconduct by a member of the staff which in the opinion of the Vice-Chancellor is prejudicial to the interest of the University, suspend such member and any such suspension shall forthwith be reported to the Council.
- (3) For good cause, any member of the staff may be suspended from his duties or his appointment may be terminated by the Council; and for the purposes of this subsection "good cause" means —
 - (a) conviction for any offence which the Council considers to be such as to render the person concerned unfit for the discharge of the functions of his office; or
 - (b) any physical or mental incapacity which the Council, after obtaining medical advice, considers to be such as to render the person concerned unfit to continue to hold his office; or
 - (c) conduct of a scandalous or other disgraceful nature which the Council considers to be such as to render the person concerned unfit to continue to hold his office; or
 - (d) conduct which the Council considers to be such as to constitute failure or inability of the person concerned to discharge the functions of his office or to comply with the terms and conditions of his service; or
 - (e) conduct which the Council considers to be generally of such nature as to render the continued appointment or service of the person concerned prejudicial or detrimental to the interest of the University.
- (4) Any person suspended pursuant to subsection (2) or (3) of this section shall be on half pay and the Council shall before the expiration of a period of three months after the date of such suspension consider the case against that person and come to a decision as —
 - (a) whether to continue such person's suspension and if so on what terms (including the proportion of his emoluments to be paid to him);
 - (b) whether to reinstate such person, in which case the Council shall restore his full emoluments to him with effect from the date of suspension;
 - (c) whether to terminate the appointment of the person concerned, in which case such a person shall not be entitled to the proportion of his emoluments withheld during the period of suspension; or
 - (d) whether to take such lesser disciplinary action against such person (including the restoration of such proportion of his emoluments that might have been withheld) as the Council may determine.

- (d) be encouraged to be more self-assured as part of the national development process.
- (2) Subject to the provisions of this section, where it appears to the Vice-Chancellor that any student of the University has been guilty of misconduct, the Vice-Chancellor may, without prejudice to any other disciplinary powers conferred on him by statute or regulations, direct—
 - (a) that the student shall not, during such period as may be specified in the directions, participate in such activities of the University, or make use of such facilities of the University, as may be so specified, or
 - (b) that the activities of the student shall, during such period as may be specified in the direction, be restricted in such manner as may be so specified, or
 - (c) that the student be rusticated for such period as may be specified in the direction; or
 - (d) that the student be expelled from the University.
- (3) Where a direction is given under subsection (1) (c) or (d) of this section in respect of any student, that student may, within the prescribed period and in the prescribed manner, appeal to the Council; and where such an appeal is brought, the Council shall, after causing such inquiry to be made in the matter as the Council considers just either confirm or set aside the direction or modify it in such manner as the Council thinks fit.
- (4) The fact that an appeal from a direction is brought in pursuance to subsection (2) of this section shall not affect the operation of the direction while the appeal is pending —
 - (a) the Vice-Chancellor may delegate his powers under this section to a disciplinary board consisting of such members of the University as he may nominate;
 - (b) nothing in this section shall be construed as preventing the restriction or termination of students' activities at the University otherwise than on the ground of misconduct;
 - (c) a direction under subsection (2) (a) of this section may be combined with a direction under subsection (2) (b) of this section.

Committee's Recommendation:

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

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

PART V — MISCELLANEOUS AND GENERAL

Clause 20: Exclusion of Discrimination on Account of Race, Religion, etc.

- (1) No person shall be required to satisfy requirements as to any of the following matters, that is to say, race (including ethnic grouping), sex, account of race, place of birth or of family origin, or religious or political persuasion, as a condition of becoming or continuing to be a student at the University, the holder of any degree of the University or of any appointment or employment at the University, or a member of anybody established by virtue of this Bill; and no person shall be subject to any disadvantage or

- (3) Except as may be otherwise provided by statute or by regulations, the quorum and procedure of a committee established or meeting held in pursuance of this section, shall be such as may be determined by the body or bodies which have decided to establish the committee or hold the meeting.
- (4) Nothing in the provisions of subsection (1), (2) and (3) of this section shall be construed as —
 - (a) enabling the statutes to be made otherwise than in accordance with section 1 of this Bill; or
 - (b) enabling the Senate to empower any other body to make regulations of the award degrees or other qualifications.
- (5) The Pro-Chancellor and the Vice-Chancellor shall be members of every committee of which the members are wholly or partly appointed by the Council (other than a committee appointed to inquire into the conduct of the officer in question); and the Vice-Chancellor shall be a member of every committee of which the members are wholly or partly appointed by the Senate.

Committee's Recommendation:

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

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

Clause 24: Retiring age of Academic Staff.

- (1) Notwithstanding anything to the contrary in the Pension Act, the compulsory retiring age of the following categories of staff shall be as follows —
 - (a) academic staff of the University in the non-Professorial cadre shall be 65 years;
 - (b) academic staff of the University in the Professorial Cadre shall be 70 years;
 - (c) non-academic staff of the University shall be 65 years.
- (2) A law or rule requiring a person to retire from the public service after serving for 35 years shall not apply to an academic staff of the University.

Committee's Recommendation:

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

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

Clause 25: Special Provisions Relating to Pensions of Professors.

An academic staff of the University who retires as a Professor in the University shall be entitled to pension at a rate equivalent to his annual salary provided that the Professor has served continuously in the University up to the retirement age.

Committee's Recommendation:

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

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

- (b) the Notice shall state the reason and the cause of action intended to be taken against the University, the particulars of the claim, the name and place of abode of the intending plaintiff and the relief which he claims;
 - (c) for the avoidance of doubt, it is hereby declared that no suit shall be commenced against an officer or servant of the University, in any case where the University is vicariously liable for any alleged act, neglect or default of the officer or servant in the performance or intended performances of his duties, unless three months at least has elapsed after written notice of intention to commence the same shall have been served on the University by the intending plaintiff or his agent;
 - (d) in any suit against this University, no execution or attachment or process in the nature thereof shall be issued against the University, but any sums of money which may be judgment of the court be awarded against the University shall, subject to any direction given by the court where notice of appeal has been given by the University in respect of the said judgment, be paid by the University from its general fund.
- (2) Service of Notices:
Service upon the University of any notice, order or other document may be effected by delivering the same or by sending it by registered post addressed to the Registrar and Secretary of the Council.

Committee's Recommendation:

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

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

Clause 28: Interpretation.

- (1) In this Bill, unless the context otherwise requires —

"Campus" means any campus which may be established by the University;

"College" means the College established pursuant to section 2 (1) (b) of this Bill for the University;

"Council" means the Governing Council of the University established by section 5 of this Bill;

"Functions" includes powers and duties;

"Graduate" means a person on whom a degree, other than an honorary degree, has been conferred by the University and any other person as may be designated as a graduate by the Council, acting in accordance with the recommendation of the Senate;

"Minister" means the Hon. Minister of Education;

"Notice" means notice in writing;

"Officer" does not include the Visitor;

"Prescribed" means prescribed by statute or regulations;

The Pro-Chancellor

2. (1) The Pro-Chancellor who shall be the Chairman of Council shall be appointed or removed from office by Mr President upon recommendation by the Minister of Education.
- (2) Subject to the provisions of this Bill, the Pro-Chancellor shall hold office for a period of four years beginning with the date of his appointment.

The Vice-Chancellor

3. (1) There shall be a Vice-Chancellor of the University who shall be appointed by the Council in accordance with the provisions of this paragraph.
- (2) Where a vacancy occurs in the post of a Vice-Chancellor, the Council shall—
 - (a) advertise the vacancy in a reputable journal or a widely read newspaper in Nigeria, specifying —
 - (i) the qualities of the persons who may apply for the post; and
 - (ii) the terms of conditions of service applicable to the post, and thereafter draw up a short list of suitable candidates for the post for consideration.
 - (b) constitute a Search Team consisting of —
 - (i) a member of the Council, who is not a member of the Senate, as chairman;
 - (ii) two members of the Senate who are not members of the Council, one of whom shall be a Professor;
 - (iii) two members of Congregation who are not members of the Council, one of whom shall be a Professor, to identify and nominate for consideration, suitable persons who are not likely to apply for the post on their own volition because they felt that it is not proper to do so.
- (3) A Joint Council and Senate Selection Board consisting of —
 - (a) the Pro-Chancellor, as chairman;
 - (b) two members of the Council, not being members of the Senate;
 - (c) two members of the Senate who are Professors, but who were not members of the Search Team, shall consider the candidates and persons in the shortlist drawn up under subsection (2) of this paragraph through an examination of their curriculum vitae and interaction with them, and recommend to the Council three candidates for further consideration.
- (4) The Council shall select and appoint as the Vice-Chancellor one candidate from among the three candidates recommended to it under subsection (3) of this section and thereafter inform the Visitor.
- (5) The Vice-Chancellor shall hold office for a single term of five years only on such terms and conditions as may be specified in his letter of appointment.

- (5) A Deputy Vice-Chancellor —
- (a) shall hold office for a period of two years beginning from the effective date of his appointment and on such terms and conditions as may be specified in his letter of appointment; and
 - (b) may be reappointed for one further period of two years and no more.
 - (c) may be removed from office for good cause by the Council acting on the recommendations of the Vice-Chancellor and Senate.
 - (d) "Good cause" for the purpose of this section means gross misconduct or inability to discharge the functions of his office arising from infirmity of the body or mind.

Office of the Registrar

5. (1) There shall be for the University, a Registrar, who shall be the chief administrative officer of the University and shall be responsible to the Vice-Chancellor for the day-to-day administrative work of the University except as regards matters for which the Bursar is responsible in accordance with paragraph 6 (2) of this Schedule.
- (2) The person holding the office of the Registrar shall by virtue of that office be Secretary to the Council, the Senate, Congregation and Convocation.

Other Principal Officers of the University

6. (1) There shall be for the University the following principal officers, in addition to the Registrar, that is —
- (a) the Bursar; and
 - (b) the University Librarian, who shall be appointed by the Council on the recommendation of the Selection Board constituted under paragraph 7 of this Schedule.
- (2) The Bursar shall be the Chief Financial Officer of the University and be responsible to the Vice-Chancellor for the day-to-day administration and control of the financial affairs of the University.
- (3) The University Librarian shall be responsible to the Vice-Chancellor for the administration of the University Library and the co-ordination of the library services in the University and its campuses, colleges, schools, departments, institutes and other teaching or research units.
- (4) Any question as to the scope of the responsibilities of the aforesaid officers shall be determined by the Vice-Chancellor

Selection Board for other Principal Officers

7. (1) There shall be, for the University, a Selection Board for the appointment of principal officers, other than the Vice-Chancellor or Deputy Vice-Chancellor, which shall consist of —
- (a) the Pro-Chancellor, as chairman;
 - (b) the Vice-Chancellor;
 - (c) four members of the Council not being members of the Senate; and

Registration of transfers

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

Transfer of Functions, etc.

4. (1) The first meeting of the Council shall be convened by the Pro-Chancellor on such date and in such manner as he may determine.
- (2) The persons who were members of the Provisional Council shall be deemed to constitute the Council until the date when the Council as set up under the Third Schedule to this Bill shall have been duly constituted.
- (3) The first meeting of the Senate as constituted by this Bill shall be convened by the Vice-Chancellor on such date and in such manner as he may determine.
- (4) The persons who were members of the Academic Board immediately before the coming into force of this Bill shall be deemed to constitute the Senate of the University until the date when the Senate as set up under the Third Schedule to this Bill shall have been duly constituted.
- (5) Subject to any regulations which may be made by the Senate after the date on which this Bill is made, the schools, school boards and students of the University immediately before the coming into force of this Bill shall on that day become schools, school boards and students of the University as constituted by this Bill.
- (6) Persons who were Deans of schools and Heads of Academic Departments shall continue to be Deans or HODs of the corresponding School/Department, until new appointments are made in pursuance of the statutes.
- (7) Any person who was a member of the staff of the University as established or was otherwise employed by the Provisional Council shall become the holder of an appointment at the University with the status, designation and functions which correspond as nearly as may be to those which appertained to him as member of that staff or as such an employee.

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

THIRD SCHEDULE

[Section 9 (3)]

FEDERAL UNIVERSITY OF TECHNOLOGY, OGOJA

Statute No.1

ARRANGEMENT OF ARTICLES

Articles:

1. The Council.

- (8) Where the Council desires to obtain advice with respect to any particular matter may co-opt not more than two persons for that purpose, and the persons co-opted may take part in the deliberations of the Council at any meeting but shall not be entitled to vote.

The Finance and General Purposes Committee

2. (1) The Finance and General Purposes Committee of the Council shall consist of —
- (a) the Pro-Chancellor, who shall be the chairman of the Committee at any meeting at which he is present;
 - (b) the Vice-Chancellor and Deputy Vice-Chancellors;
 - (c) six other members of the Council appointed by the Council, two of whom shall be selected from among the four members of the Council appointed by the Senate and one member appointed to the Council by Congregation;
 - (d) the Permanent Secretary of the Federal Ministry of Education, or in his absence, such member of his Ministry as he may designate to represent him; and
 - (e) the Executive Secretary of the Petroleum Technology Development Fund, or in his absence, such member of the Fund as he may designate to represent him.
- (2) The quorum of the Committee shall be five.
- (3) Subject to any directions given by the Council, the Committee may regulate its own procedure.

Annual budget and estimates, etc.

- (4) (i) The estimates of income and expenditure for a financial year shall be presented by the Vice-Chancellor to the Council and may be approved by the Council before the beginning of that financial year:

Provided that the Vice-Chancellor may during any financial year present and the Council may approve supplementary estimates of income or expenditure.

- (ii) The annual and supplementary estimates shall be prepared in such form and shall contain such information as the Council may direct.

Gifts, donations, etc.

- (5) (i) The Council may on behalf of the University accept by way of grants, gift, testamentary disposition or otherwise, property and money in aid of the finances of the University on such conditions as it may approve.
- (ii) Registers shall be kept of all donations to the University including the names of donors and any special conditions under which any donation may have been given:

Provided that the University shall not be obliged to accept a donation for a particular purpose unless it approves of the terms and conditions attaching to such donation.

