



SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Wednesday, 18th October, 2017

1. The Senate met at 10:48 a.m. The Deputy Senate President read Prayers.

2. **Closed Session:**
Closed Session — 10:49 a.m.

Open Session — 11:03 a.m.

The Deputy Senate President reported that the Senate in a Closed Session deliberated on issues bordering on the workings of the Senate in particular and the National Assembly in general.

3. **Votes and Proceedings:**
The Senate examined the Votes and Proceedings of Tuesday, 17th October, 2017.

Question was put and the Votes and Proceedings were approved.

4. **Announcements:**
(a) **People's Democratic Party Caucus Meeting:**
The Deputy Senate President read a letter from Senator Godswill O. Akpabio (*Akwa Ibom North-West*) as follows:



THE SENATE
Federal Republic of Nigeria
Minority Leader

18th October, 2017

Dear Senate President,

NOTICE OF MEETING

There will be a brief meeting of the People's Democratic Party Caucus today, 18th October, 2017 in Hearing Room 1, immediately after Plenary.

All Senators should endeavour to attend, please.

(Signed)
Senator Godswill O. Akpabio
Minority Leader

(b) **Acknowledgment:**

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

- (i) Staff and Students of Government Secondary School, Gaube, Abuja; and
- (ii) Members of the Student's Union Government, School of Technology, Kano State Polytechnic, Kano, Kano State.

5. Petitions:

- (i) Rising on Rule 41, Senator Sunny O. Ogbuoji (*Ebonyi South*) drew the attention of the Senate to two (2) petitions from:
 - (a) O. J. Omoke NDA/10532, against the Nigeria Defence Academy, over wrongful dismissal; and
 - (b) Mr. Okam U. Andrew, against the Federal Polytechnic, Nekede, over his unjust treatment.

He urged the Senate to look into the matters.

Petitions laid and accordingly referred to the Committee on Ethics, Privileges and Public Petitions [Rule 41(3)] to report within two (2) weeks.

- (ii) Rising on Rule 41, Senator Francis A. Alimikhena (*Edo North*) drew the attention of the Senate to a petition from his constituent, DRC Yaanwa N. Barikpoa, against the Federal Road Safety Commission, over wrongful termination of appointment. He urged the Senate to look into the matter.

Petition laid and accordingly referred to the Committee on Ethics, Privileges and Public Petitions [Rule 41(3)] to report within two (2) weeks.

- (iii) Rising on Rule 41, Senator Matthew A. Urhoghide (*Edo South*) drew the attention of the Senate to three (3) petitions from:
 - (a) Albert R. Osarumwense, against the Independent Corrupt Practices and Other Related Offences Commission, over wrongful termination of appointment;
 - (b) Alfred K. Darosha on behalf of Late Inspector Isaac Ewere (F/No-32194), against the Nigeria Police, over non-payment of his gratuity; and
 - (c) Inspector Felix Ogbomode, against the Nigeria Police, over non-payment of emolument; and promotion.

He urged the Senate to look into the matters.

Petitions laid and accordingly referred to the Committee on Ethics, Privileges and Public Petitions [Rule 41(3)] to report within two (2) weeks.

- (iv) Rising on Rule 41, Senator Barau I. Jibrin (*Kano North*) drew the attention of the Senate to a petition from his constituent, Atiku S. Dambatta, against the Police Pension Department, over wrongful termination of appointment. He urged the Senate to look into the matter.

Petition laid and accordingly referred to the Committee on Ethics, Privileges and Public Petitions [Rule 41(3)] to report within two (2) weeks.

- (v) Rising on Rule 41, Senator Ovie A. Omo-Agege (*Delta Central*) drew the attention of the Senate to two (2) petitions from:

- (a) Mr. Don Eko, against the Presidential Amnesty Programme, over unlawful removal of his name from the programme; and
- (b) Clement I. Mada, against the Nigeria Law School, over non-release of his Bar Certificate.

He urged the Senate to look into the matters.

Petitions laid and accordingly referred to the Committee on Ethics, Privileges and Public Petitions [Rule 41(3)] to report within two (2) weeks.

6. Personal Explanation:

Rising on Rule 43, Senator Ovie A. Omo-Agege (*Delta Central*) drew the attention of the Senate to Presidential Assent of Federal University of Petroleum Resources, Effurun, Bill, 2017, on Tuesday, 17th October, 2017. He stated that the existence of the University is of significant value to the people of Delta State. He therefore, thanked Mr. President, Commander-in-Chief of the Armed Forces of the Federation, Senate President, Deputy Senate President and other colleagues for their immense contributions leading to the passage of this Bill.

7. Motion:

Rescission of Senate Resolution (S/Res/078/03/17).

That the Senate do rescind its Resolution of Tuesday, 17th October, 2017 on the invitation of the Minister of Solid Minerals to appear before the Senate in plenary to deliver a brief on its mining roadmap, implementation framework and how it intends to ensure protection of the residents of mining communities; and

That the Hon. Minister is now to appear before the Committee on Solid Minerals [Rules 53(6)].

Question put and agreed to.

Resolved:

That the Senate do rescind its Resolution of Tuesday, 17th October, 2017 on the invitation of the Minister of Solid Minerals to appear before the Senate in plenary to deliver a brief on its mining roadmap, implementation framework and how it intends to ensure protection of the residents of mining communities; and

That the Hon. Minister is now to appear before the Committee on Solid Minerals [Rules 53(6)] (S/Res/082/03/17).

8. Joint Committee on Customs, Excise and Tariffs; and Marine Transport:

Interim Report in respect of a Motion on the urgent need to examine the Operations of the Nigeria Customs Service Revenue Drive:

Motion made: That the Senate do consider the Report of the Joint Committee on Customs, Excise and Tariffs; and Marine Transport in respect of a Motion on the urgent need to examine the Operations of the Nigeria Customs Service Revenue Drive (*Senator Hope O. Uzodinma — Imo West*).

Question put and agreed to.

Report presented.

Debate:

Proposed Resolution:

Question: That the Senate do grant the Committee eight (8) weeks to enable it deliver a comprehensive report — *Agreed to.*

Resolved:

That the Senate do grant the Committee eight (8) weeks to enable it deliver a comprehensive report (S/Res/083/03/17).

9. Committee on Ethics, Privileges and Public Petitions:

Motion made: That the Senate do consider the Report of the Committee on Ethics, Privileges and Public Petition in respect of:

- (a) Mr. Abu Timothy Achile on behalf of his late father S. O. Abu, against the Nigerian National Petroleum Corporation (NNPC) for non-payment of his benefits, entitlements, pension and gratuity (*Senator Samuel N. Anyanwu — Imo East*).

Question put and agreed to.

Report presented.

Debate:

Proposed Resolution (i):

Question: That the Senate do endorse and sustain the termination of appointment of Mr. S. O. Abu by the Nigerian National Petroleum Corporation (NNPC), since the termination of his appointment followed due process — *Agreed to.*

Proposed Resolution (ii):

Question: That all benefits he is entitled to, be duly paid to his next of kin — *Agreed to.*

Resolved:

- (i) That the Senate do endorse and sustain the termination of appointment of Mr. S. O. Abu by the Nigerian National Petroleum Corporation (NNPC), since the termination of his appointment followed due process; and
- (ii) That all benefits he is entitled to, be duly paid to his next of kin (S/Res/084/03/17).

Motion made: That the Senate do consider the Report of the Committee on Ethics, Privileges and Public Petition in respect of:

- (b) Mr. Arinze John, against Nigerian Prisons Service (NPS) for alleged wrongful retirement from the Service (*Senator Samuel N. Anyanwu — Imo East*).

Question put and agreed to.

Report presented.

Debate:

Proposed Resolution:

Question: That Mr. Arinze John be reinstated and retired as appropriate by 35years service or 60 years of age whichever comes first, and be paid his salaries from 1996 till the date of retirement and his retirement benefits — *Agreed to.*

Resolved:

That Mr. Arinze John be reinstated and retired as appropriate by 35years service or 60 years of age whichever comes first, and be paid his salaries from 1996 till the date of retirement and his retirement benefits (S/Res/085/03/17).

Motion made: That the Senate do consider the Report of the Committee on Ethics, Privileges and Public Petition in respect of:

- (c) ASP Anthony Igwe Mgbeojirikwe, against the Nigeria Police for unlawful suspension from duty by the Police (*Senator Samuel N. Anyanwu — Imo East*).

Question put and agreed to.

Report presented.

Debate:

Proposed Resolution:

Question: That the decision of the Nigeria Police to reinstate and retire ASP Anthony Igwe Mgbeojirikwe be sustained, since the petitioner, ASP Anthony Igwe Mgbeojiriokwe has been reinstated and retired and all his retirement benefits would be fully paid to him — *Agreed to.*

Resolved:

That the decision of the Nigeria Police to reinstate and retire ASP Anthony Igwe Mgbeojirikwe be sustained, since the petitioner, ASP Anthony Igwe Mgbeojiriokwe has been reinstated and retired and all his retirement benefits would be fully paid to him (*S/Res/086/03/17*).

Motion made: That the Senate do consider the Report of the Committee on Ethics, Privileges and Public Petition in respect of:

- (d) Comrade Princewill Okorie on behalf of the Association for Public Policy Analysis, against the Federal Medical Centre, Owerri, over the crisis between the Hospital Management, led by Dr. Angela Uwakwem and the Hospital Staff Union which crippled service delivery at the Centre (*Senator Samuel N. Anyanwu — Imo East*).

