



# THE SENATE

## FEDERAL REPUBLIC OF NIGERIA

### VOTES AND PROCEEDINGS

Wednesday, 17th April, 2019

1. The Senate met at 11:01 a.m. The Senate President read Prayers.
2. **Votes and Proceedings:**  
The Senate examined the Votes and Proceedings of Tuesday, 16th April, 2019.  
*Question was put and the Votes and Proceedings were approved.*
3. **Presentation of a Bill:**  
National Institute of Legislative and Democratic Studies Act (Amendment) Bill, 2019 (SB. 736) —  
*Read the First Time.*
4. **Committee on Land Transport:**  
**Report on the Labour Transportation Bill, 2019 (SB. 25):**  
*Motion made:* That the Senate do receive the Report of the Committee on Land Transport on the Labour Transportation Bill, 2019 (*Senator Bareehu O. Ashafa — Lagos East*).  
*Question put and agreed to.*  
*Report Laid.*
5. **Motion:**  
**Withholding of Assent:**  
*Motion made:* That the Senate recalls that the President, Commander-in-Chief of the Armed Forces of the Federation had signified the withholding of his assent of the following Bills pursuant to section 58(4) of the Constitution of the Federal Republic of Nigeria 1999 (as amended):
  - i. Petroleum Industry Governance Bill, 2019;
  - ii. National Institute for Hospitality and Tourism Bill, 2019;
  - iii. National Research and Innovation Council Bill, 2019;
  - iv. Stamp Duties Act (Amendment) Bill, 2019;
  - v. National Agricultural Seed Council Bill, 2019;
  - vi. Agricultural Credit Guarantee Scheme Fund (Amendment) Bill, 2019; and
  - vii. Independent National Electoral Commission (INEC) Act 2010 (Amendment) Bill, 2019

*notes* that the rationale for withholding the assent borders on the observation of Mr. President on some clauses in the Bills;

*aware* that a Technical Committee of the Senate had worked on Mr. President observations and have redrafted the affected Clauses; and

relying on order 88(b)(c) of the Senate Rule.

*Accordingly resolves to:*

refer the Bills to the Committee of the Whole to look into Mr. President, Commander-in-Chief of the Armed Forces of the Federation observations.

*Debate:*

***Proposed Resolution:***

*Question:* That the Senate do refer the Bills to the Committee of the Whole to look into Mr. President, Commander-in-Chief of the Armed Forces of the Federation observations — *Agreed to.*

*Resolved:*

That the Senate do refer the Bills to the Committee of the Whole to look into Mr. President, Commander-in-Chief of the Armed Forces of the Federation observations (*S/Res/076/05/19*).

**(i) PETROLEUM INDUSTRY AND GOVERNANCE BILL, 2019**

*Motion made:* That the Senate do resolve into the Committee of the Whole to consider a Bill for an Act to Provide for the Governance and Institutional Framework for the Nigeria Petroleum Industry and Creates Clear Separation Between the Policy, Regulatory and Commercial Institutions; and for Related Matters, 2019 (*Senate Leader*).

*Question put and agreed to.*

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

CONSIDERATION OF A BILL FOR AN ACT TO PROVIDE FOR THE GOVERNANCE AND INSTITUTIONAL FRAMEWORK FOR THE NIGERIA PETROLEUM INDUSTRY AND CREATES CLEAR SEPARATION BETWEEN THE POLICY, REGULATORY AND COMMERCIAL INSTITUTIONS; AND FOR RELATED MATTERS, 2019.

**PART IV - ESTABLISHMENT OF COMMERCIAL ENTITIES**

**Clause 1: Establishment of the Ministry of Petroleum Incorporated ("MOPI"):**

36. (1) There is established the Ministry of Petroleum Incorporated as a corporation sole.
- (2) The Ministry of Petroleum Incorporated may sue and be sued in its corporate name and shall have perpetual succession and a corporate seal which may be changed as the Ministry of Petroleum Incorporated deems fit, and, until a seal is provided under this section, a stamp bearing the inscription "Federal Ministry of Petroleum" may be used as the corporate seal.
- (3) The Ministry of Petroleum Incorporated shall hold, on behalf of the Government, shares in the successor commercial entities incorporated under the provisions of this Bill.
- (4) The Ministry of Petroleum Incorporated may do all such other things as are incidental to and necessary for the performance of its functions under this Bill.

- (5) All deeds and other instruments requiring the seal of the corporation shall be sealed, with the seal of the Ministry of Petroleum Incorporated in the presence of the Permanent Secretary and signed by the Permanent Secretary, and such signing shall be sufficient evidence that the said seal was duly and properly affixed and that the same is the lawful seal of the Ministry of Petroleum Incorporated.
- (6) Any other document requiring the signature of the Ministry of Petroleum Incorporated shall be signed by the Permanent Secretary.
- (7) The Minister may, by order, vest in any other authority or company any property, movable or immovable, for the time being vested in the Ministry of Petroleum Incorporated and, upon the coming into operation of any such order, the property to which such order relates shall, without any conveyance, assignment or transfer, vest in such company or authority for the like title, estate or interest and on the like tenure and for the like purposes as the same was vested or held immediately before the coming into operation of the order.

***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.*

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 Governance and Institutional Framework for the Nigeria Petroleum Industry and Creates Clear Separation Between the Policy, Regulatory and Commercial Institutions; and for Related Matters, 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.*

**(ii) NATIONAL INSTITUTE FOR HOSPITALITY AND TOURISM (ESTABLISHMENT) BILL, 2019.**

*Motion made:* That the Senate do resolve into the Committee of the Whole to consider a Bill for An Act to Establish the National Institute for Hospitality and Tourism for Training, Certification and Registration of Hospitality, Travel and Tourism Personnel in Nigeria; and for Related Matters, 2019 (*Senate Leader*).

*Question put and agreed to.*

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

CONSIDERATION OF A BILL FOR AN ACT TO ESTABLISH THE NATIONAL INSTITUTE FOR HOSPITALITY AND TOURISM FOR TRAINING, CERTIFICATION AND REGISTRATION OF HOSPITALITY, TRAVEL AND TOURISM PERSONNEL IN NIGERIA; AND FOR RELATED MATTERS, 2019.

**Clause 1: Powers of the Institute.**

5(3)(k) set mandatory registration fees and collection of fees by the Institute or its agents.

20(1) (d) 10% of the revenue generated for the Federal Government to be used directly by the Institute for its administration and programmes.

***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.*

FIRST SCHEDULE

Section 8 (6)

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

*Proceedings of the Board*

1. (1) Subject to the provisions of this Bill and Section 27 of the Interpretation Act, the Board may make standing orders regulating its proceedings or those of any of its committees.
- (2) The quorum of the Board shall be the Chairman or the person presiding at the meeting, the Director-General and one third of other members of the Board. The quorum of any Committee of the Authority shall be as determined by the Board.

*Meetings of the Board*

2. (1) The Board shall meet whenever it is summoned by the Chairman and if the Chairman is required to do so by notice given to him by not less than 4 other members, he shall summon a meeting of the Board to be held within 14 days from the date on which the notice is given.
- (2) At any meeting of the Board the Chairman shall preside but if he is absent, the members present at the meeting shall appoint one of their members to preside at the meeting.
- (3) The Board shall meet a minimum of four times a year: one meeting each quarter.

*Committees*

3. (1) The Board may appoint one or more committees to carry out, on behalf of the Board such functions as the Board may determine.
- (2) A committee appointed under this paragraph shall consist of such number of persons as may be determined by the Board and a person shall hold office on the committee in accordance with the terms of his appointment.
- (3) A decision of a committee of the Board shall be of no effect until it is confirmed by the Board.

*Seal of the Institute*

4. (1) The fixing of the seal of the Institute shall be authenticated by the signatures of the Chairman or any other member of the Board generally, or specifically authorised by the Board to act for that purpose and the Director-General.
- (2) A contract or an instrument, which is made or executed by any person not being a body corporate would not be required to be under seal, may be made or executed on behalf of the Institute by the Director-General or by any person generally or specifically authorised to act for that purpose by the Director-General.

- (3) A document purporting to be a contract, an instrument or other document signed or sealed on behalf of the Institute, shall be received in evidence and, unless the contrary is proved, be presented, without further proof, to have been properly signed or sealed.

*Miscellaneous*

5. The validity of any proceedings of the Board or of a committee shall not be adversely affected by -
- (a) a vacancy in the membership of the Board or committee;
  - (b) a defect in the appointment of a member of the Board or committee; or
  - (c) reason that a person not entitled to do so took part in the proceedings of the Board or Committee.
6. Any Member of the Board or committee who has a personal interest in any arrangement entered into or proposed to be considered by the Board or any committee shall -
- (a) disclose his interest to the Board or committee; and
- not vote on any question relating to the arrangement.

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

Chairman to report Bill.

**(SENATE IN PLENARY)**

The Senate President reported that the Senate in the Committee of the Whole considered a Bill for An Act to Establish the National Institute for Hospitality and Tourism for Training, Certification and Registration of Hospitality, Travel and Tourism Personnel in Nigeria; and for Related Matters, 2019 and approved as follows:

Clause 1 — As Recommended

Schedule — As Recommended

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

**(iii) NATIONAL RESEARCH AND INNOVATION COUNCIL (ESTABLISHMENT) BILL, 2019.**

*Motion made:* That the Senate do resolve into the Committee of the Whole to consider a Bill for an Act to Establish the National Research and Innovation Council and National Research and Innovation Foundation to Set National Priorities on Research, Innovation and Development; and for Related Matters, 2019 (*Senate Leader*).

*Question put and agreed to.*

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

CONSIDERATION OF A BILL FOR AN ACT TO ESTABLISH THE NATIONAL RESEARCH AND INNOVATION COUNCIL AND NATIONAL RESEARCH AND INNOVATION FOUNDATION TO SET NATIONAL PRIORITIES ON RESEARCH, INNOVATION AND DEVELOPMENT; AND FOR RELATED MATTERS, 2019.

- Clause 1:**      2.      (1)      The Council shall consist of -
- (a)      the President of the Federal Republic of Nigeria, as the Chairman;
  - (b)      Vice-President of the Federal Republic of Nigeria, as the Vice Chairman;
  - (c)      relevant Ministers of the Government of the Federal Republic of Nigeria as may be appointed into the Council by the President;
  - (d)      a representative of the Manufacturers Association of Nigeria (MAN);
  - (e)      President, Nigerian Association of Chambers of Commerce, Industry, Mines and Agriculture (NACCIMA);
  - (f)      Executive Secretary, National Research and Innovation Foundation;
  - (g)      President, Nigerian Society of Engineers;
  - (h)      President, Academy of Science;
  - (i)      representative of Committee of Vice Chancellors of Nigerian Universities;
  - (j)      a representative of the Committee of Directors of Research Institutes (CODRI);
  - (k)      a representative of the National Association of Small Scale Industrialists (NASSI);
  - (l)      Minister charged with the responsibility for science and technology to serve also as the Secretary of the Council; and
  - (m)      such other number of persons not exceeding five appointed by the President on the joint recommendation of the Governing Board of the Foundation and the Technical Advisory Committee to further assist the Council in the performance of its functions.

***Committee's Recommendation:***

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

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

**Clause 2:      Establishment of the National Research and Innovation Fund.**

- (a)      5% of the annual fund accruing to the following organisations-
  - (i)      Raw Materials Research and Development Council;
  - (ii)      National Automotive design and Development Council Fund;
  - (iii)      National Communications Development Fund of National Communications Commission (NCC);

- (iv) National Information Technology Development Fund;
  - (v) Ecological Fund;
  - (vi) National Lottery Trust Fund;
  - (vii) National Sugar Development Council Fund;
  - (viii) Industrial Training Fund;
  - (ix) Petroleum Technology Development Fund (PTDF);
  - (x) Organised Private Sector (OPS) - 0.5% of Technology Transfer Fee;  
and
  - (xi) Solid Mineral Development Fund.
- (b) 5% of loanable funds from development finance institutions such as the Bank of Industry (BOI), Nigerian Export - Import Bank (NEXIM), the Development Bank of Nigeria (DBN) and the Bank of Agriculture (BOA);
  - (c) foreign aid or assistance from bilateral or multilateral agencies;
  - (d) other internally generated revenues of the Foundation; and
  - (e) all other sums accruing to the Foundation by way of gifts, grants, emolument or bequest.

***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.*

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 Establish the National Research and Innovation Council and National Research and Innovation Foundation to Set National Priorities on Research, Innovation and Development; and for Related Matters, 2019 and approved as follows:

Clauses 1- 2 — As Recommended

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

**(iv) STAMP DUTIES (AMENDMENT) BILL, 2019.**

*Motion made:* That the Senate do resolve into the Committee of the Whole to consider a Bill For An Act to amend the Stamp Duties Act Cap. S8, Laws of the Federation of Nigeria, 2004 to Meet the Current Realities; and for Related Matters, 2019 (*Senate Leader*).

*Question put and agreed to.*

## (SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO AMEND THE STAMP DUTIES ACT CAP. S8, LAWS OF THE FEDERATION OF NIGERIA, 2004 TO MEET THE CURRENT REALITIES; AND FOR RELATED MATTERS, 2019.

- Clause 1:**      89.      (1)      For the purposes of this Bill:
- (a)      all income from the denotation of receipt, document or instrument with postage stamp shall be known as stamp proceeds;
  - (b)      the expression, "receipt", includes any:
    - (i)      written, printed or electronic note, memorandum, transaction or notification;
    - (ii)      bill of exchange or promissory note, for the money amounting to N10,000 or upwards, is acknowledged or expressed to have been received or deposited or paid;
    - (iii)      debt or demand, or any part of a debt or demand, of the amount of N10,000 or upwards, is acknowledged to have been settled, satisfied, or discharged, or which signifies or imports any such acknowledgement, and whether the same is or is not signed with the name of any person; and
    - (iv)      electronic stamp of N50 on denotable transaction of N10,000 and upwards.
- (2)      For the purposes of this Bill the expression:
- (a)      "document", includes any written, printed or electronic note, memorandum, or piece of matter that provides information or evidence or memorialized representation of thought or drafts or agreement or proofs or copied or statement or application that serves as an official record between two parties or more; and
  - (b)      "instrument", includes any:
    - (i)      written, printed or electronic matter formally attributed to its author, records and formally expresses a legally enforceable act, process, or contract, obligation or right, and therefore evidences that act, process, agreement or document with value, or can be traded, or contractual right to deliver or receive cash of any money or asset amounting to N10,000 or upwards is acknowledged or expressed to have been received or deposited or paid, or
    - (ii)      debt or demand, or any part of a debt or demand; of the amount of N10,000 or upwards, which is acknowledged to have been settled, satisfied, or discharged, or which signifies or imports any such acknowledgement, and whether the same is or is not signed with the name of any person.

- (3) The denotation upon receipt, document or instrument shall be made with physical or electronic postage stamp which is to be cancelled by the person by whom the receipt is given before it is delivered.
- (4) Every person who, being required by law to make cancellation as provided under subsection (5), neglects or refuses duly and effectively to do so in the manner required, commits an offence and is liable on conviction to a fine of one hundred thousand Naira.
- (5) The denotation upon receipt, document or instrument shall be made with a postage stamp in the same currency of the value of receipt, document and instrument that is liable to stamp proceeds.
- (6) For the purpose of this Bill, all postage stamps, including adhesive postage stamps and electronic stamps or any stamp that can be used for postal purpose, shall be within the meaning of the Nigerian Postal Service Act which includes all postage stamps approved by the Nigeria Postal Service."
- (7) The Nigerian Postal Service to generate N50 for postage stamps referred to, in subsection (6) of this section.

***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:** 8. The Schedule to the Principal Act is amended by -

- (a) deleting subparagraphs (3) and (4) on the exemption list that refers to section 83 of the Act;
- (b) deleting the provision that refers to denoting RECEIPTS of N4 and upwards with 2kobo stamp.

***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.*

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 Stamp Duties Act Cap. S8, Laws of the Federation of Nigeria, 2004 to Meet the Current Realities; and for Related Matters, 2019 and approved as follows:

Clauses 1- 2 — As Recommended

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

(v) **NATIONAL AGRICULTURAL SEEDS COUNCIL 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 National Agricultural Seeds Act, Cap. N5, Laws of the Federation of Nigeria, 2004 and Enact the National Agricultural Seeds Council to Promote and Stimulate the Development of Dependable Seed Industry, Regulate and Control the Registration of Released Varieties, Protect the Farmers From the Sales of Poor Quality Seeds, Facilitate the Production and Marketing of High Quality Seeds in Nigeria and Provide Legal Backing for Official Testing Certification, Sales, Importation, Exportation and Use of Seed; and for Related Matters, 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 NATIONAL AGRICULTURAL SEEDS ACT, CAP. N5, LAWS OF THE FEDERATION OF NIGERIA, 2004 AND ENACT THE NATIONAL AGRICULTURAL SEEDS COUNCIL TO PROMOTE AND STIMULATE THE DEVELOPMENT OF DEPENDABLE SEED INDUSTRY, REGULATE AND CONTROL THE REGISTRATION OF RELEASED VARIETIES, PROTECT THE FARMERS FROM THE SALES OF POOR QUALITY SEEDS; FACILITATE THE PRODUCTION AND MARKETING OF HIGH QUALITY SEEDS IN NIGERIA AND PROVIDE LEGAL BACKING FOR OFFICIAL TESTING CERTIFICATION, SALES, IMPORTATION, EXPORTATION AND USE OF SEED; AND FOR RELATED MATTERS, 2019.

**PART II - FUNCTIONS OF THE COUNCIL**

- Clause 1:**      4.      (1)      The Council shall -
- (a)      analyse and formulate programmes, policies and actions regarding seed development and the seed industry in general, including research on issues relating to seed testing, registration, release, production, marketing, distribution, certification, quality control, supply and use of seeds in Nigeria, importation and exportation of seeds;
  - (b)      design improved management system and procedure relating to the administration of seed activity;
  - (c)      implement official quality control and certification of seeds, and facilitate enrolment of any approved private body in seed certification programmes;
  - (d)      advise the Federal Government on the organisation, management and financing of seed programs;
  - (e)      approve seed standards;
  - (f)      advise the national research system on the changing pattern of seed demand and farmers' needs;
  - (g)      plan, monitor and evaluate the achievements of the national seed system and recommend improvement thereto;
  - (h)      encourage the establishment in Nigeria of seed companies for the purpose of carrying out research, production, processing and marketing of seed;
  - (i)      issue licences and permits under this Bill;
  - (j)      approve policies and strategies to protect small seed producers, local varieties and to promote quality seed production;

- (k) regulate the seed industry in Nigeria;
  - (l) represent Nigeria and work closely with the West African Committee on Seeds for the development of the seed sector;
  - (m) establish and manage a seed sector support fund; and
  - (n) perform such other related functions as may be required of the Council subject to the approval of the Board.
- (2) From the commencement of this Bill, every company incorporated in Nigeria for the purposes specified in subsection (1) (g), shall enjoy such incentives as are granted by the Federal Government to an agricultural and seed enterprises.

***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.*

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 National Agricultural Seeds Act, Cap. N5, Laws of the Federation of Nigeria, 2004 and Enact the National Agricultural Seeds Council to Promote and Stimulate the Development of Dependable Seed Industry, Regulate and Control the Registration of Released Varieties, Protect the Farmers From the Sales of Poor Quality Seeds, Facilitate the Production and Marketing of High Quality Seeds in Nigeria and Provide Legal Backing for Official Testing Certification, Sales, Importation, Exportation and Use of Seed; and for Related Matters, 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.*

**(vi) AGRICULTURAL CREDIT GUARANTEE SCHEME FUND (AMENDMENT) BILL, 2019:**

*Motion made:* That the Senate do resolve into the Committee of the Whole to consider a Bill for an Act to Amend the Agricultural Credit Guarantee Scheme Fund Act Cap. A11, Laws of the Federation of Nigeria, 2004 to Enhance the Capital Base, Expand the Coverage of the Scheme, Increase the Size of the Loanable Fund, Increase Membership and Give More Powers to the Board; and for Related Matters, 2019 (*Senate Leader*).

*Question put and agreed to.*

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

CONSIDERATION OF A BILL FOR AN ACT TO AMEND THE AGRICULTURAL CREDIT GUARANTEE SCHEME FUND ACT CAP. A11, LAWS OF THE FEDERATION OF NIGERIA, 2004 TO ENHANCE THE CAPITAL BASE, EXPAND THE COVERAGE OF THE SCHEME, INCREASE THE SIZE OF THE LOANABLE FUND, INCREASE MEMBERSHIP AND GIVE MORE POWERS TO THE BOARD; AND FOR RELATED MATTERS, 2019.

**Clause 1: Amendment of Section 5.**  
Section 5 of the Principal Act is amended by -

- (a) renumbering existing section 5 as section "5 (1)";
  - (b) substituting for the words "one hundred million naira" in line 1 of the renumbered section 5 (1), the words "Fifty Billion Naira"; and
  - (c) inserting a new subsection (2) as follows:
- (2) The fund of fifty billion Naira may be increased by such amount as the Board may determine and that amount shall be contributed in a proportion as the Board may prescribe"

***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.*

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 Agricultural Credit Guarantee Scheme Fund Act Cap. A11, Laws of the Federation of Nigeria, 2004 to Enhance the Capital Base, Expand the Coverage of the Scheme, Increase the Size of the Loanable Fund, Increase Membership and Give More Powers to the Board; and for Related Matters, 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.*

**(vii) INDEPENDENT NATIONAL ELECTORAL COMMISSION (INEC) BILL, 2019:**

*Motion made:* That the Senate do resolve into the Committee of the Whole to consider a Bill for an Act to Amend the Provisions of the Electoral Act No 6 2010 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 AMEND THE PROVISIONS OF THE ELECTORAL ACT NO 6 2010 AND FOR OTHER MATTERS CONNECTED THEREWITH, 2019.

**Clause 1: Amendment of Section 18.**

Section 18(1) of the Principal Act is amended by:

- (a) Substituting for the figure, "30", in line 1, the figure "60".
- (b) inserting after subsection (1), new subsections "(2)", "(3)" and "(4)"
- (2) If the Electoral Officer or any other officer is satisfied as to the circumstances of the loss, destruction, defacement or damage of the Voters' card, he shall issue to the voter a Replacement Permanent Voter Card.
- (3) No person shall issue a replacement of a permanent voters card to any Voter on polling day or less than thirty (30) days before polling day.

- (4) any person who contravenes subsection (3) of this section commits an offence and is liable on conviction to 5 years imprisonment or a fine of N5,000,000.00 or both".

***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 36.**

Section 36(1) of the Principal Act is amended by -

- (a) inserting after the word, 'days', a 'proviso'-

"Provided that the political party whose candidate died may, if it intends to continue to participate in the election, conduct a fresh primary election within 7 days of the death of its candidate and submit a new candidate to the Commission to replace the dead candidate".

- (b) inserting after subsection (2), a new subsection "(3)"-

- (3) if after the commencement of poll and before declaration of a winner, a leading candidate whose votes affect the results of the election dies:

- (a) the Commission shall, being satisfied of the fact of the death, suspend the election for a period not exceeding 21 days.

- (b) the political party whose candidate died may, if it intends to continue to participate in the election, conduct a fresh primary within 7 days of the death of its candidate and submit a new candidate to the Commission to replace the dead candidate.

- (c) subject to paragraphs (a) and (b), the Commission shall continue with the election, announce the final result and declare a winner."

***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 85.**

Section 85(1) of the Principal Act is amended by inserting before the word, 'electing', in line 2, the words, 'merger and fusion and'- to read as follows:

"a registered Political Party shall give the Commission at least 21 days' notice of any Convention, Congress, Conference or meeting convened for the purpose of merger and fusion and electing members of its Executive Committees, other governing bodies or nominating candidates for any of the elective offices specified under this Act"

***Committee's Recommendation:***

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

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

**Clause 4: Amendment of Section 156.**

"Ward Collation Officer" means Officer responsible for collation of results at Ward Level.

**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.*

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 Provisions of the Electoral Act No 6 2010 and for Other Matters Connected Therewith, 2019 and approved as follows:

Clauses 1-4 — As Recommended

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

**6. Constitutional Amendment (Fourth Alteration) Bill, 2019 (SB.728):**

*Motion made:* That Constitution of the Federal Republic of Nigeria, 1999 (Fourth Alteration, No.8) (Amendment) Bill, 2019 be read the Second Time (*Senator Ike Ekweremadu — Enugu West*).

*Debate:*

*Question put and agreed to.*

*Bill accordingly read the Second Time and referred to the Constitutional Review Committee to report the Next Legislative Day.*

**7. Constitutional Amendment (Fourth Alteration) Bill, 2019 (SB. 729):**

*Motion made:* That Constitution of the Federal Republic of Nigeria, 1999 (Fourth Alteration, No. 15) (Amendment) Bill, 2019 be read the Second Time (*Senator Ike Ekweremadu — Enugu West*).

*Debate:*

*Question put and agreed to.*

*Bill accordingly read the Second Time and referred to the Constitutional Review Committee to report the Next Legislative Day.*

**8. Constitutional Amendment (Fourth Alteration) Bill, 2019 (SB. 730):**

*Motion made:* That Constitution of the Federal Republic of Nigeria, 1999 (Fourth Alteration, No. 20) (Amendment) Bill, 2019 be read the Second Time (*Senator Ike Ekweremadu — Enugu West*).

*Debate:*

*Question put and agreed to.*

*Bill accordingly read the Second Time and referred to the Constitutional Review Committee to report the Next Legislative Day.*

**9. Constitutional Amendment (Fourth Alteration) Bill, 2019 (SB. 731):**

*Motion made:* That Constitution of the Federal Republic of Nigeria, 1999 (Fourth Alteration, No. 22) (Amendment) Bill, 2019 be read the Second Time (*Senator Ike Ekweremadu — Enugu West*).

*Debate:*

*Question put and agreed to.*

*Bill accordingly read the Second Time and referred to the Constitutional Review Committee to report the Next Legislative Day.*

**10. Constitutional Amendment (Fourth Alteration) Bill, 2019 (SB. 732):**

*Motion made:* That Constitution of the Federal Republic of Nigeria, 1999 (Fourth Alteration, No. 24) (Amendment) Bill, 2019 be read the Second Time (*Senator Ike Ekweremadu — Enugu West*).

*Debate:*

*Question put and agreed to.*

*Bill accordingly read the Second Time and referred to the Constitutional Review Committee to report the Next Legislative Day.*

**11. Constitutional Amendment (Fourth Alteration) Bill, 2019 (SB. 733):**

*Motion made:* That Constitution of the Federal Republic of Nigeria, 1999 (Fourth Alteration, No. 28) (Amendment) Bill, 2019 be read the Second Time (*Senator Ike Ekweremadu — Enugu West*).

*Debate:*

*Question put and agreed to.*

*Bill accordingly read the Second Time and referred to the Constitutional Review Committee to report the Next Legislative Day.*

**12. National Assembly Budget and Research Office Bill, 2019 (SB. 736):**

*Consideration of Bill deferred to another Legislative Day.*

**13. Electric Cars Bill, 2019 (SB. 726):**

*Motion made:* That a Bill for an Act to phase out Petrol Vehicles in 2035 and introduce Electric Cars and Other Matters Connected Thereto, 2019 be read the Second Time (*Senator Ben Murray- Bruce — Bayelsa East*).

*Debate:*

*Bill withdrawn (Rule 89).*

**14. 1999 Constitution to Allow Persons of African Origin to Acquire Nigerian Citizenship Bill, 2019 (SB. 727):**

*Motion made:* That a Bill for an Act to amend the 1999 Constitution to allow persons of African origin to acquire Nigerian Citizenship for Purposes of Re-integration and Development and for Other Matters Connected Thereto, 2019 be read the Second Time (*Senator Ben Murray- Bruce — Bayelsa East*).

*Debate:*

*Question put and Negatived.*

**15. Federal College of Forestry Technology and Research, Akamkpa, (Establishment, etc.) Bill, 2019 (SB.707):**

*Motion made:* That a Bill for an Act to establish the Federal College of Forestry Technology and Research, Akamkpa, to provide full-time courses in Forestry Technology and other fields of Studies and to Make Provisions for the General Administration of the College and for Other Matters Connected Therewith, 2019 be read the Second Time (*Senator Gershom H. O. Bassey — Cross River South*).

*Debate:*

*Question put and agreed to.*

*Bill accordingly read the Second Time and referred to the Committee on Tertiary Institutions and TETFUND to report within Four (4) weeks.*

**16. Domestic Workers and Employers Bill, 2019 (SB. 696):**

*Motion made:* That a Bill for an Act to provide for the documentation and protection of Domestic Workers and Employers of Domestic Workers in the Federal Republic of Nigeria and for Other Related Matters Thereto, 2019 be read the Second Time (*Senator Magnus N. Abe — Rivers South-East*).

*Debate:*

*Question put and agreed to.*

*Bill accordingly read the Second Time and referred to the Committee on Judiciary, Human Rights and Legal Matters to report within Four (4) weeks.*

**17. Committee on Police Affairs:**

***Reports on the Police Reform Bill, 2019 (SB. 683):***

*Motion made:* That the Senate do consider the Report of the Committee on Police Affairs on the Police Reform Bill, 2019 (*Senator Tijjani Y. Kaura — Zamfara North*).

*Question put and agreed to.*

*Report presented.*

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

*Question put and agreed to.*

**Extension of Time:**

*Motion made:* That the Senate do sit this day beyond the time appointed for the termination of the Sitting of the Senate (Rule 13) (*Senate Leader*).

*Question put and agreed to.*

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

CONSIDERATION OF A BILL FOR AN ACT TO REPEAL THE POLICE ACT CAP. P19, LAWS OF THE FEDERATION OF NIGERIA, 2004 AND ENACT THE NIGERIA POLICE ACT, 2019 TO PROVIDE FOR THE FRAMEWORK FOR THE POLICE SERVICE AND ENSURE COOPERATION AND PARTNERSHIP BETWEEN THE POLICE AND COMMUNITIES IN MAINTAINING PEACE AND COMBATING CRIME; AND FOR OTHER MATTERS CONNECTED THEREWITH, 2019.

**Clause 1: General Objective.**

The Objective of this Bill is to provide for a more efficient and effective police service that is based on the principles of:

- (a) accountability and transparency; and
- (b) protection of human rights and fundamental freedoms.

**Committee's Recommendation:**

That the provision in Clause 1 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

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

**Clause 2: Specific Objectives.**

The Specific objectives of this Bill are to:

- (a) provide for a Police Force that is more responsive to the needs of the general public and has entrenched in its operations the values of fairness, justice and equity;
- (b) reposition the Police Force to uphold and safeguard the fundamental rights of every person in Nigeria in its operations;
- (c) bring about a positive change in the public perception of the Police Force by ensuring that its functions are performed in a manner sensitive to the needs and well-being of the general public;
- (d) empower the Police Force to effectively prevent crimes without threatening the liberty and privacy of persons in Nigeria;
- (e) strengthen the Police Force in the performance of its functions, including safety and security of all persons, communities and property in Nigeria;
- (f) ensure that the police performs its functions by creating the enabling environment to foster cooperation and partnership between it and the communities it serves to effectively combat, reduce or eradicate crimes;
- (g) develop professionalism in the Police Force by providing relevant training in all police formations in Nigeria for enhanced performance; and
- (h) respect for victims of crime and an understanding of their needs.

**Committee's Recommendation:**

That the provision in Clause 2 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

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

PART II - ESTABLISHMENT, COMPOSITION AND DUTIES OF  
THE NIGERIA POLICE FORCE

**Clause 3: Establishment, Composition and Duties of the Nigeria Police Force.**

- (1) There is established for Nigeria the Nigeria Police Force (in this Act referred to as "the Police Force") which shall, subject to the provisions of the Constitution of the Federal Republic of Nigeria:
  - (a) be organised and administered in accordance with the provisions of this Act; and
  - (b) have such powers and duties and carry out such responsibilities as are conferred on it under this Act or any other law.
- (2) The Police Force shall consist of:
  - (a) the Inspector-General of Police;

- (b) persons appointed to offices in the Police Force by the Police Service Commission under Part IV of this Bill; and
  - (c) Special Constables appointed under this Bill.
- (3) The hierarchy of the Police Force is as specified in the Schedule to this Bill.

***Committee's Recommendation:***

That the provision in Clause 3 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

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

**Clause 4: Primary functions of the Police Force.**

The Police Force shall:

- (a) prevent and detect crimes, and protect the rights and freedom of every person in Nigeria as provided in the Constitution and other enactments;
- (b) maintain public safety, law and order;
- (c) protect the lives and property of all persons in Nigeria;
- (d) enforce all laws and regulations except the laws and regulations that are enforced or administered by other agencies;
- (e) discharge such duties within and outside Nigeria as may be required of it under this Bill or any other law;
- (f) collaborate with other agencies to take any necessary action and provide the required assistance or support to persons in distress, including victims of road accidents, fire disasters, earthquakes and floods;
- (g) facilitate the free passage and movement on highways, roads and streets open to the public; and
- (h) adopt community partnership in the discharge of its responsibilities under this Bill or under any other law.

***Committee's Recommendation:***

That the provision in Clause 4 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

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

**Clause 5: Duty of Police Force to enforce certain constitutional provisions, etc.**

- (1) The Police Force is responsible for promoting and protecting the fundamental rights of persons in police custody as guaranteed by the Constitution.
- (2) For the purpose of subsection (1) of this section, the Police Force shall collaborate with and maintain close working relationships with any Government agency or relevant private initiatives in the establishment of schemes or mechanisms offering legal services to accused persons, detainees or accused persons in police custody in need of legal services to ensure that they have full access to justice as laid down under the relevant provisions of Chapter IV of the Constitution.