- (iii) All property, money or funds donated for any specific purposes shall be applied and administered in accordance with the purposes for which they are donated and shall be accounted for separately.

- (4) The quorum of the Senate shall be one quarter or the nearest whole number less than one quarter; and subject to paragraph (3) of this Article, the Senate may regulate its own procedure.
- (5) An elected member may, by notice to the Senate, resign his office.
- (6) Subject to paragraph (8) of this article, there shall be elections for the selection of elected members which shall be held in the prescribed manner on such day in the month of May or June in each year as the Vice-Chancellor may from time to time determine.
- (7) An elected member shall hold office for the period of two years beginning with 1 August in the year of his election, and may be a candidate at any election held in pursuance to paragraph (6) of this article in the year in which his period of office expires, so however that no person shall be such a candidate if at the end of his current period of office he will have held office as an elected member for a continuous period of six years or would have so held office if he had not resigned it.
- (8) No election shall be held in pursuance of this article in any year if the number specified in the certificate given in pursuance to paragraph (11) of this article does not exceed by more than one the figure which is thrice the number of those elected members holding office on the date of the certificate who do not vacate office during that year in pursuance of paragraph (7) of this article.
- (9) For the avoidance of doubt it is hereby declared that no person shall be precluded from continuing in or taking office as an elected member by reason only of reduction in the after 30 April in any year in which he is to continue in or take office as all elected member.
- (10) If so requested in writing by any fifteen members of the Senate, the Vice-Chancellor or in his absence any of the Deputy Vice-Chancellor duly appointed by him, shall convene a meeting of the Senate to be held not later than the tenth day following that on which the request was received.
- (11) In this article "total of non-elected members" means as respect any year, such number as may be certified by the Vice-chancellor on 30 April of that year to be the number of persons holding office as members of the Senate on that day otherwise than as elected members.

Congregation

5. (1) Congregation shall consist of —
 - (i) Vice-Chancellor
 - (ii) the Deputy Vice-Chancellors;
 - (iii) the full-time members of the academic staff
 - (iv) the Registrar;
 - (v) the Librarian
 - (vi) every member of the administrative staff who holds a degree, other than honorary degree, of any University recognized for the purposes of this statute by the Vice-Chancellor.

- (5) A person who reasonably claims that he is entitled to have his name on the register shall be entitled on demand to inspect the register or a copy of the register at the principal times of the University at all reasonable times.
- (6) The register shall, unless the contrary is proved, be sufficient evidence that any person named therein is not, a member of Convocation; but for the purpose of ascertaining whether a particular person was such a member on a particular date, any entries in and deletions from the register made on or after that date shall be disregarded.
- (7) The quorum of Convocation shall be fifty or one third or the whole number nearest to one third or the whole number of members of Convocation whichever is less.
- (8) Subject to section 4 of the Act, the Chancellor shall be chairman at all meetings of Convocation when he is present, and in his absence the Vice-chancellor shall be the chairman at the meeting.
- (9) Convocation shall have such functions, in addition to the function of appointing a member of the Council, as may be provided by statute or regulations.

Division of Colleges

8. Each College shall be divided into such number of branches as may be prescribed.

College Boards

9. (1) There shall be established in respect of each College, a Board of Studies which, subject to the provisions of this Statute, and subject to the directions of the Vice-Chancellor, shall —
 - (a) regulate the teaching and study of, and the conduct of examinations connected with, the subjects assigned to the college;
 - (b) deal with any other matter assigned to it by statute or by the Vice-Chancellor or by the Senate; and
 - (c) advise the Vice-Chancellor or the Senate on any matter referred to it by the Vice-Chancellor or the Senate.
- (2) Each College Board of Studies shall consist of —
 - (a) the Vice-Chancellor;
 - (b) the Dean;
 - (c) the persons severally in charge of the branches of the school;
 - (d) the College Examination Officer;
 - (e) such of the teachers assigned to the college and having the prescribed qualifications as the Board may determine; and
 - (f) such persons, whether or not members of the University, as the Board may determine with the general or special approval of the Senate.
- (3) The quorum of the Board shall be eight members or one quarter, whichever is greater, of the members for the time being of the board; and subject to the provisions of this statute and to any provision made by regulations in that behalf, the Board may regulate its own procedure.

Selection of Directors of Physical Planning and Development, Works and Services and Health

12. (1) When a vacancy occurs in the office of the Directors of Physical Planning and Development, Works and Services and Health, a Selection Board shall be constituted by the Council which shall consist of —
- (a) the Pro-Chancellor;
 - (b) the Vice-Chancellor;
 - (c) two members appointed by the Council, not being members of the Senate;
 - (d) two members appointed by the Senate.
- (2) The Selection Board after making such inquiries as it thinks fit, shall recommend a candidate to the Council for appointment to the vacant office; and after considering the recommendation of the board the Council may make an appointment to that office.

Tenure of Directors

13. A Director shall hold office on such terms and conditions as may be specified in his letter of appointment subject to the extant Regulations.

Creation of Academic Posts

14. Recommendations for the creation of academic posts other than principal officers shall be made by the Senate to the Council through the Finance and General Purposes Committee.

Appointment of Academic Staff

15. (1) Subject to the Act and statutes, the filling of vacancies in academic posts (including newly created ones) shall be the responsibility of the Council through the Departments and Colleges.
- (2) For the purpose of filling such vacancies, suitable selection boards to select and make appointments on behalf of the Council shall be set up.
- (3) For appointment to Professorships, Associate Professorship or Readerships or equivalent posts, a Board of Selection, with power to appoint, shall consist of—
- (a) the Vice-Chancellor - Chairman
 - (b) Deputy Vice-Chancellor - Member
 - (c) the Dean of the College - Member
 - (d) Head of Department - Member
 - (e) such other person(s), not exceeding two in number, deemed capable of helping the Board in assessing both the professional and academic suitability of a candidate under consideration, as the Senate may from time to time appoint.
 - (f) Registrar - Secretary
- (4) For other academic posts, a Selection Board, with power to appoint, shall consist of —

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 Provide for the Establishment of the Federal University of Technology, Ogoja; and for Other Matters Connected Therewith, 2019 and approved as follows:

Clauses 1- 29 — As Recommended

Schedules 1- 3 — As Recommended

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

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

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

11. Recovery of Public Property (Special Provisions) (Repeal) Bill, 2019 (HB. 221) - Concurrence:

Motion made: That a Bill for an Act to Repeal the Recovery of Public Property Special Provisions) Act, Cap. R4, Laws of the Federation of Nigeria, 2004 and for Related Matters, 2019 be read the Second Time (*Senate Leader*).

Debate:

Question put and agreed to.

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

Motion made: Pursuant to Rule 81, that the Senate do resolve into the Committee of the Whole to consider a Bill for an Act to Repeal the Recovery of Public Property Special Provisions) Act, Cap. R4, Laws of the Federation of Nigeria, 2004 and for Related Matters, 2019 (Concurrence) (*Senate Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO REPEAL THE RECOVERY OF PUBLIC PROPERTY SPECIAL PROVISIONS) ACT, CAP. R4, LAWS OF THE FEDERATION OF NIGERIA, 2004 AND FOR RELATED MATTERS, 2019.

Clause 1: Repeal of' Cap. R4, LFN, 2004.

The Recovery of Public Property (Special Provisions) Act, Cap. R4, Laws of the Federation of Nigeria, 2004 is repealed

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: Citation.

This Bill may be cited as the Recovery of Public Property (Special Provisions) (Repeal) Bill, 2019.

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 2.

Section 2 of the Principal Act is amended in subsection (1) paragraph (b) by substituting the name "Federal University of Agriculture, Makurdi" with the name "JOSEPH SARWUAN TARKA UNIVERSITY, MAKURDI".

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 may be cited as the Federal Universities of Agriculture Act 2004 (Amendment) Bill, 2019.

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 Federal Universities of Agriculture Act, CAP. F22, Law of the Federation of Nigeria, 2004 to Make Provision for a Change of Name of the Federal University of Agriculture, Makurdi to Joseph Sarwuan Tarka University, Makurdi and for Related Matters, 2019 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.

13. Chartered Institute of Forensic and Investigative Professionals of Nigeria (Establishment, etc.) Bill, 2019 (HB.1621) - Concurrence:

Motion made: That a Bill for an Act to Establish the Chartered Institute of Forensic and Investigative Professionals of Nigeria for Effective Regulation, Registration of Members and Determination of What Knowledge and Skills that a Practitioner is Required to Attain in Order to Qualify to Practice as a Forensic and Investigative Professionals; and for Related Matters, 2019 be read the Second Time (*Concurrence*)(*Senate Leader*).

Debate:

Question put and agreed to.

- (a) a fellow if-
 - (i) he has been a Chartered Member of the Institute for least Ten years and he satisfies the Council that for the period of ten years immediately preceding the date of application he has been a financial member of the Institute; or
 - (ii) in continuous active practice on his own as forensic investigator or in partnership with other forensic investigators; or
 - (iii) has attended the national conference of the institute for at list upto six times, and have participated in the mandatory continuing education for ten years.
 - (iv) nominated by the Council or he a fellow of any reputable forensic body in Nigeria or abroad as may be recognized by the Council through a Circular;
 - (v) has held senior management positions in organization(s) either in the private or public sector for a minimum of 10 years;
 - (vi) Satisfies all other criteria as may be specified by the Council from time to time.
- (b) an Chartered member if -
 - (i) he holds a university degree or its equivalent in Computer Forensics, Cyber Forensics, Cyber Crimes, Forensic Accounting, Accountancy, Finance, Law, Criminology, Taxation, Economics, Psychology or such other disciplines as may be approved by the Council
 - (ii) he holds professional qualification in Law, Criminology, Accounting, Taxation, Auditing, Economics, Finance, Psychology, Computer Forensic, System Audit, with not less than five years post professional experience.
 - (iii) he possess practical experience as a forensic investigator in fraud detection, prevention and investigation for at least five years immediately preceding the date of application to be enrolled as Chartered member, or
 - (iv) he satisfies the Council that he has passed relevant examination prescribed or accepted by the Institute
- (c) an Associate member if-
 - (i) holds university degree in the relevant field as may be deemed fit by the council from time to time.
 - (ii) he satisfies the Council that he has passed relevant examination prescribed or accepted by the Institute, or
 - (iii) he is an associate member or its equivalent of any reputable forensic body as may be recognized by the Council through a circular.

PART II - FUNCTIONS AND RESPONSIBILITIES OF THE INSTITUTE

Clause 3: Functions and Responsibilities of the Institute.

- (1) The Institute shall have the responsibility to:
 - (a) promote and advance the forensic sciences and Technology in investigations in all ramifications, techniques and mechanisms for fraud prevention, detection and investigation in public and private organizations that engender integrity, objectivity and trust in forensic Reporting Process to inspire public Confidence in the Nigerian Economic system (in this Bill referred to as "the profession") in Nigeria;
 - (b) determine the standards of knowledge and skill to be attained by persons seeking to become registered members of the Institute and reviewing those standards, from time to time;
 - (c) offer platform for energetic and practical professionals to learn the techniques that go beyond the basic knowledge of crimes, fraud detection, Auditing and information technology;
 - (d) provide excellent opportunities on national and international level to deliver the skills and techniques of forensic investigation that engender transparency, accountability in anti-fraud and fraud investigation;
 - (e) promote and maintain high standard professional etiquette and conduct of its members in tune with global best practices;
 - (f) promote and facilitate the training, education and examination of persons desiring to become professional forensic investigators, fraud investigators, forensic auditors and Cyber Crime Forensic Specialist according to the provisions of this Bill;
 - (g) develop and improve the technique and practice of forensic investigations in all ramifications and to promote the study of and provide instruction in forensic investigation and forensic audit field;
 - (h) provide excellent opportunities on national and International level to deliver the skills and techniques of Forensic investigations.
 - (i) collaborate with relevant government organizations in the training of professionals on Forensic investigation, forensic auditing, white collar crimes investigation, fraud prevention, detection and investigation;
 - (j) promote a specialized organization for qualified and experienced forensic investigators, criminal investigators, fraud investigators, forensic auditors and forensic students and to do such other things from time to time that may be necessary or desirable to maintain and advance the status and interest of the profession;
 - (k) promote knowledge, proficiency, professional skills of its students and members not only in private practice but also in the service and employment of government and semi-government, municipal, industrial, financial institutions and commercial organizations;

- (x) arrange and/or organize conferences, seminars, symposia, Trainings, workshops and meetings for discussion of forensic investigation, Cyber Crime Forensic specialist and related matters; reading of papers and delivery of lectures, periodic issue of journals of the Institute, publishing copies of abridgement of papers, books, post qualification courses, lectures, records and other memoranda to increase knowledge, professional skills and efficiency of its students and members both in the private and public sector; and
- (y) perform such other functions as are incidental to the objects or as the Council may deem necessary for the attainment of all or any of the objects of the Institute from time to time.

Core Areas of Practice for members

- (2) From the commencement of this Bill, members of this institute will practice as forensic investigators in the following specialized areas of forensics -
 - (a) fraud prevention, detection and investigation
 - (b) cyber and computer forensics (including digital and multimedia Forensics)
 - (c) Forensic and trace evidence analysis
 - (d) Forensic Linguistics
 - (e) criminalities and crime scene investigation
 - (f) Forensic Auditing
 - (g) Cyber Crimes Forensic
 - (h) Litigation Support and Expert Witness
 - (i) Cyber Security Forensic
 - (k) Forensic voice and facial Recognition
 - (l) Forensic Sciences
 - (m) Forensic Investigations
 - (n) Forensic Pathology, anthropology and Toxicology
 - (o) other areas that may be approved by the Council in accordance with this Bill or as may be stipulated by an Act of National Assembly.

Committee's Recommendation:

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

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

PART III - ELECTION OF PRESIDENT, 1ST AND
2ND VICE PRESIDENTS, OTHERS

Clause 4: Election of President, qualifications and tenure of office.

- (1) There shall be a President and the 1st and 2nd Vice-Presidents of the Institute who shall be Fellows of the Institute.

Committee's Recommendation:

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

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

PART IV - GOVERNING COUNCIL OF THE INSTITUTE,
FUNCTIONS, MEMBERSHIP, ETC.