Question put and agreed to.

Report presented.

Debate:

Proposed Resolution:

Question: That the Senate do commend the Federal Medical Centre, Owerri, Imo State for resolving the matter amicably — *Agreed to.*

Resolved:

That the Senate do commend the Federal Medical Centre, Owerri, Imo State for resolving the matter amicably (*S/Res/087/03/17*).

Motion made: That the Senate do consider the Report of the Committee on Ethics, Privileges and Public Petition in respect of:

- (e) Jude Anyanwu on behalf of TransGlobal Insurance Brokers Limited, against National Identity Management Commission for refusal to pay outstanding premium (*Senator Samuel N. Anyanwu — Imo East*).

Question put and agreed to.

Report presented.

Debate:

Proposed Resolution:

Question: That the Senate do urge Ministry of Interior to capture the debt as an item in its 2018 Budget in the sum of ₦2,196,281,714.98 and pay TransGlobal Insurance Brokers Limited without further delay — *Agreed to.*

Resolved:

That the Senate do urge Ministry of Interior to capture the debt as an item in its 2018 Budget in the sum of ₦2,196,281,714.98 and pay TransGlobal Insurance Brokers Limited without further delay (S/Res/088/03/17).

Motion made: That the Senate do consider the Report of the Committee on Ethics, Privileges and Public Petition in respect of:

- (f) Lekan Alabi, Esq. on behalf of Mr. Aina Isiaka Babalola, against Federal Housing Authority (FHA) for alleged unlawful termination of his appointment by the Authority (Senator Samuel N. Anyanwu — Imo East).

Question put and agreed to.

Report presented.

Debate:

Proposed Resolution:

Question: That the decision of the Management of Federal Housing Authority be sustained, since it was the Federal Housing Authority's major reorganization exercise that affected the petitioner, Mr. Aina Isiaka and his terminal benefits had been paid to him — *Agreed to.*

Resolved:

That the decision of the Management of Federal Housing Authority be sustained, since it was the Federal Housing Authority's major reorganization exercise that affected the petitioner, Mr. Aina Isiaka and his terminal benefits had been paid to him (S/Res/089/03/17).

Motion made: That the Senate do consider the Report of the Committee on Ethics, Privileges and Public Petition in respect of:

- (g) PC Celestine Williams, against the Nigeria Police for unlawful dismissal from the Police (Senator Samuel N. Anyanwu — Imo East).

Question put and agreed to.

Report presented.

Debate:

Proposed Resolution:

Question: That the Senate do commend the Inspector-General of Police and the Nigeria Police for its quick response in appreciation of justice and fairness — *Agreed to.*

Resolved:

That the Senate do commend the Inspector-General of Police and the Nigeria Police for its quick response in appreciation of justice and fairness (S/Res/090/03/17).

Motion made: That the Senate do consider the Report of the Committee on Ethics, Privileges and Public Petition in respect of:

- (h) PC Ovuomariani Akpometeaho, against the Nigeria Police for alleged unlawful dismissal from the Police (Senator Samuel N. Anyanwu — Imo East).

Question put and agreed to.

Report presented.

Debate:

Proposed Resolution (i):

Question: The decision of the Nigeria Police to reinstate PC Ovuomariani Akpometeaho be sustained and adopted — *Agreed to.*

Proposed Resolution (ii):

Question: That all entitlements to such officer of his rank be fully granted and paid to him — *Agreed to.*

Resolved:

- (i) The decision of the Nigeria Police to reinstate PC Ovuomariani Akpometeaho be sustained and adopted; and
- (ii) That all entitlements to such officer of his rank be fully granted and paid to him (S/Res/091/03/17).

Motion made: That the Senate do consider the Report of the Committee on Ethics, Privileges and Public Petition in respect of:

- (i) complaint of breach of personal privilege by the Senate Leader, Senator Ahmad Lawan, against ThisDay and Punch Newspapers for publication of untrue and damaging stories about his person (Senator Samuel N. Anyanwu — Imo East).

Question put and agreed to.

Report presented.

Debate:

Proposed Resolution(i):

Question: The Senate demands that both ThisDay and Punch Newspapers retract their stories as published in their separate media and tender unreserved apologies — *Agreed to.*

Proposed Resolution(ii):

Question: The two papers be blacklisted and their authority to cover the Senate be withdrawn — *Negated*

Resolved:

The Senate demands that both ThisDay and Punch Newspapers retract their stories as published in their separate media and tender unreserved apologies (S/Res/092/03/17).

Motion made: That the Senate do consider the Report of the Committee on Ethics, Privileges and Public Petition in respect of:

- (j) complaint from Senator Matthew Urhoghide (Edo South), against Mr. Babachir David Lawal, Secretary to the Government of the Federation (SGF), over a publication in the Daily Trust Newspaper of 28th June, 2016 which allegedly infringed on his privilege and threatened his representation as a Senator of the Federal Republic of Nigeria (Senator Samuel N. Anyanwu — Imo East).

Question put and agreed to.

Report presented.

Debate:

Proposed Resolution (i):

Question: That there should be no undue interference in the affairs of the Legislature by other Arms of Government to avoid straining the relationship between them — *Agreed to.*

Proposed Resolution (ii):

Question: That political appointees of the Executive be advised to refrain from making inflammatory statements that are capable of creating division between the Executive and the Legislature in order to ensure smooth relationship and good governance — *Agreed to.*

Resolved:

- (i) That there should be no undue interference in the affairs of the Legislature by other Arms of Government to avoid straining the relationship between them;
- (ii) That political appointees of the Executive be advised to refrain from making inflammatory statements that are capable of creating division between the Executive and the Legislature in order to ensure smooth relationship and good governance (*S/Res/093/03/17*).

Motion made: That the Senate do consider the Report of the Committee on Ethics, Privileges and Public Petition in respect of:

- (k) Sergeant Biyo Ladong, against the Nigeria Police for unlawful verbal dismissal from the Police (*Senator Samuel N. Anyanwu — Imo East*).

Question put and agreed to.

Report presented.

Debate:

Proposed Resolution (i):

Question: That the Senate do commend the Inspector-General of Police for reviewing his matter and reinstating and retiring Sergeant Biyo Ladong accordingly — *Agreed to.*

Proposed Resolution (ii):

Question: That the Senate do urge that Sergeant Biyo Ladong be paid all entitlements appropriate for a retiring officer of his rank — *Agreed to.*

Resolved:

- (i) That the Senate do commend the Inspector-General of Police for reviewing his matter and reinstating and retiring Sergeant Biyo Ladong accordingly; and
- (ii) That the Senate do urge Sergeant Biyo Ladong be paid all entitlements appropriate for a retiring officer of his rank (*S/Res/094/03/17*).

10. Committee on Culture and Tourism:

Report on the National Institute for Hospitality and Tourism (Establishment, etc) Bill, 2017 (SB.380):

Motion made: That the Senate do consider the Report of the Committee on Culture and Tourism on the National Institute for Hospitality and Tourism (Establishment, etc.) Bill, 2017 be read the Second Time (*Senator Matthew A. Urhohide — Edo South*).

Question put and agreed to.

Report presented.

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

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE NATIONAL INSTITUTE FOR HOSPITALITY AND TOURISM FOR TRAINING, CERTIFICATION AND REGISTRATION OF PERSONNEL IN NIGERIA AND RELATED MATTERS, 2017.

PART I - OBJECTIVE AND APPLICATION

Clause 1: Objective.

The objective of this Bill is to provide for an effective legal and institutional framework for the training, certification and registration of hospitality and tourism personnel in Nigeria.

Committee's Recommendation:

That the provision in Clause 1 be retained (Senator Matthew A. Urhoghide — Edo South) — Agreed to.

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

Clause 2: Application.

The provisions of this Bill shall apply throughout the Federal Republic of Nigeria.

Committee's Recommendation:

That the provision in Clause 2 be retained (Senator Matthew A. Urhoghide — Edo South) — Agreed to.

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

PART II - NATIONAL INSTITUTE FOR HOSPITALITY AND TOURISM

Clause 3. Establishment of the National Institute for Hospitality and Tourism.

- (a) There is established an institute known as the National Institute for Hospitality and Tourism (in this Act referred to as "the Institute").
- (b) The Institute shall be a body corporate with perpetual succession and a common seal; and may sue or be sued in its corporate name.
- (c) This Bill established a bench mark subject to the provisions of the Constitution of the Federal Republic of Nigeria for training, certification and registration of hospitality and tourism personnel in Nigeria of any law made by the National Assembly.
- (d) The Institute may acquire, own, hold, purchase, dispose, mortgage and deal howsoever with property, movable or immovable, real or personal in its corporate name.
- (e) The Institute shall be in Abuja, Nigeria and it may have campuses in any part of Nigeria for the purpose of carrying out its functions under this Bill.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senator Matthew A. Urhoghide — Edo South*) — Agreed to.

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

Clause 4: Objects of the Institute.

The objects of the Institute shall be to -

- (a) educate, train, certify and register personnel in the field of hospitality, travel and tourism so as to make practitioners in the industry sufficiently equipped to cope with the dynamics of the tourism world;
- (b) develop basic intermediate and advanced skills to upgrade personnel in the field of Hospitality, Travel and Tourism Industry; and
- (c) maximize the gains of the industry to the economy of Nigeria and developing a human resource base for Nigeria, Africa and the world.
- (d) certify and register qualified personnel in the hospitality, travel and tourism sector in an approved register.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senator Matthew A. Urhoghide — Edo South*) — Agreed to.