- (3) In addition to the provisions of subsections (1) and (2) of this section, the Police Force is also charged with the responsibility of promoting and protecting the fundamental rights of all persons as guaranteed under the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act and other international legal instruments on Human Rights to which Nigeria is a signatory.

***Committee's Recommendation:***

That the provision in Clause 5 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

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

**Clause 6: Establishment and functions of the Nigeria Police Council.**

- (1) There is established for the Federation the Nigeria Police Council (in this Bill referred to as "the Council") which is the highest policy making body in matters relating to the Police Force.
- (2) The Police Council consists of:
  - (a) the President, who is the Chairman;
  - (b) the Governor of each State of the Federation;
  - (c) the Chairman of the Police Service Commission; and
  - (d) the Inspector-General of Police.
- (3) The functions of the Police Council include:
  - (a) the organisation and administration of the Police Force and all other matters relating to the Police Force (not being matters relating to the use and operational control of the Police, or the appointment, disciplinary control and dismissal of members of the Police Force);
  - (b) the general supervision of the Police Force;
  - (c) advising the President on the appointment of the Inspector-General of Police; and
  - (d) receiving and deliberating on reports and advising the President or Inspector-General of Police on actions to be taken:
    - (i) pertaining to policing matters from the States of the Federation and the Federal Capital Territory, Abuja on any crucial decision of their Security Committee meetings held during the three months preceding a quarterly meeting of the Police Council, and
    - (ii) on security concerns relating to policing from the States and the Federal Capital Territory, Abuja, and taking such action as it may consider appropriate.
- (4) The Police Council shall meet at least once every three months and may hold emergency meetings when necessary.
- (5) The Secretary to the Government of the Federation, shall serve as secretary to the Police Council and his office shall provide the necessary secretarial support for the work of the Police Council.

- (6) Subject to the provision of this section, the Police Council shall regulate its own proceedings.

***Committee's Recommendation:***

That the provision in Clause 6 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — *Agreed to.*

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

PART III- APPOINTMENT, REMOVAL, FUNCTIONS AND POWERS, ETC.  
OF INSPECTOR-GENERAL OF POLICE

**Clause 7: Appointment, Removal, etc. Inspector-General of Police.**

- (1) There shall be, as provided for under section 215 of the Constitution, an Inspector-General of Police (in this Bill referred to as "the Inspector-General") who shall:
- (a) be appointed by the President on the advice of the Police Council from among serving members of the Police Force; and
- (b) serve for a single tenure of five years.

**Amendment Proposed:**

Immediately after the word "years" in subclause 7(1)(b) *insert* the words "notwithstanding the age of retirement" instead thereof (*Senator Aliyu S. Abdullahi — Niger North*).

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

- (2) The Inspector-General is the head of the Police and shall exercise all operational control over the Police and all its departments and units.
- (3) The person to be appointed as Inspector-General shall be a Senior Police Officer not below the rank of an Assistant Inspector General of Police with the requisite academic qualifications of at least a first degree or its equivalent in addition to professional and management experience.
- (4) The appointment of a person for the office of the Inspector-General shall meet the following criteria:
- (a) interested persons shall make an open and formal application to the Police Council;
- (b) the Nigeria Police Council shall nominate three applicants from among the pool of applicants using the stipulated criteria for competence and qualification; and
- (c) the President shall appoint the Inspector-General from the recommended applicants subject to the confirmation of the Senate.
- (5) The Inspector-General shall only be removed from office by the President on the advice of the Police Council.
- (6) The President shall remove the Inspector-General from office:
- (a) for his inability to effectively perform the functions of his office;
- (b) for gross misconduct; or

- (c) where the President is satisfied that it is no longer in the interest of the Police Force or public for the Inspector-General to continue in office.
- (7) The Inspector General shall not be removed from office except:
  - (a) a report or complaint of gross misconduct or incapacity to perform his duties has been made against him by any person, including the President to the Nigerian Police Council;
  - (b) the Nigerian Police Council considers the allegations against him serious and sets up a committee of the Council to investigate the matter; and
  - (c) the Committee investigates the allegation, and after fair hearing, recommends that the person be removed from office (*Senator Tijjani Y. Kaura — Zamfara North*).

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

**Clause 8: Functions and powers of the Inspector-General of Police.**

- (1) The powers and functions of the Inspector-General shall include:
  - (a) the development of an overall national policing plan with inputs from the Police Force Headquarters and all the various police formations nationwide before the end of each financial year, setting out the priorities, objectives, cost implications and expected outcomes of policing for the next succeeding financial year;
  - (b) taking into cognisance the security situation across the country and its population, determine the manpower distribution of the Police based on its numerical strength after due consultation with the Police Service Commission;
  - (c) organising the Police Force into various components, units or groups for overall optimal performance and effectiveness;
  - (d) ensuring constant training and re-training of police officers and other staff and personnel of the Police Force and for this purpose, establish and maintain training institutions or centres for the training of members of the Police Force; and
  - (e) making Standing Orders relating to operational control of the Police Force which shall be:
    - (i) binding on all police officers; and
    - (ii) published in the Federal Government Gazette; and
  - (f) performing such other functions or exercising such powers as may be conferred on him under this Bill or any other law.
- (2) The Inspector-General shall, in addition to the duties conferred on him under this section, ensure the discharge by the Police Force of the responsibilities referred to under section 5 of this Bill, and for this purpose, the Inspector-General shall:
  - (a) facilitate access to legal support for suspects, accused persons or detainees in police custody;

- (b) ensure that police officers assigned to work under the relevant scheme provide necessary assistance as may be required by legal counsel; and
  - (c) for the purposes of performing the functions under this section, submit to the Attorney-General of the Federation and National Assembly an annual report on how those responsibilities referred to under section 5(2) of this Bill are discharged.
- (3) The Attorney-General of the Federation shall after a review of the annual report received, send his findings and recommendations to the President and publish same in his official website
- (4) The Inspector-General shall by order published in the Federal Government Gazette make detailed provisions and specifications for the establishment and proper working of the schemes or mechanisms under section 5 of this Bill
- (5) The Inspector-General shall, in performing his functions under this Bill, obtain inputs from the Assistant Inspectors-General of the Zonal Commands on the priority areas of policing for the Zones and incorporate submissions from Commissioners of Police of the States to be included in the overall national strategic plan for the next succeeding financial year.

***Committee's Recommendation:***

That the provision in Clause 8 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — *Agreed to.*

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

**Clause 9: Delegation of Powers.**

- (1) The Inspector-General may delegate any of his powers under this Act to any police officer and such powers may be exercised with respect to the matters or class of matters specified or defined in the instrument of delegation.
- (2) For efficiency, effectiveness and ease of delegation of powers under subsection (1) of this section, and to ensure quick response to priority, safety and security needs, the Inspector-General shall assign powers to Zonal, State, Area and Divisional Commands of the Police Force.

***Committee's Recommendation:***

That the provision in Clause 9 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — *Agreed to.*

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

**PART IV - APPOINTMENTS AND FUNCTIONS, ETC. OF DEPUTY INSPECTOR-GENERAL,  
ASSISTANT INSPECTORS-GENERAL, COMMISSIONERS OF POLICE AND  
OTHER PERSONS INTO THE NIGERIA POLICE FORCE**

**Clause 10: Appointment and Duties of the Deputy Inspector-General.**

- (1) The Police Service Commission shall appoint for the Police Force one Deputy Inspector-General and such numbers of Assistant Inspectors-General as are required for the efficient performance of the functions of the Police Force.
- (2) A person appointed under subsection (1) of this section shall:

- (a) hold office until retirement or removal by the Police Service Commission on account of gross misconduct or incapacity to perform the functions of his office after following due process; and
  - (b) perform such functions and responsibilities and exercise such powers as are assigned to him by the Inspector-General.
- (3) The Deputy Inspector-General of Police shall, in the absence from office of the Inspector-General, act on behalf of the Inspector-General in performing any of the functions and discharging the duties of the Inspector-General under this Act or under any law or in respect of any function as may be delegated by the Inspector-General.
- (4) On resumption of duty by the Inspector-General, the Deputy Inspector-General shall furnish reports, in such form or details as the Inspector-General may specify, of all matters dealt with by the Deputy Inspector-General in the absence of the Inspector-General from office.

***Committee's Recommendation:***

That the provision in Clause 10 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — *Agreed to.*

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

**Clause 11: Appointment of Commissioners of Police.**

- (1) The Police Service Commission shall appoint such numbers of Commissioners of Police as are required for the efficient performance of the functions of the Police Force.
- (2) The Police Service Commission shall, from among the Commissioners of Police appointed under subsection (1) of this section, assign a Commissioner of Police to a State or to the Federal Capital Territory, Abuja, after consultation with the Governor of a State and the Minister of the Federal Capital Territory, Abuja, as the case may be.
- (3) The Commissioners of Police not assigned under subsection (2) of this section may be deployed by the Inspector-General of the Police to head Departments and such other operational units of the Police Force.
- (4) The Police Service Commission or Inspector-General of Police in assigning or deploying, as the case may be, Commissioners of Police under this section to State commands, departments or units, shall reflect the principle of Federal character as provided in the Constitution and under the relevant Act.
- (5) A person appointed under subsection (1) of this section shall hold office until retirement or removal by the Police Service Commission on account of gross misconduct or incapacity to perform the functions of his office.

***Committee's Recommendation:***

That the provision in Clause 11 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — *Agreed to.*

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

**Clause 12: Functions of Commissioners of Police for States.**

- (1) Subject to the provisions this Bill, the Commissioner of Police for a State shall have command and control over the Police in the State he is assigned to and shall exercise powers and perform the functions necessary to give effect to sections 4 of this Bill.
- (2) The Commissioner of Police of a State shall also perform any duty delegated to him by the Inspector-General.

**Committee's Recommendation:**

That the provision in Clause 12 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

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

**Clause 13: Appointment of other Persons.**

The Police Service Commission shall appoint such other persons to offices in the Police Force as are required for the effective and efficient performance of the functions of the Police Force on such terms and conditions as may prescribed by the Police Service Commission.

**Committee's Recommendation:**

That the provision in Clause 13 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

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

**Clause 14: Pensions.**

- (1) Persons appointed to offices under this Part, are entitled to such pensions, gratuities and other retirement benefits as are prescribed under the Pension Reform Act.
- (2) Nothing in this Bill prevents the appointment of a person to any office on terms which preclude the grant of a pension, gratuity or other retirement benefits in respect of that office.
- (3) For the purposes of the application of the provisions of the Pension Reform Act, any power exercisable under that Act by a Minister or other authority of the Government of the Federation, other than the power to make regulations under that Bill, is exercisable by the Police Service Commission, and not by any other person or authority.

**Committee's Recommendation:**

That the provision in Clause 14 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

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

**Clause 15: Standing Orders.**

- (1) The Police Service Commission may, subject to the provisions of this Act, make Standing Orders relating to the conditions of service of members of the Police Force and, the Standing Orders may provide for:
  - (a) the appointment, promotion and disciplinary control, including dismissal of persons appointed by it into the Police Force; and
  - (b) appeals by persons appointed by it into the Police Force against dismissal or other disciplinary measures.

- (2) The Standing Orders made under subsection (1) of this section is binding on all persons appointed by the Police Service Commission and shall be published in the Federal Government Gazette.

**Committee's Recommendation:**

That the provision in Clause 15 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

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

**PART V - GENERAL ADMINISTRATION**

**Clause 16: Oath to be Taken by Officers on Appointment.**

A person appointed as a member of the Police Force shall, prior to the commencement of duties, subscribe to the official oath, the police oath and the oath of allegiance under the Oaths Act

**Committee's Recommendation:**

That the provision in Clause 16 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

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

**Clause 17: Enlistment and Service.**

- (1) A constable shall, on appointment, be enlisted to serve in the Police Force for five years, or for such other period as may be determined by the Police Service Commission.
- (2) The period of enlistment referred to in subsection (1) of this section shall be effective from the approved date of commencement of service.
- (3) Within the enlistment period, every police officer is required to undergo specialised training in any professional field relevant to policing and law enforcement.
- (4) Professionals from the relevant fields including criminology, psychology, sociology, law, medicine or pathology shall be enlisted into the Police Force to practise and use their professional qualifications and expertise in the work of the Police Force.
- (5) A person seeking to be recruited or enlisted for work in the Police Force shall undergo psychological and other evaluations as part of the recruitment and enlistment process to ascertain his character and suitability for the work of the Police Force.

**Committee's Recommendation:**

That the provision in Clause 17 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

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

**Clause 18: Extension of Term of Enlistment in Special Duties.**

- (1) Notwithstanding the provisions of section 17 (1) of this Act, and subject to the provisions of section 20 of this Bill, the Police Service Commission may extend the period of enlistment for a constable whose service is needed beyond general duties for six years.

- (2) Where a constable is granted an extension under subsection (1) of this section, he may be considered for re-engagement into the Police Force upon application by him.

***Committee's Recommendation:***

That the provision in Clause 18 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

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

**Clause 19: Declaration.**

A non-commissioned officer, constable or recruit constable on fresh enlistment, or a person re-engaged for a further period of service under section 18 (1) of this Bill, shall make and subscribe to the Police Declaration prescribed by the Oaths Act.

***Committee's Recommendation:***

That the provision in Clause 19 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

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

**Clause 20: Re- engagement.**

- (1) On approval by the appropriate authority, a non-commissioned officer or constable of good character may be re-engaged to serve for a second term of six years and for a third term of six years or until the officer reaches 35 years of service or age of 60 years, whichever is earlier.
- (2) On completion of the third term of six years, or if the officer has been re-engaged, until reaching the age of 60 years, the non-commissioned officer or constable may be discharged or may claim a discharge upon a six months' notice being given to him or by him.
- (3) Where a non-commissioned officer or constable offers to re-engage within six months after having received his discharge, he shall on re- engagement if his offer of service is accepted, be entitled to the rank which he was holding at the time of his discharge, provided there is a vacancy in the establishment of that rank at the time he re-engages.
- (4) The service of a non-commissioned officer or constable who has been re-engaged under this section is deemed to be continuous for the purposes of his pension or annual allowance or gratuities, as the case may be, and the non-commissioned officer or constable being regarded as being on leave without pay during the period between discharge and re-engagement.
- (5) A non-commissioned officer or constable shall not be re-engaged after a term of six months has elapsed since his discharge, except his offer of service is accepted.
- (6) The reinstatement of a re-engaged non-commissioned officer or constable to the rank he held prior to his discharge shall be decided by a superior police officer.
- (7) A non-commissioned officer or constable, whose period of service expires during a state of war, insurrection or hostilities, may be compulsorily retained and his service prolonged for such period, not exceeding 12 months, as the Police Service Commission may direct.

- (8) Subject to the provisions of the Pensions Reform Act and the provisions of subsection (2) of this section, a police officer other than a superior police officer shall not resign or withdraw himself from his duties without the approval of the Police Service Commission or any police officer authorised in writing by the Police Service Commission.
- (9) For the purpose of this section, "appropriate authority" means the Chairman of the Police Service Commission or the Inspector-General acting under such powers as may be delegated to him by the Police Service Commission.

***Committee's Recommendation:***

That the provision in Clause 20 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — *Agreed to.*

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

**Clause 21: Training Programmes.**

- (1) The Inspector-General shall ensure that all police officers undergo;
  - (a) periodic training and re-training in basic policing;
  - (b) training in crime detection and law enforcement;
  - (c) training in investigation and gathering of evidence;
  - (d) training in effective nationwide citizen engagement;
  - (e) training in human rights;
  - (f) training in prosecution and defence.
- (2) The Inspector-General, in consultation with the Ministry and the Police Service Commission, is responsible for the revision of the training, duration and the content of the training of police officers, at least once in every five years.
- (3) The Inspector-General shall ensure that training programmes are made available to all police officers, irrespective of gender and for all other staff or employees charged with responsibilities for discharging out the duties and responsibilities of the Police Force.

***Committee's Recommendation:***

That the provision in Clause 21 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — *Agreed to.*

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

**Clause 22: Appointment of Supernumerary Police Officers to Protect Property.**

- (1) Any Private or Government Department who desires to avail itself of the services of one or more police officers for the protection of property owned or controlled by it may make application to the Inspector-General:
  - (a) stating the nature and situation of the property in question; and
  - (b) giving such other particulars as the Inspector-General may require.

- (2) On an application under subsection (1), the Inspector-General may, with the approval of the President as delegated by the Police Service Commission, direct the appropriate authority to appoint as supernumerary police officers in the Police Force such number of persons as the Inspector-General thinks appropriate for the protection of the property to which the application relates.
- (3) Every supernumerary police officer appointed under this section-
  - (a) is appointed in respect of the area of the Police Zonal, State or Area Commands in which the personnel and property which he is to protect are located;
  - (b) is employed exclusively on duties connected with the protection of that property;
  - (c) shall, in the police area in respect of which he is appointed and in any police area adjacent thereto, have the powers, privileges and immunities of a police officer; and
  - (d) shall be:
    - (i) a member of the Police Force for all purposes, and
    - (ii) subject to the provisions of this Bill, particularly the provisions relating to discipline.
- (4) The supernumerary police shall be a unit of the Police Force.
- (5) Where any supernumerary police officer is appointed under this section, the private or government department availing itself of the services of that officer shall pay:
  - (a) all entitlements, including salary and allowances to the officer monthly;
  - (b) on the enlistment of the officer, the full cost of the officer's uniform and accoutrements, including ceremonial dresses, which:
    - (i) is the same as the Police general duty, and
    - (ii) shall be paid to the Police in a designated account approved by the Inspector-General
- (6) All uniforms shall be supplied by the Police Force quarter Master.
- (7) Where the private or government department availing itself of the services of any supernumerary police officer appointed under this section desires the services of that officer to be discontinued, the private or government department shall give at least two months' notice in writing to that effect to the Inspector-General who shall give approval to such request for implementation, and all benefits of the officer shall be paid within one month of his release.

***Committee's Recommendation:***

That the provision in Clause 22 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

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

**Clause 23: Appointment of Supernumerary Police Officers for Employment on Administrative Duties on Police Premises.**

- (1) The appropriate authority may, at the request of any superior police officer, appoint any person as a supernumerary police officer at an appropriate level in the Police Force for the administration or maintenance of premises occupied or used for the purposes of the Force, but shall not do so in any particular case unless he is satisfied that it is necessary in the interest of security or discipline that persons discharging the duties in question are subject to the provisions of this Bill relating to discipline.
- (2) Every supernumerary police officer appointed under this section:
  - (a) is appointed in respect of the area of the police area command or, where there is no police area command, the police division in which the premises in connection with whose administration or maintenance he are to be employed is situated;
  - (b) is employed exclusively on duties connected with the administration or maintenance of those premises;
  - (c) shall, in the police area in respect of which he is appointed, have the powers, privileges and immunities of a police officer;
  - (d) shall be a member of the Police Force for all purposes; and
  - (e) is subject to the provisions of this Bill, particularly the provisions relating to discipline.

***Committee's Recommendation:***

That the provision in Clause 23 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — *Agreed to.*

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

**Clause 24: Appointment of Supernumerary Police Officers where Necessary in the Public Interest.**

- (1) If, at any time, the Inspector-General with the consent of the President or as delegated by the Police Service Commission, is satisfied, as regards any police area, that it is necessary in the public interest for supernumerary police officers to be employed in that area, he may authorise the appropriate authority to appoint persons as supernumerary police officers in the Police Force in accordance with the authorisation.
- (2) Every authorisation under this section shall be in writing and shall specify the police area to which it relates and the maximum number of supernumerary police officers who may be appointed under that authorisation.
- (3) Every supernumerary police officer appointed under an authorisation given under this section shall:
  - (a) is appointed in respect of the police area to which the authorisation relates;
  - (b) shall, in the police area in respect of which he is appointed and in any police area adjacent thereto, have the powers, privileges and immunities of a police officer; and

- (c) shall be a member of the Force for all purposes and shall accordingly be subject to the provisions of this Bill, particularly to the provisions relating to discipline.

***Committee's Recommendation:***

That the provision in Clause 24 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

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

**Clause 25: Appointment of Supernumerary Police Officers for Attachment as Orderlies.**

- (1) The appropriate authority may, at the request of the Inspector-General appoint any person as a supernumerary police officer in the Police Force for attachment as an orderly to:
  - (a) a Minister;
  - (b) a Commissioner of the Government of a State; or
  - (c) a police officer of or above the rank of Assistant Commissioner.
- (2) Every supernumerary police officer appointed under this section:
  - (a) is employed exclusively on duties connected with the activities of the person to whom he is attached;
  - (b) shall, while so employed, have throughout Nigeria the powers, privileges and immunities of a police officer;
  - (c) may be trained to bear fire arms by the approval of the Inspector General;
  - (d) shall be a member of the Police Force for all purposes; and
  - (e) shall be subject to the provisions of this Bill, particularly the provisions relating to discipline.

***Committee's Recommendation:***

That the provision in Clause 25 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

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

**Clause 26: Provisions Supplementary to Sections 22 to 25.**

- (1) Every supernumerary police officer shall, on appointment, be enlisted to serve in the Police Force from month to month, and a supernumerary police officer may, at any time, resign his appointment by giving one month's notice in that behalf to his employer and superior police officer in charge of the police area in respect of which he is appointed, and his appointment may be determined by the appropriate authority on one month's notice in that behalf or on payment of one month's pay instead of such notice.
- (2) The ranks to which supernumerary police officers may be appointed shall be prescribed by Inspector-General with the consent of the President or as delegated by the Police Service Commission, but shall not exceed the rank of Commissioner of Police throughout his life time.

- (3) There shall only be one Commissioner of Police at a time in the Federation and he is entitled to convert to general duty if he applies to the Inspector-General or Police service Commission.
- (4) The Inspector General shall forward such application to the Police Service Commission for ratification provided that the officer:
  - (a) has attained the rank of Assistance Commissioner of Police;
  - (b) has served a minimum of 25 years from the first date of enlistment as supernumerary Police;
  - (c) holds a master's degree from an accredited Institution of higher learning;
  - (d) is between the age of 45 and 52 years; and
  - (e) is medically and physically fit.
- (5) The ranks of the supernumerary police shall be equivalent to the general duty or regular police.

***Committee's Recommendation:***

That the provision in Clause 26 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

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

**PART VI- FINANCIAL PROVISIONS**

**Clause 27: Funding of the Police Force.**

- (1) There shall be established and maintained for the Police Force a fund (in this Bill referred to as "the Fund") into which shall be paid-
  - (a) budgetary allocations as may be appropriated by an Act of the National Assembly for the Police Force;
  - (b) such contributions as may be made available to the Police Force for the purposes of this Bill, by the State Governments and the Federal Capital Territory, Abuja;
  - (c) aid and assistance from international bilateral and multilateral organisations provided that the purpose for the aid or assistance does not conflict with the objectives of this Bill;
  - (d) all sums of money accruing to the Police Force by way of grants-in-aid, gifts, testamentary dispositions, endowments and contributions from any other source;
  - (e) all money generated by the Police Force in the course of its operations, including:
    - (i) two-thirds of fees paid by members of the public in respect of extracts from police reports,
    - (ii) two-thirds of fees paid in accordance with Standing Orders for services of police officers who would otherwise be off duty, and \_\_\_\_\_

- (iii) tuition fees from the Police Force training institutions; and
  - (f) any other financial resource that may be vested in or accrue to the Police Force in the course of performing its functions under this Bill or any other law.
- (2) A State Government or the Federal Capital Territory, Abuja, as the case may be, shall:
- (a) keep records of all contributions made; and
  - (b) specify the purpose for which a contribution is made, under subsection (1) (b) of this section.

***Committee's Recommendation:***

That the provision in Clause 27 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

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

**Clause 28: Expenditures by the Police Force.**

- (1) The Police Force shall, from time to time, apply the money accruing in the Fund to:
- (a) the cost of administration and operations of the Police Force;
  - (b) the payment of salaries, allowances, expenses and other benefits of the members of the Police Force and the Warden Service established under this Bill and the other staff of the Police Force;
  - (c) the payment of pensions and other retirement benefits under any law;
  - (d) costs of acquisition and upkeep of premises belonging to the Police Force and any other capital expenditure of the Police Force;
  - (e) all costs connected with or incidental to the operations of the Community Police Forums and Boards established under Part XIII of this Bill;
  - (f) the investments, maintenance of utilities, training, research and similar activities; and
  - (g) any other payment for anything incidental to the provisions of this section or any other function of the Police Force under this Bill.
- (2) Any contribution made by a State Government or the Federal Capital Territory under section 27 (1) (b) of this Bill or any other contribution in respect of which a purpose was specified shall be used by the Police Force for the purpose specified.

***Committee's Recommendation:***

That the provision in Clause 28 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

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

**Clause 29: Estimates.**

- (1) The Police Force shall, not later than 30th September of each year, submit to the National Assembly through the Minister estimates of its income and expenditure for the next succeeding financial year.
- (2) Notwithstanding the provisions of subsection (1) of this section, the Police Force may, where necessary due to unforeseen circumstances, submit supplementary or adjusted statements of estimated income and expenditure to the Minister for submission to the National Assembly.
- (3) The Police Force shall, in preparing its estimates under this section, obtain inputs from the Force Headquarters, Zonal Headquarters, State Commands, Area Commands and Divisional Commands on their budgetary needs based on the annual policing plans for the various policing formations to be included in the overall estimates for the Police Force for the next succeeding financial year.

**Committee's Recommendation:**

That the provision in Clause 29 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — *Agreed to.*

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

**Clause 30: Accounts and Audit.**

- (1) The Police Force shall:
  - (a) keep proper records and accounts of the income and expenditures of the Police Force; and
  - (b) prepare a statement of account in respect of each financial year.
- (2) The Police Force shall, within the first four months of each financial year, submit for auditing, the accounts of the Police Force to auditors appointed by the Police Force from the list and in accordance with guidelines approved by the Auditor-General of the Federation.
- (3) The audited accounts of the Police Force and the Auditor-General's report on the accounts shall be forwarded to the National Assembly by the Auditor-General annually.

**Committee's Recommendation:**

That the provision in Clause 30 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — *Agreed to.*

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

**Clause 31: Annual Report.**

- (1) The Police Force shall, not later than 30th June of each financial year, submit to the Minister, in respect of the preceding financial year, an annual report on the activities of the Police Force in such form as the Minister may direct.
- (2) The report under subsection (1) of this section shall include:
  - (a) detailed information with regards to the activities and expenditures of the Police Force utilized in the carrying out of its policing plan;
  - (b) a copy of the audited accounts of the Police Force for that year together with the Auditor-General's report on the accounts;

- (c) information and description of all contributions made to the Police Force under section 27 (1)(b) of this Bill, including contributions other than cash; and
  - (d) such other information as the Minister may request.
- (3) The Police Force shall, from time to time, provide the Police Council, Police Service Commission and Minister with such information relating to the affairs of the Police Force as they may request.

***Committee's Recommendation:***

That the provision in Clause 31 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

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

**Clause 32: Accountability.**

The Inspector-General of Police shall:

- (a) keep proper accounting records, in such manner as may be determined by the Minister in respect of:
  - (i) income and expenditures of the Police Force, and
  - (ii) all its assets, liabilities and other financial transactions;
- (b) prepare an annual report, including financial statements, in accordance with generally accepted accounting principles and practices; and
- (c) ensure that the:
  - (i) available accounting resources of the Police Force are adequate and used economically in the most effective and efficient manner, and
  - (ii) accounting and other financial records are properly safeguarded.

***Committee's Recommendation:***

That the provision in Clause 32 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

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

**PART VII - POWERS OF POLICE OFFICERS**

**A. INVESTIGATION AND ARREST**

**Clause 33: Investigation of an Allegation by the Police.**

Where an alleged offence is reported to the Police, or a person is brought to the police station on the allegation of committing an offence, the Police shall investigate the allegation in accordance with due process and report its finding to the Attorney-General of the Federation or of a State, as the case may be, for legal advice.

***Committee's Recommendation:***

That the provision in Clause 33 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

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

**Clause 34: Arrest Generally.**

- (1) A suspect or defendant alleged or charged with committing an offence established by an Act of the National Assembly or under any other law shall be arrested, investigated, tried or dealt with according to the provisions of this Bill, except otherwise provided under this Bill.
- (2) A person shall not be arrested merely on a civil wrong or breach of contract.
- (3) A suspect shall be brought before the court as prescribed by this Bill or any other written law or otherwise released conditionally or unconditionally.

**Committee's Recommendation:**

That the provision in Clause 34 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

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

**Clause 35: Mode of Arrest.**

In making an arrest, the police officer or other persons making the arrest shall actually touch or confine the body of the suspect, unless there is a submission to the custody by word or action.

**Committee's Recommendation:**

That the provision in Clause 35 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

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

**Clause 36: No Unnecessary Restraint.**

A suspect or defendant may not be handcuffed, bound or subjected to restraint except:

- (a) there is reasonable apprehension of violence or an attempt to escape;
- (b) the restraint is considered necessary for the safety of the suspect or defendant; or
- (c) by order of a court.

**Committee's Recommendation:**

That the provision in Clause 36 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

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

**Clause 37: Notification of Cause of Arrest and Rights of Suspect.**

- (1) Except when the suspect is in the actual course of the commission of an offence or is pursued immediately after the commission of an offence or has escaped from lawful custody, the police officer or other person making the arrest shall inform the suspect immediately of the reason for the arrest.
- (2) The police officer, the person making the arrest or the police officer in charge of a police station shall inform the suspect of his rights to:
  - (a) remain silent or avoid answering any question until after consultation with a legal practitioner or any other person of his own choice;
  - (b) consult a legal practitioner of his choice before making, endorsing or writing any statement or answering any question put to him after arrest; and

- (c) free legal representation by the Legal Aid Council of Nigeria or other organisations, where applicable.
- (3) The authority having custody of the suspect shall notify the next of kin or relative of the suspect of the arrest at no cost to the suspect.

***Committee's Recommendation:***

That the provision in Clause 37 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

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

**Clause 38: Arrest in Lieu Prohibited.**

A person shall not be arrested in place of a suspect.

***Committee's Recommendation:***

That the provision in Clause 38 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

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

**Clause 39: Humane Treatment of Arrested Suspect.**

- (1) A suspect shall:
  - (a) be accorded humane treatment, having regard to his right to the dignity of his person; and
  - (b) not be subjected to any form of torture, cruel, inhuman or degrading treatment.

***Committee's Recommendation:***

That the provision in Clause 39 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

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

**Clause 40: Arrest by Police Officer Without Warrant.**

- (1) A police officer may, without an order of a court and without a warrant, arrest a suspect:
  - (a) whom he suspects on reasonable grounds of having committed an offence against a law in Nigeria or against the law of any other country, unless the law creating the offence provides that the suspect cannot be arrested without a warrant;
  - (b) who commits any offence in his presence;
  - (c) who obstructs a police officer while in the execution of his duty, or who has escaped or attempts to escape from lawful custody;
  - (d) in whose possession anything is found which may reasonably be suspected to be stolen property or who may reasonably be suspected of having committed an offence with reference to the thing;
  - (e) whom he suspects on reasonable grounds of being a deserter from any of the armed forces of Nigeria;

- (f) whom he suspects on reasonable grounds of having been involved in an act committed at a place outside Nigeria which, if committed in Nigeria, would have been punished as an offence, and for which he is, under a law in force in Nigeria, liable to be apprehended and detained in Nigeria;
  - (g) having in his possession without lawful excuse, the burden of proving which excuse shall lie on the person, any implement of housebreaking, car theft, firearm or any offensive or dangerous weapon;
  - (h) whom he has reasonable cause to believe a warrant of arrest has been issued by a court of competent jurisdiction in Nigeria;
  - (i) found in Nigeria taking precautions to conceal his presence in circumstances, which afford reason to believe that he is taking such precautions with a view to committing an offence;
  - (j) whom he is directed to arrest by a judge or magistrate.
  - (k) whom he reasonably suspects to be planning to commit an offence for which the police officer may arrest without a warrant, if it appears to him that the commission of the offence cannot be otherwise prevented; or
  - (l) required to appear by a public summons issued under this Bill or any other Act.
  - (m) to protect a child or other vulnerable person from the suspect in question; and,
  - (n) to prevent the suspect in question from:
    - (i) causing physical injury to himself or any other person;
    - (ii) suffering physical injury;
    - (iii) causing loss of or damage to property;
    - (iv) committing an offence against public decency where members of the public going about their normal business cannot reasonably be expected to avoid the person in question, or
    - (v) causing an unlawful obstruction of the highway.
- (2) No person shall be arrested without warrant except as provided in subsection (1) above.
- (3) The authority given to a police officer to arrest a suspect who commits an offence in his presence is exercisable in respect of offences committed in the officer's presence notwithstanding that the Act creating the offence provides that the suspect cannot be arrested without a warrant.

**Committee's Recommendation:**

That the provision in Clause 40 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

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

**Clause 41: Arrest by Police Officer Without Warrant.**

A private person may arrest a suspect in Nigeria who in his presence commits an offence, or whom he reasonably suspects of having committed an offence for which the police is entitled to arrest without a warrant.