Clause 5: Governing Council of the Institute, Functions, Membership, Etc.

- (1) There is established for the Institute, a Governing Council (in this Bill referred to as the "Council") which shall be charged with responsibility for policy making, administration and general management of the Institute.
- (2) The Council shall consist of the following members, that is:
 - (a) the President of the Institute, who shall be the Chairman of the Council;
 - (b) 1st and 2nd Vice-Presidents;
 - (c) the immediate past President of the Institute;
 - (d) eight Fellows of the Institute who must be grounded in forensic investigation practice and financially active;
 - (e) the Registrar of the Institute, who shall also be the Secretary of the Council;
 - (f) two persons who shall be fellows of the Institute to represent institutions of higher learning in Nigeria in rotation, so however that the two shall not come from the same institution;
 - (g) two representatives of the Federal Government who shall not be below of a Director and shall be members of the institute.
 - (h) two pioneer trustees of the Institute and the founding/Pioneer President.
- (2) The President and members of the Council shall be paid such emoluments, allowances as prescribed by the Council from time to time.
- (3) The provisions of the First Schedule to this Bill shall have effect with respect to the qualifications and tenure of office of members of the Council and the other matters therein mentioned.

Committee's Recommendation:

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

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

PART V - FINANCIAL PROVISIONS

Clause 6: Fund of the Institute.

- (1) There shall be established for the Institute a fund, which shall be managed and controlled by the Council.
- (2) There shall be paid into the fund established pursuant to subsection (1) of this section:

- (b) in charge of the day to day running of the Institute, and the Council may, from time to time, give directives to the Registrar in the performance of his/her functions under this Bill.
- (2) The Registrar shall in addition to other functions under this Bill, be the secretary of the Council and shall keep minutes of the proceedings of all meetings of the Council.
- (3) A person shall be qualified to be appointed to the office of the Registrar of the Institute if he/she-
 - (a) is a citizen of Nigeria;
 - (b) possesses a minimum qualification of second degree in the relevant field from a recognized institution of higher learning;
 - (c) has at least 10 years cognate experience: and possesses any professional qualification of or as the Council may deem fit from time to time:
 - (i) Institute of Forensic and Investigative Professionals of Nigeria;
 - (ii) Accounting, Auditing, and other relevant Professional Institutes.
- (4) The Registrar appointed under subsection (1) of this section shall report to the President/Chairman of Council of the Institute.
- (5) If the Registrar retires or resigns from office, a qualified member of the Institute shall be appointed by the Council as the Registrar of the Institute and shall be in charge of affairs from that moment.
- (6) It shall be the duty of the Registrar to prepare and maintain, in accordance with rules made by the Council, a Register of the names, addresses, approved qualifications, and of such other qualifications and particulars as may be specified in the rules of all persons who are entitled in accordance with the provisions of this Bill to be registered as members of the Institute and who, in the manner prescribed by such rules, apply to be so registered.
- (7) There shall be other staff who shall be appointed by the Registrar with the approval of the Council to assist the Registrar in the day-to-day running of the Institute.
- (8) There shall be for the purpose of this Bill, the register of Members which shall consist of six parts of which:
 - (a) the first part shall be in respect of student members;
 - (b) the second part shall be in respect of graduate Members;
 - (c) the third part shall be in respect of Associate members
 - (d) the forth part shall be in respect of Chartered Members;
 - (e) the fifth part shall be in respect of Fellows;
 - (f) the sixth part shall be in respect of Honorary Fellows.

- (b) upon the expiration of that period, sends in the like manner to the person in question, a second similar letter and receives no reply to that letter within three months from the date of posting it; the Registrar may include the name of the person in the list of special cases under this subsection for the Council's consideration and may if directed by the Council remove the particulars relating to the person in question from the register.

Provided that, the Registrar restore to the appropriate part of the register any particulars removed therefrom, pursuant to this subsection.

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: Publication of Register and List of corrections, etc

- (1) The Registrar shall:
- (a) cause the register to be printed, published and put on sale to members of the public not later than two years from the commencement of this Bill.
 - (b) thereafter in each year, to cause to be printed, published and put on sale as aforesaid, either a corrected edition of the register or list of corrections made to the register, since it was last printed;
 - (c) cause a print of each edition of the register and of each list of corrections to be deposited at the principal office of the Institute; and
 - (d) keep the register and lists so deposited and to make the register and such lists available to members of the public at all reasonable times for inspection.
- (2) A document purporting to be a print of an edition of a register published under this section by the Registrar or documents purporting to be prints of an edition of a register so published and of the list of corrections to that edition so published and of the list of corrections to that edition so published, shall (without prejudice to any other mode of proof) be admissible in any proceeding as evidence that any person specified in the document or the documents read together, as being registered, was so registered at the date of the edition or of the list of corrections as the case may be, and that any person not so specified was not so registered.
- (3) Where in accordance to subsection (2) of this section, a person is, in any proceeding, shown to have been or not have been registered at a particular date, he shall, unless the contrary is proved, be taken for the purpose of those proceedings as having at all material times thereafter continued to be or not to be so registered.

Committee's Recommendation:

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

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

Clause 9: Registration of members of the Institute.

- (1) Subject to the provisions of section 7 of this Bill, a person shall be entitled to be registered as a member of the Institute if:

- (b) any qualification which, as a result of an examination taken in conjunction with a course of training approved by the Council under this section, is granted to candidates reaching a standard at the examination indicating in the opinion of the Council, that the candidates have sufficient knowledge and skill for the practice of forensic audit and investigation.
- (2) The Council may, if it thinks fit, withdraw any approval given under this section in respect of any course or qualification but before withdrawing such an approval, the Council shall-
 - (a) give notice that it proposes to do so to persons in Nigeria appearing to the Council to be persons by whom the course is conducted or the qualification is granted is controlled, as the case may be;
 - (b) afford each such person an opportunity of making to the Council representations with regard to the proposal; and
 - (c) take into consideration any representation made as respects the proposal in pursuance of paragraph (b) of this subsection.
- (3) A course or qualification shall not be treated as approved during any period the approval is withdrawn under subsection (2) of this section.
- (4) Notwithstanding the provisions of subsection (3) of this section, the withdrawal of an approval under subsection (2) of this section shall not prejudice the registration or eligibility for registration of any person who by virtue of the approval was registered or was eligible for registration (either unconditionally or subject to his obtaining a certificate of experience) immediately before the approval was withdrawn.
- (5) The giving or withdrawal of an approval under this section shall have effect from such date, either before or after the execution of the instrument signifying the giving or withdrawal of the approval, as the Council may specify in the instrument and the Council shall:
 - (a) as soon as may be, publish a copy of every such instrument in the Gazette; and
 - (b) not later than seven days before its publication as aforesaid, send a copy of the instrument to the Minister.

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: Supervision of Instructions and Examinations Leading to Approved Qualifications.

- (1) It shall be the duty of the Council to keep itself informed of the nature of:
 - (a) the instruction given at approved institutions to persons attending approved courses of training; and
 - (b) the examinations as a result of which approved qualifications are granted, and for the purposes of performing that duty, the Council may appoint, either from among its members or otherwise, persons to visit approved institutions or to observe such examinations.
- (2) It shall be the duty of a person appointed under this section to report to the Council on:

- (2) The Tribunal shall be appointed by the Council and shall consist of seven members: the Vice-President of the Institute who shall be the Chairman, two Council members and four members of the Institute who are not members of the Council.
- (3) There shall be a body to be known as the Chartered Institute of Forensic and Investigative Professionals of Nigeria Investigating Panel (in this Bill referred to "the Panel") charged with the duties of:
 - (a) conducting a preliminary investigation into any case where it is alleged that a member has committed an act of professional misconduct, or shall for any other reason be the subject of proceedings before the Tribunal; and
 - (b) deciding whether the case shall be referred to the Tribunal after affording such a member an opportunity of being heard either personally or by a legal practitioner of his own choice in Nigeria.
- (4) The Panel shall be appointed by the Council and shall consist of five members: two members of the Council, one of whom shall be the Chairman of the Panel and three members of the Institute who are not members of the Council or the Tribunal.
- (5) The Panel shall act independently in receiving and investigating allegations under subsection (3) (a) of this section and shall have power to receive complaints directly from any individual or organization.
- (6) A person shall not be appointed as a member of the Tribunal or of the Panel unless such a person is a Fellow of the Institute.
- (7) The provisions of Third Schedule to this Bill shall so far as they are applicable to the Tribunal and Panel, respectively have effect with respect to these bodies.
- (8) The Council may, from time to time, make rules consistent with this Bill as to acts, conducts or omissions, which constitute professional misconduct.

Committee's Recommendation:

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

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

Clause 13: Penalties for professional misconduct.

- (1) Where:
 - (a) a person is adjudged by the Disciplinary Tribunal to be guilty of unprofessional conduct in any professional respect; or
 - (b) a person is convicted, by any court or tribunal in Nigeria or elsewhere having power to award imprisonment for an offence (whether or not punishable with imprisonment) which in the opinion of the Disciplinary Tribunal is incompatible with the conduct required of a member of the profession; or
 - (c) the Disciplinary Tribunal is satisfied that the name of the person has been fraudulently registered, the Tribunal shall, after receiving the confirmation of its decision from the Council; convey a direction to the person concerned reprimanding that person or ordering the Registrar to strike his name off the relevant part of the register.

PART VIII - MISCELLANEOUS

Clause 14: Application of the Bill to un-enrolled Persons.

- (1) Any person not being a member of the Incorporated Institute who, but for this Bill, would have been qualified to apply for and obtain membership of the Institute may, within a period of three months from the commencement of this Bill, apply for the membership of the Institute in such a manner as may be prescribed by the Council
- (2) Where an application under subsection (1) of this section is approved by the Council, the applicant shall be registered, as the case may be, according to his qualification.

Committee's Recommendation:

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

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

Clause 15: Rules as to practice, etc.

- (1) The Council may make rules for:
 - (a) the training of registered members of the Institute and of suitable persons in professional practice; or
 - (b) the supervision and regulation of the engagement, training and transfer of such persons.
- (2) The Council may also make rules-
 - (a) prescribing the amount and date for payment of the annual subscription and annual renewal of a studentship and for such purpose, different amounts may be prescribed by the rules for a Member, Chartered Member, Fellow, Honorary Fellow or of the Institute ;
 - (b) prescribing the form of license to practice to be issued annually or, if the Council thinks fit, by endorsement on an existing license;
 - (c) restricting the right to practice as a Chartered Member of the Institute in default of payment of the amount of the annual subscription where the default continues for longer than such period as may be prescribed by the rules;
 - (d) restricting the right to practice as a member of the Institute if the qualification granted outside Nigeria does not entitle the holder to practice as a member of the profession; and
 - (e) prescribing the period of practical training in the office of a Chartered Member of the profession in practice to be completed before a person qualifies for a license to practice as a member of the profession.
- (3) Rules when made shall, if the Chairman of the Council so directs, be published in the Gazette.

Committee's Recommendation:

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

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

- (b) recklessly makes a statement which is false in a material particular, he shall be guilty of an offence.
- (2) If, on or after the coming into force of this Bill, any person who is not a member of the Institute practices as a member of the Chartered Institute of Forensic and Investigative Professionals or uses any name, title, addition or description implying that he is a member of the Institute, he is guilty of an offence.
- (3) In the case of a person referred to in section 14 of this Bill -
 - (a) the provisions of subsection (2) of this section shall not apply in respect of anything done by him during the period of three months mentioned in that section; and
 - (b) if within that period he duly applies for membership of the Institute, then unless within that period he is notified that his application has not been approved, the provision of subsection (2) of this section shall not apply in respect of anything done by him between the end of that period and the date which he is registered or is notified as aforesaid.
- (4) If any person employed by or on behalf of the Institute willfully makes any falsification in any matter relating to the register, he commits an offence.
- (5) A person guilty of an offence under this section is liable-
 - (a) on summary conviction, to a fine of an amount not exceeding N50,000:00; or
 - (b) on conviction on indictment, to a fine of an amount not exceeding N100,000:00; or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment.
- (6) Where an offence under this section which has been committed by a body corporate is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of any director, manager, secretary or other similar officer of the body corporate or any person purporting to act in any such capacity, he, as well as the body corporate, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Committee's Recommendation:

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

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

Clause 20: Transfer to the Institute of certain assets and liabilities.

- (1) On the commencement of this Bill -
 - (a) all assets and liabilities held or incurred immediately before that day by or on behalf of the Incorporated Institute shall, by virtue of this Bill and without any further assurance, vest in the Institute and be held by it for the purposes of the Institute established;
 - (b) the Incorporated Institute shall cease to exist; and
 - (c) subject to subsection (2) of the section, any act or thing made or done by the Incorporated Institute shall be deemed to have been made or done by the Institute established by this Bill.

"Member" means a member of the Council and includes the President and Vice-Presidents;

"SFIP" means student Forensic and Investigative Professional;

"GFIP" means Graduate Forensic Investigative Professional;

"AFIP" means Associate of Forensic Investigative Professional;

"CFIP" means Chartered Forensic Investigative Professional;

"FCFIP" means Fellow Chartered Forensic Investigative Professionals;

"HFFIP" means Honorary Fellow Forensic Investigative Professionals;

"Panel" has the meaning assigned thereto by section 12 of this Bill;

"President" and "Vice President" mean respectively the office holders under those names in the Institute;

"Register" means the register maintained in pursuance of section 9 of this Bill;

"Tribunal" has the meaning assigned thereto by section 12 of this Bill.

Committee's Recommendation:

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

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

Clause 22: Citation.

This Bill may be cited as the Chartered Institute of Forensic and Investigative Professionals of Nigeria (Establishment, etc.) Bill, 2019.

Committee's Recommendation:

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

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

SCHEDULES

FIRST SCHEDULE

**SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL, QUALIFICATIONS
AND TENURE OF OFFICE OF MEMBERS**

Qualifications and tenure of office of members of the Council

1. (1) Subject to the provisions of this paragraph, a member of the Council shall hold office for a period of two years beginning with the date of his nomination.
- (2) A Council member shall be a holder of M.Sc. or MBA in Accounting or Finance or related fields, a fellow of the Institute and professional qualification in forensic body from overseas and must have been a financial member of the Institute for at least not less than 10 years or as may be determined by the Council from time to time.
- (3) Any pioneer council member who has contributed substantially to the growth of the institute by way of financial contributions from the inception shall hold office for a period of three tenures.