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

Clause 5: Functions of the Institute.

The Institute shall -

- (a) provide full-time and part-time courses of instruction, professional, technical and specialized training in hospitality, travels and tourism;
- (b) provide managerial and supervisory training in the hospitality, travel and tourism industry;
- (c) operate as a Sector Skills Board (SSC) and Training Provider for the delivery of National Vocational Qualification (NVQs) in Nigeria subject to extant laws.
- (d) cooperate with the Standards Organisation of Nigeria and relevant bodies in updating internationally certified personnel of Hospitality, Travel and Tourism in Nigeria.
- (e) determine the standard of knowledge, content and skills to be attained by persons seeking to become members of the hospitality, travel and tourism profession and review the standard from time to time as circumstances may permit;
- (f) maintain a register of fellows, associates and registered members entitled to practice as hospitality, travel and tourism professionals in Nigeria and the publication from time to time of lists of those person(s);

- (g) cooperate with relevant bodies in developing and updating the national training curriculum for all levels of personnel in the hospitality, travel and tourism industry by -
 - (i) organizing and facilitating staff development programmes and supervisors in approved educational institutions and the hospitality, travel and tourism industry such as study courses, conferences, lectures, workshops, seminars in the industry, and
 - (ii) issuing certificates of merit and attendance to successful participants in the courses and training;
- (h) provide consultancy services in hospitality, travel and tourism industry and accept National and International reputable consultants to the Institute;
- (i) provide training for trainers in the hospitality, travel and tourism industry;
- (j) in accordance with prescribed standards, monitor, coordinate and regulate the activities of all catering and other training schools for travel and tourism in Nigeria;
- (k) award certificates and diplomas as appropriate;
- (l) establish and maintain a library for research on hospitality, travel and tourism and matters connected with the industry;
- (m) undertake and provide for the publication of journals, research papers, books and magazines on hospitality, travel and tourism;
- (n) provide a forum at which representatives of both public and organized private practitioners and proprietors of institutions in the hospitality and tourism industry meet to exchange ideas and information on developments in the hospitality and tourism industry;
- (o) organize seminars and workshops on tourism, hospitality and travel trade practices for the purpose of quality control;
- (p) ensure that all practitioners in the hospitality, travel and tourism sub-sectors are certified by the Institute in order to ensure a common standard;
- (q) affiliate with any University or Tertiary Institution to offer programmes in hospitality, travel and tourism;
- (r) source for funds and technical assistance to carry out its functions, activities and programmes as provided in this Act;
- (s) in conjunction with any professional body, government or organization carry out its functions, activities and programmes as provided in this Act;
- (t) enter into such contracts as maybe necessary and expedient for carrying into effect the provisions of this Act;

- (u) acquire and hold such movable and immovable property as may be necessary or expedient for carrying into effect the provisions of this Act and for the same purpose sell, lease, mortgage or otherwise allocate or dispose of any such property;
- (v) establish such faculties, institutes, schools, extra-mural departments and other teaching and research units throughout Nigeria as may from time to time be necessary subject to the approval of the Board for effective education, training and administrative convenience of the Institute; and
- (w) carry out such activities as are necessary or expedient for the performance of its functions under this Act (*Senator Matthew A. Urhoghide — Edo South*).

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senator Matthew A. Urhoghide — Edo South*) — Agreed to.

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

Clause 6: Powers of the Institute.

- (1) The Institute shall have power in addition to any other powers contained in this Act to -
 - (a) set conditions and standards for institutions or organizations offering courses in hospitality, travel and tourism management or skill in Nigeria;
 - (b) approve programmes or courses of training for institutions or organizations offering courses in hospitality, travel and tourism management or skill in Nigeria.
 - (c) assess and grade personnel and quality of services rendered by a Practitioner or Organisation.
 - (d) impose subscriptions, fees, levies, penalties and other charges for services rendered to private individuals, corporate bodies, institutions, organisations and groups;
 - (e) assess relevant records, documents and training equipment's/materials of any institution, tourism or hospitality personnel to which this Act applies for the purpose of inspection or investigation and grading;
 - (f) require a person in apparent control of any hospitality, travel and tourism, training school to furnish the Institute with such information on any aspects of the school's operation as may appear necessary to enable the Institute carry out any of its functions under this Act;
 - (g) establish and maintain subsidiaries either by itself or in collaboration with other organizations, government or persons to enhance the attainment of the functions of the Institute;

- (h) regulate travel, tourism and hospitality personnel and services of the institutions and establishments specified in the Second Schedule of this Act; and
 - (i) do such other things as are necessary for the efficient performance of the Institute.
- (2) The Institute shall have the power to award Diplomas and Certificates in accordance with the relevant academic standards as may be prescribed by the Board.
- (3) For the purposes of carrying out the objects listed under section 4 of this Act, the Institute shall -
- (a) institute professorship, readership, lectureship or other posts and establish offices and make appointments as may be considered appropriate;

Amendment Proposed:

Leave out the words "professorship, readership" in line 1, (Senator Jibrin I. Barau — Kano North).

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

- (b) institute and award fellowships, scholarships, exhibitions, bursaries, medals, prizes, distinctions, awards and other forms of recognition or title;
- (c) be responsible for the discipline and welfare of members of the Institute within the Public Service Rules;
- (d) conduct examinations, award diplomas, certificates and other distinctions to persons pursuing courses of studies approved and that have satisfied the requirements prescribed by the Institute;
- (e) conduct research in relevant fields of learning and other human endeavours;
- (f) determine the standard of knowledge including content and skill to be attained by persons seeking to become members of the profession and review such standards, from time to time;
- (g) determine and set standards including course content for the courses in Faculties of Hospitality, Travel and Tourism in Nigeria;
- (h) formulate, publish and review from time to time, the Code of Conduct, Ethics and Practice of the Profession;
- (i) erect, provide, equip and maintain libraries, laboratories, lecture halls, halls of residence, refectories, sports grounds, playing fields and other buildings as are necessary for the carrying out of the objects of the Institute;

- (j) Train, certify and register all personnel engaged in the Hospitality, Travel and Tourism Training in the institute.
- (k) Set mandatory Registration fees and collection of fees by the Institute or its Agents and 25 per cent of the revenue generated for the Federal Government to be used directly by the Institute for its administration and programmes (*Senator Matthew A. Urhoghide — Edo South*).

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

PART III — ESTABLISHMENT OF THE GOVERNING BOARD OF THE INSTITUTE

Clause 7: Establishment of the Governing Board.

There is established for the Institute a Governing Board (in this Act referred to as "the Board") which shall initiate, approve and provide the general policy guidelines for the administration of the Institute.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senator Matthew A. Urhoghide — Edo South*) — *Agreed to.*

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

Clause 8: Membership of the Board.

The Board shall consist of -

- (a) a Chairman who shall be a hospitality and/or tourism practitioner with not less than twenty-five years post qualification experience;

Amendment Proposed:

Leave out the provision in Clause 8(a) and *insert* the following instead thereof:

- "(a) a Chairman who shall be a first degree holder or equivalent in hospitality and tourism practitioner with not less than fifteen years post qualification experience;" (*Senator Andrew I. Uchendu — Rivers East*).

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

- (b) one representative each of the following Ministries and Institutions not below the rank of a Director or its equivalent -
 - (i) the Federal Ministry charged with Culture and Tourism,
 - (ii) the Federal Ministry of Education,
 - (iii) National Board for Technical Education,
 - (iv) National Directorate of Employment
- (c) one Representative of Center for Management Development,
- (d) one Representative of Tertiary Education Trust Fund,
- (e) one Representative of United Nations Development Programme
- (f) one Representative of International Labour Organisation

- (g) one Representative of Hotel and Personal Services Employers Association of Nigeria
- (h) one Representative of Federation of Tourism Association of Nigeria
- (i) one Representative of International Hotel Brand
- (j) the Director-General of the Institute.
- (k) Director General, Nigerian Tourism Development Corporation (NTDC)(*Senator Matthew A. Urhohide — Edo South*).

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

Clause 9: Appointment and Tenure of Members of the Board.

- (1) The Chairman and other members of the Board shall -
 - (a) be appointed by the President on the recommendation of the Minister.
 - (b) hold office on part time basis for a term of three years; and
 - (c) be eligible for re-appointment on satisfactory performance for a further term of three years and no more;
- (2) The office of the Chairman or a member of the Board shall become vacant where -
 - (a) his term of office expires;
 - (b) he resigns his appointment as a member of the Board by a notice in writing under his hand addressed to the President; or
 - (c) he dies;
- (3) The President may on the recommendation of the Minister remove the Chairman or a Member of the Board where -
 - (a) he has been absent from the Board meetings for four consecutive times without the permission;
 - (b) he has been absent from the Board meetings for four consecutive times without permission;
 - (c) he has been declared bankrupt or he makes compromise with his creditors;
 - (d) he is guilty of gross misconduct relating to his duties;
 - (e) the President is satisfied that it is not in the interest of the Board or of the public for the person to continue in office; or
 - (f) in the case of an ex - officio member, he ceases to hold the office on the basis of which he became a member of the Board

- (4) Where a vacancy occurs in the membership of the Board, it shall be filled by an appointment by the President of a successor to hold office for the remainder of the term of office of his predecessor and the successor shall represent the same interest as that member whose exit created the vacancy.
- (5) The Board may invite any person to attend and participate at any of its meetings provided that a person so invited shall only be in attendance and shall not count towards the quorum or vote at the meeting.
- (6) The provisions of the First Schedule to this Act shall have effect with respect to the proceedings of the Board and other matters mentioned under there-in.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senator Matthew A. Urhoghide — Edo South*) —
Agreed to.