**Committee's Recommendation:**

That the provision in Clause 41 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

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

**Clause 42: Handing Over of an Arrested Suspect by Private Person.**

- (1) A private person who arrests a suspect shall immediately hand over the suspect so arrested to a police officer or, in the absence of a police officer, shall take the suspect to the nearest police station, and the police officer shall make a note of the name, address and other particulars of the private person making the arrest.
- (2) Where there is reason to believe that the arrested suspect comes under the provisions of section 40 (1) of this Bill, a police officer shall re-arrest him. If there is no sufficient reason to believe that the suspect has committed an offence, he shall be released immediately.
- (3) Where there is reason to believe that the suspect has committed an offence, and he refuses, on the demand of a police officer, to give his name and address, or gives a name or address which the police officer reasonably believes to be false, the provisions of section 63 of this Bill shall apply.
- (4) Where a suspect so arrested by a private person is handed over to a police officer or an official of an agency authorised by law to make arrests, the police officer or official shall take note of the name, residential address and other particulars of the private person making the arrest, and the date, time and other circumstances of the arrest, and where the arrested suspect is taken to the police station or to the agency, the officer shall make the entries in the crime diary.
- (5) The police officer or official to whom the arrested suspect is handed over by the private person shall obtain from the private person who made the arrest a formal witness statement setting out the facts and circumstances of the arrest.
- (6) The provisions of section 46 of this Bill do not apply to this section unless the suspect arrested and handed over has been re-arrested in accordance with subsection (2) of this section.

**Committee's Recommendation:**

That the provision in Clause 42 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

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

**Clause 43: Arrest for Offence Committed in Presence of Judge or Magistrate.**

A judge or magistrate may arrest or direct the arrest of a suspect committing an offence in his presence and shall thereupon hand him over to a police officer who shall proceed to take necessary action.

***Committee's Recommendation:***

That the provision in Clause 43 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — *Agreed to.*

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

**Clause 44: When Public is Bound to Assist in Arrest.**

A person is bound to assist a judge, magistrate or police officer or other person reasonably demanding his aid in arresting or preventing the escape of a suspect whom the judge, magistrate, police officer or other person is authorised to arrest.

***Committee's Recommendation:***

That the provision in Clause 44 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — *Agreed to.*

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

**Clause 45: Arrested Suspect to be Taken Immediately to Police Station.**

- (1) A suspect who is arrested, whether with or without a warrant, shall be taken immediately to a police station, or other place for the reception of suspect, and shall be promptly informed of the allegation against him in the language he understands.
- (2) A person who has the custody of an arrested suspect shall give the suspect reasonable facilities for obtaining legal advice, access to communication for taking steps to furnish bail, and otherwise making arrangements for his defence or release.
- (3) Notwithstanding the provision of subsection (2) of this section, any communication or legal advice shall be done in the presence of an officer who has custody of the arrested suspect.

***Committee's Recommendation:***

That the provision in Clause 45 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — *Agreed to.*

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

**Clause 46: Recording of Arrests.**

- (1) Where a suspect is arrested, whether with or without a warrant, and taken to a police station or any other agency effecting the arrest, the police officer making the arrest or the officer in charge shall cause to be taken immediately, in the prescribed form, the following record of the suspect arrested:
  - (a) the alleged offence;
  - (b) the date and circumstances of his arrest;
  - (c) his full name, occupation and residential address; and
  - (d) for the purpose of identification:
    - (i) his height,

- (ii) his photograph,
  - (iii) his full fingerprint impressions, or
  - (iv) such other means of his identification.
- (2) The process of recording in subsection (1) of this section shall be concluded within a reasonable time of the arrest of the suspect, but not exceeding 48 hours.
- (3) Any further action in respect of the suspect arrested under subsection (1) of this section shall be entered in the record of arrests.
- (4) Where a suspect who is arrested, with or without a warrant, volunteers to make a confessional statement, the police officer shall ensure that the making and taking of the statement shall be in writing and may be recorded electronically on a retrievable video or audio visual means.
- (5) Notwithstanding the provision of subsection (4) of this section, an oral confession of arrested suspect is admissible in evidence.

***Committee's Recommendation:***

That the provision in Clause 46 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

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

**Clause 47: Power to Break out of a House or Place for the Purpose of Liberation.**

A police officer or any other person authorised to make an arrest may break out of a house or place in order to liberate himself or any other person who, having lawfully entered for the purpose of making an arrest, is detained in the house or place.

***Committee's Recommendation:***

That the provision in Clause 47 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

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

**Clause 48: Inventory of Property of Arrested Suspect.**

- (1) A police officer making an arrest or to whom a private person hands over the suspect, shall immediately record information about the arrested suspect and an inventory of all items or property recovered from the suspect.
- (2) An inventory recorded under subsection (1) of this section shall be duly signed by the police officer and the arrested suspect, but the failure of the arrested suspect to sign the inventory shall not invalidate it.
- (3) The arrested suspect, his legal practitioner or such other person, as the arrested suspect may direct, shall be given a copy of the inventory.
- (4) Where any property has been taken under this section from an arrested suspect, a police officer may, upon request by either the owner of the property or parties having interest in the property, release such property on bond pending the arraignment of the arrested suspect before a court.

- (5) Where a police officer refuses to release the property to the owner or any person having interest in the property under subsection (4) of this section, the police officer shall immediately make a report to the court of the fact of the property taken from the arrested suspect and the particulars of the property.
- (6) The court to which a report is made under subsection (5) of this section, may, if it is of the opinion that the property or any portion of it can be returned in the interest of justice to the safe custody of the owner or person having interest in the property, direct that the property or any portion of it be returned to the owner or to such person having interest in the property.
- (7) Where any property has been taken from a suspect under this section, and the suspect is not charged before a court but is released on the ground that there is no sufficient reason to believe that he has committed an offence, any property so taken from the suspect shall be returned to him, provided the property is neither connected to nor a proceed of an offence.

***Committee's Recommendation:***

That the provision in Clause 48 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — *Agreed to.*

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

**Clause 49: Quarterly Report of Arrests to the Attorney-General.**

- (1) The Inspector-General and head of every agency authorised by law to make arrests shall remit quarterly to the Attorney-General of the Federation a record of all arrests made with or without warrant in relation to Federal offences within Nigeria.
- (2) The Commissioner of Police of a State and the head of every agency authorised by law to make arrest within a State shall remit quarterly to the Attorney-General of that State a record of all arrests made with or without warrant in relation to State offences or arrests within the State.
- (3) The report shall contain the full particulars of arrested suspects as prescribed under section 46 of this Bill.
- (4) A register of arrests containing the particulars prescribed under section 46 of this Bill shall be kept in the prescribed form at every police station or agency authorised by law to make arrests, and every arrest, whether made with or without warrant, within the local limits of the police station or agency, or within the Federal Capital Territory, Abuja, shall be entered accordingly by the officer in charge of the police station or official in charge of the agency as soon as the arrested suspect is brought to the station or agency.
- (5) The Attorney-General of the Federation shall establish an electronic and manual database of all records of arrests at the Federal and State level.

***Committee's Recommendation:***

That the provision in Clause 49 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — *Agreed to.*

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

## B. SEARCH

**Clause 50: Power to Search.**

- (1) A police officer may seize and retain anything for which a search has been authorised.
- (2) In every case in which property is seized under this section, the person on whose premises it was at the time of seizure or the person from whom it was taken, if other than the person on whose premises it was, may be summoned or arrested and brought before a court to account for his possession of the property, and the court shall make such order on the disposal of the property and may award costs as the justice of the case may require.
- (3) An authority under subsection (2) of this section may only be given when the premises to be searched are, or within the preceding twelve months have been, in the occupation of any person who has been convicted of receiving stolen property or of harbouring thieves, or of any offence involving fraud or dishonesty, and punishable by imprisonment.
- (4) While searching the premises, a police officer shall not violate the human rights of persons found in the premises that is being searched.

***Committee's Recommendation:***

That the provision in Clause 50 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — *Agreed to.*

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

**Clause 51: Power to Stop and Search.**

- (1) A police officer may exercise the power to stop and search in any:
  - (a) place the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission; or
  - (b) other place to which the public has ready access at the time when he proposes to exercise the power but which is not a private residence.
- (2) A Police officer may detain and search any person or vehicle where:
  - (a) reasonable grounds for suspicion exist that the person being suspected is having in his possession; or conveying in any manner anything which he has reason to believe to have been stolen or otherwise unlawfully obtained;
  - (b) reasonable grounds for suspicion exist that such person or vehicle is carrying an unlawful article;
  - (c) reasonable grounds for suspicion that incidents involving serious violence may take place within a locality;
  - (d) information has been received as to a description of an article being carried or of a suspected offender; and
  - (e) a person is carrying a certain type of article at an unusual time or in a place where a number of burglaries or thefts are known to have taken place recently.

- (3) If, in the course of a search, a police officer discovers an article which he has reasonable grounds for suspecting to be a stolen or prohibited article, he may seize it.
- (4) An article is prohibited for the purposes of this Part of this Bill if it is:
  - (a) an offensive weapon; or
  - (b) an article:
    - (i) made or adapted for use in the course of or in connection with an offence to which this section refers; or
    - (ii) intended by the person having it with him for such use by him or by some other person.
- (5) The offences to which subsection (4)(b)(i) applies are:
  - (a) burglary;
  - (b) theft;
  - (c) offences related to receiving stolen property or of harbouring thieves, or of any offence involving fraud or dishonesty.
- (6) In this Part of this Bill "offensive weapon" means any article:
  - (a) made or adapted for use for causing injury to persons; or
  - (b) intended by the person having it with him for such use by him or by some other person.

***Committee's Recommendation:***

That the provision in Clause 51 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — *Agreed to.*

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

**Clause 52: Action Before a Search Takes Place.**

- (1) Where a police officer is exercising the powers under section 51 of this Bill he shall, before carrying out the search, question the person about his behaviour or his presence in circumstances which gave rise to the suspicion.
- (2) If the person to be searched has a satisfactory explanation which makes a search unnecessary or other circumstances come to the attention of the police officer that make the search unnecessary, no search may take place.
- (3) Before any search of a detained person or vehicle may take place, the officer shall give the person to be searched or in charge of the vehicle:
  - (a) his name and the name of the police station to which he is attached;
  - (b) the object of the search; and
  - (c) his grounds or authorisation for undertaking the search.
- (4) For any police officer to exercise the power to stop and search, he shall be in uniform or wear visibly a valid Police Identity Card.

**Committee's Recommendation:**

That the provision in Clause 52 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

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

**Clause 53: General Conduct of the Search.**

- (1) Reasonable effort shall be taken to minimise the embarrassment that a person or the person whose property is being searched may experience.
- (2) The co-operation of the person to be searched shall be sought in every case.
- (3) A forcible search may be used as a last resort only if it has been established that the person being searched is unwilling to co-operate or resists.
- (4) The length of time for which a person or vehicle may be detained for a search depends on the circumstances, but this shall be within a reasonable time.
- (5) Searches in public shall be restricted to superficial examination of outer clothing.
- (6) Where it is considered necessary to conduct a more thorough search that requires a person to take off his cloth or headgear, it:
  - (a) shall be done out of public view and by an officer of the same sex with the person being searched; and
  - (b) may not be made in the presence of anyone of the opposite sex unless the person being searched requests it.

**Committee's Recommendation:**

That the provision in Clause 53 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

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

**Clause 54: Search of Arrested Suspect.**

- (1) Where a suspect is arrested by a police officer or a private person, the police officer making the arrest or to whom the private person hands over the suspect may search the suspect if the police officer has reasonable grounds for believing that the arrested person may present a danger to himself or others.
- (2) A police officer shall also have the power in any such case to search the arrested person for anything:
  - (a) which he might use to assist him to escape from lawful custody; or
  - (b) which might be evidence relating to an offence.
- (3) Where an arrested suspect is admitted to bail and bail is furnished, he shall not be searched unless there are reasonable grounds for believing that he has on his person any:
  - (a) stolen article;
  - (b) instrument of violence or poisonous substance;

- (c) tools connected with the kind of offence which he is alleged to have committed; or
  - (d) other articles which may furnish evidence against him in regard to the offence, which he is alleged to have committed.
- (4) The power to search conferred under subsection (2) of this section is only a power to search to the extent that is reasonably required for the purpose of discovering anything or evidence.
- (5) The powers conferred under this section to search a person are not to be construed as authorising a police officer to require a person to remove any of his clothing in public.
- (6) A constable may not search premises in the exercise of the power conferred under subsection (2)(b) of this section unless he has reasonable grounds for believing that there is evidence for which a search is permitted under that paragraph on the premises.
- (7) A police officer shall place in safe custody all articles other than necessary wearing apparel found on the suspect.

***Committee's Recommendation:***

That the provision in Clause 54 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

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

**Clause 55: Examination of Arrested Suspect.**

- (1) Subject to the provision of this section, an intimate search of a suspect may be carried out, if a police officer of at least the rank of Assistant Superintendent of Police has reasonable grounds for believing that the suspect in lawful custody:
  - (a) may have concealed on him anything which:
    - (i) could be used to cause physical injury to himself or others, and
    - (ii) might so use while he is in police detention or in the custody of a court; or
  - (b) that evidence of the offence alleged to have been committed can only be gotten from examination of the suspect.
- (2) An authorisation under subsection (1) of this section may be given orally or in writing, and where an oral authorisation has been given, it shall be confirmed in writing as soon as practicable specifying the grounds for the intimate search.
- (3) A police officer carrying out the intimate search shall inform the person who is to be subjected to the search of the:
  - (a) purpose for the search; and
  - (b) authorisation and grounds for the search.
- (4) An intimate search shall be by way of examination by a suitably qualified person.

- (5) Where an officer of the rank of at least an Assistant Superintendent of Police considers it impracticable for an intimate search to be by way of examination by a suitably qualified person, the intimate search may be carried out by a police officer at the rank of Sergeant.
- (6) An intimate search shall be carried out by a suitably qualified person or Sergeant of the same sex as the suspect.
- (7) No intimate search may be carried out except:
  - (a) at a police station;
  - (b) at a hospital; or
  - (c) at some other place used for medical purposes.
- (8) If an intimate search of a person is carried out, the custody record relating to him shall state:
  - (a) the authorisation by virtue of which the search was carried out;
  - (b) the grounds for giving the authorisation;
  - (c) the fact that the appropriate consent was given;
  - (d) which parts of his body were searched; and
  - (e) why they were searched.
- (9) The information required to be recorded by subsection (8) of this section shall be recorded as soon as practicable after the completion of the search.
- (10) The custody officer at a police station may seize and retain anything which is found on an intimate search of a person, or cause any such thing to be seized and retained if he:
  - (a) believes that the person from whom it is seized may use it to:
    - (i) cause physical injury to himself or any other person,
    - (ii) damage property,
    - (iii) interfere with evidence, or
    - (iv) assist him to escape;
  - (b) if he has reasonable grounds for believing that it may be evidence relating to an offence.
- (11) Where anything is seized under this section, the suspect from whom it is seized shall be told the reason for the seizure unless he is:
  - (a) violent or likely to become violent; or
  - (b) incapable of understanding what is said to him.
- (12) Where the appropriate consent for an intimate search of any suspect was refused without good cause, in any proceeding against that suspect for the offence for which the search was required, the court, judge, magistrate or presiding judicial officer may draw such inferences from the refusal as it is considered proper.

- (13) Every quarterly report submitted to the Attorney-General pursuant to section 49 of this Bill shall contain information about searches under this section which have been carried out during the period to which it relates.
- (14) The report on the searches referred to under subsection 12 of this section shall include-
- (a) the total number of searches;
  - (b) the number of searches conducted by way of examination by a suitably qualified person;
  - (c) the number of searches not conducted by a suitably qualified person, but conducted in the presence of such a person; and
  - (d) the result of the searches carried out.
- (15) In this section "suitably qualified person" means a registered:
- (a) medical practitioner; or
  - (b) nurse.

***Committee's Recommendation:***

That the provision in Clause 55 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — *Agreed to.*

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

**Clause 56: Where Reasonable Suspicion Never Exist.**

The following shall not be grounds for reasonable suspicions;

- (a) personal attributes, including a person's colour, age, hairstyle or manner of dress;
- (b) previous conviction for possession of an unlawful article; or
- (c) stereotyped images of certain persons or groups as more likely to be committing offences.

***Committee's Recommendation:***

That the provision in Clause 56 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — *Agreed to.*

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

**Clause 57: Search of Place Entered by Suspect Sought to be Arrested.**

- (1) Where a person or police officer acting under a warrant of arrest or otherwise having authority to arrest, has reason to believe that the suspect to be arrested has entered into or is within any house or place, the person residing in or being in charge of the house or place shall, on demand by the police officer or person acting for the police officer, allow him free access to the house or place and afford all reasonable facilities to search the house or place for the suspect sought to be arrested.
- (2) Where access to a house or place cannot be obtained under subsection (1) of this section, the person or police officer may enter the house or place and search it for the suspect to be arrested, and in order to effect an entrance into the house or place, may break open any outer or inner door or window of any

house or place, whether that of the suspect to be arrested or of any other person or otherwise effect entry into such house or place, if after notification of his authority and purpose, and demand of admittance duly made, he cannot obtain admittance.

- (3) Where the suspect to be arrested enters a house or place in the actual occupancy of another person being a woman who by custom or religious practice does not appear in public, the person making the arrest shall:
  - (a) before entering the house or place, give notice to the woman that she is at liberty to withdraw; and
  - (b) afford her every reasonable opportunity and facility for withdrawing, and may then enter the house or place, but the notice shall not be necessary where the person making the arrest is a woman.

***Committee's Recommendation:***

That the provision in Clause 57 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — *Agreed to.*

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

**Clause 58: Action After Search is Carried Out.**

- (1) An officer who has carried out a search shall make a written record unless it is not practicable to do so, including situations where the number of persons to be searched is large or in situations involving public disorder.
- (2) The records shall be completed and signed by the officer and person being searched on the spot and a copy to be given to the person being searched or the vehicle driver if it is a vehicle.
- (3) Subject to subsection (2) of this section, in case the search record is not available on the spot, the officer that carried out the search shall advise the person searched or the driver of the vehicle searched, of the police station the person may pick up the search record.
- (4) A searched person may refuse to collect a search record that his signature is not appended on.
- (5) Where the person to be searched is unwilling to provide detailed information about himself, the officer may not detain him, he shall be allowed to go unless unlawful items are found in his possession or in the vehicle searched.

***Committee's Recommendation:***

That the provision in Clause 58 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — *Agreed to.*

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

**Clause 59: Search Record.**

- (1) A search record shall be prepared in the prescribed Form to be known as a National search Record Form.
- (2) The following information must always be included in the National Search Record:
  - (a) the name of the person searched or if, he withholds it, description of the person;

- (b) the date of birth of the person searched;
- (c) a note of the person's ethnic origin;
- (d) when a vehicle is searched, a description of the vehicle, including the registration number;
- (e) the object of the search;
- (f) the ground for making the search;
- (g) the date and time the search was made;
- (h) the place where the search was made;
- (i) the result of the search;
- (j) a note of any injury or damage to property resulting from the search; and
- (k) the identity of the officer making the search.

***Committee's Recommendation:***

That the provision in Clause 59 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — *Agreed to.*

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

**Clause 60: Search Warrant Safeguards.**

- (1) A search warrant is unlawful unless it complies with this section.
- (2) Where a police officer applies for any search warrant, it shall be his duty to state:
  - (a) the ground on which he makes the application;
  - (b) the law under which the warrant would be issued;
  - (c) the premises to be searched; and
  - (d) possibly the article or person to be searched.
- (3) An application for a warrant shall be made in writing under oath and supported by necessary information.
- (4) A warrant shall authorise an entry on one occasion only.
- (5) A warrant shall:
  - (a) specify:
    - (i) the name of the person who applies for it,
    - (ii) the date on which it is issued,
    - (iii) the law under which it is issued, and
    - (iv) the premises to be searched;

- (b) a warrant shall identify, as practicable as possible, the article or person to be searched.
- (6) Two copies of a warrant shall be made.
- (7) The two copies shall be clearly certified as copies.

***Committee's Recommendation:***

That the provision in Clause 60 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

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

**Clause 61: Execution of Search Warrant.**

- (1) A warrant to enter and search premises may be executed by any police officer.
- (2) Such a warrant may authorise a person to accompany any police officer who is executing it.
- (3) A search warrant may be issued and executed at any time on any day, including a Sunday or public holiday.
- (4) Where the occupier of premises which is to be searched is present at the time when a police officer seeks to execute a warrant to enter and search, the police officer shall:
  - (a) identify himself to the occupier and, if not in uniform, shall produce to the occupier, his official identity card;
  - (b) produce the warrant to the occupier; and
  - (c) supply the occupier with a copy.
- (5) Where the occupier is not present, but some other person who appears to the police officer to be in charge of the premises is present, subsection (4) of this section shall take effect as if the occupier is present.
- (6) Upon the execution of a warrant, a police officer shall make an endorsement on it stating whether:
  - (a) the articles or persons sought were found; and
  - (b) any other articles were seized, other than articles which were sought.

***Committee's Recommendation:***

That the provision in Clause 61 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

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

**C. STATEMENTS**

**Clause 62: Recording of Statement of Suspect.**

- (1) Where a suspect is arrested on allegation of having committed an offence, his statement shall be taken, if he so wishes to make a statement.

- (2) The statement may be taken in the presence of a legal practitioner of his choice, or where he has no legal practitioner of his choice, in the presence of an officer of the Legal Aid Council of Nigeria or an official of a Civil Society Organization or a Justice of the Peace or any other person of his choice, provided that the legal practitioner or any other person mentioned in this subsection shall not interfere while the suspect is making his statement, except for the purpose of discharging his duty as a legal practitioner.
- (3) Where a suspect does not understand or speak or write in the English language, an interpreter shall record and read over the statement to the suspect to his understanding and the suspect shall then endorse the statement as having been made by him, and the interpreter shall attest to the making of the statement.
- (4) The interpreter shall endorse his name, address, occupation, designation or other particulars on the statement.
- (5) The suspect referred to in subsection (1) of this section shall also endorse the statement with his full particulars.

***Committee's Recommendation:***

That the provision in Clause 62 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — *Agreed to.*

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

**Clause 63: Refusal to Give Name and Residence.**

- (1) Where a suspect who, in the presence of a police officer, has committed or has been accused of committing an offence triable summarily, refuses, on demand of the police officer, to give his name and residential address, or gives a name or residential address which the officer has reason to believe to be false, he may be arrested by the officer in order that his name or residential address may be ascertained.
- (2) Where the true name and residential address of the suspect have been sureties to appear before a magistrate if so required, but if the person is not resident in Nigeria, a surety or sureties resident in Nigeria shall secure the recognizance.
- (3) Where the true name and address of the suspect cannot be ascertained within 48 hours from the time of arrest, or if he fails to execute a recognizance, or, where so required, to furnish sufficient sureties, he shall immediately be brought before the nearest magistrate having jurisdiction.
- (4) Where the suspect on being brought before the court still refuses, the court may deal with him as it will deal with an uncooperative witness under this Bill.

***Committee's Recommendation:***

That the provision in Clause 63 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — *Agreed to.*

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

## D. RELEASE OF ARRESTED SUSPECT

**Clause 64: Release on Bail of a Suspect Arrested Without Warrant.**

- (1) Where a suspect has been taken into police custody without a warrant for an offence other than an offence punishable with death, an officer in charge of a police station shall inquire into the case and release the suspect arrested on bail subject to subsection (2) of this section, and where it will not be practicable to bring the suspect before a court having jurisdiction with respect to the offence alleged, within 20 hours after the arrest.
- (2) The police officer in charge of a police station shall release the suspect on bail on his entering into a recognisance with or without sureties for a reasonable amount of money to appear before the court or at the police station at the time and place named in the recognizance.
- (3) Where a suspect is taken into custody and it appears to the police officer in charge of the station that the offence is of a capital nature, the arrested suspect shall be detained in custody, and the police officer may refer the matter to the Attorney-General of the Federation or of a State, as the case may, for legal advice and cause the suspect to be taken before a court having jurisdiction with respect to the offence within a reasonable time.

**Committee's Recommendation:**

That the provision in Clause 64 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

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

**Clause 65: Power to Release on Bail Before Charge is Accepted.**

- (1) Where a suspect is taken into custody, and it appears to the police officer that the inquiry into the case cannot be completed immediately, he may discharge the suspect on his entering into a recognizance, with or without sureties for a reasonable amount, to appear at the police station and at such times as are named in the recognisance, unless he previously receives notice in writing from the police officer in charge of that police station that his attendance is not required.
- (2) A recognizance under subsection (1) of this section may be enforced as if it were a recognizance conditional for the appearance of the said suspect before a magistrate's court or the place in which the police station named in the recognizance is situate.

**Committee's Recommendation:**

That the provision in Clause 65 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

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

**Clause 66: Remedy of Suspect Detained in Custody.**

- (1) Where a suspect taken into custody in respect of a non-capital offence is not released on bail after 24 hours, a court having jurisdiction with respect to the offence may be notified by application on behalf of the suspect.
- (2) The court shall order the production of the suspect detained and inquire into the circumstances constituting the grounds of the detention and where it deems fit, admit the suspect detained to bail.

- (3) An application for bail under this section may be made orally or in writing.

***Committee's Recommendation:***

That the provision in Clause 66 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — *Agreed to.*

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

**E. MISCELLANEOUS**

**Clause 67: Summons.**

Any summons lawfully issued by a court may be served by any police officer at any time during the hours of daylight, which is between 6am to 6pm.

***Committee's Recommendation:***

That the provision in Clause 67 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — *Agreed to.*

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

**Clause 68: Powers to Prosecute.**

- (1) Subject to the provisions of section 174 and 211 of the Constitution and section 106 of the Administration of the Criminal Justice Act which relates to the powers of the Attorney-General of the Federation and of a State to institute, take over and continue or discontinue criminal proceedings against any person before any court of law in Nigeria, a police officer who is a legal practitioner, may prosecute in person before any court whether or not the information or complaint is laid in his name.
- (2) A police officer may, subject to the provisions of the relevant criminal procedure laws in force at the Federal or State level, prosecute before the courts those offences which non-qualified legal practitioners can prosecute.
- (3) There shall be assigned to every Police Division at least one police officer:
  - (a) who is qualified to practise as legal practitioner in accordance with the Legal Practitioners Act; and
  - (b) whose responsibility is to promote human rights compliance by officers of the Division.

***Committee's Recommendation:***

That the provision in Clause 68 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — *Agreed to.*

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

**Clause 69: Central Criminal Records Registry.**

- (1) There shall be established at the Nigeria Police, a Central Criminal Records Registry.
- (2) For the purposes of subsection (1) of this section, there shall be established at every State Police Command a Criminal Records Registry which shall keep and transmit all records to the Central Criminal Records Registry.
- (3) The State or Federal Capital Territory Police Command, Abuja shall ensure that the decisions of the court in all criminal trials are transmitted to the Central Criminal Records Registry within 30 days of the judgement.

***Committee's Recommendation:***

That the provision in Clause 69 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — *Agreed to.*

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

**Clause 70: Power to Take Fingerprints.**

- (1) A police officer shall take and record for the purposes of identification the measurements, photographs and fingerprint impression of all persons who may be in lawful custody.
- (2) Where a person who has not previously been convicted of any criminal offence is discharged or acquitted by a court, all records relating to such measurements, photographs and fingerprint impressions including the document of acquittal or discharge shall be stored in a retrievable form and handed over to such person upon request.
- (3) A police officer shall apply to a court to compel any person in lawful custody, who refuses to submit to the taking and recording of his measurements, photographs or fingerprint impressions, to submit himself.
- (4) Subject to subsection (3) of this section, the court may authorise a police officer to take the measurements, photographs and finger-print impressions of such person.

***Committee's Recommendation:***

That the provision in Clause 70 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — *Agreed to.*

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

**Clause 71: Police to Report to Supervising Magistrates.**

- (1) An officer in charge of a police station or an official in charge of an agency authorised to make arrest shall, on the last working day of every month, report to the nearest magistrate the cases of all suspects arrested without warrant within the limits of their respective stations or agency whether the suspects have been admitted to bail or not.
- (2) The report shall contain the particulars of the suspects arrested as prescribed under section 46 of this Bill.
- (3) The magistrate shall, on receipt of the reports, forward them to the Criminal Justice Monitoring Committee which shall analyse the reports and advise the Attorney-General of the Federation as to the trends of arrests, bail and related matters.
- (4) The Attorney-General of the Federation shall, upon request by the National Human Rights Commission, the Legal Aid Council of Nigeria or a non-governmental organisation, make the report available to them.
- (5) Where no report is made in accordance with subsection (1) of this section, the magistrate shall forward a report to the Chief Judge of the State and the Attorney-General of the State for appropriate remedial action.

- (6) With respect to the Federal Capital Territory, Abuja, the report referred to in subsection (5) of this section shall be forwarded to the Chief Judge of the Federal Capital Territory, Abuja and the Attorney-General of the Federation for remedial action.

***Committee's Recommendation:***

That the provision in Clause 71 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — *Agreed to.*

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

**Clause 72: Chief Magistrate to Visit Police Stations Every Month.**

- (1) The Chief Magistrate, or where there is no Chief Magistrate within the police division, any magistrate designated by the Chief Judge for that purpose, shall, at least every month, conduct an inspection of police stations or other places of detention within his territorial jurisdiction other than the prison.
- (2) During a visit, the magistrate may:
- (a) call for, and inspect, the record of arrests;
  - (b) direct the arraignment of a suspect;
  - (c) where bail has been refused, grant bail to any suspect, where appropriate, if the offence for which the suspect is held is within the jurisdiction of the magistrate.
- (3) An officer in charge of a police station or an official in charge of an agency authorised to make an arrest shall make available to the visiting Chief Magistrate or designated magistrate exercising his powers under subsection (1) of this section:
- (a) the full record of arrest and record of bail;
  - (b) applications and decisions on bail made within the period; and
  - (c) any other facility the magistrate requires to exercise his powers under that subsection.
- (4) With respect to other Federal Government agencies authorised to make arrests, the High Court having jurisdiction shall visit such detention facilities for the purpose provided in this section.
- (5) Where there is default by an officer in charge of a police station or an official in charge of an agency authorised to make arrest to comply with the provisions of subsection (3) of this section, the default shall be treated as a misconduct and shall be dealt with in accordance with the relevant police regulations under this Bill, or under any other disciplinary procedure prescribed by any provision regulating the conduct of the officer or official of the agency.

***Committee's Recommendation:***

That the provision in Clause 72 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — *Agreed to.*

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

## PART VIII - WARRANTS

**Clause 73: General Authority to Issue Warrant.**

Where under a law, there is power to arrest a suspect without warrant, a warrant for his arrest may be issued by the court.

**Committee's Recommendation:**

That the provision in Clause 73 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

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

**Clause 74: Form and Requisites of Warrant of Arrest.**

- (1) A warrant of arrest issued under this Bill, unless the contrary is provided under any other law, shall:
  - (a) bear the date of issue;
  - (b) contain all necessary particulars; and
  - (c) be signed by the issuing judge or magistrate.
- (2) A warrant shall:
  - (a) state the offence or matter for which it is issued;
  - (b) name and describe the suspect to be arrested; and
  - (c) order the person to whom it is directed to arrest the suspect and bring him before the court.

**Committee's Recommendation:**

That the provision in Clause 74 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

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

**Clause 75: Warrant to be Issued on Complaint Only if on Oath.**

A warrant of arrest shall not be issued in the first instance in respect of any complaint or statement unless the complaint or statement is on oath either by the complainant himself or by a material witness.

**Committee's Recommendation:**

That the provision in Clause 75 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

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

**Clause 76: Warrant May be Issued on Any Day.**

A warrant of arrest may be issued on any day, including a Sunday or public holiday.

**Committee's Recommendation:**

That the provision in Clause 76 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

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

**Clause 77: Warrant, to Whom Directed and Duration.**

- (1) A warrant of arrest may be directed to a police officer by name or to all police officers.
- (2) It is not necessary to make a warrant of arrest returnable at any particular time and a warrant shall remain in force until it is executed or until a Judge or a Magistrate cancels it.
- (3) Where a warrant of arrest has been executed and the suspect arrested has been released, the warrant shall no longer be valid authority for re-arresting the suspect.

**Committee's Recommendation:**

That the provision in Clause 77 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

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

**Clause 78: Warrant of Arrest May in Exceptional Cases be Directed to Other Persons.**

- (1) A court issuing a warrant of arrest may, where its immediate execution is necessary and no police officer is immediately available, direct it to some other person or persons and the person or persons shall execute the warrant.
- (2) A person, when executing a warrant of arrest directed to him, shall have all the powers, rights, privileges and protection given to or afforded by law to a police officer executing a warrant of arrest and shall conform with the requirement imposed by law on a police officer.

**Committee's Recommendation:**

That the provision in Clause 78 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

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

**Clause 79: Execution of Warrant and Procedure.**

- (1) A warrant of arrest may be executed on any day, including a Sunday or public holiday.
- (2) A warrant of arrest may be executed by any police officer at any time and in any place in any State other than within the actual court room in which a court is sitting.
- (3) The Police officer executing a warrant of arrest shall, before making the arrest, inform the suspect to be arrested that there is a warrant for his arrest unless there is reasonable cause for abstaining from giving the information on the ground that it is likely to occasion escape, resistance or rescue.
- (4) A suspect arrested on a warrant of arrest shall, subject to the provisions of the Constitution, sections 80 and 81 of this Bill, be brought before the court that issued the warrant of arrest.