- (4) The quorum of the Council shall be five and the quorum of a committee of the Council shall be determined by the Council.
- (5) The Council shall make bye law for the institute which shall be used by the council and the state branches
- (6) The Council shall establish offices and forensic laboratory in the thirty six states of the Federation and Abuja as the headquarters.
- (7) The Council shall approve fund for the official residence/car of the president and vehicles for the institute

General Meeting of the Institute

4. (1) The Council shall convene the annual meeting of the Institute on 30th June in every year or on such other day as the Council may, from time to time, appoint so however, that if the meeting is not held within one year after the previous annual meeting, not more than fifteen months shall elapse between the respective dates of the two meetings:

Provided that, notice of the annual general meeting shall be given to all members of the Association not later than twenty-one days from the date of the meeting.

- (2) A special meeting of the Institute may be convened by the Council at any time; and if not less than twenty members of the Institute so require, by notice in writing addressed to the Chairman of the Council setting out the objects of the proposed meeting, the Chairman of the Council shall convene a special meeting of the Institute:

Provided that, notice of the annual general meeting shall be given to all members of the Institute not later than twenty-one days from the date of the meeting.

- (3) The quorum of any annual general meeting and shall be twenty members and that of any special meeting of the Institute shall be ten members.

Meetings of the Council

5. (1) Subject to the provisions of any standing orders of the Council, the Council shall meet whenever it is summoned by the Chairman, and if the Chairman is required to do so by notice in writing given to him by not less than five other members, he shall summon a meeting of the Council to be held within fourteen days from the date on which the notice is given.
- (2) At any meeting of the Council, the Chairman or, in his absence, the 1st Vice Chairman shall preside; or in the absence of the 1st Vice Chairman, the 2nd Vice Chairman as stated in section 5 (2) (b) of this Bill shall preside.
- (3) Where the Council desires to obtain the advice of any person on a particular matter, the Council may co-opt him as a member for such period as the Council thinks fit; but a person who is a member by virtue of this sub-paragraph shall not be entitled to vote at any meeting of the Council and shall not count towards a quorum.
- (4) Notwithstanding anything in the foregoing provisions of this paragraph, the first meeting of the Council shall be summoned by the President of the Institute.
- (5) The executive meeting shall consist of the President, the two vice, the Treasurer, the Secretary and the legal adviser of the institute.

2. (1) The Governing Council of the Institute shall make rules as to the selection of members of the tribunal for the purposes of any proceedings and as to the procedure to be followed and the rules of evidence to be observed in proceedings before the Tribunal.
- (2) The rules shall in particular provide-
 - (a) for securing that notice of the proceedings shall be given at such time and in such manner as may be specified by the rules, to the person who is the subject of the proceedings;
 - (b) for determining who in addition to the person aforesaid, shall be party to the proceedings;
 - (c) for securing that any party to the proceedings shall, if so required, be entitled to be heard by the Tribunal;
 - (d) for enabling any party to the proceedings to be represented by a legal practitioner;
 - (e) subject to the provisions of section 13 (6) of this Bill, as to the costs of proceedings before the Tribunal;
 - (f) for requiring in a case where it is alleged that the person who is subject of the proceedings is guilty of unprofessional conduct in any professional respect, that where the Tribunal adjudges that the allegation has not been proved, it shall record a finding that the person is not guilty of such conduct in respect of the matters to which the allegation relates;
 - (g) for publishing notice of any direction of the Tribunal which has taken effect providing that a person's name shall be struck off the register.
3. For the purposes of any proceedings before the Tribunal, any member of the Tribunal may administer Oaths and any party to the proceedings may issue out of the registry of the Court of Federal High Courts writs of subpoena ad testificandum and duces tecum; but no person appearing before the Tribunal shall be compelled-
 - (a) to make any statement before the Tribunal tending to incriminate himself; or
 - (b) to produce any document under such a writ which he could not be compelled to produce at the trial of an action.
4. (1) For the purpose of advising the Tribunal on questions of law arising in the proceedings before it, there shall in all such proceedings be an Assessor to the Tribunal who shall be appointed by the Council and shall be a legal practitioner of not less than seven years standing.
- (2) The Council shall make rules as to the functions of the Assessor appointed under this paragraph, and in particular, such rules shall contain provisions for securing that-
 - (a) where an assessor advises the Tribunal on any question of law as to evidence, procedure or any other matters specified by the rules, he shall do so in the presence of every party or person representing a party to the proceedings who appears thereat or, if the advice is tendered while the Tribunal is deliberating in private, that every such party or person as aforesaid shall be informed what advice the Assessor has tendered
 - (b) every such party or person as aforesaid shall be informed if in any case the Tribunal does not accept the advice of the assessor on such a question as aforesaid.

- (c) for any reference, however worded and whether express or implied, to a member or members of the Council of the Incorporated Institute or an officer of the Incorporated Institute, there were substituted, as respects anything falling to be done on or after the commencement of this Bill, a reference to a member or members of the Council under this Bill or the officer of the Incorporated Institute corresponds as nearly as may be to the member or officer in question of the Incorporated Institute.
- (2) Other documents which refer, whether specially or generally, to the Incorporated Institute shall be considered in accordance with subparagraph (1) of this paragraph so far as applicable.
- (3) Without prejudice to the generality of the foregoing provisions of this Schedule, where, by the operation of section 19 of this Bill, any right, liability or obligation vests in the Institute, the Institute and all other persons shall, as from the commencement of this Bill, have the same rights, powers and remedies (and, in particular, the same rights as to the taking or resisting of legal proceedings or the making or resisting of applications to any authority) for ascertaining, perfecting or enforcing that right, liability or obligation as they would have if it had at all times been a right, liability or obligation of the Institute .
- (4) Any legal proceeding or application to any authority pending on the commencement of this Bill by or against the Incorporated Institute and relating to assets or liabilities transferred by this Bill to the Institute may be continued on or after that day by or against the Institute.
2. At the commencement of this Bill, any person holding any paid appointment in the Incorporated Institute shall hold a corresponding appointment in the Institute on the same terms and conditions as to tenure and otherwise but shall not be entitled to receive remuneration both from the Incorporated Institute and from the Institute in respect of the same period of service.

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

FOURTH SCHEDULE

PROFESSIONAL BODIES

AFFILIATIONS:

The Chartered Institute of Forensic and Investigative Professionals of Nigeria is affiliated with the following Forensic Professional Bodies outside Nigeria:

1. International Institute of Certified Forensic Accountants, (IICFA) United States of America.
2. International Institute of Certified Forensic Investigation Professionals (IICFIP) United States of America.
3. Chartered Institute of Professional Financial Managers USA.

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

Chairman to report Bill.

"6. Powers of the Corporation.

(1) The Corporation shall have powers to:

"(v) The Corporation shall pursuant to an order of the Federal High Court obtained ex parte be entitled to do the following:

(i) to place any bank account or any other account comparable to a bank account of a debtor of an eligible financial institution, under surveillance. .

(ii) obtain access to any computer system component, electronic or mechanical device of any debtor with a view to establishing the location of funds belonging to the said debtor.

(iii) obtain information in respect of any private account together with all bank financial and commercial records of any debtor of any eligible financial institution.

(iv) banking secrecy and the protection of customer confidentiality shall not be a ground for the denial of the power of the Corporation under this section."

(6) The Corporation shall furnish the Federal Government of Nigeria and Ministries, Departments and Agencies with a list of its recalcitrant debtors and then impose an obligation to seek clearance on the Federal Government of Nigeria and the Ministries, Departments and Agencies when the Federal Government of Nigeria and any Ministries, Departments and Agencies proposes to contract with, or pay, debtors on the list furnished by the Corporation".

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 10.**"10. Composition and tenure of the Board.**

(1) The Board shall consist of the following members to be appointed by the President subject to the confirmation of the Senate:

(a) a part-time Chairman who shall be a Deputy Governor in the Central Bank of Nigeria to be nominated by the Central Bank of Nigeria.

(e) the 5 other non-Executive Directors under sub-paragraph (d) of this Sub-section (1), and the part-time Chairman shall each be from a different geopolitical zone".

- (4) Any eligible financial institution which fails to deliver to the Corporation or its nominees any of its books and records and documents of title or to execute any instrument as required by Sub-section (1) of this Section or any eligible financial institution, or any director, manager or officer of an eligible financial institution as may be applicable, that fails to furnish to the Corporation any information or produce any document, book, account or record, required by the Corporation in pursuance of Sub-section (2) of this Section in accordance with the requirement of the Corporation and within the time specified by the Corporation shall be severally liable to a fine, payable to the Corporation, of ₦1,000,000 and a further ₦50,000 for each day that the failure to deliver the books, records and documents of title or to execute an instrument or to furnish or produce the required information, document, book, account or record continues.
- (5) If an eligible financial institution required by Sub-Section (1) of this Section to deliver to the Corporation or its nominees any of its books and records and documents of title, or if an eligible financial institution or a director, manager or officer of an eligible financial institution, required by the Corporation in pursuance of Sub-Section (2) of this Section to furnish any information or produce any document, book, account or record, delivers, furnishes or produces to the Corporation any information, document, book, account or record which is false or misleading in any material particular, the eligible financial institution and/or its director, manager or officer as applicable shall be severally liable to a fine of ₦10,000,000, payable to the Corporation, in the case of an eligible financial institution and a fine of ₦2,000,000, payable to the Corporation, in the case of a director, or manager or officer of an eligible financial institution.
- (6) In addition to the fines stipulated in Sub-section (4) and (6) of this Section, or any director, manager or officer of an eligible financial institution, that fails to furnish to the Corporation any information or produce any document, book, account or record, required by the Corporation in pursuance of Sub-section (2) of this Bill in accordance with the requirement of the Corporation and within the time specified by the Corporation or that delivers, furnishes or produces to the Corporation any information, document, book, account or record which is false or misleading in any material particular shall be guilty of an offence and liable on conviction to a term of imprisonment of six (6) months.
- (7) Without prejudice, to the provisions of Sub-Section (4) and (5) of this Section, an eligible financial institution, shall, at the sole election of the Corporation, exercisable by the delivery of a written notice to the eligible financial institution, be liable to refund forthwith to the Corporation, the full purchase price paid by the Corporation to the eligible financial institution for the acquisition of an eligible bank asset together with interest at a rate equivalent to the average of the Federal Government of Nigeria treasury bills interest rate from the date of the acquisition of the eligible bank asset to the date of the full purchase price is repaid, if in relation to an eligible bank asset acquired by the Corporation from the eligible financial institution whether before or after the coming into force of this Sub-section (7):

Clause 6: Amendment of Section 33.

"33. (1) As soon as possible, after the acquisition of an eligible bank asset from an eligible financial institution, the eligible financial institution shall notify the relevant debtor, associated debtor and guarantor or surety of the debtor and any other person that the Corporation directs, of the acquisition of the eligible bank asset by the Corporation.

(2) The Corporation shall not be liable for any failure or delay in notifying any person under Sub-section (1) of this Section and such failure or delay shall not invalidate the acquisition of the eligible bank asset concerned.

34. Acquisition of Eligible bank asset Not to Give Rise to Cause of Action. No action or proceedings shall lie or be instituted or be maintainable against the Corporation or any of its directors or officers by reason only of the acquisition of an eligible bank asset by the Corporation in pursuance of the provisions of this Bill and any such actions or proceedings already existing shall cease and abate without any further assurance other than the provisions of this Sub-Section (1)".

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 34.

"35. Effect of acquisition of eligible bank asset by the Corporation.

(1) Subject to the provisions of the Land Use Act and section 36 of this Bill, upon the acquisition of an eligible bank asset by the Corporation, without any other assurance other than the provision of this sub-section (1), the Corporation shall forthwith:

(a) subject to sub-section (1) (c) (i) and (1) (d) of this section, become vested with and acquire legal title to the eligible bank asset and all assets or property tangible or intangible by which such eligible bank asset is secured and be vested with power, to the exclusion of all other creditors, to take possession of, manage, foreclose and/or sell, transfer, assign or otherwise dispose of the acquired eligible bank asset and any tangible or intangible assets or property by which such eligible bank asset is secured in full or partial satisfaction of the debt owed to the Corporation by reason of the acquisition of the eligible bank asset notwithstanding that the security interest in such asset or property is equitable only; and

(b) in relation to an acquired eligible bank asset, the debtor, any guarantor or surety in connection thereto, become entitled, at the option of the Corporation, to exercise, to the exclusion of the eligible financial institution from which the eligible bank asset was acquired or any receiver or liquidator appointed by or at the instance of such eligible financial institution, all the rights and powers hitherto conferred on or exercisable by such eligible financial institution or a receiver or liquidator appointed by or at the instance of such eligible financial institution.

- eligible bank asset or any asset or property by which such eligible bank asset is secured and in particular in pursuance of sub-section (1) (a) of this section and Section 39 of this Bill, and the remedy of any claimant against the Corporation in any such action, suit or proceedings shall be limited to monetary compensation.
- (5) Monetary compensation for the purposes of sub-section (4) of this section excludes consequential, aggravated, punitive or exemplary damages."
- (6) Without prejudice to the provisions of subsections (1) and (2) of this section, the Corporation may direct all eligible financial institution to hold an eligible bank asset or relevant contract deemed vested in, or assigned to the Corporation by the provisions of subsection (1) of this section, and exercise any such right or power in relation thereto; and when so directed, the eligible financial institution shall hold the eligible bank asset and exercise such rights and powers in the relevant contract at the direction of the Corporation for the sole benefit of the Corporation and shall in relation thereto be subject to the duties, obligations and liabilities as nearly as possible corresponding to those of a trustee in relation to the eligible bank assets and any relevant contracts deemed assigned by the provisions of this subsection (1) of this section.
- (7) Any property, money or other pecuniary benefit received by an eligible financial institution in the course of holding any eligible bank asset acquired by the Corporation or any relevant contract relating thereto or in exercising any right pursuant to subsection (6) of this section shall be held as bare trustee, in trust for, and for the sole benefit of the Corporation and shall be turned over to the Corporation and shall not be taken to be an asset of the eligible financial institution, or accounted for as such in the books of the eligible financial institution".