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

Clause 10: Functions and Powers of the Board.

The Board shall -

- (a) set administrative policies in accordance with government policy directives and supervise the policy, finances and property of the Institute;
- (b) appoint the principal academic and administrative staff of the Institute and, stipulate terms and conditions of their appointment, determine their remuneration and scope of responsibilities;
- (c) promote and discipline staff of the Institute on the advice of the Management of the Institute;
- (d) consider and approve the Institute's annual budget or estimates, external auditor's report and any variation therein;
- (e) approve the Rules and Regulations of the Institute as may be required under this Act;
- (f) ensure that income and expenditure account of the Institute are kept and audited annually by auditors appointed by the Board;
- (g) approve the academic programmes and curricula of the Institute, plan of activities, programme of studies, research to be undertaken by the Institute and regulatory operations of the Institute;
- (h) exercise all such powers conferred on the Board by this Bill, directive of the Minister or by the Regulations of the Institute; and
- (i) carry out such other activities as are necessary or expedient for the full discharge of any of the functions of the Board under this Bill.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senator Matthew A. Urhoghide — Edo South*)
— Agreed to.

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

Clause 11: Delegation of Powers of the Board.

- (a) The Board may subject to such conditions as it may deem fit, delegate any of the powers conferred on it to any of its Committees or the Director-General of the Institute.
- (b) Nothing in this section shall prevent the Committee of the Board or the Director-General from exercising any of the powers so delegated within reasonable limits except where reversed by the Board.

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senator Matthew A. Urhoghide — Edo South*)
— Agreed to.

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

Clause 12: Remuneration.

The Chairman and members of the Board shall be paid such emoluments, allowances and benefits as the President may, from time to time, direct in line with the recommendations of the Revenue Mobilization, Allocation and Fiscal Commission.

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senator Matthew A. Urhoghide — Edo South*)
— Agreed to.

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

PART IV - DIRECTOR - GENERAL AND OTHER STAFF OF THE INSTITUTE**Clause 13. Appointment, Tenure and Duties of Director-General.**

- (1) There shall be for the Institute a Director-General who shall be appointed by the President on the recommendation of the Minister.
- (2) A person shall not be appointed as the Director-General, except he is a person of proven ability and integrity. He/she must possess at least a BSC/HND Degree or its equivalent and not less than 12 years post qualification experience in the relevant industry—

Amendment Proposed:

Immediately after the word "He" in line 2, *leave out* the word "/she"
(*Senator Ahmad I. Lawan — Yobe North*).

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

- (3) The Director-General shall hold office -
 - (a) for a period of four years subject to re-appointment for a further term of four years and no more; and

- (b) on such other terms and conditions as may be specified in his appointment.
- (4) The Director - General shall be the chief executive and accounting officer of the Institute and be responsible for the -
 - (a) day-to-day management and administration of the Institute;
 - (b) execution of the policies and programmes of the Institute;
 - (c) organisation, control and management of the affairs of the Institute;
 - (d) implementation of the Institute's functions and ensuring that it achieves its goals;
 - (e) direction, supervision and control of other employees of the Institute;
 - (f) promotion of research within the Institute;
 - (g) maintenance of accounting records in accordance with applicable laws governing statutory bodies and generally accepted international best practices; and
 - (h) performance of such other functions and duties as may be directed by the Board.
- (5) The Director - General shall supervise the keeping and maintaining of register of Hospitality and Tourism Practitioners under this Act;
- (6) The office of the Director - General shall become vacant where -
 - (a) his term of office expires;
 - (b) he resigns his appointment as Director - General by a notice in writing under his hand addressed to the President; or
 - (c) he dies;
- (7) The President may on the recommendation of the Minister remove the Director-General where -
 - (a) he has been absent from the Board meetings for four consecutive times without permission;
 - (b) he is incapable of carrying out his duties due to mental or physical infirmity;
 - (c) he has been declared bankrupt or he makes compromise with his creditors;
 - (d) he has been convicted of a felony or any offence involving fraud or dishonesty;
 - (e) he is guilty of gross misconduct relating to his duties; or

- (f) the President is satisfied that it is not in the interest of the Board or of the public for the person to continue in office (*Senator Matthew A. Urhohide — Edo South*).

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

Clause 14: Legal Adviser to the Institute.

- (1) There shall be for the Institute a Legal Adviser who shall be appointed by the Institute with the approval of Board.

Amendment Proposed:

Leave out the words "Institute with the approval of" in line 2, (Senator Joshua M. Lidani — Gombe South).

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

- (2) The Legal Adviser shall -
- (a) be a Legal Practitioner who should be staff of the Institute and shall have been so qualified for a period of not less than 10 years;
 - (b) be the Secretary to the Governing Board and the Legal Adviser to the Institute;
 - (c) conduct the correspondence of the Board and arrange the meetings of the Board; and
 - (d) perform any other functions as the Board or the Director-General, may from time to time assign to him (*Senator Matthew A. Urhohide — Edo South*).

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

Clause 15: Other Staff of the Institute.

- (1) The Institute shall with the approval of the Board appoint, designate or cause to be deployed, directly or on secondment from any public or private body such number and category of employees as it may require to assist it in the effective discharge of its duties and functions under this Act.
- (2) The Board shall be responsible for determining the job description, title, terms, qualifications and salaries, including allowances of the employees of the Institute, subject to the approval of the National Income, Salaries and Wages Commission.

Amendment Proposed:

Leave out the provision in subclause 2 and insert the following instead thereof:

- "(2) (a) The Board shall be responsible for determining the job description, title, terms and qualifications of the staff; and
- (b) Salaries, including allowances of the employees shall be determined by the National Income, Salaries and Wages Commission (*Senator Aliyu S. Abdullahi — Niger North*).

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

- (3) The Board shall make rules relating generally to the conditions of service of employees of the Institute, including rules providing for the appointment, promotion, advancement, determination of appointment, and disciplinary control of those employees (*Senator Matthew A. Urhoghide — Edo South*).

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

Clause 16: Departments, Special Units and Committees.

- (1) The Institute has powers to set up Departments, Special Units, Technical Committees, 4 working Groups and Task Forces to assist it in the performance of its duties and functions under this Act; and may make changes to its structure, from time to time, with the approval of the Board.
- (2) There shall be appointed for each of the Departments and Special Units, a principal officer who shall be known by such designation as the Institute may determine.

Committee's Recommendation:

That the provision in Clause 16 be retained (*Senator Matthew A. Urhoghide — Edo South*)
— *Agreed to.*

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

Clause 17: Service in the Institute to be Pensionable.

- (1) Service in the Institute shall be public service for the purpose of the Pension Reform Act, 2004 and accordingly, officers and other staff of the Institute shall in respect of their service in the Institute, be entitled to pension, severance and other retirement benefits in conformity with provisions of the Pension Reform Act 2004.
- (2) Notwithstanding the provisions of subsection (1) of this section, nothing in this Act shall prevent the appointment of a person to any office on terms which preclude the grant of pension and retirement benefits in respect of that office.
- (3) For the purpose of the application of the provisions of the Pension Reform Act, 2004 any power exercisable by a Minister or other authority of the Government of the Federation are hereby vested in and shall be exercisable by the Governing Board of the Institute.

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senator Matthew A. Urhoghide — Edo South*)
— *Agreed to.*

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

Clause 18: Campuses of the Institute.

The Institute shall have the power to establish Campuses in any part of Nigeria subject to the approval of the Board for the purpose of the performance of its functions under this Bill.

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senator Matthew A. Urhoghide — Edo South*)
— *Agreed to.*

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

Clause 19: Co-operation with other Bodies.

The Institute may cooperate with relevant organisations and authorities involved in hospitality and tourism related issues in the performance of its functions under this Act.

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senator Matthew A. Urhoghide — Edo South*)
— *Agreed to.*

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

Clause 20: Appointment of Experts.

In exercising and performing the power, functions and duties conferred on it under this Bill, the Institute may appoint, contract, liaise or co-operate with experts, including specialized agencies, resource persons, academic and technical institutes, advisory committees, etc, in order to assist it in carrying out its functions or duties under this Bill.

Committee's Recommendation:

That the provision in Clause 20 be retained (*Senator Matthew A. Urhoghide — Edo South*)
— *Agreed to.*

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

PART V - FINANCIAL PROVISIONS

Clause 21. Funds of the Institute.