**Committee's Recommendation:**

That the provision in Clause 79 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

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

**Clause 80: Power to Arrest on Warrant but Without the Warrant.**

A warrant of arrest may be executed notwithstanding that it is not in the possession of the person at the time of executing the warrant, but the warrant shall, on the demand by the suspect, be shown to him as soon as practicable after his arrest.

**Committee's Recommendation:**

That the provision in Clause 80 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

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

**Clause 81: Court May Direct Particulars of Security to be Taken on Execution of Warrant.**

- (1) A court, on issuing a warrant for the arrest of a suspect in respect of a matter other than an offence punishable with death, may, if it deems fit by endorsement on the warrant, direct that the suspect named in the warrant be released on bail on his entering into such a recognizance for his appearance as may be required in the endorsement.
- (2) The endorsement shall specify:
  - (a) the number of sureties, if any;
  - (b) the amount in which they and the suspect named in the warrant are, respectively, to be bound, or are to provide as cash security on the request of the surety or suspect;
  - (c) the court before which the arrested suspect is to attend; and
  - (d) the time at which the suspect is to attend, including an undertaking to appear at a subsequent time as may be directed by any court before which he may appear.
- (3) Where an endorsement is made, the officer in charge of a police station to which on arrest the suspect named in the warrant is brought, shall discharge him on his entering into a recognizance, with or without sureties approved by that officer, in accordance with the endorsement, condition for his appearance before the court and at the time and place named in the recognizance.
- (4) Where security is taken under this section, the officer who takes the recognizance shall cause it to be forwarded to the court before which the suspect named in the recognizance is bound to appear.

**Committee's Recommendation:**

That the provision in Clause 81 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

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

**Clause 82: Warrant Issued by the Federal High Court.**

- (1) A warrant of arrest issued by a Federal High Court sitting anywhere in Nigeria may be executed in any part of Nigeria.
- (2) A warrant issued under this section may be executed in accordance with section 79 of this Bill.

**Committee's Recommendation:**

That the provision in Clause 82 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — *Agreed to.*

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

**Clause 83: Re-arrest of Suspect Escaping.**

Where a suspect in lawful custody escapes or is rescued, the person from whose custody he escaped or is rescued or any other person may pursue and re-arrest him in any place in Nigeria.

**Committee's Recommendation:**

That the provision in Clause 83 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — *Agreed to.*

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

**Clause 84: Provisions of Sections 47 and 57 to Apply to Arrests Under Section 83.**

The provisions of sections 43 and 52 of this Bill shall apply to arrests under section 78 of this Bill, although the person making such arrest is not acting under a warrant and is not a police officer having authority to arrest.

**Committee's Recommendation:**

That the provision in Clause 84 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — *Agreed to.*

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

**Clause 85: Public Safety and Public Order.**

- (1) The Police Force is responsible for maintaining and securing public safety and public order.
- (2) The Police Force shall, in carrying out its responsibilities under subsection (1) of this section:
  - (a) uphold the provisions of the Constitution and other laws;
  - (b) uphold and protect the fundamental rights of all persons in Nigeria; and
  - (c) be fair to all persons in Nigeria notwithstanding their economic status or religious, ethnic or political beliefs and affiliations.
- (3) Subject to the provisions of subsection (1) of this section, the Commissioner of Police of a State is responsible for maintaining security, public safety and public order within the State.
- (4) Where a person or organisation notifies the police of his or its intention to hold a public meeting, rally or procession on a public highway, or such meetings in a place where the public has access to, the police officer responsible for the area where the meeting, rally or procession will take place, shall mobilise personnel to provide security cover for the meeting, rally or procession.

**Committee's Recommendation:**

That the provision in Clause 85 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

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

**PART IX - PREVENTION OF OFFENCES AND SECURITY FOR GOOD BEHAVIOUR****Clause 86: Police to Prevent Offences and Injury to Public Property.**

- (1) A police officer may intervene for the purpose of preventing, and shall, to the best of his ability, prevent the commission of an offence.
- (2) A police officer may of his authority intervene to prevent an injury attempted to be committed in his presence to any public property, whether movable or immovable, or the removal of or injury to any public landmark or buoy or other mark used for navigation.

**Committee's Recommendation:**

That the provision in Clause 86 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

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

**Clause 87: Information of Plan to Commit Offence.**

A police officer receiving information of a plan to commit any offence shall communicate the information to the police officer to whom he is subordinate, and to any other officer whose duty it is to prevent or take cognizance of the commission of the offence.

**Committee's Recommendation:**

That the provision in Clause 87 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

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

**Clause 88: Arrest by Police to Prevent Offences.**

Notwithstanding the provisions of this Bill or any other law relating to arrest, a police officer on a reasonable suspicion of a plan to commit an offence, may arrest, without orders from a magistrate and without warrant, the suspect where it appears to the officer that the commission of the offence cannot otherwise be prevented.

**Committee's Recommendation:**

That the provision in Clause 88 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

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

**Clause 89: Prevention by Other Public Officers of Offences and Injury to Public Property.**

- (1) A judge, magistrate, or any other public officer charged with responsibility for maintaining law and order may intervene to prevent the commission of an offence or any damage to any public property, movable or immovable.
- (2) A person is bound to assist a Judge or Magistrate or police officer or any other public officer reasonably demanding his aid:
  - (a) in preventing the commission of an offence or any damage to any public property, movable or immovable;

- (b) in the suppression of a breach of the peace or in the prevention of any damage to any property, movable or immovable or to any railway, canal, water supply, telecommunication system, oil pipeline or oil installation, or electrical installation; or
- (c) in the prevention of the removal of any public landmark, buoy or other mark used for navigation.

***Committee's Recommendation:***

That the provision in Clause 89 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — *Agreed to.*

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

**PART X- PROPERTY FOUND AND UNCLAIMED, ETC.**

**Clause 90: Found and Unclaimed Property.**

- (1) Where a police officer or any other person finds a lost property, the police officer or person who finds the property shall take it to the nearest police station within 24 hours after it is found.
- (2) A police officer on duty shall collect the property which was found and make a record of it.
- (3) A register shall be kept at a police station for the purpose of making entries of the property found and brought to the station which shall contain:
  - (a) the type of property found;
  - (b) the description of the property stating the general particulars and state and condition of the property when it was brought to the police station and any other relevant information relating to the property;
  - (c) the date and time it was found and brought;
  - (d) the name, address and telephone number, if any, of the person who found and brought the property to the station;
  - (e) the name and rank of the police officer who collected the property; and
  - (f) the signatures of the police officer and the person who found and brought the property to the station.
- (4) A police officer who collects the lost and found property shall enter the details in the register referred to in subsection (3) of this section and prepare two forms acknowledging the receipt of the lost and found property and give a duly signed copy to the person who found and brought the property to the police station.
- (5) The police officer in charge of the police station in possession of the property found shall make a public announcement at least on three consecutive times in the print and electronic media about the property in the custody of the police station for the rightful owner to claim the property with authentic proof of ownership within a period of six months.
- (6) The police officer in charge of the station in possession of the property shall release the property upon satisfactory proof of ownership.

- (7) Where the property remains unclaimed after the expiration of six months, the police officer in charge of that police station shall bring the property before a magistrate court for auction and the proceeds shall be paid into the Police Reward Fund established under section 94 of this Bill.
- (8) Where a property in Police custody is a perishable article or its custody involves unreasonable expense or inconvenience, it may be sold at any time, and the proceeds of sale shall be paid into the Police Reward Fund established under section 94 of this Bill.
- (9) There shall be deducted from the proceeds of a sale under subsections (7) and (8) of this section, before being paid into the Police Reward Fund the cost, if any, of the sale and of any sum which the court may direct to be paid as a reward to any person by whom the property was delivered into the possession of the police.

***Committee's Recommendation:***

That the provision in Clause 90 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

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

**Clause 91: Documentation of Arrest, Witnesses and Death in Police Station.**

- (1) Where a person appears in a police station in respect of an offence or an allegation of the commission of an offence either as an accused person or a witness, or as a relation or friend of an accused person or a witness, the duty officer or such other officer as may be authorized by the officer-in-charge of the police station shall enter in the official record book:
  - (a) the name of the person and his national identity number, if any;
  - (b) the date of birth of the person;
  - (c) the reason for the person's visits;
  - (d) the name and address of the person's next-of-kin;
  - (e) the exact time the person comes to the station and leaves, for everyday he visits; and
  - (f) any ailment or medical condition which the person has.
- (2) The particulars mentioned in subsection (1) of this section shall be updated each day the person remains in custody in the police station.
- (3) Where, in the discharge of the police duty, a person is shot, wounded or killed, the officer commanding the operation shall record:
  - (a) the number of those wounded or killed, the names of the victims or their description as much as possible; and
  - (b) efforts taken to ensure hospitalisation of the wounded or proper preservation of the dead.
- (4) A police officer who fails to keep appropriate records referred to in subsections (1), (2) and (3) of this section commits a serious misconduct, which shall attract a disciplinary measure.

- (5) The Inspector-General shall give a quarterly report to the Police Service Commission itemising the number and identity of persons who:
- (a) were detained in all police formations across Nigeria;
  - (b) were charged and prosecuted in the courts in Nigeria and the outcome of their cases;
  - (c) were killed or wounded during police operations across Nigeria; and
  - (d) died in police custody.

***Committee's Recommendation:***

That the provision in Clause 91 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

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

**Clause 92: Missing Persons.**

- (1) A person who is aware that a person under his employment or control is missing shall, within 24 hours report to the police the identity of the missing person and the circumstances in which that person got missing.
- (2) When a report is made to the police under subsection (1) of this section, the duty officer or such other designated staff shall immediately record the name and address of the missing person and the person who made the report.

***Committee's Recommendation:***

That the provision in Clause 92 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

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

PART XI - ESTABLISHMENT OF THE POLICE REWARD FUND, ETC. AND OTHER  
PROVISIONS RELATING TO THE POLICE FORCE

**Clause 93: Establishment, etc. of the Police Reward Fund.**

- (1) There is established for the Nigeria Police the Police Reward Fund (in this Bill referred to as "the Reward Fund" into which shall be paid:
  - (a) all money levied by order of a superior officer on members of the police for offences against discipline;
  - (b) all fines levied for assaults on members of the police;
  - (c) one-third of fees paid by members of the public in respect of extracts from reports made by the police;
  - (d) one-third of fees paid in accordance with Standing Orders for the services of police officers who would otherwise be off duty; and
  - (e) all sums ordered to be paid into the Fund under section 85 (7) of this Bill.
- (2) Subject to the rules for the time being in force under section 23 of the Finance Control and Management Act, the Reward Fund shall be applied and disbursed at the direction of the Inspector-General, based on criteria laid by the Police Service Commission:
  - (a) to reward members of the police for exemplary services

- (b) for payment of ex gratia compassionate gratuities to widows or children of deceased members of the force;
- (c) for making ex gratia payments towards the funeral expenses of any member of the police who dies in the service of the police; and
- (d) for such other purpose as may be determined, by the Nigerian Police Council.

**Committee's Recommendation:**

That the provision in Clause 93 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

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

**Clause 94: Recognition and Commendation for Gallant and Exemplary Service.**

Police officers who have distinguished themselves with their outstanding performance in the discharge of their duties shall be duly honoured and recognised for their gallant and exemplary service by the Police Force:

- (a) by recommendation for national honours, attention being paid to deserving officers of lower rank, in particular;
- (b) through public presentation of awards and certificates of exemplary service from communities and civil society; or
- (c) by the police setting aside a day or week in every year to celebrate outstanding performance by its officers and to remember their fallen heroes.

**Committee's Recommendation:**

That the provision in Clause 94 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

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

**Clause 95: Police Officer and Indebtedness.**

- (1) A police officer shall not get himself involved in indebtedness of any kind while still in service, and where he does, he shall be disciplined and the debt or liability shall be recovered from his remuneration if the creditor can prove the indebtedness by withholding from the police officer's remuneration an amount not exceeding one-half of his monthly remuneration until the amount of the debt or liability is made good.
- (2) Where the recovery of the debt or liability is by a court order, the court making the order shall give due notice to the senior police officer in charge of the command to which the indebted officer belongs, and the amount ordered shall be withheld or deducted from the indebted officer's remuneration until the amount of the debt is made good.

**Committee's Recommendation:**

That the provision in Clause 95 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

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

**Clause 96: Debt Recovery: Exception.**

The remuneration of a police officer shall not be withheld on account of any debt or liability, which he may have incurred within three years before being appointed to the police.

**Committee's Recommendation:**

That the provision in Clause 96 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

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

**Clause 97: Private business and Conflict of Interest.**

A police officer shall not, while in service, be directly involved in managing and running any private business or trade except farming.

**Committee's Recommendation:**

That the provision in Clause 97 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

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

**PART XII- OFFENCES****Clause 98: Offences by Police Officer.**

- (1) A police officer who:
  - (a) begins, raises, abets, countenances, or excites mutiny;
  - (b) causes or joins in any sedition or disturbance of any nature whatsoever;
  - (c) being at an assembly tending to riot, does not use his utmost endeavour to suppress the assembly;
  - (d) coming to the knowledge of any mutiny, or intended mutiny does not without delay give information of the mutiny to his superior officer;
  - (e) strikes or offers any violence to his superior officer, while in the execution of his duty;
  - (f) deserts or aids or abets the desertion of an officer from the Nigeria Police;
  - (g) fails to come to the aid or to assist any person in need of assistance at the time of distress; or
  - (h) on enlistment falsely states that he has not been convicted or imprisoned for a criminal offence or that he was never employed by the Government of the Federation or of a State:

**Amendment Proposed:**

Immediately after Sub-Clause 98(1)(h) *insert* a new Sub-Clause (i) as follows:

- “(i) Employs excessive force, violence or any other acts leading to death or serious bodily harm while in the execution of his duty” (*Senator Aliyu S. Abdullahi — Niger North*).

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

Shall be subject to appropriate disciplinary proceedings in accordance with the police disciplinary mechanisms and if found liable, shall be recommended for dismissal and charged to court for prosecution in accordance with the relevant laws in force.

- (2) A police officer shall not, in discharging his duty, discriminate against a person in Nigeria, based on the person's place of origin, gender, socio-economic status, ethnic, political or religious affiliation or any form of disability and shall not use such language, or act in such a way that suggests a bias towards a particular group.
- (3) A police officer may be proceeded against for desertion without reference to the time during which he may have been absent, and may be found guilty, either of desertion or of absence without leave.
- (4) A police officer shall not be convicted as a deserter or of attempting to desert unless the court is satisfied that there was an intention on the part of the officer either not to return to the Police Force, or to escape some particular important service (*Senator Tijjani Y. Kaura — Zamfara North*).

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

**Clause 99: Apprehension of Deserters.**

On reasonable suspicion that a person is a deserter, a police officer or any other person may apprehend him and bring him immediately before a court having jurisdiction in the place where he was found, which may deal with the suspected deserter or refer him to a court having jurisdiction in the place in which he has deserted.

**Committee's Recommendation:**

That the provision in Clause 99 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

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

**Clause 100: Assault on Police Officer.**

A person who assaults, obstructs or resists a police officer in the execution of his duty, or aids or incites any other person to assault, obstruct or resist a police officer or other person aiding or assisting the police officer in the execution of his duty, commits an offence and is liable on conviction to a fine of N100,000 or imprisonment for a term of six months or both (*Senator Tijjani Y. Kaura — Zamfara North*).

**Amendment Proposed:**

*Leave out* the provision in Clause 100 and *insert* the following instead thereof:

"A person who assaults, obstructs or resists a police officer in the execution of his duty, or aids or incites any other person to assault, obstruct or resist a police officer or other person aiding or assisting the police officer in the execution of his duty, commits an offence and is liable on conviction to a fine of not less than N1,000,000 or imprisonment for a term of two years or both" (*Senator Barau I. Jibrin — Kano North*).

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

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

**Clause 101: Refusing to Aid Police Officer Assaulted.**

Where a person is called upon to aid and assist a police officer who is, while in the execution of his duty, assaulted or resisted or in danger of being assaulted or resisted, and the person refuses or neglects to aid and assist accordingly, he commits an offence and is liable on conviction to a fine of N100,000 or imprisonment for a term of six months or both.

**Committee's Recommendation:**

That the provision in Clause 101 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

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

**Clause 102: Taking of Intoxicating Liquor or Use of Psychotropic Substances and Stimulants While on Duty.**

- (1) A police officer shall not, while on duty, take any intoxicating liquor, psychotropic substances or stimulants and if he does, he shall be punished in accordance with the police disciplinary procedures.
- (2) A person who:
  - (a) knowingly harbours or entertains, or either directly or indirectly, sells or gives any intoxicating liquor, psychotropic substances or stimulants to a police officer while on duty, or permits a police officer to stay or remain in his house unlawfully except in cases of extreme urgency, or
  - (b) by threats or offer of money, gift, spirits, liquors, psychotropic substances or stimulants, induces or attempts to induce any police officer to commit a breach of his duty as a police officer or to omit any part of the duty, commits an offence and is liable on conviction to a fine of N20,000 or imprisonment for a term of three months or both (*Senator Tijjani Y. Kaura — Zamfara North*).

**Amendment Proposed:**

Immediately after the word "duty" in line 4, *leave out* all the words and *insert* the words "commits an offence and is liable on conviction to a fine of not less than N500,000 or imprisonment for a term of two years or both" instead thereof (*Senator Mao A. Ohuabunwa — Abia North*).

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

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

**Clause 103: Impersonation of Police Officer.**

A person, not being a police officer who:

- (a) puts on or assumes either in whole or in part, the apparel, name, designation, or description of a police officer or resembling and intended to resemble the apparel, name or designation of a police officer, or
- (b) in any way, pretends to be a police officer for the purpose of obtaining admission into any house or other place, or of doing any act which such person would not by law be entitled to do of his own authority, commits an offence and is liable on conviction to a fine of N300,000 or imprisonment for a term of three years or both (*Senator Tijjani Y. Kaura — Zamfara North*).

**Amendment Proposed:**

Immediately after the word "authority" in line 3, *leave out* all the words and *insert* the words "commits an offence and is liable on conviction to a fine of not less than N5,000,000 or imprisonment for a term of five years or both" instead thereof (*Senator Barau I. Jibrin — Kano North*).

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

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

**Clause 104: Obtaining Admission into Police Force with Forged or False Certificate.**

- (1) A person who:
  - (a) knowingly uses or attempts to pass off any forged or false certificate character, letter, or any other document for the purpose of obtaining admission into the Police Force; or
  - (b) on applying for enlistment, makes a false statement, commits an offence and is liable on conviction to a fine of N100,000 or imprisonment for a term of six months or both.
- (2) A police officer may arrest without a warrant a person whom he reasonably believes has committed an offence under this section.

**Committee's Recommendation:**

That the provision in Clause 104 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

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

**Clause 105: Ordinary Course of Law not to be Interfered With.**

Nothing in this Bill shall be construed to exempt a police officer from being proceeded against by the ordinary course of law when accused of any offence punishable under any other Act or law.

**Committee's Recommendation:**

That the provision in Clause 105 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

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

**Clause 106: Persons Acquitted by the Court not to be Tried for the Same Offence Under this Bill.**

- (1) A person who has been acquitted by a court of any offence shall not be tried on the same charge or suffer any punishment under this Bill.
- (2) Where a police officer has been convicted by a court for an offence, he shall not be liable to be punished for the same offence under this Bill, but may have his rank or grade reduced or be dismissed from the Police Force.

**Committee's Recommendation:**

That the provision in Clause 106 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

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

**PART XIII - COMMUNITY POLICE FORUMS AND BOARDS****Clause 107: Establishment of Community Police Forums.**

- (1) For the effective and efficient policing of communities in a State, the Commissioner of Police of a State shall establish Community Police Forums and Boards (in this Bill referred to as "the Forums" and "Boards", respectively) that shall consist of representatives of the Police Force and the local community in the State.
- (2) A Commissioner of Police of a State shall establish Community Sub-Forums (in this Bill referred to as "the sub- forums") at all Divisional Police Headquarters in the State.

- (3) Subject to section 112 (1) (b) of this Bill, the Commissioner of Police and members designated by him from time to time for the purpose, shall be members of the Forums and Sub-Forums established at various police formations.

***Committee's Recommendation:***

That the provision in Clause 107 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — *Agreed to.*

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

**Clause 108: Establishment of Divisional Community Police Boards.**

- (1) A Commissioner of Police of a State shall, in collaboration with the relevant stakeholders in the community, establish Divisional Community Police Boards (in this Bill referred to as "Divisional Boards") in all Police Divisions within the State.
- (2) A Divisional Board shall, in collaboration with the relevant stakeholders in the community, establish Divisional Community Police Boards in all police formations in the Division.
- (3) Subject to section 112 (1) (b) of this Bill, the Divisional Police Officer and the members designated by him, from time to time for that purpose, shall be members of the Divisional Board concerned.

***Committee's Recommendation:***

That the provision in Clause 108 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — *Agreed to.*

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

**Clause 109: Establishment of State Community Police Boards**

- (1) A Commissioner of Police of a State shall, in collaboration with the State Executive Council, establish a State Community Police Board.
- (2) A State Community Police Board shall, subject to subsection (3) of this section, consist of representatives of Divisional Community Police Boards designated for that purpose by the Divisional Community Police Boards of a State concerned.
- (3) Subject to section 112 (1) (b) of this Bill, Commissioner of Police in a State and the members designated by him, from time to time for the purpose, shall be members of the State Community Police Board concerned.

***Committee's Recommendation:***

That the provision in Clause 109 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — *Agreed to.*

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

**Clause 110: Objectives of Community Police Forums and Boards.**

- (1) The objectives of the Forums and Boards are to:
  - (a) maintain a partnership between the community and the Police Force;
  - (b) promote communication between the Police Force and the community;

- (c) promote co-operation between the Police and the community in fulfilling the needs of the community regarding policing;
  - (d) improve the police service to the community; and
  - (e) improve transparency and accountability in the provision of police services to the community.
- (2) This section does not prevent police liaison with the community by means other than Forums, Boards, Sub-Forums and Divisional Boards.

***Committee's Recommendation:***

That the provision in Clause 110 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

*Question that Clause 110 do stand part of the Bill, put and agreed to.*

**Clause 111: Functions of Community Police Forums and Boards**

A Forum, Board, Sub-Forum and Divisional Board shall perform the functions it considers necessary and appropriate to achieve the objectives stated in section 110 of this Bill.

***Committee's Recommendation:***

That the provision in Clause 111 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

*Question that Clause 111 do stand part of the Bill, put and agreed to.*

**Clause 112: Procedural Matters.**

- (1) A Forum, Board, Sub-Forum and Divisional Board shall:
- (a) elect, from amongst its members, a chairman, Vice-Chairman and a Secretary who shall be police officers;
  - (b) determine the number of members to be assigned by the State Commissioner or Divisional Police Officer to serve as members of the Board, Forum or Sub-Forum concerned;
  - (c) determine its own procedure and cause minutes to be kept of its proceedings; and
  - (d) whenever it considers necessary, co-opt other members, experts or community leaders to the Forum, Board, Sub-Forum and Divisional Board in an advisory capacity.
- (2) Members of the Forums, Boards, Sub-Forums and Divisional Boards shall render their services on a voluntary basis and shall have no claim to any remuneration solely for services rendered to the Forums, Boards, Sub-Forums or Divisional Boards.
- (3) The majority of the members of a Forum, Board, Sub-Forum or Divisional Board shall constitute a quorum at any of its meetings.
- (4) In the absence of the Chairman of a Forum, Board, Sub-Forum or a Divisional Board at a meeting, the Vice-Chairman shall preside over the meeting, and if both the Chairman and Vice-Chairman are absent, the members present shall elect one of them present to preside over the meeting.

***Committee's Recommendation:***

That the provision in Clause 112 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — *Agreed to.*

*Question that Clause 112 do stand part of the Bill, put and agreed to.*

**Clause 113: Establishment of Traffic Warden Service.**

- (1) There is established a Traffic Warden Service (in this Bill referred to as "the Warden Service").
- (2) The Warden Service shall consist of traffic wardens appointed from time to time under this Bill.
- (3) The Warden Service shall be a part of the Police Force and accordingly, references to the Police Force shall, subject to the provisions of this Bill, include references to the Warden Service.
- (4) Notwithstanding subsection (3) of this section, where any Act, whether passed before or after the commencement of this Bill, requires police officers to discharge military duties, or confers any power on any person whether expressly or in general terms to require police officers to discharge those duties, that Act shall not, in the absence of express provision to the contrary, extend to traffic wardens.
- (5) Traffic wardens shall be employed to perform functions normally undertaken by police officers in connection with the control and regulation of, or the enforcement of the law relating to, road traffic and shall, in that connection, act under the direction of the Police Force.
- (6) Without prejudice to the generality of the provisions of subsections (1)- (5) of this section, a traffic warden shall deal primarily with:
  - (a) the general control and direction of motor traffic on the highway;
  - (b) assisting pedestrians to cross the road; and
  - (c) controlling vehicles stopping or parking in unauthorised places.

***Committee's Recommendation:***

That the provision in Clause 113 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — *Agreed to.*

*Question that Clause 113 do stand part of the Bill, put and agreed to.*

**Clause 114: Appointment of Traffic Wardens.**

- (1) Notwithstanding anything to the contrary in any law, the Inspector -General has power to appoint, promote, transfer, dismiss or exercise disciplinary control over traffic wardens.
- (2) Subject to the provisions of this Bill, a person may be appointed a traffic warden if he:
  - (a) is at least 19 and not more than 21 years of age;
  - (b) is in possession of a minimum educational qualification of Senior Secondary School Certificate;

- (c) at least 167.64 centimetres and 162.56 centimetres tall respectively for the men and women;
  - (d) in the case of men, has at least 86.36 centimetres chest measurement when fully expanded;
  - (e) is of good character and physically fit; and
  - (f) has signified his willingness to serve as a traffic warden.
- (3) The Police Service Commission shall, from time to time by notice published in the Federal Government Gazette, fix the maximum number of persons who may, at any time hold appointments under this section and a person shall not be appointed as a traffic warden if his appointment would cause the number fixed for that period of time to be exceeded.
- (4) The Inspector-General may-
- (a) from time to time with the approval of the Police Service Commission, fix the maximum number of traffic wardens who may, at any time hold appointments in any State;
  - (b) at his own discretion, fix the maximum number of traffic wardens who may, at any time, hold any particular rank in the Warden Service in any State: and
  - (c) in either case, fix different numbers with respect to different States.

***Committee's Recommendation:***

That the provision in Clause 114 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

*Question that Clause 114 do stand part of the Bill, put and agreed to.*

**Clause 115: Declarations by Traffic Wardens**

- (1) A traffic warden on appointment, or if re-appointed for a further term, shall make and subscribe to the police declaration prescribed by the Oaths Act as modified under subsection (2) of this section.
- (2) The police declaration prescribed by the Oaths Act is modified by substituting for the words:
  - (a) "police officer", wherever they occur, the words "traffic warden"; and
  - (b) "for the preservation of peace" to the end of the declaration, the words, "to discharge all duties of my office according to law".

***Committee's Recommendation:***

That the provision in Clause 115 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

*Question that Clause 115 do stand part of the Bill, put and agreed to.*

**Clause 116: Tenure of Office of Traffic Wardens.**

- (1) A traffic warden appointed under this Bill shall be appointed to serve as a traffic warden for one year, and only in the Police Division in which he resides.

- (2) A traffic warden may, subject to satisfactory conduct and service, be re-appointed for further three years until the expiration of the tenth year of his appointment in the Warden Service, when he may elect to determine his appointment or elect that his service be allowed to continue until he is 55 years of age.

***Committee's Recommendation:***

That the provision in Clause 116 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — *Agreed to.*

*Question that Clause 116 do stand part of the Bill, put and agreed to.*

**Clause 117: Powers, etc. of Traffic Wardens**

A traffic warden appointed under this Bill shall, when on duty:

- (a) have the powers, privileges and immunities of a police officer under any law relating to the regulation of road traffic; and
- (b) be in uniform and within the Police Division in which he is appointed to serve, but not elsewhere.

***Committee's Recommendation:***

That the provision in Clause 117 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — *Agreed to.*

*Question that Clause 117 do stand part of the Bill, put and agreed to.*

**Clause 118: Certificate of appointment and discharge**

A traffic warden shall, on first appointment, be issued with a certificate of appointment in a form approved by the Inspector-General and on the determination of that or any subsequent appointment whether by effluxion of time or under section 105 of this Bill, shall in like manner be issued with a Certificate of Discharge.

***Committee's Recommendation:***

That the provision in Clause 118 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — *Agreed to.*

*Question that Clause 118 do stand part of the Bill, put and agreed to.*

**Clause 119: Ranks of Traffic Wardens.**

A traffic warden shall have such rank as may be assigned to him by the Inspector-General within the following grades:

- (a) Traffic Warden Grade III;
- (b) Traffic Warden Grade II;
- (c) Traffic Warden Grade I; and
- (d) Senior Traffic Warden.

***Committee's Recommendation:***

That the provision in Clause 119 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — *Agreed to.*

*Question that Clause 119 do stand part of the Bill, put and agreed to.*

**Clause 120: Resignation.**

- (1) A Traffic Warden appointed under this Bill may at any time give to any superior Police Officer under whom he is serving, notice in writing of his intention to resign his appointment on a date mentioned in the notice not being less than 28 days later than the date on which the notice is given.
- (2) On receipt by the superior police officer of the notice referred to in subsection (1) of this section, the superior police officer shall immediately refer such notice to the Commissioner having control over him and the traffic warden and if the Commissioner consents to the notice having effect, the appointment of the traffic warden shall be terminated accordingly.

**Committee's Recommendation:**

That the provision in Clause 120 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

*Question that Clause 120 do stand part of the Bill, put and agreed to.*

**Clause 121: Discipline.**

- (1) In so far as the context so admits, but subject to the provisions of this Act, a traffic warden shall be subject to the provisions of the Police Regulations for purposes of discipline.
- (2) In the application to traffic wardens of the provisions of Police Regulations relating to the power to award punishments and to whom they may be awarded, references to Constables, Corporals, Sergeants and Inspectors shall include, respectively, references to Traffic Wardens Grade I and Senior Traffic Wardens.

**Committee's Recommendation:**

That the provision in Clause 121 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

*Question that Clause 121 do stand part of the Bill, put and agreed to.*

**Clause 122: Provision of Equipment.**

- (1) The Inspector-General of Police may provide, for use by the traffic wardens, such equipment as he considers necessary for the proper discharge of their duties under this Bill.
- (2) Any expenses incurred by the Inspector-General under this section shall be defrayed out of the fund of the Police Force.

**Committee's Recommendation:**

That the provision in Clause 122 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

*Question that Clause 122 do stand part of the Bill, put and agreed to.*

**Clause 123: Delegation of Power by Inspector-General.**

The Inspector-General may delegate any of his powers under this Part to the Commissioner of a State or the Commandant of a Police College (except his power of delegation), so that the delegated powers may be exercised by the delegate with respect to the matters or class of matters specified or defined by the instrument of delegation.

**Committee's Recommendation:**

That the provision in Clause 123 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

*Question that Clause 123 do stand part of the Bill, put and agreed to.*

**Clause 124: Instruction of Traffic Warden, etc.**

- (1) A traffic warden is required to undergo a course of training at the Traffic Training School of a Police College for 12 weeks or such other or further period as the Inspector-General may determine.
- (2) A traffic warden shall, on appointment, be allocated a service number with the letters, "TW" and the service numbers of all traffic wardens employed under this Bill shall appear on the register kept for that purpose by the Inspector-General.
- (3) A traffic warden to whom a service number has been allocated under subsection (2) of this section shall wear his service number on the shoulder flaps of his uniform whenever he is on duty.

**Committee's Recommendation:**

That the provision in Clause 124 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

*Question that Clause 124 do stand part of the Bill, put and agreed to.*

**PART XV - POLICE PUBLIC COMPLAINTS AND DISCIPLINE****Clause 125: Establishment of a Police Complaints Response Unit.**

The Inspector-General of Police shall establish a Police Complaints Response Unit (in this Bill referred to as 'the Unit') in each of the Police Commands in all the States of the Federation.

**Committee's Recommendation:**

That the provision in Clause 125 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

*Question that Clause 125 do stand part of the Bill, put and agreed to.*

**Clause 126: Composition of the Unit.**

- (1) The Unit shall consist of representatives of the Federal or State Intelligence Bureau, Police Provost Marshal and any other unit of the Police Force as the Inspector-General considers fit.
- (2) The Unit shall be headed by an officer not below the rank of a Chief Superintendent of Police.

**Committee's Recommendation:**

That the provision in Clause 126 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

*Question that Clause 126 do stand part of the Bill, put and agreed to.*

**Clause 127: Functions of the Unit.**

- (1) The Unit shall receive complaints:
  - (a) or information of police officers' misconduct from the public;

- (b) of police officers' misconduct from other police officers or authority.
  - (c) alleging that the conduct complained of resulted in the death or serious injury or other gross human rights violation; and
  - (d) showing that a police officer is involved in an act constituting professional misconduct.
- (2) The Unit shall monitor the investigations initiated by the Unit.
  - (3) While conducting investigation into any complaint by a member of the public against a police officer, the Unit shall afford the person against whom the complaint has been made opportunity to defend himself.
  - (4) On the conclusion of an investigation, the appropriate investigative unit of the Unit shall make available a copy of its findings or investigation report to the Unit within 21 days from the day the complaint was made.