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 35.

"36. Corporation to have rights of creditors after acquisition of eligible bank asset.

- (1) For the avoidance of doubt, after the Corporation has acquired an eligible bank asset and subject to any exclusion stated in the purchase agreement relating thereto, the Corporation shall be entitled to exercise all rights and powers in relation to the eligible bank asset and any security interest connected to the eligible bank asset.
- (5) Any statute of limitation of a State or of the Federal Capital Territory or any like statutes or any rules or practice directions of any court limiting the time within which an action may be commenced shall not apply, or otherwise operate to bar or invalidate any claim brought by the Corporation in respect of an eligible bank asset or brought to recover a debt or enforce any security or obligation of a guarantor or surety in connection with an eligible bank asset".

Provided that the Corporation may, at its discretion, elect to register any interest capable of registration.

- (2) A certificate of judgment obtained in a proceeding shall constitute a registrable instrument of title of the interests of the Corporation in all land registries in the Federation of Nigeria”.

Committee's Recommendation:

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

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

Clause 12: Amendment of Section 47.

Section 47 is amended by the renumbering of the existing Section 47 as Section 48 Sub-section (2) and insertion, immediately before same, of a new Section (1)

Treatment of assets upon dissolution of Corporation.

“48. Dissolution and Winding-Up of the Corporation.

- (1) (a) At dissolution date the Corporation shall stand dissolved and the Corporation's Board of Directors shall appoint upon such terms as it deems fit one or more liquidators to wind up the affairs of the Corporation, realise all assets of the Corporation to be dealt with and distributed in accordance with Section 48 (2) of this Bill

- (b) Upon dissolution of the Corporation —

(i) all unresolved eligible bank assets then held by the Corporation shall be transferred by the liquidator or joint liquidators to such government agency, or for valuable consideration, to a third party asset management company or other entity, specified by the Central Bank of Nigeria; and

(ii) all then existing staff of the Corporation shall be re-deployed to and/or absorbed into the Central Bank of Nigeria or the Nigeria Deposit Insurance Corporation.

(iii) the provisions of sub-sections (2), (3), (4), (5) and (6) of Section 60R of this Bill, shall apply to this section as if the references therein to the Board of Trustees and the Resolution Cost Fund were respectively references to the Board of the Corporation and the Corporation.

- (2) The assets of the Corporation remaining after the redemption of all debt securities and discharge of all payment or repayment obligations shall at its eventual dissolution be transferred to the Fund of the Corporation and distributed by the Governor between the subscribers to the capital of the Corporation in proportion to their respective stake in the authorized capital of the Corporation”.

Committee's Recommendation:

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

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

- (9) The Court shall have power, upon an ex-parte application by a receiver, before the expiration of the 1 year period specified in sub-section (7) (a) of this section to extend the 1 year period for a further period of 1 year if the Court is satisfied that the receiver has within the initial 1 year period significantly stabilized the affairs of the debtor company or debtor entity and that there is a reasonable prospect that the debtor company or debtor entity can be rehabilitated or restructured for the benefit of all secured creditors of the debtor company or debtor entity.
- (10) Subject to sub-section (11) of this section, a receiver managing the affairs of a debtor company or debtor entity under the provisions of this section shall manage the debtor company or debtor entity in the interest of the company's creditors as a whole and with the objective of rescuing the company as a going concern or achieving a better result for the company's creditors as a whole than would be likely if the company were wound up.
- (11) Notwithstanding the provisions of sub-section (10) of this section or any other provision of this Bill, a receiver managing the affairs of a debtor company or debtor entity under the provisions of this section shall have power, where he determines that the objectives in sub-section (10) of this section can no longer be achieved to —
- (a) realize property for the purpose of making a distribution to secured creditors or preferential creditors; and/or
 - (b) in the name and on behalf of all the secured creditors of a debtor company to restructure the debtor company by way of a hive down and for this purpose, shall have power to transfer the assets of the debtor company over which security exists, up to the value of the indebtedness of the debtor company to all its secured creditors, to a new company incorporated by the receiver for that purpose and to operate or lease the transferred assets through the new company or sell the new company to which the secured assets have been transferred for the benefit of secured creditors whose assets were transferred to the new company as part of the hive down:
- Provided that a receiver shall not operate the new company for more than a period of 1 year from the date of the transfer of the assets of the debtor company over which security exists except with the unanimous approval of all the secured creditors.
- (12) Where a receiver managing the affairs of a debtor company elects to undertake a restructuring by way of a hive down, the assets of the debtor company over which security exists which are to be transferred shall be independently valued and upon transfer to the new company established by the receiver, the new company shall be deemed to be capitalized to the tune of the value of the transferred assets and shares in the new company shall be allotted among the secured creditors in proportion to the value of assets over which they hold a security interest taking account of the nature of the security interest and any security interest that may be held by other creditors in the same assets.
- (13) Upon the allotment of shares to the secured creditors in the new company in the manner contemplated in sub-section (12) of this section, the security interest held by the secured creditors in the

Clause 15: Amendment:**"51. Application for Interlocutory freezing Order.**

- (1) Where the Corporation has reasonable cause to believe that a debtor or debtor company has funds in any account with any eligible financial institution, it may apply to the Court, before, or at the time of filing of action for debt recovery or other like action or at any time after the filing of action, and before or after the service of the originating process by which such action is commenced on the debtor(s) or debtor company(s), by motion ex-parte for an interlocutory order freezing the debtor or debtor company's account.
- (2) Notwithstanding anything to the contrary in any enactment, an order made in pursuance of Sub-section (1) of this Section shall subsist till judgment or a final determination of the action, unless expressly discharged by the Court".

Committee's Recommendation:

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

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

Clause 16: Amendment:**"52. Power to Obtain Information on Debtors.**

- (1) Notwithstanding anything to the contrary in any enactment, rule of law, banking practice or rule, or contractual provision, the Corporation may, as it may deem necessary or expedient for the purposes of recovering any money owed to it by a debtor in pursuance of the Corporation's acquisition of an eligible bank asset, by written notice, require any eligible financial institution to disclose and/or furnish to the Corporation, within such time as may be specified in the written notice, details of, and balances in, all accounts, howsoever described maintained by such debtor with the eligible financial institution, and/or details of all investments by way of deposits or in financial instruments made by such debtor with or through the eligible financial institution, and/or the bank identification number or other unique identifier of the debtor.
- (2)
 - (i) Any eligible financial institution which fails to comply with the requirement of a written notice issued to it by the Corporation in pursuance of sub-section (1) of this section within the time specified in such written notice shall be liable to a fine, payable to the Corporation, of ₦10,000,000 and a further ₦50,000 for each day that the failure to comply continues.
 - (ii) The Directors of an eligible financial institution which fails to comply with the requirement of a written notice issued to it by the Corporation in pursuance of sub-section (1) of this section within the time specified in such written notice shall be guilty of an offence and liable on conviction to 3 years imprisonment:

Provided that a director of an eligible financial institution shall not be guilty of an offence under this paragraph (b) of this sub-section of this section, where such director within a reasonable time of becoming aware of such written notice, demands of the board of eligible financial institution, in writing, that the eligible financial institution comply with the requirements of the written notice.

- (v) all companies and entities, 50 per cent or more of whose share capital is owned or controlled jointly or otherwise by one of more of the of the persons listed in paragraphs (a) - (d) of this Section”.

Committee's Recommendation:

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

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

Clause 18: Amendment:

“54. Special powers in bankruptcy proceedings.

- (1) Where a debtor fails to comply in full, within 90 days, with a written demand notice issued by the Corporation requiring the debtor to pay a liquidated sum to the Corporation which liquidated sum the Corporation certifies on the face of the demand notice as being owed by the debtor to the Corporation in connection with an eligible bank asset acquired by the Corporation, the Court shall on the application of the Corporation, made by way of originating motion, make a receiving order against the debtor, except where, at the hearing of the application, the debtor proves to the satisfaction of the Court that he/she does not owe any liquidated sum at all to the Corporation or that he/she has a counter-claim, set-off or cross-demand which equals or exceeds the liquidated sum owed to the Corporation.
- (2) A receiving order made in pursuance of sub-section (1) of this section shall be deemed to have been, and have full effect and force as a receiving order, made under the Bankruptcy Act.
- (3) Subject to subsection (1) of this section, it shall not be necessary for the debtor to commit any act of bankruptcy or for the Corporation to file a bankruptcy petition or for any of the conditions precedent for the grant of a receiving order specified under the Bankruptcy Act to be satisfied before the court grants a receiving order against the debtor.
- (4) Notwithstanding the provisions of the Bankruptcy Act, where a receiving order is made against a debtor under this Bill, the court may adjudge the debtor bankrupt.
- (5) Where a debtor is adjudged bankrupt under this Bill, the court may, on the application of the Corporation, appoint the official receiver or authorize the Corporation to assume the office of trustee of the property of the debtor.
- (6) A trustee appointed under this Bill shall have all the powers of a trustee of an adjudged bankrupt under the Bankruptcy Act and shall perform his duties in accordance with that Act.
- (7) An act, thing, directive or permission authorised or required to be done or given by the Committee of Inspection or by the creditors under the Bankruptcy Act may be done or given by the Court on the application of the trustee.

- (2) The number of courts to be designated in pursuance of sub-section (1) of this Section shall be determined by the relevant head of the relevant Courts having regard to the volume of such cases then pending or likely to be instituted in the relevant Court.
- (3) Each court specially designated in pursuance of sub-section (1) of this section shall hear and determined within 6 months in the case of existing actions, from date of the coming into force of this section and in the case new actions within 6 months from the date of filing of such new action.
- (4) Each head of Court shall issue or cause to be issued special practice directions applicable exclusively to the specially designated courts for the expedited and accelerated hearing and determination of causes and matters before the specially designated courts within the time limit stipulated in sub-section (4) of this section.
- (5) The Court of Appeal shall hear and determine all appeals emanating from the courts specially designated in pursuance of sub-section (1) of this section on an accelerated basis within 60 days and in priority to all other appeals, and for this purpose the President of the Court of Appeal shall issue or cause to be issued special practice directions for the Court of Appeal exclusively for the expedited and accelerated hearing and determination of appeals emanating from the specially designated courts.
- (6) The Supreme Court shall hear and determine all appeals emanating from the Court of Appeal in relation to appeals against the Court of Appeal's decisions on appeals to the Court of Appeal from the specially designated courts on an accelerated basis within 60 days and in priority to all other appeals and for this purpose the Chief Justice of Nigeria shall issue or cause to be issued special practice directions for the Supreme Court exclusively for the expedited and accelerated hearing and determination of such appeals.
- (7) The grant of stay of proceedings, stay of execution or injunction pending appeal, or leave to appeal in favour of any party other than by the Corporation or a receiver appointed by the Corporation in any matter within the scope of sub-section (1) of this Section shall:
 - (a) in the case of stay of proceedings, and leave to appeal in respect of interlocutory appeals be conditional upon the deposit by the applicant of the sum claimed by the Corporation in such action into an interest yielding account in the name of the registry of the relevant Court; and
 - (b) in the case of stay of execution, injunction pending appeal or leave to appeal in respect of a final judgment, be conditional upon the deposit by the applicant of the judgment sum into an interest yielding account in the name of the registry of the relevant Court".

Committee's Recommendation:

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

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

"Eligible bank assets" means assets or eligible financial institutions specified by the Governor as being eligible for acquisition by the Corporation pursuant to section 24 of this Bill. [AMCON Amendment Act, 2015].

"eligible equity" means shares, stock or other interest in the equity or share capital of an eligible financial institution [AMCON Amendment Act, 2015].

"Eligible financial institution" means a bank duly licensed by the Central Bank of Nigeria to carry on the business of banking in Nigeria under the Banks and Other Financial Institutions Act; and shall include a bank or other financial institution, whose banking license has been revoked by the Central Bank of Nigeria, pursuant to the Banks and Other Financial Institutions Act.

"Governor" means the Governor of the Central Bank of Nigeria.

"Hours" means working hours; and

"Minister" means the Minister charged with responsibility for finance.

"procuring entity" has the meaning ascribed thereto in the Public Procurement Act.

"tenor" when used in Part IX of this [Bill] means a period of 10 years from the calendar year 2010 but may be extended by not more than a maximum of 5 years by the National Assembly; and [AMCON Amendment Act, 2015].

"total assets" when used in Part IX of this [Bill] means all assets of an eligible financial institution above and/or below the balance sheet line whether contingent or otherwise. [AMCON Amendment Act, 2015]

Committee's Recommendation:

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

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

Clause 24: Citation.

This Bill may be cited as the Asset Management Corporation of Nigeria (Amendment) Bill, 2019.