- (1) There shall be established for the Institute a fund which shall consist of -
- (a) budgetary and extra budgetary allocations, grants and annual subventions received from the Government of the Federation;
 - (b) all monies held immediately before the commencement of this Act by the National Institute for Hospitality and Tourism;
 - (c) all monies raised for the Institute by way of gifts, loans, endowment, grants-in-aids, testamentary disposition, bequest or other voluntary contributions from philanthropic organizations or persons; where the terms and conditions attached are not inconsistent with the functions of the Institute;
 - (d) two per cent of Tourism and Hospitality Consumption Tax for Regulatory Services for professional practices of personnel including supervision, standardization and provision of professional ethics for enhanced service delivery in the Tourism and Hospitality Industry;
 - (e) charges, fees and other sums collected or received for services rendered by the Institute; and

- (f) all other funds which may, from time to time, accrue to the Institute;
- (2) Subject to the provisions of the Constitution of the Federal Republic of Nigeria, 1999 (as amended), the fund established pursuant to subsection (1) of this section shall be managed in accordance with extant Financial Regulations applicable in the Public Service of the Federation.
- (3) The Institute may apply the fund established under subsection (1) of this section -
 - (a) to pay the costs of administration, charges and expenses of the Institute;
 - (b) to discharge the cost of maintaining the Head Office and other campuses of the Institute and for the development and maintenance of any property vested in or owned by the Institute;
 - (c) for the payment of the allowances and other benefits of members of the Board or any committee set up by it;
 - (d) for the payment of emoluments, allowances, benefits and other entitlements of the Director - General and other staff of the Institute;

Amendment Proposed:

Retain Clause 21(3)(e) as follows:

- “(e) for the payment for all purchases made by the Institute and the training of members of its staff including the provision of scholarships, bursaries and awards for specialized training of members of staff of the Institute;” (Senator Jibrin I. Barau — Kano North).

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

- (f) for the payments required to publicize and promote the activities of the Institute;
- (g) for the payment to various stakeholders involved in regulatory activities of the Institute;
- (h) for counterpart payments, annual and other subscriptions and contributions for the support of national and international professional organizations including International Exchange programmes;
- (i) for maintaining general financial reserves subject to general or specific directives that may be given by the Minister;
- (j) for the payment of all consultancies, legal fees, judgment debts and costs of contracts awarded by the Board; and

- (k) for any other expenditure, as may be approved by the Board, from time to time, in connection with all or any of its functions and powers under this Act (*Senator Matthew A. Urhoghide — Edo South*).

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

Clause 22: Investment of the Fund of the Institute.

- (1) The Institute may invest any or all monies in its fund, not immediately required for its current expenditure in -
 - (a) any securities created or issued by or on behalf of the Federal Government, as may be approved by the Board, from time to time;
 - (b) the purchase or improvement of any land in any part of the Federation; or
 - (c) any venture in Nigeria as may be approved by Minister, including investment in stocks quoted at the Nigerian Stock Exchange.
- (2) In the exercise of its powers of investment of its fund under subsection (1) of this section, the Institute may from time to time vary any such investments in line with extant Government Regulations.

Committee's Recommendation:

That the provision in Clause 22 be retained (*Senator Matthew A. Urhoghide — Edo South*)
— Agreed to.

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

Clause 23: Establishment of Housing Scheme.

The Institute may with the approval of the Minister engage in the establishment of staff housing Scheme.

Committee's Recommendation:

That the provision in Clause 23 be retained (*Senator Matthew A. Urhoghide — Edo South*)
— Agreed to.

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

Clause 24: Annual Estimate of Income and Expenditure.

- (1) The Institute shall submit to the Minister an estimate of its expenditure and income for the next succeeding financial year.
- (2) Notwithstanding the provisions of subsection (1) of this section, the Institute may, where necessary due to unforeseen circumstances, submit supplementary or adjusted statements of estimated income and expenditure to the Minister for onward transmission to the National Assembly for approval.

Committee's Recommendation:

That the provision in Clause 24 be retained (*Senator Matthew A. Urhoghide — Edo South*)
— Agreed to.

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

Clause 25: Accounts, Records and Audit.

- (1) The Institute shall keep proper and regular accounts and other records of monies received and paid by the Institute and for other purposes for which monies have been received or paid, and of its assets, credits and liabilities in respect of each year and shall cause its accounts to be audited on or before 31st March of the following year to which the accounts relate, by a firm of auditors appointed from the approved list of auditors, and in accordance with guidelines, supplied by the Auditor-General for the Federation.
- (2) The Institute shall do all things necessary to ensure that all payments of its funds and bank account are correctly made and properly authorised and that adequate control is maintained over its assets.
- (3) As soon as the accounts and the financial statements of the Institute have been audited in accordance with the requirement of this Act, the Institute shall forward a copy of the audited financial statements to the Minister together with any report or observations made by the auditors and the Auditor-General of the Federation on the statement of accounts.
- (4) The remuneration of the auditor shall be paid out of the funds of the Institute.

Committee's Recommendation:

That the provision in Clause 25 be retained (*Senator Matthew A. Urhoghide — Edo South*)
— *Agreed to.*

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

Clause 26: Annual Reports.

The Institute shall, not later than 31st July of each year, prepare and submit to the Minister and the Auditor - General of the Federation, a report in such form as the Minister may direct on the activities and administration of the Institute during the immediately preceding year and shall include in the report a copy of the audited accounts of the Institute for the year and Auditor-General's report thereon.

Committee's Recommendation:

That the provision in Clause 26 be retained (*Senator Matthew A. Urhoghide — Edo South*)
— *Agreed to.*

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

Clause 27: Borrowing Power.

The Institute may with the approval of the Minister, borrow such sums by way of loan, overdraft or from any other source, as may be required for the performance of its functions and meeting its obligations under this Act; and any interest payable on monies so borrowed shall be paid out of the funds of the Institute.

Committee's Recommendation:

That the provision in Clause 27 be retained (*Senator Matthew A. Urhoghide — Edo South*)
— *Agreed to.*

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

Clause 28: Power to Accept Gifts.

- (1) The Institute may accept gifts of land, money, books, vehicles, equipment or other property from within or outside Nigeria upon such terms and conditions, if any, as may be specified by the person or organization making the gift.
- (2) The Institute shall not accept any gift if the conditions attached by the person or organization making the gift are inconsistent with the objectives and functions of the Institute under this Act.

Committee's Recommendation:

That the provision in Clause 28 be retained (*Senator Matthew A. Urhoghide — Edo South*)
— *Agreed to.*

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

**PART VI - REGISTRATION OF HOSPITALITY, TRAVEL
AND TOURISM PRACTITIONERS**

Clause 29: Registration of Hospitality, Travel and Tourism Personnel.

- (1) A person shall not hold any appointment or practice as a Hospitality, Travel and Tourism Personnel in Nigeria unless he is registered with the Institute under the provisions of this Act.
- (2) A registered Hospitality, Travel and Tourism Personnel shall be entitled to practice in any part of Nigeria provided he is licenced to practice.
- (3) Subject to the relevant provisions of this Act, a person shall be entitled to be enrolled or registered as a certified registered Travel, Tourism or Hospitality Personnel where -
 - (a) he passes the qualifying examination for membership conducted by the Institute and other similar institutes both within and outside the country and completes the prescribed practical training; or
 - (b) he holds a qualification granted outside Nigeria and for the time being accepted by the Institute,
 - (c) he has paid the prescribed registration fees and,
 - (d) satisfies the Board that he has had sufficient practical experience as a travel, tourism or hospitality practitioner, if the Board so requires.
- (4) An applicant for registration shall, in addition to evidence of qualification, satisfy the Institute and the Governing Board that he

- (a) is of good character; and
- (b) has attained the age of twenty-one years.
- (5) The Institute may in its sole discretion provisionally accept a qualification produced in respect of an application for registration under this section, or direct that the application be renewed within such period as may be specified in the direction.
- (6) Any entry directed to be made in the register under subsection (3) of this section shall show that registration is provisional, and no entry so made shall be converted to full registration without the written consent of the Board.
- (7) The Institute shall subject to the approval of the Board, publish in the Federal Gazette particulars of qualifications for the time being acceptable for registration as Hospitality, Travel and Tourism Personnel.

Committee's Recommendation:

That the provision in Clause 29 be retained (*Senator Matthew A. Urhoghide — Edo South*)
— *Agreed to.*

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

Clause 30: Registration of Provisional Member or Member.

- (1) A person admitted to membership of the profession in Nigeria under the provisions of this Act may be registered as -
 - (a) a provisional member; or
 - (b) a member.
- (2) A person shall be entitled to be enrolled as a provisional member where he -
 - (a) has submitted a written application in the form prescribed by the Institute and has paid the prescribed registration fee;
 - (b) has completed a minimum of equivalent of National Vocational Qualification (NVQ) level one (1);
 - (c) has sworn to the Hospitality and Tourism oath;
 - (d) is of good character;
 - (e) has not been convicted in Nigeria or elsewhere of any criminal offence involving fraud or dishonesty; and
 - (f) meets any other requirements for registration as a provisional member of the profession as may be prescribed by the Institute;
- (3) A person shall be entitled to be registered as a member of the profession where in addition to holding the qualifications and satisfying all the conditions set out in subsection (2) of this section; he -

- (a) has submitted a written application in the form prescribed by the Institute and paid the prescribed fee for his registration;
- (b) has a minimum of equivalent of National Vocational Qualification (NVQ) level three (3);
- (c) has completed the statutory continuous internship training for not less than one year in an institution approved by the Institute and has obtained from the approved institution a certificate of experience in that regard; and
- (d) meets any other requirements for registration as a member of the profession as may be prescribed by the Institute.

Committee's Recommendation:

That the provision in Clause 30 be retained (*Senator Matthew A. Urhohide — Edo South*)
— *Agreed to.*

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

Clause 31: Registration of Nigerian Citizen who Qualified Outside Nigeria.