***Committee's Recommendation:***

That the provision in Clause 127 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

*Question that Clause 127 do stand part of the Bill, put and agreed to.*

**Clause 128: Steps to be Taken After Investigation.**

After investigation, the head of the Unit shall forward the report and its recommendations to the Inspector- General who shall:

- (a) send a copy of the investigation report and recommendations to the Director of Public Prosecutions for prosecution if the investigation reveals that an offence has been committed;
- (b) send a copy of the investigation report and recommendations to the appropriate Police or oversight authority for proper disciplinary action if the investigations reveal that the offence committed is against discipline as specified in this Bill and in Police Regulations made under this Bill; and
- (c) where it is discovered after investigations that the complainant knowingly gave false information against the police officer or should have reasonably known that the information is false, the complainant shall be tried according to relevant laws for the time being in force.

***Committee's Recommendation:***

That the provision in Clause 128 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

*Question that Clause 128 do stand part of the Bill, put and agreed to.*

**PART XVI - MISCELLANEOUS PROVISIONS**

**Clause 129: Prohibition Against Gender Discrimination.**

The Police Force or other persons shall not, in the performance of his or its functions under this Bill, regulations or Standing Orders made under to this Bill, discriminate against any person on the basis of gender as provided under section 42 of the Constitution.

**Committee's Recommendation:**

That the provision in Clause 129 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

*Question that Clause 129 do stand part of the Bill, put and agreed to.*

**Clause 130: Disobeying of Unlawful Orders.**

- (1) A police officer who, on reasonable grounds, believes that an order given to him by a superior officer is unlawful, he is not bound to comply with the order and shall immediately make a report in such form as it is provided by the Police Service Commission for that purpose.
- (2) On the receipt of the report referred to in subsection (1) of this section, the Police Service Commission shall immediately inquire into the matter and may, where the inquiry reveals that the order was:
  - (a) lawful, take appropriate disciplinary action against the police officer for disobeying a lawful order; and
  - (b) unlawful, take appropriate disciplinary action against the superior police officer for giving an unlawful order.

**Committee's Recommendation:**

That the provision in Clause 130 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

*Question that Clause 130 do stand part of the Bill, put and agreed to.*

**Clause 131: Power to Make Regulations.**

- (1) The Minister may make regulations on the recommendation of:
  - (a) the Inspector-General of Police, with respect to the policy, organisation and administration of the Police Force, including establishments and financial matters, other than pensions within the meaning of the Pensions Reform Act.
  - (b) the Police Service Commission, with respect to appointments, promotions and disciplinary control of police officers as specified in the Constitution.
- (2) The Minister shall regularly review the police regulations.

**Committee's Recommendation:**

That the provision in Clause 131 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

*Question that Clause 131 do stand part of the Bill, put and agreed to.*

**Clause 132: Repeal.**

- (1) The Police Act Cap P19 Laws of the Federation, 2004 is repealed.
- (2) Subject to section 6 of the Interpretation Act (relating to the repeal of enactments), the repeal of the Act referred to under subsection (1) of this section does not affect anything done or purported to have been done under it.

***Committee's Recommendation:***

That the provision in Clause 132 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — *Agreed to.*

*Question that Clause 132 do stand part of the Bill, put and agreed to.*

**Clause 133: Savings and Transitional Provisions.**

- (1) There are vested in the Police Force established under this Bill, all assets, funds, resources and other moveable or immoveable property which immediately before the commencement of this Bill were vested in the Police Force existing immediately before the commencement of this Bill.
- (2) All rights, interests, obligations and liabilities of the Police Force existing immediately before the commencement of this Bill under any contract or instrument, or in law or in equity, are by virtue of this Bill assigned to and vested in the Police Force established under this Bill.
- (3) Any contract or instrument referred to in subsection (2) of this section has the same effect against or in favour of the Police Force established under this Bill and shall be enforced as fully and effectively as if, instead of the Police Force existing immediately before the commencement of this Act, the Police Force established under this Act had been named in it or had been a party to it.
- (4) Any proceeding or cause of action pending or existing immediately before the commencement of this Bill in respect of any right, interest, obligation or liability of the Police Force existing immediately before the commencement of this Bill may be continued, or as the case may require, be commenced and the determination of a court or tribunal or other authority or person may be enforced by or against the Police Force established under this Bill to the same extent that the cause of action or determination might have been continued or commenced or enforced by or against the Police Force existing immediately before the commencement of this Bill as if this Bill had not been enacted.
- (5) Subject to the provisions of this Bill and to such directions as may be issued by the Police Service Commission, a person who immediately before the commencement of this Bill held office in the Police Force existing before the commencement of this Bill is deemed to have been transferred to the Police Force established under this Bill on terms and conditions not less favourable than those obtaining immediately before the commencement of this Bill and employment in the Police Force existing immediately before the commencement of this Bill is deemed to be service in the Police Force established under this Bill for the purpose of pension.
- (6) Any regulation, order, notice made or issued by or for the purpose of the Police Force existing immediately before the commencement of this Bill are deemed, if not inconsistent with this Bill, to have been made or issued by or for the purposes of the Police Force established under this Bill and shall continue in force until revoked or amended, subject to such modifications as may, from time to time be applicable to the Police Force established under this Bill.
- (7) The Minister may if he thinks fit, within 12 months after the commencement of this Bill, by notice published in the Federal Government Gazette, make additional transitional provisions for the better carrying out of the objectives of this section.

***Committee's Recommendation:***

That the provision in Clause 133 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — *Agreed to.*

*Question that Clause 133 do stand part of the Bill, put and agreed to.*

**Clause 134: Interpretation.**

In this Bill:

"Commissioner" means a Commissioner of Police, a Deputy Commissioner of Police or an Assistant Commissioner of Police;

"Constable" means any Police Officer below the rank of Corporal;

"Constitution" means the Constitution of the Federal Republic of Nigeria, 1999 (as altered);

"court" means any court established by any law in force in Nigeria,

"Criminal justice monitoring committee" refers to the Administration of Criminal Justice Monitoring Committee set up under section 469 of the Administration of Criminal Justice Act to ensure effective and efficient application of the Act, speedy dispensation of criminal matters and for related matters"

"functions" includes duties;

"Inspector" includes a Chief Inspector and an Inspector of Police;

"Minister" means the Minister charged with responsibility over police matters and "Ministry" shall be construed accordingly;

"Non-Commissioned Officer" means a Police Sergeant-Major, a Police Sergeant or a Police Corporal as the case may be;

"Police" means the Police Force;

"Police Force" means the Police Force established under section 3 of this Act;

"police officer" means a member of the Nigerian Police;

"prosecuting officer" means any person appointed by the Attorney General of the Federation or of the States to prosecute crimes on their behalf and for the Nigeria Police;

"senior or superior police officer" means any police officer above the rank of a Cadet Assistant Superintendent of Police; and

"Superintendent of Police" includes a Chief Superintendent of Police, Superintendent of Police, a Deputy Superintendent of Police, and an Assistant Superintendent of Police.

***Committee's Recommendation:***

That the provision in Clause 134 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — *Agreed to.*

*Question that Clause 134 do stand part of the Bill, put and agreed to.*

**Clause 135: Short Title.**

This Bill may be cited as the Nigeria Police Bill, 2019.

***Committee's Recommendation:***

That the provision in Clause 135 be retained (*Senator Tijjani Y. Kaura — Zamfara North*) — Agreed to.

*Question that Clause 135 do stand part of the Bill, put and agreed to.*

**SCHEDULE**

(Section 3 (3))

The hierarchy of the Police Force specified in Section 3(3) of this Bill is:

- (a) The Inspector-General of Police;
- (b) Deputy Inspector- General of Police;
- (c) Assistant Inspectors-General of Police;
- (d) Commissioners of Police;
- (e) Deputy Commissioner of Police;
- (f) Assistant Commissioner of Police;
- (g) Chief Superintendent of Police;
- (h) Superintendent of Police;
- (i) Deputy Superintendent of Police;
- (j) Assistant Superintendent of Police;
- (k) Inspector of Police;
- (l) Sergeant Major;
- (m) Sergeant;
- (n) Corporal;
- (o) Constable; and
- (p) such other officers as the Police Service Commission may consider necessary for effective discharge of the functions of the Police.

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

Chairman to report Bill.

**(SENATE IN PLENARY)**

The Senate President reported that the Senate in the Committee of the Whole considered the Report of the Committee on Police Affairs on the Police Reform Bill, 2019 and approved as follows:

|                   |   |                |
|-------------------|---|----------------|
| Clause 7          | — | As Amended     |
| Clauses 8- 97     | — | As Recommended |
| Clause 98         | — | As Amended     |
| Clause 99         | — | As Recommended |
| Clause 100        | — | As Amended     |
| Clause 101        | — | As Recommended |
| Clauses 102 & 103 | — | As Amended     |
| Clauses 104-135   | — | 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.*

#### 18. **Committee on Health:**

***Report on the National Health Insurance Act 2003 (Repeal and Re-enactment) Bill, 2019 (SB.278):***

*Motion made:* That the Senate do consider the Report of the Committee on Health on the National Health Insurance Act 2003 (Repeal and Re-enactment) Bill, 2019 (*Senator Olanrewaju A. Tejuoso — Ogun Central*).

*Question put and agreed to.*

*Report presented.*

*Motion Made:* That the Senate do resolve into 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 REPEAL THE NATIONAL HEALTH INSURANCE SCHEME ACT, CAP. N42, LFN 2004, AND TO ENACT THE NATIONAL HEALTH INSURANCE COMMISSION BILL 2019.

#### PART I — ESTABLISHMENT OF THE NATIONAL HEALTH INSURANCE COMMISSION

#### **Clause 1: Establishment of the National Health Insurance Commission.**

- (1) There is hereby established a body to be known as the National Health Insurance Commission (in this Bill referred to as "the Commission").
- (2) The Commission —
  - (a) shall be a body corporate with perpetual succession and an official seal;

- (b) may sue and be sued in its corporate name;
- (c) may for the performance of its functions under this Bill acquire, hold, or dispose of any moveable and immovable property; and
- (d) may enter into contract or any other transaction in pursuance of its powers and functions under this Bill.

***Committees Recommendation:***

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

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

**Clause 2:      Object of the Commission.**

- (1) The principal object of the Commission shall be to promote, regulate and integrate health insurance schemes in order to enhance access to healthcare services to all Nigerians.

**Functions of the Commission.**

- (2) For the purpose of achieving this object, the Commission shall —
  - (a) promote, integrate and regulate all health insurance schemes that operate in Nigeria;
  - (b) Ensure that health insurance is mandatory for every resident in Nigeria
  - (c) provide for the basic minimum package of health services to all Nigerians and eligible target groups of Nigerians, through accredited public and private primary and secondary health care facilities;
  - (d) promote, support, collaborate with States through state-supported health insurance schemes to ensure that Nigerians have access to quality health care that meet national health regulatory standards;
  - (e) ensure the implementation and utilization of the Basic Health Care Provision Fund as required under the National Health Act and any guidelines as approved by the Minister under that Act;
  - (f) grant accreditation and re-accreditation to Health Maintenance Organisations, Mutual Health Associations, Third Party Administrators and healthcare facilities and monitor their performance;
  - (g) subject to section 12, approve contributions to be made by members of the various health insurance schemes;
  - (h) provide or require the establishment of mechanisms for receiving and resolving complaints by members of the schemes and healthcare facilities;
  - (i) make proposals to the Council for the formulation of policies on health insurance;
  - (j) provide technical and other relevant support to State health schemes;

- (k) seek and advocate for funds for the Basic Health Care Provision Fund;
- (l) provide and maintain information and communication technology (ICT) infrastructure and capability for the integration of all data on health schemes in Nigeria including but not limited to the State health schemes;
- (m) undertake on its own or in collaboration with other relevant bodies a sustained public education on health insurance;
- (n) devise a mechanism for ensuring that the basic healthcare needs of indigents are adequately provided for;
- (o) maintain a register of licensed health insurance schemes and accredited healthcare facilities;
- (p) evaluate any new proposals related to extending the coverage of a health insurance scheme to any group of Nigerians;
- (q) issue appropriate regulations and guidelines to ensure viability of health insurance schemes;
- (r) in conjunction with the States devise a mechanism for ensuring that the basic healthcare needs of vulnerable persons are adequately provided for, including through the Basic Health Care Provision Fund;
- (s) accredit insurance companies, insurance brokers and banks desirous of participating in health insurance schemes under the Commission;
- (t) maintain a national data bank on health insurance;
- (u) monitor compliance with this Bill, regulate and pursue actions to ensure compliance; and
- (v) regulating all health insurance schemes in Nigeria in accordance with the provisions of this Bill;
- (w) approving formats of contracts for health service purchasing proposed by the health maintenance organizations and the mutual health associations for all health care facilities;
- (x) approving, after negotiation, capitation and other payments due to health care facilities by the Health Maintenance Organizations, Mutual Health Associations, etc.;
- (y) undertake research and producing statistics on matters relating to the Commission;
- (z) ensure the continuous improvement in the quality of services provided by the various schemes through regulations and guidelines issued by the Governing Council;

- (za) exchange information and data with the National Health Management Information System, financial institutions, the Federal Inland Revenue Service, the State Internal Revenue Services, National Bureau of Statistics, professional regulatory bodies and other relevant bodies and individuals for research purposes upon their request;
- (zb) ensure manpower development of the Commission;
- (zc) carry out such other activities as are necessary or expedient for the purpose of achieving the objectives of the Commission under this Bill;
- (zd) provide a complaints mechanism through the establishment of an Ombudsman as required under this Bill; and
- (ze) provide an Information and Communication Technology (ICT) for capturing all relevant data.

***Committees Recommendation:***

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

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

**Clause 3: Establishment of the Governing Council.**

- (1) There is hereby established a Governing Council (in this Bill referred to as "the Council") which shall consist of —
  - (a) the Chairman;
  - (b) one representative each of —
    - (i) the Federal Ministry of Health not below the rank of a Director;
    - (ii) the Federal Ministry of Finance not below the rank of a Director;
    - (iii) the Nigeria Employers Consultative Association;
    - (iv) Organised Labour;
    - (v) the Armed Forces.
  - (c) one representative of the National Insurance Commission;
  - (d) Director General of the Commission who shall also serve as the Secretary to the Council.
  - (e) a representative of each geo-political zone to represent the States, such representation to be rotated between States every two years within the zone;
  - (f) representative of a Civil Society Organisation whose main activities focus on health;
- (2) Members of the Council, other than the Director General, shall be part-time members.

- (3) All members shall within one month of appointment declare in writing to the Council their personal interests as well as those of their family members or close associates known to them in any Organization under this Bill.
- (4) If upon declaration a member is found to hold personal interests in conflict with the object of this Bill in whatever form, the appointment shall be withdrawn.
- (5) The Chairman and other members of the Council shall be appointed by the President of the Federal Republic of Nigeria on the recommendation of the Minister, and shall be persons of relevant high education, experience and integrity.

***Committees Recommendation:***

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

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

**Clause 4: Functions and Powers of the Council.**

The Council shall have the powers to —

- (a) approve and register for the Commission third party administrators in any form
- (b) determine the overall policies of the Commission, including the financial and operational procedures of the Commission;
- (c) ensure the effective implementation of the policies and guidelines of the Commission;
- (d) regulate and supervise the various health insurance schemes established under this Bill;
- (e) promote, oversee collaboration with , and guidance to States Health Schemes;
- (f) approve, license, regulate and supervise Health Maintenance Organizations, Mutual Health Associations and other institutions relating to the Commission as may be determined from time to time;
- (g) approve, license, regulate and supervise Health Maintenance Organisations, Mutual Health Associations and other institutions relating to the Commission as may be determined from time to time;
- (h) approve the organizational structure of the Commission as well as the appointments, promotions and discipline of all categories of the Commission's staff and also their remuneration;
- (i) approve the organisational structure of the Commission as well as the appointments, promotions and discipline of all categories of the Commission's staff and also their remuneration;
- (j) receive and investigate complaints of impropriety levied against any Health Maintenance Organisation, Mutual Health Associations, and other relevant institutions;
- (k) appoint auditors and other consultants of the Commission;

- (l) appoint auditors other consultants of the Commission; and
- (m) to such other things which are necessary or expected for the performance of its functions under this Bill.

***Committees Recommendation:***

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

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

**Clause 5: Tenure of Office of Council Members.**

- (1) A member of the Council other than the Director General —
  - (a) shall hold office for a term of 4 years in the first instance, and
  - (b) may be re-appointed for a further term of 4 years and no more.
- (2) Where a member of the Council resigns, dies, is removed from office or is, for sufficient reason, unable to act as a member of the Council, the chairperson shall notify the President through the Minister, of the vacancy, and the President shall, on the advice of the nominating authority, where applicable, appoint another person to hold office for the unexpired portion of the member's term of office.
- (3) A member of the Council may at any time resign from office in writing addressed to the President through the Minister.

***Committees Recommendation:***

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

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

**Clause 6: Meetings of Council.**

- (1) The Council shall meet at least once every three months for dispatch of business.
- (2) The Chairman shall at the request, in writing, of not less than half of the membership of the Council convene an extraordinary meeting of the Council at the place and time determined by the Chairman.
- (3) The quorum at a meeting of the Council shall be one third of members of the Council including the Director General.
- (4) The Chairman shall preside at the meeting of the Council and, in the absence of the Chairman, a member of the Council elected by the members present from among their number shall preside.
- (5) Matters before the Council shall be decided by a simple majority of the members present and voting, and in the event of a tie of votes, the person presiding shall have the casting vote;
- (6) The Council may invite a person acting in an expert capacity, but that person is not entitled to vote on a matter for decision by Council.
- (7) Subject to the provisions of this section, the Council shall determine the procedure for its meetings; and

- (8) Minutes in proper form of each meeting shall be kept and shall be adopted by the Council at the next meeting and signed by the Chairman and the Secretary of the meeting.

***Committees Recommendation:***

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

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

**Clause 7: Disclosure of Interest.**

A member of the Council who has an interest in a contract, or any other transaction proposed to be entered into with the Commission, or an application before the Council shall disclose in writing the nature of the interest and is disqualified from participating in the deliberations of the Council in respect of the contract, application or that transaction.

***Committees Recommendation:***

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

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

**Clause 8: Committees of the Council.**

The Council may, for the performance of its functions, appoint committees composed of members of the Council or non-members or both and assign to the committees any of its functions but a committee composed entirely of non-members may only advise the Council.

***Committees Recommendation:***

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

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

**Clause 9: Remuneration of Members.**

- (1) The members of the Council shall be paid such remunerations and allowances as the Federal Government may, from time to time, determine for the Chairman and members of Governing Council generally.
- (2) The members of the Council, members of Committee of the Council and persons invited to attend meetings of the Council shall be paid the traveling and any other allowances as approved by the Government.

***Committees Recommendation:***

That the provision in Clause 9 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — Agreed to.

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

**Clause 10: Cessation of Membership.**

- (1) A member of the Council ceases to hold office if he —
  - (a) becomes of unsound mind; or
  - (b) becomes bankrupt or makes a compromise with his creditors; or
  - (c) is convicted of a felony or of any offence involving dishonesty; or

- (d) is guilty of serious misconduct in relation to his duties; or
  - (e) fails to declare his interests to the Council as required by Section 7 of this Bill.
- (2) A member of the Council may be removed from office by the President, on the recommendation of the Minister if he is satisfied that it is not in the interest of the Commission or the interest of the public that the member should continue in office.
- (3) Where a vacancy occurs in the membership of the Council, it shall be filled by the appointment of a successor to hold office for the remainder of the term of office of his predecessor, however, the successor shall represent the same interest and shall be appointed by the President.
- (4) The Council may in the public interest be dissolved by the President and all its members, excluding the Director General, shall cease to hold office as Council members.
- (5) A member of the Council who is absent from three consecutive meetings of the Council without sufficient cause shall cease to be a member of the Council.
- (6) The Chairperson shall, through the Minister, notify the President in writing of a vacancy that occurs on the Council within thirty days of the occurrence of the vacancy.

**Dissolution of the Council.**

- (7) Upon dissolution of the Council and pending its reconstitution, the Minister shall exercise the powers and functions of the Council under this Bill.

***Committees Recommendation:***

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

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

**Clause 11: Ministerial Directives.**

The Minister of Health may give to the Council directives of a general nature on matters of policy and the Council shall comply with such directives.

***Committees Recommendation:***

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

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

**PART II — TYPES OF HEALTH INSURANCE SCHEMES**

**Clause 12: Establishment of State Health Scheme.**

- (1) Every State of the Federation and the Federal Capital Territory shall, for the purposes of providing access to health services to its residents, establish a State health scheme to cover all residents of the State and Federal Capital Territory;
- (2) The Commission may establish a scheme for the coverage of employees in the Federal Civil Service;

- (3) For the purpose of the implementation of a scheme provided for under subsection (2), the Commission shall, with the approval of the Council set out operational guidelines for the scheme;
- (4) State health schemes and the Federal Capital Territory Scheme established under subsection (1) shall comply with the requirements under this Bill, to ensure that any health maintenance organisations or mutual health associations or third party administrator employed in State schemes or the Federal Capital Territory Scheme are registered by the Agency in accordance with the provisions of this Bill;
- (5) Every State and the Federal Capital Territory Scheme shall establish an Information and Communication Technology (ICT) infrastructure for the management of data and such ICT infrastructure shall be integrated with and provide information in the requisite format to the FCT in the ICT infrastructure which shall be established by the commission;
- (6) A State and the Federal Capital Territory shall provide free coverage for vulnerable persons under the State health scheme and not require the payment of premiums for such coverage by vulnerable persons defined by this Bill under its State Health Scheme;
- (7) Every State which has established a State health scheme and which complies with the requirements of this section shall be eligible to participate in the Basic Health Care Provision Fund as established under the National Health Act and the guidelines established under the Act.
- (8) Every State shall obtain reinsurance for the coverage provided under the State health scheme.
- (9) Nothing under this Bill precludes an insurance company registered with the National Insurance Commission (NAICOM) from offering voluntary (private) Health Insurance Plans.

***Committees Recommendation:***

That the provision in Clause 12 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — Agreed to.

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

**Clause 13: Participation in Health Insurance to be Mandatory.**

- (1) Subject to the provisions of this Bill, every person resident in Nigeria shall be required to obtain health insurance.
- (2) Residents under this Bill shall includes all employers and employees into public and private sectors with five staff and above; informal sector employees and all other residents of Nigeria.
- (3) Subject to sub clause (3), nothing under the provisions of this Bill shall be construed to preclude a resident in Nigeria from obtaining private health insurance provided such a person participates in any State mandated health scheme.
- (4) A person who obtains private health insurance shall not be eligible to receive free coverage as a vulnerable person as provided under Section 12 of this Bill.

***Committees Recommendation:***

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

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

**Clause 14: Qualification for Application.**

- (1) Without prejudice to the power of a State to establish a health scheme, under section 12 of this Bill, a person shall not qualify to apply to operate any form of health insurance scheme in the country unless it is registered as a company limited by guarantee or a limited liability company and complies with the provisions of all relevant laws in Nigeria, including but not limited to the provisions of the Insurance Act.
- (2) A private health insurance scheme/plan shall cover interested individuals, employers or employees of organizations in the private sector who may want to buy the plans for supplementary benefits.
- (3) A body corporate registered as a limited liability company under the Company and Allied Matters Act, Cap.C20, LFN, 2004 and accredited by the Commission as a health managed care organisation may operate a private health insurance scheme, subject to compliance with the provisions of law, including but not limited to the Insurance Act.
- (4) A private health insurance scheme/plan shall be required as a condition for registration and licensing by the Commission to deposit with a Bank accredited by the Commission an amount of money in an interest yielding account that the Commission shall prescribe as security for its members
- (5) The security referred to under subsection (4) shall be maintained throughout the period that the business of the private health insurance is carried on
- (6) The Commission may review the level of the security deposit.
- (7) Where a private health insurance scheme/plan suffers a substantial loss, arising from liability to members and the loss cannot reasonably be met from its available resources, the Commission may, after ascertaining the nature of the claim, and on application made to it by the scheme, approve the withdrawal from the security deposit of the scheme of an amount sufficient to meet the liability, and an amount withdrawn shall be replaced by the scheme not later than ninety days after the date of the withdrawal.
- (8) The security deposit is the asset of the private health insurance scheme or plan, but except as provided in subsection (7), it shall be available to the scheme only in the event of the closure or winding up of the health insurance business for the discharge of the liabilities arising out of policies transacted by the insurer and remaining un-discharged at the time of the closure or winding up of the insurance business.
- (9) All Private Health Insurance Schemes or Plans shall be regulated by the Commission.

***Committees Recommendation:***

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

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

**Clause 15: Application for Accreditation and License.**

Without prejudice to the right of a State to establish a health scheme, application for accreditation and license to operate a health insurance scheme shall be made to the Commission in a form to be prescribed by the Commission.

***Committees Recommendation:***

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

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

**Clause 16: Issuance of Licence.**

Without prejudice to the right of a State to establish a health scheme under section 12 of this Bill, a person other than a State shall not operate a health scheme of any type in Nigeria unless it has —

- (a) obtained a licence from relevant statutory bodies;
- (b) been registered with the Commission ; and
- (c) been issued a licence for that purpose.

***Committees Recommendation:***

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

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

**Clause 17: Fee for Issuance of Licence.**

Without prejudice to the provisions of section 15, the Commission, in consultation with the Minister, may by Regulations impose fees for the issuance of a license under this Bill.

***Committees Recommendation:***

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

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

**Clause 18: Duration and Renewal of a Licence.**

- (1) A license to operate a health insurance scheme shall expire five years from the date of issuance of the license.
- (2) The license may on an application be renewed for further periods of three years at a time.
- (3) An application for renewal of a license shall be made not later than three months before the expiration of the license.
- (4) Where an application for renewal is made and the license expires before the Commission determines the application, the license shall be deemed to be in force until the application for renewal is determined by the Commission.

***Committees Recommendation:***

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

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

**Clause 19: Refusal to Register and Licence a Scheme.**

- (a) The Commission may refuse to register and issue a license for a scheme, and it shall notify the applicant in writing of its decision, stating the reasons for the refusal.
- (b) Where the refusal to register and issue a license is as a result of non-material defect in the application, the Commission may in the notice require the applicant to rectify the application within six (6) months.

***Committees Recommendation:***

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

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

**Clause 20: Suspension or Revocation of Licence of a Scheme.**

- (1) The Commission may suspend or revoke the license of a scheme where the Commission is satisfied that the scheme —
  - (a) has in any manner acted fraudulently;
  - (b) has lost its financial ability to continue to operate;
  - (c) is not operating in accordance with good administrative and accounting practices and procedures; or
  - (d) has failed to comply with a provision of this Bill, the Regulations or any other enactment applicable to the scheme.
- (2) The Commission shall before suspending or revoking the licence, give the scheme notice of the default and provide it an opportunity to make representations to the Commission within six months of the notice of such default.
- (3) Where a licence revoked, suspended or expires, the Commission shall take steps to protect and preserve the contribution of members and any other appropriate measures having regard to the best interest of members of the scheme.

***Committees Recommendation:***

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

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

**Clause 21: Third Party Administrator.**

- (1) A Third Party Administrator shall —
  - (a) be a company duly incorporated as a limited liability company under the Companies and Allied matters Act;
  - (b) be registered by the Commission to perform such functions as are specified under this Bill; and
  - (c) comply with all the requirements for Third Party Administrators under the regulations to be made by the Minister.
- (2) A health maintenance organisation may act as a Third Party Administrator if —

- (a) it meets the requirements for doing so under this Bill; and
  - (b) it is contracted to do so.
- (3) A Third Party Administrator established under this Bill shall perform the following functions —
- (a) accreditation of healthcare providers;
  - (b) management of providers including continuous quality assurance;
  - (c) ensuring patient satisfaction through relevant mechanisms, including the operation of call centres; and
  - (d) any other administrative functions which they are required to carry out to facilitate implementation of a State health scheme or functions as required by the Commission.

***Committees Recommendation:***

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

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

**Clause 22: Limitation to Provision of Health Insurance.**

A health insurance scheme registered and licensed under this Bill shall not carry on any activity other than activities directly related to the provision of health insurance.

***Committees Recommendation:***

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

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

**Clause 23: Prohibition of Provision of Health Insurance Service without Licence.**

A person shall not operate a health insurance scheme unless the scheme —

- (a) is registered with the Commission;
- (b) is issued with a license for that purpose by the Commission; and
- (c) complies with other requirements under this Bill.

***Committees Recommendation:***

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

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

**Clause 24: Display of Licence.**

A licensed scheme, institutions or organizations, groups etc. shall display its license in a prominent place at its offices, where the license is visible to the general public.

***Committees Recommendation:***

That the provision in Clause 24 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — Agreed to.

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

**Clause 25: Prohibition on Use of Name Unless Licenced.**

- (1) Without prejudice to the right of a State to establish a health scheme, a person shall not conduct an activity under a name which includes "health scheme", "medical insurance scheme", "health maintenance organization", "health insurance scheme" or similar name which is calculated or likely to lead people to believe that person operates a health insurance scheme unless the scheme is registered and licensed and complies with other provisions under this Bill.
- (2) A person who acts contrary to subsection (1) commits an offence and is liable on conviction to a fine not less than N100,000 (One hundred thousand Naira) or to a term of imprisonment of not less than six months or both.

***Committees Recommendation:***

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

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

**Clause 26: Transfer and Joint Operations.**

- (1) Subject to the provisions of section 12 of this Bill, a health scheme licensed under this Bill shall not transfer its activities or operate its activities jointly with another scheme unless it has the prior written approval of the Commission.
- (2) An application for approval under subsection (1) shall be made jointly to the Commission by the schemes involved and shall contain the information prescribed by regulation made by the Commission under this Bill.
- (3) Before determining an application for approval under subsection (1), the Commission shall cause to be conducted an investigation into the desirability of the change having regard to the best interest of the members of the scheme.
- (4) The Commission may conduct a hearing before determining an application under this section and may hear the representatives of the scheme, members of the scheme and any person the Commission considers is sufficiently concerned in the matter to entitle that person to a hearing by the Commission.
- (5) The Commission after the hearing shall make a determination which shall be binding on the parties and their members.
- (6) A person dissatisfied with the decision of the Commission may apply to the Minister for a review of the decision.

***Committees Recommendation:***

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

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

**Clause 27: Gazette Notification.**

On the licensing, suspension or revocation of the license of a scheme, the Commission shall publish the name and particulars of the scheme in the Gazette and/or newspapers of national circulation that the Commission shall determine.

***Committees Recommendation:***

That the provision in Clause 27 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — Agreed to.

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

PART III — ESTABLISHMENT OF HEALTH INSURANCE SCHEMES:  
SPECIFIC PROVISIONS AND REGULATIONS

**Clause 28: Establishment of the Public Sector Social Health Insurance Schemes.**

- (1) There is hereby established schemes to be known as the Public Sector Social Health Insurance Schemes (in this Bill referred to as "the public sector schemes") for the purpose of providing health insurance coverage which shall entitle persons and their dependants the benefits of prescribed good quality and cost effective health services as set out in this Bill.
- (2) A public sector scheme may be established by the Federal Government, a State Government including the Federal Capital Development Authority or a Local Government to cover all its employees and their dependants;
- (3) All Public Sector Social Health insurance Schemes shall be regulated by the Commission.
- (4) A Public Sector Scheme shall be operated and managed by a Public Sector Health Insurance Fund as set out in this Bill.

***Committees Recommendation:***

Leave out the provision in Clause 28 (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — Agreed to.

**Clause 29: Establishment of Organized Private Sector Scheme.**

- (1) There is hereby established a scheme to be known as the Organized Private Sector Social Health Insurance Schemes (in this Bill referred to as 'Organized Private Sector Scheme') for the purpose of providing health insurance which shall entitle ensured persons and their dependants the benefit of prescribed good quality and cost effective health services as set out in this Bill.
- (2) The Organized Private Sector Scheme shall cover all employees of organizations in the private sector that employ at least five workers as well as to those individuals who may want to voluntarily join the scheme.
- (3) An employer who has a minimum of five employees shall together with the persons in his employment, pay contributions, of such rate and in such manner as may be determined from time to time, in accordance with the provisions of this Bill.
- (4) A registered employer under the organized private sector scheme shall cause to be deducted from his employees' wages the approved amount of contribution payable by the employee. This contribution along with that of the employer shall be collected by or remitted to the organized private sector fund insurer for the purchase of a defined package of health care benefits for the enrollees.

***Committees Recommendation:***

Leave out the provision in Clause 29 (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — Agreed to.

**Clause 30: Establishment of Private Health Insurance Schemes, Including HMO Prepaid Plans.**

- (1) There is hereby established schemes to be known as the Private Health Insurance schemes (in this Bill referred to as 'The Private Health Schemes') for the purpose of providing private health insurance plans which shall entitle insured persons the benefit of prescribed good quality and cost effective health services as set out in this Bill.
- (2) A private health insurance scheme/plan shall cover interested individuals, employers or employees of organizations in the private sector who may want to join the scheme/plan.
- (3) A body corporate registered as a limited liability company under the Company and Allied Matters Act 1990 and accredited by the Commission as a health managed care organization may operate a private health insurance scheme/plan
- (4)
  - (a) A private health insurance scheme/plan shall be required as a condition for registration and licensing by the Commission to deposit with a Bank accredited by the Commission an amount of money in an interest yielding account that the Commission shall prescribe as security for its members
  - (b) The security referred to under subsection (a) shall be maintained throughout the period that the business of the private health insurance is carried on
  - (c) The Commission may review the level of the security deposit.
- (5)
  - (a) Where a private health insurance scheme/plan suffers a substantial loss, arising from liability to members and the loss cannot reasonably be met from its available resources, the Commission may, after ascertaining the nature of the claim, and on application made to it by the scheme, approve the withdrawal from the security deposit of the scheme of an amount sufficient to meet the liability, and an amount withdrawn shall be replaced by the scheme not later than ninety days after the date of the withdrawal.
  - (b) The security deposit is the asset of the private health insurance scheme/plan, but except as provided in subsection (a), it shall be available to the scheme only in the event of the closure or winding up of the health insurance business for the discharge of the liabilities arising out of policies transacted by the insurer and remaining un-discharged at the time of the closure or winding up of the insurance business.
- (6) All Private Health Insurance Schemes/Plans shall be regulated by the Commission.