Committee's Recommendation:

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

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

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 Asset Management Corporation Act, Cap. A24A, Laws of the Federation of Nigeria 2004: and for Related Matters, 2019 and approved as follows:

Clauses 1- 24 — 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,

That the Expenditure of Seven Hundred and Twenty Million, Six Hundred and Forty-Five Thousand, Six Hundred and Thirty-Seven Naira (₦720,645,637) for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs stand part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill 2019 — *Agreed to.*

(3) Security Services Department

Personnel Costs	55,033,110
Overhead Costs	2,169,740,000
Sub-Total	2,224,773,110

Question,

That the Expenditure of Two Billion, Two Hundred and Twenty-Four Million, Seven Hundred and Seventy-Three Thousand, One Hundred and Ten Naira (₦2,224,773,110) for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs stand part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill 2019 — *Agreed to.*

(4) Treasury

Personnel Costs	1,407,704,152
Overhead Costs	5,023,272,832
Sub-Total	6,430,976,984

Question,

That the Expenditure of Six Billion, Four Hundred and Thirty Million, Nine Hundred and Seventy-Six Thousand, Nine Hundred and Eighty-Four Naira (₦6,430,976,984) for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs stand part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill 2019 — *Agreed to.*

(5) Department of Economic Planning

Personnel Costs	167,678,757
Overhead Costs	215,450,000
Sub-Total	383,128,757

Question,

That the Expenditure of Three Hundred and Eighty-Three Million, One Hundred and Twenty-Eight Thousand, Seven Hundred and Fifty-Seven Naira (₦383,128,757) for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs stand part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill 2019 — *Agreed to.*

(6) FCT Establishment and Training Department

Personnel Costs	307,022,462
Overhead Costs	1,853,755,652
Sub-Total	2,160,778,114

Question,

That the Expenditure of Two Billion, One Hundred and Sixty Million, Seven Hundred and Seventy-Eight Thousand, One Hundred and Fourteen Naira (₦2,160,778,114) for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs stand part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill 2019 — *Agreed to.*

(7) FCT Audit Department

Personnel Costs	84,128,635
Overhead Costs	362,750,000
Sub-Total	446,878,635

Question,

That the Expenditure of Six Hundred and Fifteen Million, Six Hundred and Thirty-Four Thousand, Eight Hundred and Fifty-Nine Naira (₦615,634,859) for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs stand part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill 2019 — *Agreed to.*

(13) FCT Pension Department

Personnel Costs	57,563,447
Overhead Costs	5,139,699,916
Sub-Total	5,197,263,363

Question,

That the Expenditure of Five Billion, One Hundred and Ninety-Seven Million, Two Hundred and Sixty-Three Thousand, Three Hundred and Sixty-Three Naira (₦5,197,263,363) for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs stand part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill 2019 — *Agreed to.*

(14) FCT Archives and Historical Bureau

Personnel Costs	89,806,448
Overhead Costs	50,834,945
Sub-Total	140,641,393

Question,

That the Expenditure of One Hundred and Forty Million, Six Hundred and Forty-One Thousand, Three Hundred and Ninety-Three Naira (₦140,641,393) for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs stand part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill 2019 — *Agreed to.*

(15) FCT Urbarn and Regional Planning Tribunal

Personnel Costs	85,016,025
Overhead Costs	54,684,600
Sub-Total	139,700,625

Question,

That the Expenditure of One Hundred and Thirty-Nine Million, Seven Hundred Thousand, Six Hundred and Twenty-Five Naira (₦139,700,625) for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs stand part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill 2019 — *Agreed to.*

(16) Department of Outdoor Advertisement and Signages

Personnel Costs	65,826,545
Overhead Costs	79,091,565
Sub-Total	144,918,110

Question,

That the Expenditure of One Hundred and Forty-Four Million, Nine Hundred and Eighteen Thousand, One Hundred and Ten Naira (₦144,918,110) for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs stand part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill 2019 — *Agreed to.*

(17) Department of Information & Communication

Personnel Costs	52,840,677
Overhead Costs	271,091,377
Sub-Total	323,932,054

Question,

That the Expenditure of Two Hundred and Fifty-Three Million, Four Hundred and Thirty-Three Thousand, Three Hundred and Forty-Nine Naira (₦253,433,349) for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs stand part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill 2019 — *Agreed to.*

(23) Urban and Regional Planning

Personnel Costs	235,890,759
Overhead Costs	47,029,340
Sub- Total	282,920,099

Question,

That the Expenditure of Two Hundred and Eighty-Two Million, Nine Hundred and Twenty Thousand, Ninety-Nine Naira (₦282,920,099) for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs stand part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill 2019 — *Agreed to.*

(24) Survey and Mapping

Personnel Costs	345,824,411
Overhead Costs	29,820,000
Sub- Total	375,644,411

Question,

That the Expenditure of Three Hundred and Seventy-Five Million, Six Hundred and Forty-Four Thousand, Four Hundred and Eleven Naira (₦375,644,411) for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs stand part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill 2019 — *Agreed to.*

(25) Mass Housing Department

Personnel Costs	43,427,931
Overhead Costs	18,979,883
Sub- Total	62,407,814

Question,

That the Expenditure of Sixty-Two Million, Four Hundred and Seven Thousand, Eight Hundred and Fourteen Naira (₦62,407,814) for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs stand part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill 2019 — *Agreed to.*

(26) FCDA Procurement Department

Personnel Costs	87,457,439
Overhead Costs	16,755,230
Sub- Total	104,212,669

Question,

That the Expenditure of One Hundred and Four Million, Two Hundred and Twelve Thousand, Six Hundred and Sixty-Nine Naira (₦104,212,669) for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs stand part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill 2019 — *Agreed to.*

(27) FCDA Internal Audit

Personnel Costs	30,119,067
Overhead Costs	6,083,450
Sub- Total	36,202,517

Question,

That the Expenditure of Ninety-Nine Million, Ninety-Eight Thousand, Nine Hundred and Forty-Eight Naira (₦99,098,948) for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs stand part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill 2019 — *Agreed to.*

(33) ACSS Chieftaincy and Community Development

Personnel Costs	108,980,016
Overhead Costs	91,780,920
Sub - Total	200,760,936

Question,

That the Expenditure of Two Hundred Million, Seven Hundred and Sixty Thousand, Nine Hundred and Thirty-Six Naira (₦200,760,936) for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs stand part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill 2019 — *Agreed to.*

(34) ACSS Primary Health Care Department

Personnel Costs	21,424,718
Overhead Costs	102,950,000
Sub - Total	124,374,718

Question,

That the Expenditure of One Hundred and Twenty-Four Million, Three Hundred and Seventy-Four Thousand, Seven Hundred and Eighteen Naira (₦124,374,718) for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs stand part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill 2019 — *Agreed to.*

(35) ACSS Planning, Research and Statistics

Personnel Costs	26,388,043
Overhead Costs	23,700,000
Sub - Total	50,088,043

Question,

That the Expenditure of Fifty Million, Eighty-Eight Thousand, Forty-Three Naira (₦50,088,043) for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs stand part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill 2019 — *Agreed to.*

(36) Area Council Service Commission

Personnel Cost	179,041,072
Overhead Costs	54,496,241
Sub-Total	233,537,313

Question,

That the Expenditure of Two Hundred and Thirty-Three Million, Five Hundred and Thirty-Seven Thousand, Three Hundred and Thirteen Naira (₦233,537,313) for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs stand part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill 2019 — *Agreed to.*

(37) FCT Area Councils Staff Pension Board

Personnel Cost	81,271,225
Overhead Costs	666,071,851
Sub-Total	747,343,076

Question,

That the Expenditure of One Hundred and Ninety-Nine Million, Three Hundred and Forty-Five Thousand, Two Hundred and Eighty-Six Naira (₦199,345,286) for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs stand part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill 2019 — *Agreed to.*

(43) Department of Transportation

Personnel Costs	99,692,049
Overhead Costs	555,873,002
Sub - Total	655,565,051

Question,

That the Expenditure of Six Hundred and Fifty-Five Million, Five Hundred and Sixty-Five Thousand, Fifty-One Naira (₦655,565,051) for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs stand part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill 2019 — *Agreed to.*

(44) Education Secretariat

Personnel Costs	308,521,075
Overhead Costs	511,781,000
Sub- Total	820,302,075

Question,

That the Expenditure of Eight Hundred and Twenty Million, Three Hundred and Two Thousand, Seventy-Five Naira (₦820,302,075) for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs stand part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill 2019 — *Agreed to.*

(45) Agency for Mass Education

Personnel Costs	805,947,832
Overhead Costs	189,199,738
Sub- Total	995,147,570

Question,

That the Expenditure of Nine Hundred and Ninety-Five Million, One Hundred and Forty-Seven Thousand, Five Hundred and Seventy Naira (₦995,147,570) for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs stand part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill 2019 — *Agreed to.*

(46) FCT Education Resource Centre

Personnel Costs	364,478,941
Overhead Costs	248,894,487
Sub- Total	613,373,428

Question,

That the Expenditure of Six Hundred and Thirteen Million, Three Hundred and Seventy-Three Thousand, Four Hundred and Twenty-Eight Naira (₦613,373,428) for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs stand part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill 2019 — *Agreed to.*

(47) FCT Universal Basic Education

Personnel Costs	11,108,835,552
Overhead Costs	1,122,304,040
Sub-Total	12,231,139,592

Question,

That the Expenditure of Seven Hundred and Eleven Million, Eight Hundred and Ninety-Four Thousand, Seven Hundred and Ninety-Three Naira (₦711,894,793) for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs stand part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill 2019 — *Agreed to.*

(53) Department of Higher Education

Personnel Costs	107,526,785
Overhead Costs	60,073,350
Sub-Total	167,600,135

Question,

That the Expenditure One Hundred and Sixty-Seven Million, Six Hundred Thousand, One Hundred and Thirty-Five Naira (₦167,600,135) for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs stand part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill 2019 — *Agreed to.*

(54) Department of Policy, Planning, Research & Statistics

Personnel Costs	86,310,040
Overhead Costs	96,334,800
Sub-Total	182,644,840

Question,

That the Expenditure of One Hundred and Eighty-Three Million, Six Hundred and Forty-Four Thousand, Eight Hundred and Forty Naira (₦182,644,840) for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs stand part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill 2019 — *Agreed to.*

(55) Health and Human Services Secretariat (HQ)

Personnel Costs	674,074,029
Overhead Costs	1,575,276,450
Sub-Total	2,249,350,479

Question,

That the Expenditure of Two Billion, Two Hundred and Forty-Nine Million, Three Hundred and Fifty Thousand, Four Hundred and Seventy-Nine Naira (₦2,249,350,479) for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs stand part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill 2019 — *Agreed to.*

(56) School of Nursing & Midwifery

Personnel Costs	377,843,412
Overhead Costs	109,737,960
Sub-Total	487,581,372

Question,

That the Expenditure of Four Hundred and Eighty-Seven Million, Five Hundred and Eighty-One Thousand, Three Hundred and Seventy-Two Naira (₦487,581,372) for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs stand part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill 2019 — *Agreed to.*

(57) Public Health Department

Personnel Costs	582,066,949
overhead Costs	194,000,000
Sub-Total	776,066,949

Question,

That the Expenditure of Seven Hundred and Seventy-Six Million, Sixty-Six Thousand, Nine Hundred and Forty-Nine Naira (₦776,066,949) for the purposes set out under Recurrent for

(63)	Agriculture and Rural Development Secretariat	
	Personnel Costs	167,481,075
	Overhead Costs	99,881,585
	Sub - Total	267,362,660

Question,

That the Expenditure of Two Hundred and Sixty-Seven Million, Three Hundred and Sixty-Two Thousand, Six Hundred and Sixty Naira (₦267,362,660) for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs stand part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill 2019 — *Agreed to.*

(64)	FCT Agric Development Project	
	Personnel Costs	399,530,551
	Overhead Costs	89,497,500
	Sub - Total	489,028,051

Question,

That the Expenditure of Four Hundred and Eighty-Nine Million, Twenty-Eight Thousand, Fifty-One Naira (₦489,028,051) for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs stand part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill 2019 — *Agreed to.*

(65)	Department of Agric Services	
	Personnel Costs	141,091,827
	Overhead Costs	45,388,125
	Sub - Total	186,479,952

Question,

That the Expenditure of One Hundred and Eighty-Six Million, Four Hundred and Seventy-Nine Thousand, Nine Hundred and Fifty-Two Naira (₦186,479,952) for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs stand part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill 2019 — *Agreed to.*

(66)	Department of Agricultural Planning, Research and Statistics	
	Personnel Costs	74,785,948
	Overhead Costs	214,777,250
	Sub - Total	289,563,198

Question,

That the Expenditure of Two Hundred and Eighty-Nine Million, Five Hundred and Sixty-Three Thousand, One Hundred and Ninety-Eight Naira (₦289,563,198) for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs stand part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill 2019 — *Agreed to.*

(67)	Department of Veterinary Services	
	Personnel Costs	435,025,522
	Overhead Costs	78,235,023
	Sub - Total	513,260,545

Question,

That the Expenditure of Five Hundred and Thirteen Million, Two Hundred and Sixty Thousand, Five Hundred and Forty-Five Naira (₦513,260,545) for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs stand part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill 2019 — *Agreed to.*

(73) Tourism Department	
Personnel Costs	88,849,883
Overhead Costs	66,138,376
Sub - Total	154,988,259

Question,

That the Expenditure of One Hundred and Fifty-Four Million, Nine Hundred and Eighty-Eight Thousand, Two Hundred and Fifty-Nine Naira (₦154,988,259) for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs stand part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill 2019 — *Agreed to.*

(74) Gender Development Department	
Personnel Costs	63,037,366
Overhead Costs	142,900,000
Sub - Total	205,937,366

Question,

That the Expenditure of Two Hundred and Five Million, Nine Hundred and Thirty-Seven Thousand, Three Hundred and Sixty-Six Naira (₦205,937,366) for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs stand part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill 2019 — *Agreed to.*

(75) Arts & Culture	
Personnel Costs	129,222,003
Overhead Costs	99,287,000
Sub - Total	228,509,003

Question,

That the Expenditure of Two Hundred and Twenty-Eight Million, Five Hundred and Nine Thousand, Three Naira (₦228,509,003) for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs stand part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill 2019 — *Agreed to.*

(76) Youth Department	
Personnel Costs	58,202,961
Overhead Costs	136,712,769
Sub - Total	194,915,730

Question,

That the Expenditure of One Hundred and Ninety-Four Million, Nine Hundred and Fifteen Thousand, Seven Hundred and Thirty Naira (₦194,915,730) for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs stand part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill 2019 — *Agreed to.*

(77) Abuja Metropolitan Management Council	
Personnel Costs	197,333,616
Overhead Costs	283,200,000
Sub - Total	480,533,616

Question,

That the Expenditure of Four Hundred and Eighty Million, Five Hundred and Thirty-Three Thousand, Six Hundred and Sixteen Naira (₦480,533,616) for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs stand part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill 2019 — *Agreed to.*

(83) Abuja Environmental Protection Board	
Personnel Cost	1,090,772,611
Overhead Costs	5,261,842,709
Sub-Total	6,352,615,320

Question,

That the Expenditure of Six Billion, Three Hundred and Fifty-Two Million, Six Hundred and Fifteen Thousand, Three Hundred and Twenty Naira (₦6,352,615,320) for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs stand part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill 2019 — *Agreed to.*