A Nigerian citizen who qualified as Hospitality, Travel and Tourism Practitioner in an approved institution outside Nigeria shall be registered under this Act; where he -

- (a) holds a qualification in a recognised field in Hospitality, Travel and Tourism awarded by an approved or recognised Institution outside Nigeria which qualification for the time being, is acceptable to the Board for the purposes of this Act;
- (b) holds a certificate of registration as a Practitioner acceptable to the Board;
- (c) has completed in Nigeria the statutory internship course of training and obtained certificate specified in section 30 (2) (b) and (c) of this Act (where applicable);
- (d) is of good character;
- (e) has not been convicted in Nigeria or elsewhere of any criminal offence involving fraud or dishonesty;
- (f) submits a duly completed application in writing in the prescribed form and paid the prescribed fee for his registration; and
- (g) Meets any other requirements for registration as a member of the profession as may be prescribed by the Board.

Committee's Recommendation:

That the provision in Clause 31 be retained (*Senator Matthew A. Urhohide — Edo South*)
— *Agreed to.*

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

Clause 32: Registration of Non-Nigerian Practitioners.

- (1) A person who is not a citizen of Nigeria may be registered as a Practitioner under this Act where the country of which he is a citizen grants reciprocal registration facility to Nigerian citizens and where he -
 - (a) holds a requisite qualification recognised by the Institute;
 - (b) has passed the Institute's examination and such other examinations as the Institute may prescribe;
 - (c) has acquired the requisite experience in accordance with section 30(3) (b) and (c) of this Act;
 - (d) has been resident in Nigeria for not less than twelve calendar months immediately preceding the date of his application for registration; and
 - (e) meets all other requirements for registration as may be prescribed by the Institute.
- (2) An applicant applying for registration under this section shall in addition to evidence of qualification, satisfy the Institute that he-
 - (a) is of good character;
 - (b) has not been convicted in Nigeria or elsewhere of any criminal offence involving fraud or dishonesty;
 - (c) submits a duly completed application in writing in the prescribed form; and
 - (d) has paid the prescribed fee for registration.

Committee's Recommendation:

That the provision in Clause 32 be retained (*Senator Matthew A. Urhoghide — Edo South*)
— *Agreed to.*

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

Clause 33: Rules for Keeping and Maintaining Register.

- (1) Subject to the provisions of this Act, the Institute shall make rules with respect to the form, contents, parts and procedures for keeping and making of entries in the register of Hospitality and Tourism Practitioners under this Part.
- (2) The rules made pursuant to subsection (1) of this section shall in particular make provision for -
 - (a) regulating the making and processing of applications for enrolment of provisional members or registration of full members;
 - (b) providing for the notification to the Director - General of any change in those particulars by the person to whom any registered particulars relates;

- (c) providing for the procedure for the acceptance and registration of additional qualification to the earlier qualification held which is in relation to the profession;
- (d) specifying the fees, including any annual subscription to be paid to the Institute in respect of -
 - (i) entry of names in the register of Hospitality, Travel and Tourism Practitioners, and
 - (ii) payment of annual practising fee;
- (e) authorising the Director - General to refuse to enter a name in the register until any fees specified for the entry has been paid in compliance with the requirements of this Act or of rules made on that behalf which are for the time being in force; and
- (f) specifying any other thing not mentioned under the foregoing provisions which the Institute considers necessary or expedient.

Committee's Recommendation:

That the provision in Clause 33 be retained (*Senator Matthew A. Urhoghide — Edo South*)
— *Agreed to.*

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

Clause 34: Publication of Register.

- (1) It shall be the duty of the Institute under the supervision of the Director - General to cause the register of Hospitality, Travel and Tourism Practitioners to be published and put on sale not later than two years from the commencement of this Act
- (2) In each year after that in which the register is first published under subsection (1) of this section, the Institute shall update and cause the updated version of the Register to be published showing alterations made in the register since it was last printed. A current update version of the register will be reviewed every month and available on-line on the Institute's website.
- (3) The Institute shall cause a reprint of each edition of the register and of each list of corrections to be deposited at the principal offices of the Institute and it shall be the duty of the Institute to keep the register and lists of corrections so deposited, available at all reasonable times for inspection by members of the public.
- (4) A document purporting to be a print of an edition of the register published under this section by the authority of the Institute, or documents purporting to be prints of an edition of the register and of a list of corrections to that edition so published shall, without prejudice to any other mode of proof, be admissible in any proceedings as evidence that any person specified in the document or the documents read together, as being registered was so registered at the date of the edition or of the list of corrections, as the case may be, and that any person not so specified was not so registered.

- (5) Where in accordance with subsection (4) of this section a person is, in any proceedings, shown to have been, or not to have been, registered at a particular date, he shall, unless the contrary is proved, be taken for the purposes of those proceedings as having at all material times thereafter continued to be, or not be, so registered.

Committee's Recommendation:

That the provision in Clause 34 be retained (*Senator Matthew A. Urhoghide — Edo South*)
— *Agreed to.*

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

Clause 35: Correction of Entries in the Register.

It shall be the duty of the Institute under the supervision of the Director - General, to -

- (a) correct any entry in the register of Hospitality, Travel and Tourism Practitioners in accordance with the Board's directions or order of court;
- (b) make or update, from time to time, any necessary alteration in the register as may be necessary or expedient; and
- (c) remove from the register of any registered person who is dead or who has ceased to be so registered.

Committee's Recommendation:

That the provision in Clause 35 be retained (*Senator Matthew A. Urhoghide — Edo South*)
— *Agreed to.*

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

Clause 36: Removal of Names from the Register.

(1) Where the Institute -

- (a) sends by registered post, e-mail or other recognised means of communication to any person, a letter addressed to him/her at the address on the register of personnel enquiring whether the registered particulars relating to him/her are correct and the Institute receives no reply to the letter within a period of six months from the date of posting or sending it; and
- (b) considers it necessary upon the expiration of that period of six months, sends in the like manner to the person in question, a second similar letter and receives no reply within three months from the date of posting or sending it; the Institute may remove the name and particulars of that person from the Register of Hospitality, Travel and Tourism Practitioners.
- (c) is satisfied that a member has been convicted for any criminal offence involving fraud or dishonesty.
- (d) dismissed a member for professional misconduct.

- (2) The Board may direct the Institute to restore to the register any name or particulars removed from the register under subsection (1) of this section.

Committee's Recommendation:

That the provision in Clause 36 be retained (*Senator Matthew A. Urhoghide — Edo South*)
— Agreed to.

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

Clause 37: Re-entry of Names into the Register After Removal.

- (1) Where-
- (a) a person provide proof to clarify section 36 (a) and (b) and the Institute is satisfied with such proof.
 - (b) a criminal convict is granted a ministerial pardon on the recommendation of the board.
 - (c) a misconduct that led to dismissal on the recommendation of the board.
 - (d) a person is convicted for a second criminal conviction, his name shall not be re-entered into the register.

Committee's Recommendation:

That the provision in Clause 37 be retained (*Senator Matthew A. Urhoghide — Edo South*)
— Agreed to.

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

Clause 38: Payment of Membership and Practicing Fees by Hospitality, Travel and Tourism Personnel.

- (1) No person shall practice in any year unless he has paid to the Institute the appropriate practicing fees prescribed by the Board which shall be due in January of each year.
- (2) A Person with at least thirty - five years post registration experience or who has attained the age of seventy years shall be exempted from the payment of practicing fees.
- (3) A registered Personnel who fails to pay the prescribed practicing fee by 31st day of March of every year shall in addition to the fee, pay a fine of a sum which is equivalent to ten per cent of the applicable fee within the year.
- (4) A registered Personnel who has paid his practicing fee in any year as prescribed in subsection (1) of this section or who is exempted from payment of practicing fee under subsection (2) of this section, shall be entitled to a practicing licence for that year authorising him, subject to any enactment or regulation in force applicable to him to carry on any legitimate business relating to Hospitality, Travel and Tourism.

- (5) The Institute may from time to time, vary the practicing fees prescribed in subsection (1) of this section provided that any variation of the practicing fee shall not come into force unless approved by the Board.
- (6) A member who in respect of any year practices the profession without paying his annual practicing fee commits a misconduct and shall be liable -
 - (a) in the case of a first offender, to a fine of twice the prescribed practicing fee;
 - (b) in the case of a second or subsequent offender, to a fine of not less than ten times the prescribed practicing fees; and
 - (c) where he/she is in the employment of any person, the employer shall be guilty of an offence punishable in the like manner as the member where it is proved that failure to pay the prescribed fees was with the knowledge, consent or connivance of the employer.

Committee's Recommendation:

That the provision in Clause 38 be retained (*Senator Matthew A. Urhoghide — Edo South*)
— Agreed to.

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

Clause 39: Rules as to Membership and Practicing Fees for Personnel.

- (1) The Institute shall make rules-
 - (a) prescribing the amount and due date for payment of the practicing fees;
 - (b) prescribing the different amounts to be paid either as a fellow, provisional Member or a registered Hospitality, Travel and Tourism Practitioner;
 - (c) prescribing the form of license to practice to be issued annually or, if the Board considers fit, by endorsement on an existing license; or
 - (d) restricting the right to practice as a member in default of payment of the amount of the annual subscription where the default continues for longer than such period as may be prescribed by the rules; and
 - (e) prescribing the period of practical training in the office of a Hospitality, Travel and Tourism Personnel in practice to be completed before a person qualifies for enrolment or a license to practice as a Hospitality, Travel and Tourism Personnel.
- (2) Rules made under this section shall be published in the Federal Gazette.

Committee's Recommendation:

That the provision in Clause 39 be retained (*Senator Matthew A. Urhohide — Edo South*)
— Agreed to.

Question that Clause 39 do stand part of the Bill, 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.