***Committees Recommendation:***

*Leave out the provision in Clause 30 (Senator Olanrewaju A. Tejuoso — Ogun Central) — Agreed to.*

**Clause 31: Establishment of Mutual Health Insurance Schemes Including Group and Community Based Schemes.**

- (1) There is hereby established a scheme to be known as the mutual health insurance scheme (in this Bill referred to as 'the mutual health scheme') for the purpose of providing health insurance coverage to its enrollees as set out in this Bill.

- (2) A group of persons resident in the country may form and operate a mutual health insurance scheme.
- (3)
  - (a) a mutual health insurance scheme shall have its headquarters at the place that the governing body/BOT of the scheme shall determine.
  - (b) the address and any other particulars of the headquarters shall be notified in writing to the Commission
- (4)
  - (a) a mutual health insurance scheme shall be managed by a Board of Trustee (BOT) appointed by members and approved by the Commission.
  - (b) The BOT of a mutual health insurance scheme may be a body corporate registered by guarantee under the Companies and Allied Matters Act 1990
- (5)
  - (a) The Commission may require a mutual health insurance scheme to maintain a reserve fund as the Commission may determine.
  - (b) The reserve fund shall be constituted within three years after the commencement of the scheme.
- (6) A mutual health insurance scheme shall be operated exclusively for the benefit of the members and shall provide the members with health benefits of the scheme.
- (7)
  - (a) A mutual health insurance scheme shall have the minimum membership that the Commission shall determine.
  - (b) A mutual health insurance scheme shall provide a clear method of enrollment of members
  - (c) membership shall take effect from the date of payment of contribution and access to care based on a waiting period to be determined by the Board of Trustee (BOT)
- (8) All mutual health insurance schemes shall be regulated by the Commission

***Committees Recommendation:***

*Leave out the provision in Clause 31 (Senator Olanrewaju A. Tejuoso — Ogun Central) — Agreed to.*

**Clause 32: Implementation of the Basic Health Care Provision Fund.**

- (1) The Commission shall work in conjunction with the States to provide a basic minimum package of care to all residents of Nigeria.
- (2) For the purpose of subsection (1), the Commission shall implement the Basic Health Care Provision Fund as set out in the guidelines developed in that regard.
- (3) The Commission shall work in conjunction with the States to achieve the objectives of the Fund and to provide a basic minimum package of care as defined in the guidelines developed for the implementation of the Fund.
- (4) The Commission shall provide general guidance for the operation of the Fund. For this purpose, the Commission shall —

- (a) make regulations covering accreditation, quality of care and complaints handling;
  - (b) collaborate with the State Health Schemes and including through State-owned institutions, to accredit and empanel primary and secondary health care facilities using criteria as may be contained in relevant guidelines; and
  - (c) provide for the administration of an Ombudsman to handle complaints of enrollees under section 54.
- (5) States health schemes shall be responsible for disbursements, management of the Fund, and monitoring and evaluation of the implementation of the Fund in the State in line with the relevant guidelines issued by the Commission.
- (6) Where a State has not yet established a State Health Scheme, it may contact a Third Party Administrator, as defined in this Bill for a temporary period, prior to establishing a State Health Scheme.

***Committees Recommendation:***

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

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

**Clause 33      Object of the Fund.**

- (1) The object of this fund is to provide finance to subsidize the cost of provision of health care services to vulnerable persons in Nigeria
- (2) For the purpose of implementing the object, the moneys from the Fund shall be expended as follows —
  - to provide for the payment of health insurance premium for indigents.

***Committees Recommendation:***

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

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

**Clause 34:      Sources of Money for the Fund.**

- (1) The Sources of money for the Fund are as follows —
  - (a) Health insurance levy
  - (b) Telecommunications tax
  - (c) the money that may be allocated to the Fund by the Government(s)
  - (d) money that accrues to the fund from investments made by the council; and
  - (e) Grants, donations, gifts and any other voluntary contributions made to the fund
- (2) The Council may by regulations review the sources of funding to keep pace with development in the health insurance industry.

***Committees Recommendation:***

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

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

**Clause 35: Formula for Disbursement from the Fund.**

- (1) The Council shall from time to time determine and submit to the Minister for approval, the criteria for disbursement of subsidies to be paid for the health care of vulnerable in Nigeria
- (2) The Council shall in disbursement of moneys from the Fund make specific provisions towards the health needs of indigents and prescribe the methods for determining who is indigent in Nigeria.

***Committees Recommendation:***

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

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

**Clause 36: Management of the Fund.**

- (1) The Council shall give directives of a general nature to the Commission for the management of the Fund.
- (2) The Council in the Management of the Fund shall have the following functions —
  - (a) formulate and implement policies towards achieving the objects of the Fund;
  - (b) approve methods for the collection of monies lawfully due to the Fund;
  - (c) account for the money in the Fund;
  - (d) provide formula for the disbursement of moneys from the Fund;
  - (e) approve any other expenditure charge on the fund under this Bill or any other enactment;
  - (f) perform any other function ancillary to the object of the Fund.

***Committees Recommendation:***

That the provision in Clause 36 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — Agreed to.

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

**Clause 37: Investment of the Fund.**

The Commission may invest a part of the Fund that it considers appropriate in the securities and deposits approved by the Council.

***Committees Recommendation:***

That the provision in Clause 37 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — Agreed to.

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

**Clause 38: Expenses of the Fund.**

The expenses attendant to the management of the Fund shall be charged to the Fund.

***Committees Recommendation:***

That the provision in Clause 38 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — Agreed to.

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

**PART IV — CONTRIBUTIONS AND FUNDS OF THE HEALTH INSURANCE SCHEMES****Clause 39: Payment of Contributions.**

- (1) Contributions shall be made by individuals, employers, and employees as required under State health schemes and any other schemes approved by the Council.
- (2) The contributions for the vulnerable person, as defined from time under guidelines made by the Council (including but not limited to the permanently disabled, the aged, prisoners, and those (children under 3 and pregnant women) not otherwise covered by other schemes, shall be made on their behalf by one or a combination of the three levels of government, development partners and/or non- governmental organisations.
- (3) Contributions from the Federal Government for vulnerable persons shall be made from the Basic Health Care Provision Fund defined in section 32 of the Bill.
- (4) State shall be eligible to access these funds upon establishing their State Health Schemes as required under Sections 12, 32 and other relevant provisions of this bill and in compliance with guidelines drawn up by the Commission.
- (5) Individuals and or employers may pay additional premiums for voluntary supplementary or complementary private health insurance plans.

***Committees Recommendation:***

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

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

**Clause 40: Registration of Employers, Employees, etc.**

- (1) Subject to such guidelines and regulations as may be made under this Bill, an employer shall register itself and its employees and pay into the account of States health scheme funds its contributions and the contributions in respect of its employees, at such time and in such manner as may be specified, from time to time, in the State health Scheme Laws and guidelines issued thereunder.
- (2) Subject to such guidelines and regulations as may be made under this Bill, an individual and/or employer may register himself or herself, and the people under him/her with a private health insurer pay into designated accounts of such insurer the necessary premium in respect of himself and others under supplementary or complementary private health private health insurance schemes.

***Committees Recommendation:***

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

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

**PART V — HEALTH MAINTENANCE ORGANIZATIONS AND HEALTH CARE PROVIDERS****Clause 41: Public Health Insurance Funds (PHIF).**

- (1) Public Health Insurance Funds are hereby established by this Bill.
- (2) The object of the Funds is to collect contributions from public sector employers and employees at all levels of government to finance the provision of quality health services to their employees and their families.
- (3) For the purpose of implementing the object, the monies from the Funds shall be expended as follows —
  - (a) to provide a defined package of services to government employees and their families from funds contributed for that purpose;
  - (b) payment of agreed amounts to the Commission as administrative charge;
- (4) The sources of money for the Funds shall include but not limited to —
  - (a) contributions from public sector employees and employers which shall include the Federal, the State and the Local Governments including the Federal Capital Territory;
  - (b) other appropriation made purposely for the implementation of health insurance schemes;
  - (c) 2% of each person's 15% contribution to the National Pension Scheme for retirees;
  - (d) money that accrue to the Fund from investments made by the Fund;
- (5) Operation and management of the Public Sector Insurance Funds —
  - (i) The Public Health Insurance Fund at the Federal level shall be operated and managed by an independent Board of Trustees appointed by the President of the Federal Republic of Nigeria upon the recommendation of the Minister of Health for a period of four years subject to a renewal for another term of four years and no more.
  - (ii) The Board of Trustees shall consist of stakeholders (public sector employers, National Health Insurance Commission and enrollees) with a size of not more than seven. The Board shall have a Chairman.
- (6) The Fund shall invest any money not immediately required by it in Federal Government Securities, or in any other Securities and Deposits as the Commission may determine with the approval of the Minister of Health, from time to time.
- (7) The expenses attendant to the management of the Fund shall be charged on the Fund.

- (8) (i) The BOT shall cause to be prepared, not later than 30th September in each year, an estimate of the expenditure and income of the Fund during the next succeeding year and when prepared, they shall be submitted to the Commission for Scrutiny.
- (ii) The Board of Trustees shall cause to be kept proper accounts and proper records in relation thereto and such accounts shall be audited by auditors appointed by the Board from the list and in accordance with the guidelines supplied by the Accountant General of the Federation.
- (9) The operation and management of State and Local Governments' Public Sector Health Insurance Funds shall be guided by the provisions in (5)-(8) above for the Public Sector Health Insurance Fund at the Federal level.
- (10) The Commission shall regulate all the Public Health Insurance Fund.

***Committees Recommendation:***

*Leave out the provision in Clause 41 (Senator Olanrewaju A. Tejuoso — Ogun Central) — Agreed to.*

**Clause 42: Private Health Insurance Funds.**

- (1) The Health Maintenance Organizations and Mutual Health Associations shall establish private health insurance funds.
- (2) The sources of money for the organized private sector social health insurance fund shall be the private sector employees/employers contributions which shall be paid into the organized private sector social health insurance Fund. Payment of an agreed amount as administrative cost shall be made to the Commission.
- (3) The sources of funds for HMOs running private health insurance schemes/plans are premiums by members who subscribe to the health insurance plans. Administrative costs of the HMOs shall be met from these funds at the rate approved by the Commission. Similarly, the HMOs will pay the commission an agreed amount as regulative fees whilst the excess funds shall be invested in the portfolios approved by the Commission.
- (4) Mutual Health Associations shall use their funds to finance the provision of health benefits to members and their families as well as defray other expenses related to capacity building, advocacy and sensitization among others.
- (5) Operation and management of Private Health Insurance Funds —
  - (a) An independent Board of Trustee appointed by the organized private sector with the approval of the Commission shall operate and manage the organized private sector social health insurance fund in accordance with the guidelines provided by the Commission.
  - (b) The Board of Trustees of the mutual health association shall operate and manage their mutual health association funds in accordance with the guidelines provided by the Commission.
- (6) Moneys from all the funds shall be paid into the accounts approved for the organizations by the Commission.
- (7) The HMOs and MHAs shall invest any money not immediately required by them in such portfolios as approved by the Commission and/or covered by the guidelines issued by the Commission.

- (8) The HMOs and MHAs shall keep proper accounts and records on the management of their funds in line with the guidelines provided by the Commission and such accounts shall be audited by auditors approved by the Commission. The audited accounts and reports shall be submitted to the Commission in accordance with the guidelines provided.

***Committees Recommendation:***

*Leave out the provision in Clause 42 (Senator Olanrewaju A. Tejuoso — Ogun Central) — Agreed to.*

**PART V— HEALTH MAINTENANCE ORGANIZATIONS  
AND HEALTH CARE PROVIDERS**

**Clause 43: Accreditation of Organizations.**

- (1) The Commission shall accredit Health Maintenance Organizations, Mutual Health Associations and other prepaid health insurance organisations (in this Bill herein after referred to as "Organisations")
- (2) The accreditation of an Organisation shall be in such form and manner as may be determined by the Operational Guidelines of the Commission;
- (3) When the accreditation of an Organization (purchasing organisation or health care provider) is withdrawn, the Commission shall decide on the best way to keep its activities going either temporarily or permanently to safeguard the interest of the enrollees.

***Committees Recommendation:***

*That the provision in Clause 43 be retained (Senator Olanrewaju A. Tejuoso — Ogun Central) — Agreed to.*

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

**Clause 44: Functions of Health Maintenance Organizations, Mutual Health Associations, etc.**

- (1) An HMO Organisation referred to in subsection (1) of Section 41 of this Bill shall have responsibility for —
  - (a) perform such roles as may be assigned to it by the State health schemes (SHS) including but not limited to the role of third party administrator;
  - (b) where employed to collect contributions, ensure prompt remittance of contributions to State pools;
  - (c) perform other administrative actions as required under this Bill;
  - (d) pay administrative charges to the Commission for purposes of regulation and related issues.
  - (e) for services rendered by healthcare providers accredited under the Commission in accordance with the Operational Guidelines.
  - (f) establish a Quality Assurance system to ensure that qualitative care is given by the healthcare providers to enrollees, and
  - (g) render to the Commission returns on its activities as may be required by the Council.

- (2) Notwithstanding any provisions contained in this Bill, a Health Maintenance Organisation shall not be involved in the direct delivery of health care services.
- (3) The Mutual Health Associations shall have the following responsibilities —
  - (a) continuous community mobilization and sensitisation;
  - (b) be responsible for the day to day administration of their mutual health insurance funds.
  - (c) registration of members and collection of contributions;
  - (d) negotiation with providers and purchasing of services from for its members and their families in consultation with the Commission.
  - (e) ensuring prompt payment for provider services;
  - (f) gate keeping that is ensuring that services rendered are in compliance with the benefit package of the Commission; and
  - (g) defining benefit package or premium in consultation with the community members and the Commission;
- (4) Any prepaid private health insurance plans marketed by health maintenance organisations, shall be subject to approval by the Commission.

***Committees Recommendation:***

That the provision in Clause 44 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — Agreed to.

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

**Clause 45: Accreditation of Healthcare Providers.**

- (1) The accreditation of health care providers shall be in such form and manner as may be determined by the Commission, from time to time, under this Bill.
- (2) A health care provider including telemedicine outlets (linked to a provider) accredited under the Commission shall, in consideration for a capitation payment in respect of each insured person registered with it, or for payment of approved fees for services rendered and to that extent and in the manner prescribed by this Bill, provide in accordance with —
  - (a) the approved benefit packages as shall be determined from time to time by the Commission; and
  - (b) the provisions of the Operational Guidelines.

***Committees Recommendation:***

That the provision in Clause 45 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — Agreed to.

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

**Clause 46: Quality Assurance.**

The Commission shall endeavour through the means determined by the Commission, including accreditation, that healthcare providers put in place programmes that secure quality assurance, utilization review and technology assessment to ensure that —

- (a) the quality of healthcare services delivered are of reasonably good quality and high standard;
- (b) the basic healthcare services are of standards that are uniform, throughout the country;
- (c) the use of medical technology and equipments are consistent with actual need and standards of medical practice;
- (d) medical procedures and the administration of drugs are appropriate, necessary and comply with accepted medical practice and ethics; and
- (e) drugs and medication used for the provision of healthcare in the country are those included in the Essential Drug List of the Federal Ministry of Health.

***Committees Recommendation:***

That the provision in Clause 46 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — Agreed to.

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

**Clause 47: Appointment of Actuary.**

The Council may —

- (a) shall appoint an actuary to determine from time to time the successful implementation of the Bill or where it has reasonable grounds to believe that a licensed health insurance scheme or a manager of the scheme has contravened a provision of this Bill or of the Regulations and the contravention adversely affects the interest of the members, appoint an actuary; or
- (b) at the request of a health scheme, appoint an actuary to investigate and report to the Council the activities and affairs of the scheme

***Committees Recommendation:***

That the provision in Clause 47 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — Agreed to.

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

**Clause 48: Inspection of Schemes.**

- (1) The Commission may for the purposes of supervision of health insurance schemes carry out inspections as may be prescribed.
- (2) The Commission may employ suitably qualified and experienced persons to assist it or carry out an inspection on its behalf.
- (3) The Commission shall ensure that inspection of licensed health insurance schemes is carried out at intervals to be determined by the Council.
- (4) The Commission shall after an inspection compile a report stating the status of the scheme and shall submit a copy of the report including its recommendations to the scheme for compliance where applicable.

***Committees Recommendation:***

That the provision in Clause 48 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — Agreed to.

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

**Clause 49: Directives of the Commission.**

The Commission may direct a scheme or an officer of a scheme to comply with the directives of the Commission specified in writing and where there is failure to comply, the Commission may apply sanctions as provided for in its Operational Guidelines.

***Committees Recommendation:***

That the provision in Clause 49 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — *Agreed to.*

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

**PART VI — STAFF OF THE COMMISSION****Clause 50: Director General and Other Staff of the Commission.**

- (1) The President shall appoint a Director - General for the Commission, subject to confirmation by the Senate.
- (2) The Director General shall —
  - (a) be a person of integrity with relevant professional qualifications and expertise.
  - (b) be the accounting officer of the Commission.
  - (c) hold office —
    - (i) for a period of 5 years in the first instance and may be re-appointed for a further term of 5 years and no more; and
    - (ii) on such terms and conditions as may be specified in the letter of appointment.
- (3) The Director General shall —
  - (a) organize and direct the day-to-day operation of the Commission in accordance with the Bill;
  - (b) be responsible for the general direction and control of all other employees of the Commission;
  - (c) be responsible for the administration of the Secretariat of the Council; and
  - (d) be responsible for keeping of the books and proper records of the Commission.
- (4) The Director-General shall be a voting member of the Council as well as its Secretary
- (5) The Council shall —
  - (a) appoint, for the Commission, such number of directors and other employees as may, in the opinion of the Council, be required to assist the Council in the discharge of any of its functions under this Bill; and
  - (b) pay to persons so appointed such remuneration (including allowances) as the Council may, after consultation with the Federal Salaries and Wages Commission, determine.

**Committees Recommendation:**

That the provision in Clause 50 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — Agreed to.

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

**Clause 51: Employment in the Commission is Pensionable.**

- (1) Employment in the Commission shall be in line with approved service for purposes of the Pension Reform Act.
- (2) Employees of the Commission shall be entitled to retirement benefits as provided under the Pension Act.
- (3) Nothing in subsections (1) and (2) of this section or in this Bill shall prevent the appointment of a person to any office on terms which preclude the grant of pension and gratuity in respect of that office.
- (4) For the purposes of the application of the provisions of the Pension Reform Act, any power exercisable there under by a Minister or other authority of the Government of the Federation, other than the power to make regulations under the existing Pension Act, is hereby vested in and shall be exercisable by the Council and not by any other person or authority.

**Committees Recommendation:**

That the provision in Clause 51 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — Agreed to.

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

**Clause 52: Establishment of Zones and Zonal Offices of the Commission.**

- (1) The Commission shall with the approval of the Council, establish in each geopolitical zone, a Zonal Office of the Commission.
- (2) The Administration, finances and other functions of the Zonal offices shall be determined by the Commission.

**Committees Recommendation:**

That the provision in Clause 52 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — Agreed to.

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

**PART VII — FINANCIAL PROVISIONS****Clause 53: Establishment of Fund for the Commission.**

- (1) The Commission shall establish and maintain a fund from which all its expenses shall be defrayed.
- (2) The fund established under subsection (1) of this section shall consist of —
  - (a) annual subvention from the Federal Government;
  - (b) such monies as may be due to the Commission as administrative charge from private health insurance plans;
  - (c) fees, fines and commissions charged by the Commission.
  - (d) income from any investments of the Commission.

- (e) such money as may be received from time to time or be from international or donor organisations and Non-Governmental organisations; and
  - (f) all other monies which may, from time to time, accrue to the Commission.
- (3) The Commission shall, from time to time, apply the funds at its disposal —
- (a) to the cost of administration of the Commission;
  - (b) to the payment of allowances and benefits of members of the Council.
  - (c) to the payment of salaries, allowances and benefits of officers and employees of the Commission.
  - (d) for the maintenance of any property vested in the Commission or under its administration; and
  - (e) for and in connection with the objectives of the Commission under this Bill.
- (4) The Commission shall invest any money not immediately required by it in the Federal Government securities or in such other securities and deposit as the Council may determine.

***Committees Recommendation:***

That the provision in Clause 53 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — Agreed to.

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

**Clause 54: Power to Accept Gifts.**

- (1) The Commission may accept gifts of land, money or other property on such terms and conditions, if any, as may be specified by the person or organisation making the gift.
- (2) The Commission shall not accept any gift if the conditions attached by the person or organization offering the gift are inconsistent with the objectives and functions of the Commission under this Bill.

***Committees Recommendation:***

That the provision in Clause 54 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — Agreed to.

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

**Clause 55: Annual Accounts.**

- (1) The Council shall cause to be prepared, not later than 30th September in each year, an estimate of the expenditure and income of the Commission during the next succeeding year and when prepared, they shall be submitted to the Minister of Health for approval.
- (2) The Council shall cause to be kept proper accounts of the Commission and proper records in relation thereto and such accounts shall be audited by auditors appointed by the Council from the list and in accordance with the guidelines supplied by the Auditor-General of the Federation.

- (3) Any member, agent or employee of the Commission who fails, without reasonable cause, to comply with a requirement of an auditor under subsection (2) of this section, commits an offence and is liable on conviction to a fine not exceeding N500,000 or imprisonment for a term not exceeding one year or to both such fine and imprisonment.

***Committees Recommendation:***

That the provision in Clause 55 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — Agreed to.

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

**Clause 56: Annual Reports.**

The Council shall not later than 6 months immediately following the end of a year —

- (a) submit to the Minister a report on the activities and the administration of the Commission during the immediately preceding year and shall include in the report the audited accounts of the Commission and the auditor's report on the accounts; and
- (b) present and publish the audited annual accounts, auditor's report on the accounts and reports on the activities of the Commission to Annual General Meeting comprising all stakeholders.

***Committees Recommendation:***

That the provision in Clause 56 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — Agreed to.

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

**Clause 57: Exemption from Tax.**

- (1) The Commission shall be exempted from the payment of tax on any income accruing from investments made by the Council for the Commission or otherwise.
- (2) The provisions of any enactment relating to the taxation of companies or trust funds shall however not apply to the Commission or the Council.

***Committees Recommendation:***

That the provision in Clause 57 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — Agreed to.

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

**PART VIII — ARBITRATION**

**Clause 58: Establishment and Functions of Arbitration Panel.**

- (1) Whenever there is dispute amongst parties under this Bill, the dispute shall first be referred to arbitration, mediation or conciliation before resorting to litigation.
- (2) The parties referred to in subsection (1) include, the Organisations, the Health Care Providers, the contributors or the Commission or its agents.
- (3) The parties shall by mutual consent appoint a three person panel of arbitrators.

- (4) The applicable arbitral procedure shall be as provided in the Arbitration and Conciliation Act.
- (5) No action shall lie against the Commission without prior notice in writing given one month before the institution of a legal action against the Commission and the adoption of Arbitration as contained in the Bill.

***Committees Recommendation:***

That the provision in Clause 58 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — Agreed to.

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

**Clause 59: New 59 - Ombudsman.**

- (1) An Ombudsman is hereby established to consider complaints and disputes by enrollees in health schemes under this Bill.
- (2) The Ombudsman shall be composed of three persons, one of whom shall be a legal practitioner.
- (3) An enrollee, an employer whose staff are covered by a health scheme as established under this Bill or similar person who has a grievance against an insurance scheme established or recognised under this Bill may by himself or through his legal heirs, nominee or assignee or employer as the case may be, seek redress from the Ombudsman in regard to any grievance arising out of coverage under that scheme by making a complaint in writing to the Ombudsman.
- (4) Matters that shall be brought before the Ombudsman shall include —
  - (a) Complaints regarding failure to provide service after premiums have been paid;
  - (b) Complaints about the quality and timing of service;
  - (c) Issues relating to accessibility of service; and
  - (d) Issues relating to failure to obtain services in sufficient time.
- (5) No complaint to the Ombudsman shall be valid unless —
  - (a) the complainant makes a written representation to the health scheme and the scheme had rejected the complaint; or
  - (b) the complainant had not received any reply within a period of one month after the health scheme received his representation; or
  - (c) the complainant is not satisfied with the reply given to him by the health scheme or third party administrator.
- (6) The Ombudsman shall provide a determination to any health insurance scheme established pursuant to Section 12 of this Bill after due consideration of complaints brought before it and the health scheme shall comply.
- (7) No complaint before the Ombudsman can be maintainable on the same subject matter on which proceedings are pending before or disposed of by any court or arbitrator or the Consumer Protection Council.

- (8) The Minister shall, by regulations, provide the procedure for the handling of complaints by the Ombudsman.

***Committees Recommendation:***

That the provision in Clause 59 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — Agreed to.

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

**PART IX — OFFENCES; PENALTIES AND LEGAL PROCEEDINGS**

**Clause 60: Offences and Penalties.**

- (1) Any person who —
- (a) fails to pay into the account of the Commission and/or a State Health Scheme, or any health insurance fund under this Bill, or HMO and within the specified period any contribution liable to be paid under this Bill; or
  - (b) deducts the contribution from the employee's wages and withholds the contribution or refuses or neglects to remit the contribution to the appropriate fund concerned within the specified time; or
  - (c) fails to remit capitation to Healthcare Providers within the specified period indicated in the Operational Guidelines; or
  - (d) fails to settle fee-for-service or other claims from the Healthcare Providers within the stipulated time allowed in the Operational Guidelines; or
  - (e) deliberately manipulates the enrollee register for the benefit of other parties before or after the release of the register by the Health Insurance Schemes;
  - (f) deliberately refuses to provide care to a duly registered enrollee; or
  - (g) deliberately issues dud cheque(s), Commits an offence.
- (2) A person commits an offence under subsection (1) under paragraph (g) is liable liable on conviction-
- (a) in the case of first offence, to a fine of not less than N1,000,000 or imprisonment for a term not exceeding two years or to both such fine and imprisonment; and
  - (b) in the case of a second or subsequent offence, to a fine of not less than N2,000,000 or for a term not exceeding five years or to both such fine and imprisonment.
- (3) A person who commits any offence in subsection 60 (g) is liable to prosecution under the relevant laws guiding financial transactions.

***Committees Recommendation:***

That the provision in Clause 60 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — Agreed to.

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

**Clause 61: Offences by Corporate Bodies.**

- (1) Where an offence under this Bill has been committed by a body corporate or firm or other association of individuals, a person who at the time of the offence -
  - (a) was an officer of the body corporate, firm or other associations; or
  - (b) was purporting to act in the capacity of an officer of the body corporate, firm or other association, is deemed to have committed the offence and shall be liable to be prosecuted and punished for the offence in like manner as if he had himself committed the offence, unless he proves that the commission or omission constituting the offence took place without his knowledge, consent or connivance.
- (2) 'Officers' of Government Ministries or Agencies or Parastatals in this section, includes -
  - (a) In the case of Government, Ministry, Agency or Parastatals, the accounting officer
  - (b) in the case of a body corporate, a director, chief executive by whatever name called, manager and secretary of the body corporate;
  - (c) in the case of a firm, a partner, manager and secretary of the firm; and
  - (d) in the case of any other association of individuals, a person concerned in the management of the affairs of the association.

**Committees Recommendation:**

That the provision in Clause 61 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — Agreed to.

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

**Clause 62: Prosecution of offenders.**

Any person who contravenes any of the provisions of this Bill shall be prosecuted by the Attorney General of the Federation.

**Committees Recommendation:**

That the provision in Clause 62 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — Agreed to.

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

**Clause 63: Jurisdiction.**

- (1) The Federal High Court and the High Court of a State and Federal Capital Territory High Court, Abuja shall have -
  - (a) jurisdiction to try offenders under this Bill; and
  - (b) power, notwithstanding anything to the contrary in any other enactment, to impose the penalties provided for the offence under this Bill.

**Committees Recommendation:**

That the provision in Clause 63 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — Agreed to.

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

**Clause 64: Court to order Payment of Contributions.**

- (1) The High Court before which a person is convicted of an offence under this Bill may, without prejudice to any civil remedy, order a person to pay to the Commission the amount of any contributions together with interest and penalty thereon, certified by the Commission to be due and payable at the date of the conviction and such amount shall be paid into the account of the Commission for its credit, where applicable or of the employee concerned.
- (2) Any contribution paid into the Fund of the Commission under subsection (1) of this section shall be refunded to the Organisation entitled to receive the contribution.

**Committees Recommendation:**

That the provision in Clause 64 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — Agreed to.

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

**Clause 65: Commencement of Proceedings.**

Proceedings for an offence under this Bill may be commenced at any time after the commission of the offence.

**Committees Recommendation:**

That the provision in Clause 65 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — Agreed to.

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

**Clause 66: Powers to Sanction.**

Notwithstanding anything contained in the other provisions of the sections under Part VII of this Bill, the Commission shall at all times retain the power to sanction erring Health Maintenance Organisations, Health Care Providers, Mutual Health Associations, Insurance Brokers, Insurance Companies, Banks, or any other operator or Manager licensed or accredited person in line with the Operational guidelines as may from time to time be issued by the Commission.

**Committees Recommendation:**

That the provision in Clause 66 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — Agreed to.

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

**Clause 67: Limitation of suit against the Commission.**

- (1) Subject to the provisions of this Bill, the provisions of the Public Officers Protection Act shall apply in relation to any suit instituted against any officer or employee of the Commission.
- (2) No suit shall be commenced against the Commission, a member of the Council, the Director General, officer or employee of the Commission before the expiration of a period of one month after written notice of intention to commence the suit shall have been served upon the Commission by the intending plaintiff or his agent(s).
- (3) The notice referred to in sub clause (2) shall clearly and explicitly state the cause of action, the particulars of the claims, the name and place of abode of the intended plaintiff and the relief which he claims.

**Committees Recommendation:**

That the provision in Clause 67 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — Agreed to.

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

**Clause 68: Service of Documents.**

A notice, summon or other document required or authorised to be served on the Commission under the provisions of this Bill or any other enactment of law may be served by delivering it to the Director General or by sending it by registered post and addressed to the Director General at the Head Office of the Commission.

**Committees Recommendation:**

That the provision in Clause 68 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — Agreed to.

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

**Clause 69: Restriction on execution against property of the Commission.**

- (1) In any action or suit against the Commission no execution or attachment of process in the nature thereof shall be issued against the Commission unless not less than 3 months notice of intention to execute or attach has been given to the Commission.
- (2) Any sums of monies which may by the judgment of any court be awarded against the Commission shall, subject to any directions given by the court where notice of appeal of the said judgment has been given, be paid from the Fund of the Commission.

**Committees Recommendation:**

That the provision in Clause 69 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — Agreed to.

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

**Clause 70: Indemnity of Officers.**

A member of the Council, the Director General, any officer or employee of the Commission shall be indemnified out of the assets of the Commission against any liability incurred by him in defending any proceeding, whether civil or criminal, if the person such proceeding is brought against the person in his capacity as a member, Director General, officer or other employee of the Commission.

**Committees Recommendation:**

That the provision in Clause 70 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — Agreed to.

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

**Clause 71: Oath of Secrecy.**

- (1) A member of the Council, the Director General, officer or other employee of the Commission shall -
  - (a) not, for his personal gain, make use of any information which has come to his knowledge in the exercise of his powers or is obtained by him in the ordinary course of his duty under this Bill;

- (b) treat as confidential any information which has come to his knowledge in the exercise of his powers or obtained by him in the performance of his functions under this Bill;
  - (c) not disclose any information referred to under paragraph (b) of this sub clause except when required to do so by an Arbitration or similar panel or the court or in such other circumstances as may be prescribed by the Council, from time to time.
- (2) Any person who contravenes the provisions of subsection (1) of this section commits an offence and is liable on conviction to a fine of not less than N20,000 or imprisonment for a term not exceeding two years or to both such fine and imprisonment

***Committees Recommendation:***

That the provision in Clause 71 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — Agreed to.

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

**PART X - MISCELLANEOUS PROVISIONS**

**Clause 72: Contributions to be inalienable.**

Contributions payable to the Commission shall be inalienable and shall not be assets for the benefit of creditors in the event of the bankruptcy or insolvency of a contributor or an organization.

***Committees Recommendation:***

That the provision in Clause 72 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — Agreed to.

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

**Clause 73: Contributions to form part of tax deductible expense.**

Notwithstanding anything in any law or enactment, contributions whether by an employer or an employee under this Bill shall form part of tax deductible expenses in the computation of tax payable by an employer or, as the case may be, by an employee, under any other relevant law applicable to income tax.

***Committees Recommendation:***

That the provision in Clause 73 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — Agreed to.