(84) Abuja Geographic Information Systems	
Personnel Cost	191,039,155
Overhead Costs	781,962,305
Sub-Total	973,001,460

Question,

That the Expenditure of Nine Hundred and Seventy-Three Million, One Thousand, Four Hundred and Sixty Naira (₦973,001,460) for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs stand part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill 2019 — *Agreed to.*

(85) Satellite Towns Development Department	
Personnel Cost	239,658,850
Overhead Costs	1,091,100,000
Sub-Total	1,330,758,850

Question,

That the Expenditure of One Billion, Three Hundred and Thirty Million, Seven Hundred and Fifty-Eight Thousand, Eight Hundred and Fifty Naira (₦1,330,758,850) for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs stand part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill 2019 — *Agreed to.*

(86) Abuja Infrastructure Investment Centre (AIIC)	
Personnel Costs	80,371,570
Overhead Costs	364,519,543
Sub-Total	444,891,113

Question,

That the Expenditure of Four Hundred and Forty-Four Million, Eight Hundred and Ninety-One Thousand, One Hundred and Thirteen Naira (₦444,891,113) for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs stand part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill 2019 — *Agreed to.*

(87) FCT Emergency Management Agency	
Personnel Cost	147,583,614
Overhead Costs	846,900,098
Sub-Total	994,483,712

Question,

That the Expenditure of Nine Hundred and Ninety-Four Million, Four Hundred and Eighty-Three Thousand, Seven Hundred and Twelve Naira (₦994,483,712) for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs stand part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill 2019 — *Agreed to.*

(23)	Urban and Regional Planning	200,764,292
(24)	Survey and Mapping	1,724,191,460
(25)	Mass Housing Department	153,590,281
(26)	FCDA Procurement Department	100,034,384
(27)	Internal Audit	0
(28)	Public Relations	0
(29)	Engineering Design	1,094,763,631
(30)	FCT Legal Secretariat	85,888,292
(31)	Area Council Secretariat	257,700,000
(32)	ACSS Inspectorate, Planning and Monitoring	140,500,000
(33)	ACSS Chieftaincy and Community Development	955,000,000
(34)	ACSS Primary Health Care Department	40,000,000
(35)	ACSS Planning, Research and Statistics	45,000,000
(36)	Area Councils Service Commission	434,480,874
(37)	FCT Area Councils Staff Pension Board	160,000,000
(38)	Office of the Auditor-General for FCT Area Councils	58,000,000
(39)	Transport Secretariat	3,500,000
(40)	Road Traffic Services	1,273,470,511
(41)	Bus Rapid Transit and Transport Regulations (BRT&TR)	245,000,000
(42)	Department of Traffic Management	810,250,000
(43)	Department of Transportation	10,225,000,000
(44)	Education Secretariat	1,335,322,029
(45)	Agency For Mass Education	49,313,566
(46)	FCT Education Resource Centre	38,688,341
(47)	FCT Universal Basic Education	5,575,202,969
(48)	FCT Secondary Education Board	4,570,910,926
(49)	FCT College of Education, Zuba	220,000,000
(50)	FCT Agency for Science and Technology	342,541,222
(51)	FCT Scholarship Board	62,500,000

(81)	Development Control Department	109,000,000
(82)	FCT Water Board	2,934,000,000
(83)	Abuja Environmental Protection Board	1,111,263,108
(84)	Abuja Geographic Information Systems	570,000,000
(85)	Satellite Towns Development Department	31,481,512,000
(86)	Abuja Infrastructure Investment Centre (AIIC)	35,000,000
(87)	FCT Emergency Management Agency	693,142,345
(88)	Department of Fire Service	1,831,807,465
TOTAL CAPITAL		130,720,897,169

Question:

That the Expenditure of One Hundred and Thirty Billion, Seven Hundred and Twenty Million, Eight Hundred and Ninety-Seven Thousand, One Hundred and Sixty-Nine Naira (₦130,720,897,169) for the purposes set out under Capital Cost do stand part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill 2019 — *Agreed to.*

GRAND TOTAL: RECURRENT AND CAPITAL**243,374,511,077***Question:*

That the Expenditure of Two Hundred and Forty-Three Billion, Three Hundred and Seventy-Four Million, Five Hundred and Eleven Thousand, Seventy-Seven Naira (₦243,374,511,077) for the purposes set out under Recurrent for the Personnel Cost, Overhead Cost and Capital Cost do stand part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill 2019 — *Agreed to.*

FCT 2019 STATUTORY APPROPRIATION BILL

A BILL FOR AN ACT TO AUTHORISE THE ISSUE FROM THE FEDERAL CAPITAL TERRITORY ADMINISTRATION STATUTORY REVENUE FUND OF THE FEDERAL CAPITAL TERRITORY ADMINISTRATION ACCOUNT, THE TOTAL SUM OF ₦243,374,511,077.00 (TWO HUNDRED AND FORTY-THREE BILLION, THREE HUNDRED AND SEVENTY-FOUR MILLION, FIVE HUNDRED AND ELEVEN THOUSAND AND SEVENTY-SEVEN NAIRA) ONLY, OF WHICH THE SUM OF ₦55,043,425,247.00 (FIFTY FIVE BILLION AND FORTY THREE MILLION, FOUR HUNDRED AND TWENTY-FIVE THOUSAND, TWO HUNDRED AND FORTY-SEVEN NAIRA) ONLY, IS FOR PERSONNEL COSTS AND THE SUM OF ₦57,610,188,661.00 (FIFTY-SEVEN BILLION, SIX HUNDRED AND TEN MILLION, ONE HUNDRED AND EIGHTY-EIGHT THOUSAND, SIX HUNDRED AND SIXTY ONE NAIRA) ONLY, IS FOR OVERHEAD COSTS WHILST THE BALANCE OF ₦130,720,897,169.00 (ONE HUNDRED AND THIRTY BILLION, SEVEN HUNDRED AND TWENTY MILLION, EIGHT HUNDRED AND NINETY-SEVEN THOUSAND, ONE HUNDRED AND SIXTY-NINE NAIRA) ONLY, IS FOR CAPITAL PROJECTS FOR THE SERVICE OF THE FEDERAL CAPITAL TERRITORY, ABUJA, FOR THE FINANCIAL YEAR COMMENCING FROM 1ST JANUARY AND ENDING ON 31ST DECEMBER, 2019.

Clause 1: Issue a Bill of ₦243,374,511,077 from Federal Capital Territory Administration Statutory Revenue Fund.

- (1) The Director of Treasury of the Federal Capital Territory Administration shall, when authorized to do so by warrants signed by the Minister Federal Capital Territory Administration with responsibility to pay out of the Federal Capital Territory Administration Statutory Revenue Fund of the Federal Capital Territory Administration during the financial year 2019 the sum

Clause 6: Waiver not to incur Expenditure.

Where, due to revenue shortfall, amounts appropriated under this Bill cannot be funded, the Minister of Federal Capital Territory shall seek from the National Assembly a waiver not to incur such expenditure.

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: Short Title.

This Bill may be cited as the Federal Capital Territory Appropriation Bill, 2019.

Committee's Recommendation:

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

Question, that Clause 7 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 Supply considered the Report of the Committee on Federal Capital Territory on the Federal Capital Territory Statutory Appropriation Bill 2019 and approved as follows:

Part A - Recurrent Non-Debt Expenditure — As Recommended

Part B - Capital Expenditure — As Recommended

Clauses 1-7 — As Recommended

Question: That the Senate do approve the Report of the Committee of Supply on the Federal Capital Territory Statutory Appropriation Bill, 2019 — *Resolved in the Affirmative.*

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

Question put and agreed to.

Bill accordingly read the Third Time and Passed.

16. Conference Committee:***Report on the National Tobacco Regulation Bill, 2019:***

Motion made: That the Senate do receive and consider the Conference Committee Report on the National Tobacco Regulation Bill, 2019 (*Senator Barnabas A. I. Gemade — Benue North-East*).

Question put and agreed to.

Report Laid and presented.

	(a) not contain any other text, images, symbols, colours, signs, or other contents, including any trademarks or brand imaging, in whole or part, of any tobacco product; (b) conform to the layout of the template provided in the Fourth Schedule to these Regulations; and (c) be kept behind the counter, at the cash register or any other place designated by the owner or manager and shall be accessible to customers only upon request.	
PART VII: ISSUANCE OF LICENSES 21. Licensing (2) Where an application is approved, the applicant shall pay the following prescribed fee before issuance of license – (a) N10m (Ten Million naira) to manufacture and N10m (Ten Million naira) to import tobacco or tobacco product (product license); and (b) Two Million Naira for Distributors License.	PART VII: ISSUANCE OF LICENSES 21. Licensing (2) Where an application is approved, the applicant shall pay the following prescribed fee before issuance of license – (a) Thirty Five Million Naira to Manufacturers and Fifty Million Naira to import tobacco or tobacco product (product license). (b) Two Million Naira for Distributors License.	<i>Senate Version Adopted</i>
24. Duration of license The Licenses issued under this regulation shall have validity periods as indicated below: (i) Importers license – one year (ii) Distributors license one year	24. Duration of license The Licenses issued under this regulation shall have validity periods as indicated below: (i) Manufacturers License – Four Calendar Years; (ii) Importers license – one year (ii) Distributors license one year	<i>House Version Adopted</i>

Report accordingly adopted.

17. Committee on Tertiary Institutions and TETFUND:

Report on the Federal College of Forestry Technology and Research, Akamkpa (Establishment, etc) Bill 2019 (SB. 707):

Motion made: That the Senate do receive and consider the Report of the Committee on Tertiary Institutions and TETFUND on the Federal College of Forestry Technology and Research, Akamkpa (Establishment, etc) Bill 2019 (*Senator Jibrin I. Barau — Kano North*).

Question put and agreed to.

Report presented.

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

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO ESTABLISH THE FEDERAL COLLEGE OF FORESTRY TECHNOLOGY AND RESEARCH, AKAMKPA, TO PROVIDE FULL-TIME COURSES IN FORESTRY TECHNOLOGY, PRESERVATION, DEVELOPMENT AND OTHER FIELDS OF STUDIES AND TO MAKE PROVISIONS FOR THE GENERAL ADMINISTRATION OF THE COLLEGE, 2019

Clause 1: Establishment of Federal College of Forestry, Akamkpa.

There is hereby established the Federal Institute of Forestry, Akamkpa specified in the First Schedule to this Act (in this Act severally referred to as "the College") which shall have such powers and exercise such functions as are specified in this Act.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senator Barau I. Jibrin — Kano North*) — *Agreed to.*

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

Clause 2: Functions of the College.

The functions of the college shall be:

- (a) to provide full-time and part-time courses in forestry technology training and award National and Higher National Diploma;
- (b) to carry out research, training, extension and dissemination of findings in forestry technology, development, applied science, commerce and management; and
- (c) to improve genetic resources of forest trees and ecosystem for economic development;
- (d) to improve silvicultural practices relating to forest trees of economic importance;
- (e) to research on the control of pest and diseases of forest trees;
- (f) to conduct research into the different suitable biological materials and appropriate methods of control of ecological and environmental problems of the country in respect to desertification, soil erosion and deforestation;

- (3) The Chairman and members of the Council other than ex-officio members shall be appointed by the President.
- (4) The provisions set out in the Schedule to this Act shall apply in relation to the constitution of the Council and the other matters therein specified.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senator Barau I. Jibrin — Kano North*) — *Agreed to.*

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

Clause 4: Visitation:

- (1) The Minister of Education shall be the Visitor to the College.
- (2) The Visitor shall, not less than once in every five years, conduct a visitation of the college or appoint a Visitation Panel, consisting of not less than five experts to conduct the visitation:
 - (a) for the purpose of evaluating the quality of research, academic and administrative performance of the college;
 - (b) for such other purpose or in respect of any other affairs of the college as the Visitor may deem fit.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senator Barau I. Jibrin — Kano North*) — *Agreed to.*

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

Clause 5: Registrar of the College:

- (1) There shall be a Registrar of the college who shall be responsible to the Rector and the day- to-day administration of the college and shall perform such other duties from time to time as may be required of him.
- (2) The Registrar shall be the secretary to the Council, the Academic Board and any committee of the Council and shall attend all the meetings of those bodies unless excused for good reason by the chairman of the Council.
- (3) In the absence of the Registrar, the Chairman of the Council may, after consultation with the Rector, appoint a suitable person to act as secretary for any particular meeting of the Council.
- (4) The secretary to the Council who is appointed to act under subsection (3) of this section, shall not vote on any question before the Council or count towards a quorum unless he is so entitled as a member of the Council.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senator Barau I. Jibrin — Kano North*) — *Agreed to.*

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

Clause 6: Tenure of Office of the Registrar.

- (1) A Registrar:
 - (a) shall hold office for a period of five years beginning from the effective date of his appointment and on such terms and conditions as may be specified in the letter of his appointment; and
 - (b) may be re-appointed for one further period of five years and no more.