PART VII - APPROVAL OF INSTITUTIONS AND COURSE OF TRAINING**Clause 40: Approval of Institutions and Course of Training.**

- (1) The Institute shall approve any institution for the purposes of this Act, and may for those purposes approve -
 - (a) any course of training at an approved institution which is intended for persons seeking to become or are already Hospitality, Travel and Tourism practitioners and which the Institute considers is designed to confer on persons completing it sufficient knowledge and skill for admission to the Institute; and
 - (b) any qualification which, as a result of an examination taken in conjunction with a course of training approved by the Institute under this section, is granted to candidates reaching a standard at the examination indicating in the opinion of the members of the Institute that the candidates have sufficient knowledge and skill to practice Hospitality, Travel and Tourism.
- (2) The Institute may, withdraw any approval given under this section in respect of any course, qualification or institution.
- (3) Before withdrawing an approval under subsection (1) of this section, the Institute shall-
 - (a) give notice that it proposes to do so to each person in Nigeria appearing to the Institute to be a person by whom the course is conducted or the qualification is granted or the institution is controlled, as the case may be; and
 - (b) afford each of such persons an opportunity of making to the Institute representations with regard to the proposal; and
 - (c) take into consideration any representations made in respect of the proposal.
- (4) With respect to any period during which the approval of the Institute under this section for a course, qualification or institution is withdrawn, the course, qualification or institution shall not be treated as approved under this section; but the withdrawal of such an approval shall not prejudice the registration or eligibility for registration of any person who by virtue of the approval was registered or eligible for registration, either conditionally or

unconditionally, immediately before the approval was withdrawn.

- (5) The giving or withdrawal of an approval under this section shall have effect from such date, either before or after the execution of the instrument signifying the giving or withdrawal of the approval, as the Institute may specify in that instrument; and the Institute shall as soon possible, publish such instrument in the Federal Gazette.

Committee's Recommendation:

Leave out the provision in Clause 40 (Senator Matthew A. Urhoghide — Edo South) — Agreed to.

Clause 41: Supervision of Institutions and Examinations Leading to Approved Qualifications.

- (1) The Institute shall, from time to time, assess the nature and content of instructions given to persons attending course of training by Institutions approved by the Institute
- (2) The Institute may where necessary engage external assessors and visitation panels to evaluate examinations in approved Institutions.
- (3) A visitation panel or external assessor shall submit a report to the Institute on the approved institution visited and the report shall disclose -
 - (a) the adequacy of the instructions given to persons attending the course of training in the approved institution;
 - (b) the adequacy of the professional examinations; and
 - (c) any other matters relating to the institutions and examinations on which the Institute may, either generally or in a particular case direct;
- (4) The Institute may, on the receipt of a report made under this section by a visitation panel or external assessors, demand for a clarification from the institution visited.

Committee's Recommendation:

Leave out the provision in Clause 41 be retained (Senator Matthew A. Urhoghide — Edo South) — Agreed to.

PART VIII — PROFESSIONAL DISCIPLINARY

Clause 42: Establishment of Disciplinary Tribunal:

- (1) There shall be for the Profession, a tribunal to be known as the Hospitality, Travel and Tourism Practitioners Disciplinary Tribunal (in this Act referred to as "the Tribunal"), which shall be charged with the responsibility of considering and determining any case referred to it by the Investigating Panel established under section 43 of this Act and any other case of which the Tribunal has cognizance under the provisions of this Act.

- (2) The Tribunal shall consist of the Chairman, the Director General of the Institute, one board member and two members from the Hospitality, Travel and Tourism Practitioners as maybe appointed by the Board.

Committee's Recommendation:

That the provision in Clause 42 be retained (*Senator Matthew A. Urhoghide — Edo South*)
— *Agreed to.*

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

Clause 43: Establishment of an Investigating Panel:

- (1) There shall be a body, to be known as the Hospitality, Travel and Tourism Investigating Panel (in this Act referred to as "the Panel") which shall be charged with the following responsibilities:—
- (a) the duty of conducting a preliminary investigation into any case where it is alleged that a member has misbehaved in his capacity as a Professional Hospitality, Travel and Tourism Practitioner, or should for any other reason be subject of proceedings before the Tribunal; and
- (b) deciding whether the case should be referred to the Tribunal or not.
- (2) The Panel shall be appointed by the Institute and shall consist of one member of the board, two Director Carder Staff of the Institute appointed by the Director General and two members of the Profession who are not members of the Board with a Legal Practitioner from the Institute as secretary to the penal.
- (3) The provisions of the Third Schedule to this Act shall, as far as applicable to the Tribunal and Panel, respectively; have effect with respect to those bodies.
- (4) The outcome of investigation on any serious case of infraction handled by the investigative panel must be reported to the Minister.

Committee's Recommendation:

That the provision in Clause 43 be retained (*Senator Matthew A. Urhoghide — Edo South*)
— *Agreed to.*

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

Clause 44: Meaning of Professional Misconduct or Infamous Conduct:

For the purposes of this section, professional misconduct or infamous conduct in a professional respect includes:—

- (a) divulging or revealing to unauthorized persons, a client or another practitioner's information, or the nature of professional services rendered, without the Client's express consent, or without order or direction of a court;

- (b) engaging in conduct likely to deceive, defraud or harm the Client or the public, or demonstrating a wilful or careless disregard for the health, welfare or safety of a Client or the public or engaging in conduct which substantially departs from the standards of care ordinarily exercised by a Hospitality and Tourism Practitioner; or
- (c) obtaining any monies by fraud, misrepresentation or deception.

Committee's Recommendation:

That the provision in Clause 44 be retained (*Senator Matthew A. Urhoghide — Edo South*)
— *Agreed to.*

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

Clause 45: Penalties for Unprofessional Conduct, etc.

- (1) Where —
 - (a) the Tribunal is satisfied that the name of any person has been fraudulently registered; the tribunal may, if it considers fit, give a direction:—
 - (i) reprimanding that person;
 - (ii) ordering the Institute to strike out his name off the register of personnel;
 - (iii) pay a fine of not less than ₦200,000.00 as may be specified in the direction.
- (2) The Tribunal may, if it considers fit, defer or further defer its decision as to the giving of a direction under subsection (1) of this section until a subsequent meeting of the tribunal provided that:—
 - (a) no decision shall be deferred under this subsection for periods exceeding six months in the aggregate; and
 - (b) a person shall not be a member of the tribunal for the purposes of reaching a decision which has been deferred or further deferred, unless he was present as a member of the tribunal when the decision to defer the tribunal's decision was taken.
- (3) When the tribunal gives a direction under subsection (1) of this section, the tribunal shall cause notice of the direction to be served on the person to whom it relates.
- (4) A person to whom a direction under subsection (1) of this section relates may, at any time within thirty days from the date of service on him of the notice of direction, appeal against the direction to the Tribunal.
- (5) The Tribunal shall set-up a new sitting to determine the appeal and give a direction; this direction is final and cannot be appealed.
- (6) A direction of the tribunal under subsection (1) of this section shall take effect, where —

- (a) no appeal under subsection (5) of this section is brought against the direction within the time limited for such an appeal, on the expiration of that time;
 - (b) an appeal under subsection (4) of this section is brought against the direction, but it is withdrawn or upheld at the appeal sitting;
- (7) A person whose name is struck out of a register kept under this Act, in pursuance of a direction of the tribunal or whose name as a registered person is removed or suspended from the register shall not be entitled to be re-registered in that register, except in pursuance of a direction given by the Tribunal.

Committee's Recommendation:

That the provision in Clause 45 be retained (*Senator Matthew A. Urhoghide — Edo South*)
— *Agreed to.*

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

Clause 46: When a Person Shall be Treated as Convicted:

For the purposes of section 45(1) (b) of this Act, a person shall not be treated as convicted unless:—

- (a) as at the time the conviction is subsisting, no appeal is pending in an appellate court; or
- (b) when an appeal or further appeal is brought in connection with the conviction, the appellate court upheld the conviction, provided that such notice of appeal is brought within sixty days after the date of conviction.

Committee's Recommendation:

That the provision in Clause 46 be retained (*Senator Matthew A. Urhoghide — Edo South*)
— *Agreed to.*

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

Clause 47: When a Person is Deemed to be a Hospitality, Travel and Tourism Practitioner:

A person shall be considered to be a Hospitality, Travel and Tourism practitioner if, in consideration of remuneration received or to be received and whether by himself or in partnership with any other person, he:—

- (a) engages himself in activities relating to hospitality, travel and tourism or holds himself out to the public as a Hospitality, Travel and Tourism Practitioner;
- (b) renders any of the services listed under the Second Schedule to this Act or any professional service or assistance in or about matters of principle or detail relating to Hospitality, Travel and Tourism; or
- (c) renders any other service which may, by regulations made by the Institute, be designated as service constituting practice as a Hospitality, Travel and Tourism Practitioner.

Committee's Recommendation:

Leave out the provision in Clause 47 be retained (Senator Matthew A. Urhoghide — Edo South) — Agreed to.

Clause 48: The Jurisdiction of the Disciplinary Tribunal:

Criminal proceedings shall not oust the jurisdiction of the Disciplinary Tribunal from determining any case of misconduct or infamous conduct that violates training, certification and registration of the institute.

Committee's Recommendation:

That the provision in Clause 48 be retained (Senator Matthew A. Urhoghide — Edo South) — Agreed to.