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

**Clause 74: Transfer of liability.**

Where, under section 591 of the Companies and Allied Matters Act 1990, an order is made by a court under subsection (3) of that section which includes the transfer to the company of the whole or any part of the undertaking and of the property and liabilities of a transfer or company, the order shall include provisions for the taking over, as from such date as may be specified in the order, of any liability for any contribution which has become due and payable under this Bill (together with any accrued interest thereon) in respect of the employees concerned in the undertaking, property or liability transferred.

***Committees Recommendation:***

That the provision in Clause 74 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — Agreed to.

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

**Clause 75: Exclusion from the Trustee Investment Act.**

The provisions of the Trustee Investment Act shall not apply to any investment made by the Commission under this Bill.

***Committees Recommendation:***

That the provision in Clause 75 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — Agreed to.

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

**Clause 76: Reciprocal agreement with other countries.**

The Federal Government may enter into a reciprocal agreement with the government of any other country in which a Commission similar to that establishment by this Bill has been established, and the provisions of the agreement shall be read in conformity with the provisions of this Bill.

***Committees Recommendation:***

That the provision in Clause 76 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — Agreed to.

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

**Clause 77: Payment of Contribution of Members of the Armed Forces and the Police.**

The Federal Government shall be responsible for payment of the full contributions in respect of members of the Armed Forces, the Nigeria police Force, Nigerian Customs Service, Nigeria Immigration Service, Nigeria Prisons Service and such other Federal uniformed services as the Minister may by order in the Gazette specify.

***Committees Recommendation:***

That the provision in Clause 77 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — Agreed to.

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

**Clause 78: Insurance indemnity of Health Care Providers.**

A Health Care Provider shall be required to take a professional indemnity cover from an insurance company approved by the Council.

***Committees Recommendation:***

That the provision in Clause 78 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — Agreed to.

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

**Clause 79: Powers of the Minister to give directives.**

The Minister may, give to the Council directives of a general nature with respect to any of the functions of the Council and it shall be the duty of the Council to comply with such directives or cause them to be complied with.

**Committees Recommendation:**

That the provision in Clause 79 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — Agreed to.

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

**Clause 80: Commission to issue Guidelines.**

- (1) The Commission shall make regulations and issue guidelines for the -
  - (a) contributions by individuals, employers and employees, the rates of those contributions and the deductions under the mandatory State health schemes;
  - (b) voluntary payment of premiums by individuals, groups and employers for supplementary or complementary coverage for private health insurance and rates of such premiums
  - (c) maintenance of the records to be kept for the Commission and the records to be kept by employers in respect of premiums payable under the public and organized private sector health insurance scheme.
  - (d) methods of payment of contributions into the health insurance fund
  - (e) imposition of surcharges in respect of late payment of contributions by employers or employees;
  - (f) manner and circumstances in which contributions may be refunded;
  - (g) fees which may be charged for medical and dental examinations and services provided and other things done for the purpose of the Scheme;
  - (h) nature and amount of benefits to be provided under a Scheme, the circumstances and the manner in which the benefits shall be provided;
  - (i) nature and amount of capitation payment under a Scheme, the circumstances and the manner in which health care providers shall receive the capitation payment made under a Scheme;
  - (j) reduction, suspension or withdrawal of any payment under a Scheme;
  - (k) submission of returns by employers regarding the employers and their employees;
  - (l) the procedure for assessment of contributions made under a Scheme; and
  - (m) any other matter whatsoever for which, in the opinion of the Commission, it is necessary or desirable to make regulation and issue guidelines for giving effect to a Scheme.
- (2) The guidelines issued under sub clause (1)(c) of this section may provide for different levels of contributions to be payable by different classes of persons.

- (3) The guidelines issued under this section may not be published in the Federal Government Gazette but the Commission shall ensure that they are brought to the notice of the persons affected by the regulations and guidelines.

***Committees Recommendation:***

That the provision in Clause 80 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — Agreed to.

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

**Clause 81: Interpretation.**

In this Bill unless the context otherwise requires -

"Administrative Charge" means the deduction from contributions or premiums for the purpose of regulating by the Commission.

"Benefit" means a benefit or advantage of any kind whatsoever derived from a Scheme;

"Council" means the Governing Council established under section 3 of this Bill for the Commission;

"Commission" means the National Health Insurance Commission established under section 1 of this Bill;

"Premium" means a contribution payable for health coverage under this Bill.

"Employee" means any person who is ordinarily resident in Nigeria and is employed in the public service or private service or an apprenticeship with an employer whether the contract is express or implied, oral or in writing;

"Employer" means an employer with five or more employees which includes the Federal, State and Local Government or any Extra-Ministerial Department or a person with whom an employee has entered into a contract of service or apprenticeship and who is responsible for the payment of the wages or salaries of the employee including the lawful representative, successor or assignee of that persons;

"Fee-For-Service" means payment made directly for completed health care services, not included in the capitation fees and paid to health care facility or prescription following appropriate referrals or professionals following appropriate referrals or prescriptions sent to them by health care providers under this Bill.

"Functions" includes powers:

"Health Care Facility" means any government or private health care facility, hospital, maternity centre, pharmacy, physiotherapy, etc. and includes all primary healthcare facility, secondary healthcare facility and tertiary healthcare facility accredited by the Commission for the provision of prescribed health services for insured persons and their dependants under this Bill;

"HMO" means any Health Maintenance Organization accredited under clause 41 of this Bill to purchase health care services through health care providers approved by the Commission;

"Informal Sector Programme" means health insurance plans designed to cover people not on regular income;

"Insured Person" means any person and eligible dependant who pays the required contribution or for whom contribution is made under this Bill;

"Mandatory Social Health Insurance Scheme" means social health insurance schemes designed to cover residents in a State;

"Member Of The Council" means any person, including the Chairman appointed as such;

"Minister" means the Minister charged with responsibility for matters relating to health and "Ministry" shall be construed accordingly;

"Mutual Health Association" means a group accredited by the Commission to perform such roles as may be assigned to it by State health schemes, such as collection of contributions from the informal sector;

"Public Service of the Federation" and "Public Service Of State" have the meaning respectively assigned to them in the Constitution of the Federal Republic of Nigeria 1999;

"Scheme" means any scheme approved by the Commission;

"Third Party Administrators" means any organization with expertise and capability to administer all or a portion of the insurance claims process, including administration of claims, collection of premiums, enrolment and other administrative activities, and which is registered by the Commission;

"Voluntary Contributors" means any individual(s), employer or persons who wish to buy private health insurance;

"Persons" means persons, organisations, institutions, groups etc.

"Vulnerable Group" include children under 5, pregnant women, the aged, the physical and mentally challenged and the indigent; etc.

"Wage" means remuneration in money paid to an employee under his contract of service or apprenticeship, as the case may be and whether agreed to be paid at fixed or determined intervals of time;

"Zonal Office" means a Zonal National Health Insurance Commission Office established under section 52 of this Bill.

***Committees Recommendation:***

That the provision in Clause 81 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — Agreed to.

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

**Clause 82: Repeal of NHIS Act.**

- (1) The National Health Insurance Scheme Act Cap N42, Laws of the Federation of Nigeria, 2004 is repealed.
- (2) The repeal shall not:
  - (a) affect the previous operation of the enactment or anything duly done or suffered under the enactment;

- (b) affect any right, privilege, obligation or liability accrued or incurred under enactment;
- (c) affect any penalty, forfeiture or punishment incurred in respect of any offence committed under the enactment; or
- (d) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment, and any such investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment.

***Committees Recommendation:***

That the provision in Clause 82 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — Agreed to.

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

**Clause 83: Citation.**

This Bill may be cited as the National Health Insurance Commission Bill, 2019.

***Committees Recommendation:***

That the provision in Clause 83 be retained (*Senator Olanrewaju A. Tejuoso — Ogun Central*) — Agreed to.

*Question that Clause 83 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 the Report of the Committee on Health on the National Health Insurance Act 2003 (Repeal and Re-enactment) Bill, 2019 and approved as follows:

Clauses 1- 83 — 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.*

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

***Report on the Federal Colleges of Education Act 1986 (Repeal & Re-enactment) Bill, 2019 (SB.562):***

*Motion made:* That the Senate do consider the Report of the Committee on Tertiary Institutions and TETFUND on the Federal Colleges of Education Act 1986 (Repeal & Re-enactment) Bill, 2019 (*Senator Barau I. Jibrin — Kano North*).

*Question put and agreed to.*

*Report presented.*

*Motion made:* That the Senate do resolve into 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 REPEAL THE FEDERAL COLLEGES OF EDUCATION ACT 1986  
AND TO RE-ENACT FEDERAL COLLEGES OF EDUCATION AND OTHER RELATED MATTERS 2019.

**PART IB - ESTABLISHMENT OF FEDERAL COLLEGES OF EDUCATION**

**Clause 1: Establishment of Federal College of Education and Legal Status of the Colleges:**

- (1) There are hereby established the Federal Colleges of Education specified in Schedule 1 to this Act (hereafter in this Act collectively referred to as "Colleges") which shall have such powers and exercise such functions as are conferred on them by this Act.
- (2) Each College shall be a body corporate with perpetual succession and a common seal and shall have power to acquire and dispose of interests in movable and immovable property and may sue and be sued in its corporate name.

***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 each College:**

The functions of each College shall be—

- (a) to provide full-time courses in teaching, instruction and training—
  - (i) in technology, sciences/applied sciences, commerce, arts, social sciences, humanities and management, and
  - (ii) in such other fields of applied learning relevant to the needs of the development of Nigeria in the areas of industrial and agricultural production and distribution and for research in the development and adaptation of techniques as the Council may from time to time determine;
- (b) to conduct courses in education for qualified teachers;
- (c) to arrange conferences, seminars, inaugural lectures and workshops relative to the fields of learning specified in paragraph (a) of this section; and
- (d) to perform such other functions as in the opinion of the Council may serve to promote the objectives of the College.

***Committee's Recommendation:***

That the provision in Clause 2 be retained (*Senator Barau I. Jibrin — Kano North*) — *Agreed to.*

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

**Clause 3: Governing Council of Colleges:**

- (1) The governance of each College and the direction of its affairs shall vest in the Governing Council of the College concerned (hereafter in this Act referred to as "the Council").

- (2) Without prejudice to the generality of subsection (1) of this section, it shall be the responsibility of the Council to consider and approve—
  - (a) the plan of activities of the College;
  - (b) the programme of studies, courses and research to be undertaken by the College;
  - (c) the annual estimates of the College, and
  - (d) the investment plans of the College.
- (3) The provisions of Schedule 2 to this Act shall have effect with respect to the Council as specified therein.

***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:      Membership of the Governing Councils:**

- (1) The Council of each College other than a Federal College of Education (Technical) shall consist of a Chairman to be appointed by the President, Commander-in-Chief of the Armed Forces, and the following other members—
  - (a) the Hon. Minister of Education or his Representative; one person from the Federal Ministry of Education responsible for Teacher Education.
  - (b) a elected Representative of the National Commission for Teacher Education;
  - (c) a Representative of the Alumni Association of the College;
  - (d) four persons of note in the areas of Arts, Sciences and Technical Education, who shall be former or serving teachers/educationists, to be appointed by the President, Commander-in-Chief of the Armed Forces;
  - (e) elected representatives of the Academic Board
  - (f) two elected representatives of the Congregation in the ratio of one teaching and one non-teaching staff of the College;
  - (g) The Provost of the College;
  - (h) the Registrar shall be a member and Secretary;
- (2) The Council of each Federal College of Education (Technical) shall consist of a Chairman, to be appointed by the President, Commander-in-Chief of the Armed Forces and the following other members—
  - (a) the Hon. Minister of Education or his Representative;
  - (b) four persons of note in the areas of Sciences and of Technology, at least one of whom shall be a woman, to be appointed by the President, Commander-in-Chief of the Armed Forces;
  - (c) a elected Representative of the Alumni Association of the College;

- (d) elected representatives of the Academic Board
- (e) two elected representatives of the Congregation in the ratio of one teaching and one non-teaching
- (f) The Provost of the College;
- (g) the Registrar shall be a Secretary
- (h) for FCE(T) Special, in addition to the above composition, there shall be 2 members who are handicapped.

**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: Tenure of Council Members:**

- (1) A member of the Council shall hold office for a term of four years and, subject to the provisions of subsection (2) of this section, shall be eligible for re-appointment for a further period of four years. However, there shall be no break or vacuum in the existing of council in any college. That at any time the President, Commander in Chief of the Arm Forces, Federal Republic of Nigeria, dissolves Council of a College and immediate replacement shall be replace with 24 hours.
- (2) The office of a member appointed under sections 3 (1) (d) and 3 (2) (d) of this Act shall become vacant if —
  - (a) the member resigns his office by notice in writing under his hand, addressed to the Minister; or
  - (b) the Minister is satisfied that it is not in the interest of the College for the person appointed to continue in office and notifies the member in writing to that effect.

**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: Power of the Governing Council:**

- (1) For the carrying out of the functions of each College, the Council shall have power to —
  - (a) hold examinations and award diplomas, professional certificates, Degrees and other distinctions of the College, to persons who have pursued a course of study approved by the Council and who have satisfied such other requirements as the Council as accredited by NCTE
  - (b) demand and receive from any student or any other person attending the College for the purpose of instruction such fees as the Council may, with the prior approval of NCTE from time to time determine;
  - (c) hold public lectures and undertake printing, publishing and bookselling;
  - (d) make gifts for any charitable purpose;

- (e) hold examinations in education for qualified teachers;
  - (f) provide amenities for and make such other provision for the welfare of the staff of the College;
  - (g) invest the funds of the College in securities specified by law or in such other securities in Nigeria as may be approved by the NCTE;
  - (h) borrow money within Nigeria in such manner and upon such security as the NCTE may from time to time authorize;
  - (i) recruit staff of the right caliber and determine the career structure of such staff;
  - (j) establish and maintain such schools and other teaching units within the College or extramural departments as the Council may from time to time decide;
  - (k) provide such courses of instruction either alone or in association with other institutions whether in Nigeria or not as the Council may determine approve;
  - (l) institute and award fellowships, medals, prizes and other titles;
  - (m) mount exhibitions and displays designed to foster an appreciation of trends in the scope and requirements of education;
  - (n) erect, provide, equip and maintain such educational, recreational and residential facilities as the College may require;
  - (o) create lecturerships and other academic posts and offices and to make appointments thereto;
  - (p) encourage and make provision for research and research grant in the College, and
  - (q) do such acts and things whether or not incidental to the foregoing powers as may advance the objects of the College.
  - (r) the President and Commander-in-chief shall be the visitor to Colleges —
    - (i) The Minister shall arrange visitation every 4 years on behalf of the visitor.
- (2) The power of the Council to establish further schools within the College shall be exercisable by order and not otherwise.

**Committee's Recommendation:**

That the provision in Clause 6 be retained (*Senator Barau I. Jibrin — Kano North*) — *Agreed to.*

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

**Clause 7: The Academic Board and its Functions:**

- (1) There shall be established for each College a Board to be known as the Academic Board, which shall consist of the following members—
  - (a) the Provost of the College, who shall be the Chairman;
  - (b) all Heads of Academic Units;

- (c) the College Librarian, and
  - (d) not more than two members of the academic staff Congregation, other than Heads of Department to be appointed by the congregation.
  - (e) Deputy Provosts, Deans; Academic Directors/Coordinators, All Chief lecturers with Ph.D/Professors.
- (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, scholarships, teaching and research, prizes and other academic distinctions;
  - (b) making periodic reports on such academic matters to the Council, and
  - (c) discharging any other functions which the Council may from time to time delegate to it.

***Committee's Recommendation:***

That the provision in Clause 7 be retained (*Senator Barau I. Jibrin — Kano North*) — *Agreed to.*

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

**Clause 8: Power of Minister Over Councils:**

Subject to the provisions of this Act, the Minister may give to the Council directives of a general character or relating generally to matters of policy with regard to the exercise by the Council of its functions under this Act, and it shall be the duty of the Council to comply with such directives.

***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: Establishment of School/Departmental Board:**

- (a) (i) There shall be a School Board for each school in each Colleges of Education made up of all the Academic Staff in that School;
- (ii) the School Board deal with academic matters and any other matter of interest to the School or any matter assigned to it by the Council, the Provost or the Academic Board;
- (iii) the Dean shall be the Chairman of the School Board; and
- (iv) the Dean shall be elected from among the Academic Staff not below the rank of Chief Lecturer in that School for a tenure of three years and not immediately renewable.
- (b) (i) there shall be a Departmental Board for each Department in the College of Education made up of all the Academic Staff in that department;
- (ii) the Departmental Board shall deal with academic matters and any other matter of interest to the Department;

- (iii) the Head of Department shall be chairman of the Departmental Board; and
  - (iv) the Head of Department shall be elected from among the Academic staff not below the rank of Senior Lecturer in that department for a tenure of three years and not immediately renewable.
- (c) Where there is no qualified candidate for the position of Dean or Head of Department, the Provost shall appoint an Acting Dean not below the rank of Senior Lecturer or Acting Head of Department not below the rank of Lecturer I for a period of one year in the first instance and renewable once and no more.
- (d) Nothing in this Act shall prevent the management Committee and Boards from making supplementary rules to guide their proceedings provided such rules are not inconsistent with the provisions of this Act.

**Committee's Recommendation:**

That the provision in Clause 9 be retained (*Senator Barau I. Jibrin — Kano North*) — *Agreed to.*

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

**Clause 10: Establishment of the Congregation:**

There shall be for the College of Education, a Congregation made of both Academic and Senior Non-Teaching staff, who holds at least a first degree or its equivalent—

- (a) the Provost shall be the Chairman of the Congregation; and
- (b) the Congregation shall meet at least once in a year.

**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: Power of Minister Over Council:**

Subject to the provisions of this Act, the Minister may give to the Council directives of a general character or relating generally to matters of policy with regard to the exercise by the Council of its functions under this Act, and it shall be the duty of the Council to comply with such directives.

**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: Office of Provost:**

- (1) (There shall be a Provost of each College (in his Act referred to as "the Provost who shall be appointed by the President, Commander-in-Chief of the Armed Forces in accordance with the provisions of this section.
- (2) Where vacancy occurs in the post of Provost, the Council shall—
  - (a) advertise the vacancy in a reputable journal or a widely read newspaper in Nigeria specifying—
    - (i) The qualities of the person who may apply for the post, and

- (ii) the terms and conditions of service applicable to the post, and thereafter draw up a short list of suitable candidates for consideration;
- (b) constitute a Search Team consisting of—
  - (i) a member of 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/Professor;
  - (iii) two members of the academic community of the college not below the rank of Principal Lecturer/Associate Professor/Reader and not members of Academic Board to be selected by the Academic Staff Congregation. To identify and draw up a short list of suitable persons who are not likely to apply for the Opsot for any reason whatsoever.
  - (iv) a Senior non-teaching staff not below the rank of a Deputy Registrar who shall serve as member/Secretary
- (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; and
  - (c) two members of the Academic Board not below the rank of Chief Lecturer/Professor, who were not members of the Search Team, shall consider the candidates and persons on the shortlists 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, Commander-in-Chief of the Armed Forces, three candidates for his consideration.
- (4) The President, commander-in-Chief of the Armed Forces shall appoint as Provost 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 Provost shall be the chief executive of the College and shall be charged with general responsibility for matters relating to the day-to-day management operations of the College.

***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.*

**Clause 13: Tenure of and Procedure for the removal of Provost:**

- (1) The Provost shall hold office for a period of 5 years only beginning with the effective date of his appointment and on such terms and conditions as may be specified in his letter of appointment.
- (2) Where on the commencement of this section a Provost appointed before the commencement of this section has held office—

- (a) for less than five years, he shall be deemed to be serving his 5 years single tenure and shall not have right for the renewal of his appointment for a further term of four years.
  - (b) for more than five years and has more than 1 year to completed his second term, the Council may allow him to serve as Provost for a further period of one year only and thereafter he shall relinquish his post and be assigned other duties in the College.
  - (c) for more than 5 years and has less than 1 year to complete his second term, the Council may allow him to serve as Provost to complete his second term and thereafter he shall relinquish his post and be assigned other duties in the College.
- (3) ---
- (a) --- The Provost may be removed from office by the Visitor on grounds of gross misconduct of inability to discharge the functions of his office as a result of infirmity of the body or mind after due consultation with the Council and the Academic Board acting through the Minister of Education.
  - (b) when the proposal for the removal of the Provost is made, the Council shall constitute a joint committee o Council and Academic Board consisting of—
    - (i) three members of the Council one of whom shall be the chairman of the Committee, and
    - (ii) two members of Academic Board, provided that where the ground for the removal is infirmity of the body or mind, the Council shall seek appropriate medical opinion.
  - (c) The committee shall conduct investigation into the allegations made against the Provost and shall report it findings to the Council.
  - (d) The Council shall where the allegations are proved inform the Visitor who shall remove the Provost.
  - (e) There shall be no sole administrator in any Nigerian College of Education.
  - (f) In any case of a vacancy in the office of the Provost, the Council shall appoint an acting Provost on the recommendation of the Academic Board.
  - (g) An acting Provost in all circumstances shall not be in office for more than 6 months.

***Committee's Recommendation:***

That the provision in Clause 13 be retained (*Senator Barau I. Jibrin — Kano North*) — *Agreed to.*

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

**Clause 14: Office of the Deputy Provost and Functions, Tenure and Procedure of Removal:**

- (1) There shall be for each College Deputy Provosts.
- (2) the Council shall appoint the Deputy Provost from among the Chief Lecturers in the college in one of the following ways; that is—
  - (a) from a list of three candidates, in order of preference, submitted by the Provost; or

- (b) on the nomination of one candidate by the Academic Board through election.
- (3) The Deputy Provost shall—
  - (a) assist the Provost in the performance of his functions:
  - (b) act in the place of the Provost when the post of the Provost is vacant of it the Provost is, for any reason, absent or unable to perform his functions as Provost; and
  - (c) perform such other functions as the Provost or the Council may, from time to time, assign to him.
- (4) The Deputy Provost—
  - (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 re-appointed for the further period of two years and no more;
  - (c) A Deputy Provost may be removed from office for good cause by the Council acting on the recommendation of the Provost and Academic board;
  - (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 body or mind.

***Committee's Recommendation:***

That the provision in Clause 14 be retained (*Senator Barau I. Jibrin — Kano North*) — *Agreed to.*

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

**Clause 15: Other Principal Officers:**

- (1) There shall be for each college, the following principal officers, in addition to the Provost and Deputy Provost, that is—
  - (a) the Registrar
  - (b) the Bursar; and
  - (c) the College Librarian

Who shall be appointed by the Council on the recommendation of the Selection Board constituted under section 12 (3)

***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.*

**Clause 16: Functions of Registrar and Tenure:**

- (1) The Registrar shall keep the records and conduct the correspondence of the council and shall perform such other duties as the council subject thereto as the Provost may from time to time direct.

- (2) The Registrar shall, in addition to the other duties conferred on him by or under this Act, be a Secretary to the Council; Secretary to Academic Board and any committee of the Council and in his absence, the Council or any such committee may appoint some other persons to act as Secretary. The Registrar shall not vote on any question before the Council or count towards a quorum.
- (3) (a) A Registrar shall hold office for a single term of five years only beginning from the effective date of his appointment and such terms and conditions as may be specified in his letter of appointment.
- (b) Where on the commencement of this section a Registrar appointed before the commencement of this section has held office—
- (i) for less than five years, he shall be allowed to complete the five years specified in his appointment letter and shall not have right for the renewal of his appointment for a further term of five years.
- (ii) for more than five years and has more than 1 year to complete his second term, 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.
- (iii) for more than 5 years and has less than 1 year to complete his second term, the Council may allow him to serve as Registrar to complete his second term and thereafter he shall relinquish his post and be assigned other duties in the College.

***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: Functions of Bursar and Tenure:**

- (1) The Bursar shall be the Chief Financial Officer of the College and be responsible to the Provost for the day-to-day administration and control of financial affairs of the college.
- (2) (a) A Bursar shall hold office for a single term of five years only beginning from the effective date of his appointment and such terms and conditions as may be specified in his letter of appointment.
- (b) Where on the commencement of this section a Bursar appointed before the commencement of this section has held office—
- (i) for less than five years, he shall be allowed to complete the five years specified in his appointment letter and shall not have right for the renewal of his appointment for a further term five years.
- (ii) for more than five years and has more than 1 year to complete his second term, The Council may allow him to serve as Bursar for a further period of one year only and thereafter he shall relinquish his post and be assigned other duties in the College.

- (iii) for more than 5 years and has less than 1 year to complete his second term, the Council may allow him to serve as Bursar to complete his second term and thereafter he shall relinquish his post and be assigned other duties in the College.

**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.*

**Clause 18: Functions of College Librarian and Tenure:**

- (1) The College Librarian shall be responsible to the Provost for the administration of the College Library and co-ordination of the Library services in the teaching units of the College.
- (2) (a) A College Librarian shall hold office for a single term of five years only beginning and such terms and conditions as may be specified in his letter of appointment.
- (b) Where on the commencement of this section a College Librarian appointed before the commencement of this section has held office—
  - (i) for less than five years, he shall be allowed to complete the five years specified in his appointment letter and shall not have right for the renewal of his appointment for a further term of five years.
  - (ii) for more than five years and has more than 1 year to complete his second term, the Council may allow him to serve as College Librarian for a further period of one year only and thereafter he shall relinquish his post and be assigned other duties in the College.
  - (iii) for more than 5 years and has less than 1 year to complete his second term, the Council may allow him to serve as College Librarian to complete his second term and thereafter he shall relinquish his post and be assigned other duties in the College.

**Committee's Recommendation:**

That the provision in Clause 18 be retained (*Senator Barau I. Jibrin — Kano North*) — Agreed to.

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

**Clause 19: How a Principal Officer Can Resign:**

- (1) A Principal Officer may resign his appointment—
  - (a) in the case of the Provost, by notice to the Visitor;
  - (b) in any other case, by notice to the Council.

**Committee's Recommendation:**

That the provision in Clause 19 be retained (*Senator Barau I. Jibrin — Kano North*) — Agreed to.

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

**Clause 20: Procedure for Appointment of Registrar, College Librarian and Bursar:**

- (1) (a) There shall be for each College, a Selection Board which shall consists of —
- (i) the Chairman of the Council'
  - (ii) the Provost
  - (iii) four members of the Council not being members of Academic Board; and
  - (iv) two members of Academic Board
  - (v) a Senior non-teaching staff not below the rank of a Deputy Registrar who shall serve as member/Secretary
- (b) The functions, procedure and other matters relating to the Selection Board constituted under subsection (i) of this section shall be as the Council may determine from time to time.

**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: Appointment of Other Staff of each College that are not Principal Officers:**

- (1) The Council may appoint such other persons to be employees of each College as the Council may determine to assist the Provost and the Principal Officers of the College in the performance of their functions under this Act.
- (2) Subject to the provisions of this Act, the remuneration, tenure of office and conditions of service of the employees of the Council shall be determined by the Council in consultation with appropriate authorities.
- (3) The Council may appoint such other persons to be employees of each College as the council may determine to assist the Provost in the exercise of his functions under this Act.

**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: Remuneration of Provost and Other Employees:**

The remuneration, tenure of office and conditions of service of the Provost and other employees of the Council shall be determined by the Council, in consultation with the Head of the Civil Service of the Federation/Revenue Mobilisation, Allocation and Fiscal Commission, National Salaries, National Salaries, Income and Wages Commission.

**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: Pension Act Provisions:**

- (1) It is hereby declared that service in each College shall be approved service for the purposes of the Pensions Act and accordingly, officers and other persons employed in each College, except Principal Officers shall, in respect of their service in the College, be entitled to pensions, gratuities and other retirement benefits as are prescribed thereunder, so however that nothing in this Act shall prevent the appointment of a person to any office on terms which preclude the grant of a pension and gratuity in respect of that office.
- (2) For the purposes of the application of the provisions of the Pensions Act, any power exercisable thereunder by a Minister or other authority of the Government of the Federation (other than the power to make regulations under section 23 thereof) shall be exercisable by the College and not by any other person or authority.

**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: Retiring Age of 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 each of the Federal Colleges of Education in the non-Professorial cadre shall be 65 years;
  - (b) Academic staff of each of the Federal Colleges of Education in the Professorial Cadre shall be 70 years;
  - (c) Non-academic staff of each of the Federal Colleges of Education 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 each of the Federal Colleges of Education.

**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.*

**PART II - FINANCIAL PROVISIONS****Clause 25: Establishment of Colleges of Education Fund:**

- (1) The Council shall establish and maintain a fund which shall be applied towards the promotion of the objectives specified in this Act;
- (2) There shall be paid and credited to the fund established undersubsection (1) of this section:—
  - (a) such sums as may from time to time be granted to the Council by the Government of the Federation;
  - (b) all monies raised for the purposes of the Council by way of gifts, grants-in-aid or testamentary disposition, and

- (c) all subscriptions, fees and charges for services rendered by the Council and all other sums that may accrue to the Council from any source.
- (3) The Council shall submit to the Minister, not later than 3 months before the end of each financial year or at least at such other time as he may direct, an estimate of its revenue and expenditure for the succeeding financial year.

***Committee's Recommendation:***

That the provision in Clause 25 be retained (*Senator Barau I. Jibrin — Kano North*) — *Agreed to.*

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

**Clause 26: Power to Accept Gifts:**

- (1) The Council may accept gifts of land, money or other property upon such terms and conditions, if any, as may be specified by the person making the gift.
- (2) The Council shall not accept any gift if the conditions attached by the person making the gift are inconsistent with the functions of the Council.

***Committee's Recommendation:***

That the provision in Clause 26 be retained (*Senator Barau I. Jibrin — Kano North*) — *Agreed to.*

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

**Clause 27: Accounts and Audit:**

The Council shall keep proper accounts of its receipts, payments, assets and liabilities and shall in respect of each year cause the accounts to be audited.

***Committee's Recommendation:***

That the provision in Clause 27 be retained (*Senator Barau I. Jibrin — Kano North*) — *Agreed to.*

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

**Clause 28: Annual Reports of Operations, Finance & Audit:**

The Council shall as soon as may be after the expiration of each financial year prepare and submit to the Minister, through NCTE a report of its activities during the immediately preceding financial year and shall include in the report a copy of the audited accounts of the College for that year and of the auditor's report on the accounts.

***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.*

**PART III - MISCELLANEOUS AND SUPPLEMENTARY**

**Clause 29: Offices and Premises:**

- (1) For the purpose of providing offices and premises necessary for the performance of its functions, the Council may—
  - (a) purchase any interest in or take on lease any land, and
  - (b) build, equip and maintain offices and premises.

- (2) The Council may, with the approval of the Minister, sell any interest in or lease any land, offices or premises held by it and no longer required for the performance of its functions

***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.*

**Clause 30: Discipline of Students:**

- (1) The Council may make rules providing for the Provost to conduct enquiries into alleged breaches of discipline (including lack of diligence) by students and such rules may make different provisions for different circumstances.
- (2) The rules shall provide for the procedure and rules of evidence to be followed at enquiries under this section.
- (3) Subject to the provisions of subsection (1) of this section, where it is proved during the enquiry that any student of the College has been found culpable guilty of misconduct, the Provost may, without prejudice to any other disciplinary powers conferred on him by this Act or any regulations made thereunder, 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; or
  - (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; or
  - (c) that the student be suspended for such period as may be specified in the direction, or
  - (d) that the student shall be expelled from the College.
- (4) Where there is temporarily no Provost or where the Provost refuses to apply any disciplinary measures, the Council may, either directly or through some other staff, apply such disciplinary actions as are specified in subsection (3) of this section to any student of the College who is guilty of misconduct.
- (5) Where a direction is given under subsection 3(c) or (d) of this section in respect of any student, the student may, within 21 days from the date of the letter communicating the decision to him appeal from the decision 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 decision or modify it in such manner as the Council may think fit.
- (6) The fact that an appeal from a decision is brought in pursuance of the last foregoing subsection shall not affect the operation of the decision while the appeal is pending, except the Council direct otherwise.
- (7) The Provost may delegate his powers under this section to a disciplinary committee, consisting of such members of the College as he may nominate.
- (8) Nothing in this section shall be construed as preventing or restriction or termination of a student's activities at the College otherwise than on the ground of misconduct.

- (9) It is hereby declared that a direction under subsection (3) (a) of this section may be combined with a direction under subsection (3) (b) of this section.
- (10) In all cases under this section, the decision of the Council shall be final unless reversed by the Minister on appeal by the student.

***Committee's Recommendation:***

That the provision in Clause 30 be retained (*Senator Barau I. Jibrin — Kano North*) — *Agreed to.*

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

**Clause 31: Interpretation:**

In this Act, unless the context otherwise requires —

"Chairman" means the Chairman of the Council,

"College" means any of the Federal Colleges of Education specified in Schedule 1 to this Act and

"Colleges" shall be construed accordingly;

"Council" means the Governing Council of any of the Colleges established by or pursuant to section 2 of this Act;

"Provost" means the Provost of a College appointed under section 9 of this Act;

"function" includes powers and duties;

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

"member" means a member of the Council including the Chairman.

***Committee's Recommendation:***

That the provision in Clause 31 be retained (*Senator Barau I. Jibrin — Kano North*) — *Agreed to.*

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

**Clause 32: Citation:**

This Act may be cited as the Federal Colleges of Education Act, 2019.