- (b) constitute a Search Team consisting of:
 - (i) a member of the Council, not being a member of the Academic Board, as Chairman; (ii) two members of the Academic Board, not below the rank of Chief Lecturer;
 - (ii) Two members of the Academic Community of the college not below the rank of Chief Lecturer, to be selected by Council, to identify and draw up a short list of persons who are not likely to apply on their own volition because they feel that it is not proper to do so.
- (3) A Joint Council and Academic Board Selection Board consisting of:
 - (a) the Chairman of the Council;
 - (b) two members of the Council not being members of the Academic Board;
 - (c) two members of the Academic Board not below the rank of Chief Lecturer, who were not members of the Search Team, shall consider the candidates on the short list drawn up under subsection (2) of this section through an examination of their curriculum vitae and interaction with them and recommend, through the Council, to the President, three candidates for his consideration.
- (4) The President shall appoint, as Rector, one of the candidates recommended to him under the provisions of subsection (3) of this section.
- (5) Subject to this Act and the general control of the Council, the Rector shall be the Chief Executive of the college and shall be charged with responsibility for matters relating to the day-to-day management operations of the college.
- (6) The Rector:
 - (a) shall hold office for a period of four years beginning with the effective date of his appointment and on such terms and conditions as may be specified in his letter of appointment;
 - (b) may be re-appointed for a further period of four years and no more.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senator Barau I. Jibrin — Kano North*) — *Agreed to.*

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

Clause 9: Deputy Rector:

- (1) There shall be for the college a Deputy Rector.
- (2) The Council shall appoint the Deputy Rector from among the chief lecturers in the college in one of the following ways:
 - (a) from a list of three candidates, in order of preference, submitted by the Rector;
 - (b) on the recommendation of a Selection Board constituted under this section for that purpose;

- (4) The Bursar or Librarian:
- (a) shall hold office for a period of five years in the first instance and on such terms and conditions as may be specified in his letter of appointment;
 - (b) may be re-appointed for a further period of five years and no more.
- (5) Where on the commencement of this section, a Bursar or Librarian has held office:
- (a) for five years or less, he shall be deemed to be serving his first term of office and may be reappointed for a further term of five years;
 - (b) for more than five years but less than ten years, he shall complete the maximum period of ten years and thereafter relinquish his post and be assigned other duties in the college;
 - (c) for ten years or more, the Council may allow him to serve as Registrar for a further period of one year only and thereafter he shall relinquish his post and be assigned other duties in the college.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senator Barau I. Jibrin — Kano North*) — *Agreed to.*

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

Clause 11: Resignation of Appointment of Principal Officers:

A principal officer may resign his appointment:

- (a) in the case of the Rector, by notice to the Visitor;
- (b) in any other case, by notice to the Council.

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senator Barau I. Jibrin — Kano North*) — *Agreed to.*

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

Clause 12: Selection Board for Other Principal Officers:

- (1) There shall be, for each college, a Selection Board which shall consist of:

- (a) the chairman of the Council;
- (b) the Rector;
- (c) four members of the Council not being members of the Academic Board;
- (d) two members of the Academic Board.

- (2) The functions and procedure and other matters relating to the Selection Board constituted under subsection (1) of this section shall be as the Council may, from time to time, determine.

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senator Barau I. Jibrin — Kano North*) — *Agreed to.*

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

- (2) The Academic Board shall be responsible for:
- (a) the direction and management of academic matters of the college including the regulation of admission of students, the award of certificates and diplomas, scholarships, prizes and other academic distinctions;
 - (b) the making to the Council of such periodic reports on such academic matter as the Academic Board may think fit or as the Council may from time to time direct; and
 - (c) the discharge of any other functions which the Council may delegate to it.

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senator Barau I. Jibrin — Kano North*) — *Agreed to.*

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

TENURE OF OFFICE

Clause 16: Removal from Office of Members of the Council and the Rector:

- (1) If it appears to the Council that a member of the Council (other than an ex-officio member) or the Rector should be removed from office on the ground of misconduct or inability to perform the functions of his office, the Council shall make a recommendation to that effect to the President, and if the President, after making such inquiries as he considers necessary, approves the recommendation, the President, shall, in writing, declare the office of such member vacant.
- (2) The President may remove any member of the Council if he is satisfied that it is not in the public interest or in the interest of the college that such member should continue as a member of the Council.

Committee's Recommendation:

That the provision in Clause 16 be retained (*Senator Barau I. Jibrin — Kano North*) — *Agreed to.*

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

Clause 17: Removal and Discipline of Academic, Administrative and Technical Staff:

- (1) If it appears to the Council that there are reasons for believing that any person employed as a member of the academic, administrative or technical staff of the college, other than the Rector, should be removed from office on the ground of misconduct or inability to perform the functions of his office, the Council shall:
 - (a) give notice of those reasons to the person in question;
 - (b) afford him an opportunity of making representations in person on the matter to the Council; and
 - (c) if he or any three members of the Council so request within the period of one month beginning with the date of the notice, make arrangements:
 - (i) if he is an academic staff, for a joint committee of the Council and the Academic Board to investigate the matter and to report on it to the Council; or
 - (ii) for a committee of the Council to investigate the matter, where it relates to any other member of the staff of the college and to report on it to the Council; and

- (5) It shall be the duty of the person by whom an instrument of removal is signed in pursuance of subsection (1) of this section, to use his best endeavours to cause a copy of the instrument to be served as soon as reasonably practicable on the person to whom it relates.
- (6) Nothing in the foregoing provisions of this section shall prevent the Council from making such regulations for the discipline of other categories of staff and workers of the college as it may think fit.

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senator Barau I. Jibrin — Kano North*) — *Agreed to.*

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

DISCIPLINE

Clause 18: Discipline of Students:

- (1) Subject to the provisions of this section, where it appears to the Rector that any student of the college has been guilty of misconduct, the Rector may, without prejudice to any other disciplinary powers conferred on him by this Act or regulations made hereunder direct:
 - (a) that the student shall not during such period as may be specified in the direction, participate in such activities of the college, or make use of such facilities of the college, as he may specify;
 - (b) that the activities of the student shall, during such period as may be specified in the directions, be restricted in such manner as may be so specified;
 - (c) that the student be suspended for such period as may be specified in the directions; or
 - (d) that the student be expelled from the college.
- (2) Where there is temporarily no Rector or where the Rector refuses to apply any disciplinary measures, the Council, either directly or through some other staff, may apply such disciplinary actions as are specified in subsection (1) of this section to any student of the college who is guilty of misconduct.
- (3) Where a direction is given under subsection (1) (c) or (d) of this section in respect of any student, the student may, within a period of 21 days from the date of the letter communicating the decision to him, appeal from the direction to the Council; and where such an appeal is brought, the Council shall, after causing such inquiry to be made in the matter as the Council considers just, either confirm or set aside the direction or modify it in such manner as the Council may think fit.
- (4) The fact that an appeal from a direction is brought in pursuance of subsection (3) of this section shall not affect the operation of the direction while the appeal is pending.
- (5) The Rector may delegate his power under this section to a disciplinary committee consisting of such members of the college as he may nominate.
- (6) Nothing in this section shall be construed as preventing the restriction or termination of a student's activities at the college otherwise than on the ground of misconduct.

Committee's Recommendation:

That the provision in Clause 20 be retained (*Senator Barau I. Jibrin — Kano North*) — *Agreed to.*

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

Clause 21: Funds of the Council:

The funds of the Council shall include:

- (a) fees charged by and payable to the Council in respect of students;
- (b) any other amounts due to or recoverable by the Council;
- (c) revenue from time to time accruing to the Council from the Federal Government by way of subvention, grant-in-aid, endowment or otherwise howsoever;
- (d) donations and legacies accruing to the Council from any source for the special purpose of the Council.

Committee's Recommendation:

That the provision in Clause 21 be retained (*Senator Barau I. Jibrin — Kano North*) — *Agreed to.*

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

Clause 22: Donations for Particular Purposes:

- (1) Donations of money to be applied to any particular purpose shall be placed to the credit of a special reserve account approved by the Council until such time as they may be expended in fulfilment of such purpose.
- (2) No Council shall be obliged to accept a donation for a particular purpose unless it approves of the terms and conditions attached to such donation.

Committee's Recommendation:

That the provision in Clause 22 be retained (*Senator Barau I. Jibrin — Kano North*) — *Agreed to.*

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

Clause 23: Payment into Bank:

All sums of money received on account of the Council shall be paid into such bank for the credit of the Council as may be approved by the Council.

Committee's Recommendation:

That the provision in Clause 23 be retained (*Senator Barau I. Jibrin — Kano North*) — *Agreed to.*

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

Clause 24: Annual Report:

The Council shall on or before 31 December in each year prepare and submit to the President through the Minister, a report of the activities during the preceding financial year and shall include in the report, the audited accounts of the college in respect of that financial year and the auditors' comments on the account.

Committee's Recommendation:

That the provision in Clause 24 be retained (*Senator Barau I. Jibrin — Kano North*) — *Agreed to.*

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

"The Appointments and Promotions Committee" means a body by that name established under paragraph 3 (2) (a) of the Schedule to this Act;

"College" means the Federal college of Forestry Technology and Research, Akamkpa

"The Junior Staff Appointments and Promotion Committee" means a body by that name set up under paragraph 3 (2) (b) of the Schedule to this Act;

"The Minister" means the Minister charged with responsibility for matters relating to technical education;

"The Registrar" means the Registrar of Federal college of Forestry Technology and Research, Akamkpa appointed under section 4 (1) of this Act.

Committee's Recommendation:

That the provision in Clause 28 be retained (*Senator Barau I. Jibrin — Kano North*) — *Agreed to.*

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

Clause 29: Short Title:

This Bill may be cited as the Federal College of Forestry, Akamkpa (Establishment, etc.) Bill, 2019.

Committee's Recommendation:

That the provision in Clause 29 be retained (*Senator Barau I. Jibrin — Kano North*) — *Agreed to.*

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

SCHEDULE

[Section 7]

**PUBLIC OFFICERS FOR THE PURPOSES OF THE CODE OF CONDUCT
SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL**

Terms of office of members

1. (1) A member of the Council other than an ex-officio member shall hold office for a period of three years beginning with the date on which he was appointed and shall be eligible for re-appointment for a further term of three years and thereafter he shall no longer be eligible for re-appointment.
- (2) Members of the Council holding office as specified in paragraph 1 (1) of this Schedule, shall be paid remuneration or allowance in accordance with rates specified from time to time by the National Council of Ministers.
- (3) A member of the Council holding office as specified in paragraph 1 (1) of this Schedule may by notice in writing to the Minister resign his office.
2. (1) Where a vacancy occurs in the membership of the Council, that vacancy shall be filled by the appointment of a successor to hold office for the remainder of the term of office of his predecessor; so however that the successor shall represent the same interest as his predecessor.
- (2) The Council may act notwithstanding any vacancy in its membership or the absence of any member or that a person not entitled to do so took part in its proceedings.

Committees

3. (1) The Council may appoint one or more committees to which it may delegate any of its functions.

- (2) Seven members shall form a quorum at any meeting of the Council.
- (3) The Chairman shall at any meeting of the Council, have a vote and, in the case of an equality of votes, may exercise a casting vote.
7. Subject as aforesaid, the Council may make standing orders with respect to the holding of meetings, the nature of notices to be given, the proceedings thereat, the keeping of minutes of such proceedings and the custody and production for inspection of such minutes.
8. If the Chairman of the Council is absent from a meeting of the Council, the members present shall elect one of their number to act as chairman for the purposes of that meeting.

Miscellaneous

9. Any contract or instrument which if entered into by a person not being a body corporate would not be require to be under seal, may n like manner be entered into or executed on behalf of the Council by any person generally or specifically authorized by it for that purpose.
10. (1) The common seal of the Council shall not be used or affixed to any document except in pursuance of a resolution duly passed at a properly constituted meeting of the Council and recorded in the minutes of such meeting.
(2) The fixing of the seal of the Council shall be authenticated by the signature of the chairman of the Council and some other members authorized generally or specifically by the Council to act for that purpose.
(3) Any document purported to be a document duly executed under the seal of the Council shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.
11. Any member of the Council or a committee thereof who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Council or a committee thereof, shall forthwith disclose his interest to the Council and shall not vote on any question relating to such contract or arrangement.

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

Chairman to report Bill.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered the Report of the Committee on Tertiary Institutions and TETFUND on the Federal College of Forestry Technology and Research, Akamkpa (Establishment, etc) Bill 2019 and approved as follows:

Clauses 1- 29	—	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 (*Senate Leader*).

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

11	HUDSON PETROLEUM	414,013,095.55
12	IPMAN INVESTMENT	733,744,706.51
13	LINC NIG LTD	1,009,700,850.97
14	MATRIX ENERGY	4,698,624,216.93
15	OANDO PLC	4,999,930,908.88
16	ONTARIO OIL & GAS LTD	9,814,751,701.24
17	OTHNIEL BROOKS.	507,927,403.62
18	SWIFT OIL LTD	4,016,797,274.20
19	TEMPOPGATE OIL	2,363,089,286.85
	GRAND TOTAL	58,120,241,429.80

— Agreed to.

Resolved:

- (i) The Senate do approve the payment of the sum of Ten Billion Eight Hundred and Twenty Two Million Eight Hundred and Fifty Nine Thousand Six Hundred and Sixty Three Naira Thirty Kobo (₦10,822,859,663.30) only to Tanzila Petroleum Company as oil subsidy claim for Premium Motor Spirit imported in 2008; and
- (ii) The Senate do approve the payment of the Committee verified balance in the sum of ₦58,120,241,429.80 (Fifty Eight Billion, One Hundred and Twenty Million Two Hundred and Forty One Thousand, Four Hundred and Twenty Nine Naira Eighty kobo) only for the following Oil Marketing Companies:

S/N	OIL MARKETERS	BALANCE DUE TO OMCs
1	A & E PETROLEUM	2,655,762,340.76
2	BLACKLIGHT	3,752,469,691.44
3	BULK STRATEGIC	1,444,385,007.47
4	CONOIL	8,384,536,952.39
5	FATGBEMS PETROLEUM	1,021,847,697.34
6	FIRSTDEEP WATER (Stallionaire)	3,002,603,716.23
7	FORTE OIL PLC	3,867,959,988.08
8	FRADRO INTERNATIONAL	630,442,812.89
9	FRESH SYNERGY	411,815,482.56
10	HONEYWELL (HOGL)	4,389,838,295.89
11	HUDSON PETROLEUM	414,013,095.55
12	IPMAN INVESTMENT	733,744,706.51
13	LINC NIG LTD	1,009,700,850.97
14	MATRIX ENERGY	4,698,624,216.93
15	OANDO PLC	4,999,930,908.88
16	ONTARIO OIL & GAS LTD	9,814,751,701.24
17	OTHNIEL BROOKS.	507,927,403.62
18	SWIFT OIL LTD	4,016,797,274.20
19	TEMPOPGATE OIL	2,363,089,286.85
	GRAND TOTAL	58,120,241,429.80

(S/Res/113/05/19).

20. Adjournment:

Motion made: That the Senate do now adjourn till Thursday, 30th May, 2019 at 10:00 a.m. (*Senate Leader*).

Adjourned accordingly at 1:51 p.m.

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