***Committee's Recommendation:***

That the provision in Clause 32 be retained (*Senator Barau I. Jibrin — Kano North*) — *Agreed to.*

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

SCHEDULES

Section 1 (1)

SCHEDULE 1

*List of Federal Colleges of Education*

- (a) Federal College of Education, Abeokuta, Ogun State;
- (b) Federal College of Education (Technical) Akoka, Yaba, Lagos;
- (c) Federal College of Education (Technical), Asaba, Delta State;

- (d) Federal College of Education, (Technical), Bichi, Kano State;
- (e) Federal College of Education, Eha-Amufu, Enugu State;
- (f) Federal College of Education (Technical) Gombe, Gombe State;
- (g) Federal College of Education, (Technical), Gusau, Zamfara State;
- (h) Federal College of Education, Kano, Kano State.
- (i) Federal College of Education, Katsina, Katsina State;
- (j) Federal College of Education, Kontagora, Niger State;
- (k) Federal College of Education, Obudu, Cross River State;
- (l) Federal College of Education, Okene, Kogi State;
- (m) Federal College of Education, (Technical), Omoku, Rivers State;
- (n) Adeyemi Federal College of Education, Ondo, Ondo State;
- (o) Alvan Ikoku Federal College of Education, Owerri, Imo State;
- (p) Federal College of Education, (Special), Oyo Town, Oyo State;
- (q) Federal College of Education, Pankshin, Plateau State;
- (r) Federal College of Education, (Technical), Potiskum, Yobe State;
- (s) Federal College of Education, (Technical), Umunze, Anambra State;
- (t) Federal College of Education, Yola, Adamawa State; and
- (u) Federal College of Education, Zaria, Kaduna State

*Section 3 (3)*

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

## SCHEDULE 2

### SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL, ETC

#### *Terms of Service*

#### *Remuneration of Council Members*

There shall be payment to the members of the Council or any Committee, such remuneration and allowances as may from time to time be determined by the President, Commander-in-Chief of the Armed Forces, and shall be funded through budgetary provisions.

#### *Vacancy of Council Seat*

- (1) A member of the Council shall hold office for a term of four years and, subject to the provisions of subsection (2) of this section, shall be eligible for re-appointment for a further period of four years.
- (2) The office of a member appointed under sections 4 (1) (d) and 4 (2) (d) of this Act shall become vacant if —

- (a) the member resigns his office by notice in writing under his hand, addressed to the Minister; or
- (b) the Minister is satisfied that it is not in the interest of the College for the person appointed to continue in office and notifies the member in writing to that effect.

#### *Proceedings*

- (1) The Council shall meet for the conduct of business at such times, places and on such days as the Chairman may appoint but shall meet not less than once in every three months.
- (2) The Chairman may at any time and shall, at the request in writing of not less than 6 members, convene a meeting of the Council.
- (3) At any meeting of the Council the Chairman shall preside; but in his absence, members present shall elect one of their members to preside at the meeting.
- (4) Where the Council desires to obtain the advice of any person on any particular matter, the Council may co-opt persons who are not members of the Council but persons co-opted shall not be entitled to vote at a meeting of the Council.
- (5) The quorum of the Council shall be one half of the total members of the Council at least one of whom shall be a member appointed by the President, Commander-in-Chief of the Armed Forces.
- (6) Decisions of the Council shall be made on approval by a simple majority of members.

#### *Miscellaneous*

- (1) The fixing of the seal of the College shall be authenticated by the signature of the Chairman, Provost and some other members of the Council authorized generally or specially by the Council to act for that purpose.
- (2) Any contract or instrument which, if made or executed by a person other than a body corporate would not be required to be under seal may be made and executed on behalf of the College by any person generally or specially authorized to act for that purpose by the Council.
- (3) Any document purporting to be duly executed under the seal of the College shall be received in evidence and shall, unless the contrary is proved, be presumed to be so executed.

*Question that the provisions of Second 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 Colleges of Education Act 1986 (Repeal & Re-enactment) Bill, 2019 and approved as follows:

Clauses 1- 32               —       As Recommended

Schedules 1&2             —       As Recommended

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

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

*Question put and agreed to.*

*Bill accordingly read the Third Time and Passed.*

**20. Committee on Tertiary Institutions and TETFUND:*****Report on the JAMB Act (Amendment) Bill, 2019 (SB. 625):****Motion made:* That the Senate do consider the Report of the Committee on Tertiary Institutions and TETFUND on the JAMB Act (Amendment) Bill, 2019 (*Senator Barau I. Jibrin — Kano North*).*Question put and agreed to.**Report presented.**Motion made:* That the Senate do resolve into 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 PROVIDE FOR THE ESTABLISHMENT OF THE JOINT ADMISSIONS AND MATRICULATION BOARD; AND FOR OTHER MATTERS CONNECTED THEREWITH, 2019.

**Clause 1: Sections 5(1)(a) and 5(2) of the Principal Act are amended.**

Section 5(1)(a) is amended also to add sub-section (i) and (ii) under (a) as follows:

5(1)(a)

- (i) the general control of the conduct of matriculation examinations and admissions to courses leading to award of First Degrees, Higher National Diploma, National Diploma, and Nigeria Certificate in Education by Universities (by whatever name called), Monotechnic/Polytechnics (by whatever name called), Colleges of Education (by whatever name called) and Innovation Enterprise Institutions (by whatever name called) in Nigeria.
- (ii) the conduct of entrance examinations and admission to any post Secondary Institution with a minimum training period of two years leading to the award of a Certificate, a Diploma or Registration by appropriate Agency of Government.
- (2) for the avoidance of doubt, the Board shall be responsible for determining matriculation requirements and conducting examinations and admissions to tertiary institutions in Nigeria offering academic programmes leading to the award of First Degrees, Higher National Diploma, National Diploma, Nigeria Certificate in Education, and any other Diploma, g Certificate or Registration awarded by any Post Secondary Institutions, but shall not be responsible for examination or any other selective processes for postgraduate courses/programme.

***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: Registrar of the Board.**

Section 7 (3) of the Principal Act is amended as follows:

The Registrar shall hold office in the first instance for a period of five years and shall be eligible for re-appointment for another term of five years and no more.

**Committee's Recommendation:**

That the provision in Clause 2 be retained (*Senator Barau I. Jibrin — Kano North*) — Agreed to.

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

**Clause 3: Section 17 of the Principal Act is replaced as follows:****17. Legal Proceedings****(1) Limitation of suits Against the Board**

(a) Subject to the provisions of this Act, the provisions of the Public Officers Protection Act shall apply in relation to any suit instituted against an officer or employee of the Board.

(b) Notwithstanding anything contained in any enactment, no suit against a member of the Board, or the Registrar, or any officer, or employee of the Board done in pursuance of this Act or any enactment of law or of any public duty or authority shall lie or be instituted in any court unless it is commenced-

(i) Within 3 months next after the act, neglect or default complained of; or

(ii) In the case of damage or injury, within six months next after the ceasing thereof.

(c) No suit shall lie against a member of the Board, or the Registrar or any officer or employee of the Board before the expiration of a period of one month after written notice of the intention to commence the suit shall have been served on the Board by the intending plaintiff or his agent.

(d) The notice referred to in subsection (c) of this section shall clearly and explicitly state the cause of action, the particulars of claim, the name and place of abode of the intending plaintiff and the relief he claims.

**(2) Service of Documents**

A notice, summons or other documents required or authorized to be served on the Board under the provisions of this Act or any other enactment or law may be served by delivering it to the Registrar or by sending it by registered post addressed to the Registrar at the registered office of the Board.

**(3) Restriction of Execution against property of the Board.**

In any action or suit against the Board, no execution or attachment of process in the nature thereof shall be issued against the Board unless not later than three months of the intention to execute or attach has been given to the Board.

**(4) Indemnity of members, Registrar, Officers, etc**

A member of the Board, or the Registrar or any officer or employee of the Board shall be indemnified out of the assets of the Board against any liability incurred by him in defending any proceeding, whether civil or criminal, if the proceeding is brought against him in his capacity as a member, Registrar, or other officer or employees of the Board.

**(5) Legal Representation of the Board**

(a) Any legal practitioner in the employment of the Board may with the consent of the Registrar prosecute or defend in the name of and on behalf of the Board in any Court of Law in the Country.

- (b) A person so appointed will equally be entitled to represent the Board as legal Practitioner for the purpose and in the course of his employment without prejudice to the power of the Board to engage private legal practitioners in any proceedings.

***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:** A new Section 18 is added which shall provide as follows:

18. Illegal admission

Illegal admission by Tertiary Institutions

It shall be an offence for any tertiary institution or person to offer admission to any candidate in contravention of the provisions of this Act; such institution or person shall upon conviction be liable to a term not exceeding 3 months imprisonment or a fine of Five Hundred Thousand Naira or both.

***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:** The existing Section 17 is renumbered as Section 19 and amended as follows:

19. Interpretation

Tertiary Institution Means:

Any Post Secondary Education in Nigeria with a minimum of two years training leading to the award of First Degree, Higher Diploma, National Diploma, Nigerian Certificate in Education and any other Certificate or Diploma or Registration approved by appropriate Agency of Government.

The existing Section 18 is renumbered as 20.

***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:** Citation.

This Act may be cited as the Joint Admissions and Matriculation Board (Amendment) Bill, 2019.

***Committee's Recommendation:***

That the provision in Clause 6 be retained (*Senator Barau I. Jibrin — Kano North*) — *Agreed to.*

*Question that Clause 6 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 the Report of the Committee on Tertiary Institutions and TETFUND on the JAMB Act (Amendment) Bill, 2019 and approved as follows:

Clauses 1- 6 — 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.*

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

*Report on the Chartered Institute of Finance and Control of Nigeria (Establishment, etc.) Bill, 2019 (SB. 172):*

*Consideration of Report deferred to another Legislative Day.*

**22. Committee on Gas:**

*Report on the Gas Flaring (Prohibition and Punishment) Bill, 2019 (SB. 337):*

*Motion made:* That the Senate do consider the Report of the Committee on Gas on the Gas Flaring (Prohibition and Punishment) Bill, 2019 (*Senator Bassey A. Akpan — Akwa Ibom North-East*)

*Question put and agreed to.*

*Report presented.*

*Motion Made:* That the Senate do Resolve into 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 PROHIBIT GAS FLARING IN NIGERIA  
AND PRESCRIBE APPROPRIATE PENALTIES; AND FOR RELATED MATTERS, 2019**

**Clause 1: Prohibition of Flaring or Venting of Gas.**

Notwithstanding the provisions of Regulation 43 of the Petroleum (Drilling and Production) Regulations made under the Petroleum Act no Lessee or Licensee shall flare gas within its lease or license area or from any facility within its control except in accordance with an authorisation granted by the Minister under this Bill.

***Committees Recommendation:***

That the provision in Clause 1 be retained (*Senator Albert B. Akpan — Akwa Ibom North-West*) — *Agreed to.*

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

**Clause 2: Producing Fields.**

(1) Notwithstanding any provision to the contrary under this Bill, every lessee or licensee engaged in the production of oil and gas in Nigeria as of the date of commencement of this Bill shall, within six months of the commencement of this Bill and upon the recommendation of the Department of Petroleum Resources, submit to the Minister for approval —

(a) a viable scheme for the sustainable utilisation of all associated gas produced within its lease or licence area;

- (b) a plan for re-injection of associated gas produce within its lease or licence area:

Provided that such scheme shall exclude any Flare Gas Volume that is being offered in a bid process conducted by the Federal Government or has been assigned for commercialisation by the Federal Government to a third party.

- (2) The Department of Petroleum Resources may request a lessee or licensee to provide all data relating to the gas resources including Flare Gas Data.
- (3) Where a request is made pursuant to the provisions of section 5 (1), every lessee or licensee shall provide such data and in the format required within 30 calendar days of the date of the request.

***Committees Recommendation:***

That the provision in Clause 2 be retained (*Senator Albert B. Akpan — Akwa Ibom North-West*) — Agreed to.

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

**Clause 3: Supply of Inaccurate Data.**

Any person who, acting on behalf of a lessee or licensee supplies inaccurate or incomplete data to the Department of Petroleum Resources or to any other person duly empowered by a lawful authority, commits an offence and shall be liable upon conviction to a fine of N50, 000.00 or to imprisonment for a maximum term of six months or to both fine and imprisonment (*Senator Albert B. Akpan — Akwa Ibom North-West*).

**Amendment Proposed:**

Leave out the figure "N50,000.00" in line 4, and insert the figure "N10,000,000.00" instead thereof (*Senator Aliyu S. Abdullahi — Niger North*).

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

**Clause 4: Daily Record of Gas Produced.**

- (1) Each lessee or licensee shall maintain a daily record of all natural gas produced in association with crude oil from the Oil Mining Lease or the Marginal Field.
- (2) Each lessee or licensee shall submit the record gathered in respect of all natural gas produced in association with crude oil from the Oil Mining Lease or the Marginal Field within twenty-one (21) days following the end of each month to the Department of Petroleum Resources.
- (3) The format and manner of all logs shall be in conformity to the Metering and Data Collection Standards issued by the Department of Petroleum Resources.

***Committees Recommendation:***

That the provision in Clause 4 be retained (*Senator Albert B. Akpan — Akwa Ibom North-West*) — Agreed to.

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

**Clause 5: Maintenance of Daily Logs of Gas Flaring.**

- (1) Each lessee or licensee shall maintain a daily log of the flaring and venting of natural gas produced in association with crude oil and shall submit the logs to the Department of Petroleum Resources within twenty-one (21) days following the end of each month.
- (2) All logs shall be based on data retrieved from metering equipment that shall be installed by each lessee or licensee in its respective facilities and shall include the date, time, duration, rates, volumes, and gas source or type, such as sour inlet gas or acid gas, for each flaring.
- (3) The format and manner of all logs shall be in conformity to the Metering and Data Collection Standards issued by Department of Petroleum Resources.
- (4) Each lessee or licensee shall keep copies of logs in safe custody for no less than thirty-six (36) months.

***Committees Recommendation:***

That the provision in Clause 5 be retained (*Senator Albert B. Akpan — Akwa Ibom North-West*) — *Agreed to.*

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

**Clause 6: Submission of Annual Report.**

Each lessee or licensee shall prepare and submit to the Department of Petroleum Resources an annual report, which shall be submitted each year by March 31 for the previous year and such report shall include information regarding the volume of Flare Gas utilised at the Flare Site, the volume of all such Flare Gas flared by the Permit Holder, and the volume of all natural gas vented by the Permit Holder.

***Committees Recommendation:***

That the provision in Clause 6 be retained (*Senator Albert B. Akpan — Akwa Ibom North-West*) — *Agreed to.*

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

**Clause 7: Preparation and Release of Annual Report on the Website of the Department of Petroleum Resources.**

The Department of Petroleum Resources shall prepare and release on its website each year by June 30 an annual report for the previous year, describing —

- (a) flaring and venting by lessees or licensees, including the total volume of Flare Gas and the volume of Flare Gas as a percentage of all natural gas produced for each of the prior two years;
- (b) associated gas produced in association with crude oil in order to calculate the Gas Oil Ratio for each of the prior two years;
- (c) associated gas consumed by the lessee or licensee for own consumption for each of the prior two years;
- (d) a comparison of upstream petroleum industry flaring and venting performance by lessees or licensee against data from previous years, if available;
- (e) a ranking of lessees or licensees by the Associated Gas Utilisation Factor;
- (f) a comparison of volume of Flare Gas utilised and gas flared and vented by lessees or licensees against data from previous years, if available; and

- (g) the payments received in relation to the flaring of natural gas produced in association with crudeoil by each lessee or licensee.

***Committees Recommendation:***

That the provision in Clause 7 be retained (*Senator Albert B. Akpan — Akwa Ibom North-West*) — Agreed to.

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

**Clause 8: Development of New Fields.**

- (1) No Lessee or Licensee shall commence any development of any hydrocarbon discovery unless in strict accordance with an integrated oil and gas field development production and utilization plan, which shall be prepared by the Lessee or Licensee and submitted for the prior approval of the Minister.
- (2) The integrated oil and gas field development production and utilization plan shall be consistent with the policies issued by the Government in respect of gas from time to time and in accordance with such parameters as may be prescribed.
- (3) The Minister shall consider the integrated oil and gas field development production and utilization plan and notify the Lessee or Licensee of its decision thereon within a period of sixty days of the receipt of the plan.
- (4) In the event of the refusal of the Minister to approve an integrated oil and gas field development production and utilization plan, the Commission shall notify the company in writing of its decision with its reasons for the disapproval.

***Committees Recommendation:***

That the provision in Clause 8 be retained (*Senator Albert B. Akpan — Akwa Ibom North-West*) — Agreed to.

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

**Clause 9: Authorisation for Continued Flaring.**

- (1) No operator shall establish a Gas facility in Nigeria without obtaining authorisation from the Department of Petroleum Resources under this Bill for the Design phase, the Commissioning and Production phase.
- (2) Every lessee or licensee shall submit to the Department of Petroleum Resources for authorisation, a field Development Program that provides a solution acceptable to the Department of Petroleum Resources in respect of any potential occurrence of gas flaring within the lease or licence area.
- (3) The Department of Petroleum Resources may refuse authorisation where the project may have a significant negative environmental impact or the Department of Petroleum Resources may impose conditions to mitigate the adverse effect imposed in the field development authorisation.
- (4) The authorisation mentioned under subsection (2) shall restrict the duration of any flaring between one and three months and specify the maximum volume of gas to be flared on an auditable program prepared by the lessee or licensee.
- (5) In the event that an authorisation is granted, such authorisation shall allow flaring for no longer than a period of three months.

- (6) (1) Every lessee or licensee shall apply to the Department of Petroleum Resources for authorisation to flare gas in the third quarter of the preceding year —
- (i) Base load flare;
  - (ii) Flaring from operational or mode changes;
  - (iii) Emergency shutdown/process trip flares;
  - (iv) Un-ignited vents including an estimated annual average composition of vented streams.
- (2) The Minister may grant an Authorisation to any Lessee or Licensee —
- (a) to allow the flaring of gas for a period of not more than 90 days —
    - (i) where the flaring is required to safeguard the health and safety of persons in the exploration or production area; or
    - (ii) to prevent damage to the property of any person in the exploration or development area; or
  - (b) to allow the flaring of gas for a period of not more than 30 days to allow for the commissioning of a facility;
- (3) A Lessee or Licensee may flare gas without an Authorisation granted pursuant to subsection (1) of this section —
- (a) in the case of an emergency, provided that the Lessee or Licensee shall —
    - (i) not flare gas for more than [forty-eight (48)] continuous hours unless the Department approves. The Director may specify a limit of less than [forty-eight (48)] hours to prevent air quality degradation;
    - (ii) not flare gas from a facility for more than [one hundred and forty-four (144)] hours during any calendar month unless the Director approves;
    - (iii) not flare gas beyond the time required to eliminate an emergency;
    - (iv) within [seven (7)] days from the occurrence of the emergency, submit to the Director a report in the prescribed form detailing the nature and circumstances that caused the emergency situation and action taken or required to eliminate the emergency;
  - (b) during the unloading or cleaning of a well, drill-stem testing, production testing or other well evaluation testing for no more than [forty-eight (48)] cumulative hours per testing operation on a single completion. The Director may allow a less time to prevent air quality degradation or more time if the Lessee or Licensee requires additional time to evaluate reservoir parameters;

- (c) if it is necessary in connection with the start-up or shut down of a facility;

***Committees Recommendation:***

That the provision in Clause 9 be retained (*Senator Albert B. Akpan — Akwa Ibom North-West*) — Agreed to.

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

**Clause 10: Gas Flaring Fee.**

- (1) Where 10,000 barrels or more of oil is produced per day in any lease or licence area, the lessee or licensee shall be liable to the Federal Government for a minimum flare payment of \$2.00 (two United States Dollars) or its equivalent in naira at the prevailing exchange rate per thousand standard cubic feet (mscf) of gas flared within such lease or licence area, irrespective of whether the flaring is Routine or Non- Routine Flaring; provided however, that there shall be no liability for the payment where the flaring was caused by an act of war, community disturbance, insurrection, storm, flood, earthquake or other natural phenomenon which is beyond the reasonable control of the lessee or licensee.
- (2) Where less than 10,000 barrels or more of oil is produced per day in any lease or licensee shall be liable to the Federal Government for a minimum flare payment of \$0.50 (fifty United States Cents) or its equivalent in naira at the prevailing exchange rate per thousand standard cubic feet (mscf) irrespective of whether the flaring is Routine or Non-Routine Flaring; provided however, that there shall be no liability for the payment where the flaring was caused by an act of war, community disturbance, insurrection, storm, flood, earthquake or other natural phenomenon which is beyond the reasonable control of the lessee or licensee.
- (3) Notwithstanding the provisions of subsections (1) and (2) of this section, no flare payment shall become due in respect of an agreed volume of flare gas that the lessee or licensee is committed to deliver or pay agreement , except to the extent that the lessee or licensee does not comply with the requirements of these regulations .

Provided that, any fee due under this section shall be subject to the same procedure as for payment of royalties to the Federal Government under the Petroleum Act [Cap P10].

- (4) Where the Minister grants an extension to an exemption granted under section 4(1) (b) of this Act, the fee payable by the lessee or licensee under sub-section (1) of this section shall attract a surcharge on the total volume of gas flared as follows —
- (a) 10% during the first year;
  - (b) 15% during the second year;
  - (c) 20% during the third year; and
  - (d) 25% during the fourth year and for every subsequent year.

***Committees Recommendation:***

That the provision in Clause 10 be retained (*Senator Albert B. Akpan — Akwa Ibom North-West*) — Agreed to.

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

**Clause 11: Measurement of Gas Flaring.**

- (1) Prior to the commencement of hydrocarbon production, every lessee and licensee shall on every facility from which gas may be flared or vented, metering equipment which shall be manufactured, operated calibrated and inspected in conformity to the metering and data collection standards and guidelines issued by the Department of Petroleum Resources.
- (2) Lessees or Licenses engaged in the production of oil and gas in Nigeria as of the date of commencement of this Act shall comply with sub-section (1) of this section within [six (6)] months of the commencement of this Act.
- (3) The Director or an officer authorized by him shall at all times be present when a metering equipment for measuring flared or vented gas volumes is being calibrated, re-calibrated, tested, compared, measured, or weighed against a standard approved by the Director; and any such calibration shall be in accordance with accepted methods and procedures previously agreed to by the Director.
- (4) If any metering equipment is at any time found to be false or unjust or inaccurate to the extent of more than [one percent] —
  - (a) the metering equipment shall be deemed to have existed in that condition during the period of [three (3) months] prior to the discovery unless the Lessee or Licensee can prove to the reasonable satisfaction of the Director that such error could not have possibly occurred over that period or that the period that has elapsed since the last occasion upon which the appliance was examined or tested, whichever is less; and
  - (b) the amount payable pursuant to section 5 of this Act or any liability arising pursuant to section 9 of this Act in respect of the period during which the appliance is deemed to have so existed shall be adjusted accordingly.
- (5) The Lessee or Licensee shall not repair, maintain, or make any alterations in the metering equipment or in the method or methods of measurement approved by the Director without first informing the Director or his representative and in every case, any such repairs, maintenance or alterations shall be carried out in the presence of the Director or his representative.
- (6) The Director or his representative shall have the right to specify the frequency at which all metering equipment shall be calibrated or tested, and notwithstanding any such specification, may test or demonstrate the accuracy of any appliance or equipment at any time, with or without previous notice to the Lessee or Licensee.

***Committees Recommendation:***

That the provision in Clause 11 be retained (*Senator Albert B. Akpan — Akwa Ibom North-West*) —  
*Agreed to.*

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

**Clause 12: Reporting.**

- (1) The Licensee shall in respect of each field within its lease or licence area, in a from from-time to time approved by the Director, keep full and accurate records of —
  - (a) daily volumes of gas flared or vented; —

- (b) number of hours of flaring and venting
  - (c) gas composition or the average flared/vented gas density
  - (d) reasons for flaring or venting
  - (e) a list of the wells contributing to flaring or venting along with the gas-oil ratio data; and
  - (f) such further particulars and statistics relating to gas flaring or venting as the Director may from time to time require.
- (2) Lessees or Licensee must keep the records required under sub-section 1 of this section for at least [five (5)] years.
- (3) The Licensee or Lessee shall furnish within [twenty-one (21)] days after the end of each month to the Director, in a form from time to time approved by the Director, a report containing the information required under with sub-section (1) of this section that is relevant to the preceding [quarter].
- (4) All records which are required to be furnished under this Act shall be supplied at the expense of the Lessee or Licensee.

***Committees Recommendation:***

That the provision in Clause 12 be retained (*Senator Albert B. Akpan — Akwa Ibom North-West*) — Agreed to.

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

**Clause 13: Power to Enter to Carry out Investigations, etc.**

Any person or persons authorised by the Director shall be entitled at all reasonable times to enter into and upon any part of the relevant area (or any other location, premises, structure or business place occupied by the Lessee or Licensee for the purpose of facilitating or carrying out its operations in the relevant area) —

- (a) to carry out investigations and inspections necessary to ensure that the requirements of this Act are complied with; and
- (b) to inspect and make abstract or copies of any logs or records which the Lessee or Licensee is required to make or keep in accordance with this Act.

***Committees Recommendation:***

That the provision in Clause 13 be retained (*Senator Albert B. Akpan — Akwa Ibom North-West*) — Agreed to.

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

**Clause 14: Penalty for Flaring or Venting of Gas without a Permit.**

- (1) Any Licensee or Lessee that flares or vents gas other than as permitted under section 4 of this Act commits an offence under this Act and shall be liable on conviction to a fine equal to [two hundred percent (200%)] of the fee payable under section 5 of this Act for every one thousand standard cubic feet of gas flared in violation of this Act. For subsequent offences, the Lessee or Licensee shall, in addition to any fine imposed under this section, be liable on conviction to forfeiture of the lease or licence covering the field or fields in relation to which the offence was committed.

- (2) In addition to the penalty specified in sub-section (1) of this section, the Minister may order the withholding of all or part of any entitlements of any offending person towards the cost of completion or implementation of a desirable gas utilization scheme, or the repair or restoration of any reservoir in the field in accordance with good oil-field practice.

***Committees Recommendation:***

That the provision in Clause 14 be retained (*Senator Albert B. Akpan — Akwa Ibom North-West*) — Agreed to.

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

**Clause 15: Penalty for Failure to Install Metering Equipment.**

- (1) Where a lessee or licensee fails to —
- (a) provide flare gas data in response to a request made under section 2 (3) of this Bill,
  - (b) Supply accurate or complete flare gas data in response to a request made under section 4 of this Bill,
  - (c) prepare, maintain or submit the logs, records or reports required under section 5 of this Bill within the time stipulated to do so by the Department of Petroleum Resources, or
  - (d) install metering equipment within the time required to do so by the Department of Petroleum Resources under section 6 of this Bill,
- the lessee or licensee shall, subject to section 5 (1) of this Bill, be required to pay an additional sum of \$2.50 per standard cubic metres of gas flared within the lease or licence area above the payment required to be made in section 5 (1) for each day that the lessee or licensee fails to comply with any requirement under this Bill.
- (2) Any staff of the Department of Petroleum Resources who fails, neglects or refuses to give a required data commits an offence is liable on conviction to imprisonment for a term of six months or a fine of N500, 000.00.

***Committees Recommendation:***

That the provision in Clause 15 be retained (*Senator Albert B. Akpan — Akwa Ibom North-West*) — Agreed to.

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

**Clause 16: Power to Make Regulations.**

- (1) The Minister may make regulations —
- (a) prescribing anything requiring to be prescribed for the purposes of this Bill; and
  - (b) as are necessary to give proper effect to the provisions of this Bill.
- (2) The regulations made under subsection (1) shall be reviewed after every two years.

***Committees Recommendation:***

That the provision in Clause 16 be retained (*Senator Albert B. Akpan — Akwa Ibom North-West*) — Agreed to.

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

**Clause 17: Act to Apply in Exclusive Zone.**

The provisions of this Act shall apply to the Exclusive Zone as they apply to land as defined in section 1 of the Petroleum Act [Cap P10.].

***Committees Recommendation:***

That the provision in Clause 17 be retained (*Senator Albert B. Akpan — Akwa Ibom North-West*) — Agreed to.

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

**Clause 18: Miscellaneous Provisions.**

The National Assembly shall exercise its constitutional powers to deal with failure of the Minister to comply with the provisions of this Act.

***Committees Recommendation:***

That the provision in Clause 18 be retained (*Senator Albert B. Akpan — Akwa Ibom North-West*) — Agreed to.

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

**Clause 19: Delegation of the Powers of the Minister.**

The Minister may, in writing under his hand, delegate to another person any power conferred on him under this Bill except the powers to make orders or regulations.

***Committees Recommendation:***

That the provision in Clause 19 be retained (*Senator Albert B. Akpan — Akwa Ibom North-West*) — Agreed to.

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

**Clause 20: Power to Review.**

The Minister's Powers granted under this Act shall be reviewed and re-appraised after every two years.

***Committees Recommendation:***

That the provision in Clause 20 be retained (*Senator Albert B. Akpan — Akwa Ibom North-West*) — Agreed to.

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

**Clause 21: Interpretation.**

In this Bill —

"Director" means the Director, Department of Petroleum Resources;

"Exclusive Zone" has the same meaning assigned thereto in the Exclusive Economic Zone Act [Cap. E17.];

"Flare Gas" means a location where natural produced in association with crude oil is flared, commencing at a flare header and going to the point of the flare within an Oil Mining Lease or Marginal Field area or within an oil terminal or refinery.

"Flare Gas Data" means the dynamic pressure, volume and temperature (PVT) data, and other logs and records generated in the activities which shall include —

(a) gas volumes;

- (b) oil volumes;
- (c) flow rates;
- (d) gas oil ratio;
- (e) flow pressure & temperature;
- (f) data in relation to a Flare Site, including field name;

Producer(s); field operator; Flare Site location;

terrain; coordinates; Oil Mining Lease number or

Marginal Field License details; available

infrastructure; and geophysical maps, models,

interpretations, and reports relating to the above data;

- (g) historical Flare Gas data per field or facility, separated into Routine and Non-Routine Flaring;
- (h) historical Flare Gas data per flare stack, separated into Routine Flaring and Non-Routine Flaring;
- (i) historical oil production data per field or facility;
- (j) historical gas production data per field or facility;
- (k) historical gas utilisation data per field or facility;
- (l) historical water production per field facility;
- (m) forecast oil production scenarios per field or facility;
- (n) forecast gas production scenarios per field or facility;
- (o) forecast water production scenarios per field or facility;
- (p) oil reserve data per field;
- (q) oil reserve data aggregated for each flaring facility;
- (r) gas reserve data per field;
- (s) gas reserve data aggregated for each flaring facility;
- (t) flared gas composition by stack; and
- (u) any other data that may be required by the Department of Petroleum Resources;

"Flared Site" means any natural gas produced in association with crude oil by a Producer and finally diverted toward a Flare Site by the Producer with the intent that the natural gas will be flared;

"Gas Facility" means encompasses the equipment between the gas wells and the pipeline or other transportation method;

"Gas Flaring" means any flaring of natural gas associated with the process of oil production and includes continuous production flaring, non-continuous flaring routine flaring, safety flaring,

"Metering and Data Collection Standards" means the associated gas and Flare Gas metering and data collection standards and requirements issued by the Department of Petroleum Resources;

"Projects" means gas related projects; and

"Returns" means the returns on the volume of gas flared or vented for the period under review.

"Licencee" means the holder of an Oil Prospecting Licence;

"Lessee" means the holder of an Oil Mining Lease;

"Minister" means the Minister charged with responsibilities for matters relating to Petroleum.

***Committees Recommendation:***

That the provision in Clause 21 be retained (*Senator Albert B. Akpan — Akwa Ibom North-West*) — Agreed to.

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

**Clause 22: Repeal.**

The Associated Gas Re-Injection Act Cap. A25, Laws of the Federation, 2004 is repealed but the repeal does not affect the Regulations made under it.

***Committees Recommendation:***

That the provision in Clause 22 be retained (*Senator Albert B. Akpan — Akwa Ibom North-West*) — Agreed to.

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

**Clause 23: Short Title.**

This Bill may be cited as the Gas Flaring (Prohibition) Bill, 2019.

***Committees Recommendation:***

That the provision in Clause 23 be retained (*Senator Albert B. Akpan — Akwa Ibom North-West*) — Agreed to.

*Question that Clause 23 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 the Report of the Committee on Gas on the Gas Flaring (Prohibition and Punishment) Bill, 2019 and approved as follows:

Clauses 1- 2 — As Recommended

Clause 3 — As Amended

Clauses 4- 23 — 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.*

**23. Joint Committee of Judiciary, Human Rights & Legal Matters; and Anti-Corruption and Financial Crimes:**

***Report on the Proceed of Crimes Bill, 2019 (SB. 376):***

*Motion made:* That the Senate do consider the Report of the Joint Committee on Judiciary, Human Rights and Legal Matters; and Anti-Corruption and Financial Crimes on the Proceed of Crimes Bill, 2019 (*Senator David Umaru — Niger East*).

*Question put and agreed to.*

*Report presented.*

*Debate:*

*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.*

**24. Committee on Appropriations:**

***Report on the 2019 Appropriation Bill (SB. 721):***

*Motion made:* That the Senate do receive the Report of the Committee on Appropriations on the 2019 Appropriation Bill (*Senator Mohammed D. Goje — Gombe Central*).

*Question put and agreed to.*

*Report Laid.*

**25. Adjournment:**

And it being 3:30 p.m. the Senate President adjourned the Senate till Wednesday, 24th April, 2019 at 10:00 a.m.

*Adjourned accordingly at 3:30 p.m.*

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