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

PART IX — OFFENCES AND PENALTIES**Clause 49: Mandatory Training of Personnel, Continuous Professional Development and Certification:**

- (1) Any Hospitality, Travel and Tourism institution or establishment that has not acquired the requisite mandatory training of personnel commits an offence under this Act.
- (2) Any institution that fails to comply with the continuous professional development of its staff required by the Act, commits an offence under this Act.
- (3) Any enterprise or institution that fails to ensure mandatory certification of its staff as required under the provision of the Act, commits an offence under this Act.
- (4) An institution or establishment convicted of an offence under this Act is liable on: —
 - (a) Conviction in the case of subsection (1) of this section, to a fine of not less than ₦500,000.00
 - (b) Conviction in the case of subsection (2) of this section, to a fine of not less than ₦200,000.00
 - (c) Conviction in the case of subsection (3) of this section, to a fine of not less than ₦500,000.00; or (until the mandatory training certification level has been achieved) or both (Senator Matthew A. Urhoghide — Edo South).

Amendment Proposed:

Leave out the provision in Clause 49 (Senator Jibrin I. Barau — Kano North)

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

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

Clause 50: Power to Enter Premises and Penalty for Obstruction:

- (1) An officer of the Institute or its appointed agent may in the course of his duty, at any reasonable notice and on the production of his certificate of designation if so required, enter the premises, office of any of the establishments mentioned under the Second Schedule to this Act for the purposes of supervision, standardization and compliance with professional ethics to ensure enhanced service delivery in the hospitality, travel and tourism industry.
- (2) Any person who assaults or obstructs an officer of the Institute or the appointed agent of the Institute in the performance of his duties under this Act commits an offence and is liable on conviction:—
 - (a) in the case of an individual a fine of not less than ₦200,000.00 or to imprisonment for a term not exceeding one year or to both; and
 - (b) in the case of a body corporate, to a fine of not less than ₦500,000.00.

Committee's Recommendation:

Leave out the provision in Clause 50 be retained (Senator Matthew A. Urhohide — Edo South) — Agreed to.

Clause 51: General Offences, Penalties and Legal Proceedings:

- (1) Any person who knowingly makes a false statement for the purpose of procuring enrolment, registration or admission into the Institute, commits an offence.
- (2) A person who is not a registered Hospitality, Travel and Tourism Practitioner under this Act, but practices as such or holds himself out as being so registered and entitled to practice in that capacity whether for reward or not, or takes or uses any name, title, addition or description implying that he is so registered and authorized by law to so practice, commits an offence under this Act.
- (3) A person convicted of any offence under this section is liable on:—
 - (a) conviction in the case of subsection (1) of this section, to a fine of not less than ₦200,000.00 or to a term of imprisonment not exceeding one year or to both; or
 - (b) conviction in the case of subsection (2) of this section, to a fine of not less than ₦500,000.00 or to a term of imprisonment not exceeding two years, or to both.
- (4) Where any contribution or payment as required under the provision of this Act is not paid within the time specified for that purpose, a sum equal to five per cent of the amount unpaid shall be added for each month or part of the month after the date which payment should have been made provided that for the purpose of this subsection "contribution or payment" includes any interest or penalty payable or imposed for non-payment or for late payment as the case may be.

- (5) Notwithstanding any other provision of this Act, a contribution or payment shall be recoverable by action as a debt owed to the Institute at any time from the date when the contribution or payment became due.
- (6) Any person who contravenes any provisions of this Act for which no specific penalty was provided, commits an offence and, shall be liable on conviction to a fine not exceeding ₦200,000.00 or imprisonment for a term not exceeding one year or to both fine and imprisonment.
- (7) Subject to section 174 of the Constitution of the Federal Republic of Nigeria 1999, as amended (which relates to the power of the Attorney General of the Federation to Institute, continue or discontinue criminal proceedings), any employee of the Institute authorised in that behalf by the Board and who is a legal practitioner may before any Court of competent jurisdiction conduct or defend any complaint or other proceedings arising under this Act.

Committee's Recommendation:

That the provision in Clause 51 be retained (*Senator Matthew A. Urhoghide — Edo South*) — *Agreed to.*

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

Clause 52: Arrest and Investigation and Prosecution of Criminal Cases:

Subject to the provisions of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) and the Administration of Criminal Justice Act, 2015, the Nigerian Police or other relevant law enforcement agencies shall have power under this Act to arrest and investigate cases under this Act.

Committee's Recommendation:

Leave out the provision in Clause 52 be retained (*Senator Matthew A. Urhoghide — Edo South*) — *Agreed to.*

PART X — MISCELLANEOUS

Clause 53: Appointment of Agents or Inspectors:

- (1) The Institute may from time to time, appoints as Agents or Inspectors; as it may determine and may assign the Agents or Inspectors; as it may determine and may assign the Agents or Inspectors to such areas of Nigeria as the Institute may determine.
- (2) Subjects to the production of a letter of authority granted in that behalf, an Agent or Inspector within the area for which he is assigned may:—
 - a. At any reasonable time enter any enterprise to assess relevant records, documents and training materials as applies under this Act.
 - b. To enter, Inspect and examine at any time any personnel and service records being used by an enterprise.

- c. By notice require the management of such enterprise to furnish in such form as he may direct any information on such matters as may be specified by him in the notice
- d. To make such examination and inquiry as may be necessary to ascertain whether or not the provisions of this Act or any regulations made there under are being complied with.

(3) Offence:—

- (i) If during the Inspection and examination it appears to the Agent or Inspector that there has been a violation or delay of the provision of this Act or management wilfully delays an Agent or Inspector in the exercise of any power conferred on him under section 53 of this Act, or fail to comply with the requisition of an Agent or Inspector in pursuance of the said section or to produce any document , or record or furnish information , shall be deemed to obstruct an Agent or Inspector in the execution of his duties under the provisions of this Act .
- (ii) Where an agent or inspector is obstructed in the execution of its powers or duties under the provision of this Act, the person or management of such enterprise obstructing him shall be guilty of an offence and liable on conviction to a fine 200,000 or imprisonment for one month or to both.

Committee's Recommendation:

Leave out That the provision in Clause 53 be retained (*Senator Matthew A. Urhoghide — Edo South*) — Agreed to.

Clause 54: Jurisdiction:

- (1) The Federal High Court shall have the jurisdiction to hear and determine criminal and civil matters including appeals under this Act.
- (2) Appeals from the Hospitality, Travel and Tourism Practitioners Tribunal established under section 42 of this Act shall be heard and determined by the Federal High Court.

Committee's Recommendation:

That the provision in Clause 54 be retained (*Senator Matthew A. Urhoghide — Edo South*) — Agreed to.

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

Clause 55: Regulations, Rules and Guidelines:

- (1) The Institute may, with the approval of the Minister, make regulations, rules and guidelines as may be required to give effect to the provisions of this Act.
- (2) Any Regulation, rule or guideline made under this Act shall be published in the Gazette.

- (3) The contravention of any regulations, rules or guidelines issued pursuant to any of the provisions of this Act shall constitute an offence and shall be punishable as prescribed in the particular regulations, rules or guidelines.

Committee's Recommendation:

That the provision in Clause 55 be retained (*Senator Matthew A. Urhoghide — Edo South*)
— Agreed to.

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

Clause 56: Power of Minister to Give Directives:

The Minister may give directive to the Institute through the Governing Board, directives of a general character with respect to the carrying out of the functions of the Institute under this Act and the Institute shall comply with the directives.

Committee's Recommendation:

That the provision in Clause 56 be retained (*Senator Matthew A. Urhoghide — Edo South*)
— Agreed to.

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

Clause 57: The Seal of the Institute:

- (1) The seal of the Institute and the fixing of the seal of the Institute shall be signed by the Director - General.
- (2) Academic Certificates issued by the Institute shall have the seal of the Institute fixed and signed by the Director - General.

Committee's Recommendation:

That the provision in Clause 57 be retained (*Senator Matthew A. Urhoghide — Edo South*)
— Agreed to.

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

Clause 58: Compulsory Acquisition of Land

For the purposes of the Land Use Act which provides for the compulsory acquisition of land for overriding public interest, any requirement of land by the Institute shall be deemed to be for the public purposes of the Federation.

Committee's Recommendation:

That the provision in Clause 58 be retained (*Senator Matthew A. Urhoghide — Edo South*)
— Agreed to.

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

Clause 59: Pre - Action Notice

- (1) Subject to the provisions of this Act, the provisions of the Public Officers Protection Act shall apply to any suit instituted against the Institute, a member of the Board, Director - General, Academic Staff, officer or employee of the Institute.

- (2) No suit shall be commenced against the Institute before the expiration of a period of one - month after a written notice of intention to commence the suit had been served on the Institute by the intending plaintiff or his agent and the notice shall clearly state the:—
- (a) cause of action;
 - (b) particulars of the claim;
 - (c) name and place of abode of the intending plaintiff; and
 - (d) relief which plaintiff claims.
- (3) The notice referred to in subsection (1) of this section and any summons, notice or other document required or authorized to be served on the Institute under this Act or any other law, may be served by:—
- (a) delivering it to the Director - General of the Institute; or
 - (b) sending it by registered post addressed to the Director - General of the Institute at the Principal Office of the Institute.

Committee's Recommendation:

That the provision in Clause 59 be retained (*Senator Matthew A. Urhoghide — Edo South*) — *Agreed to.*

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

Clause 60: Restriction on Execution Against Property of the Institute:

Without prejudice to the provisions of the Sheriff and Civil Process Act, no execution shall be levied or attachment process issued against the Institute unless not less than 90 days' notice of the intention to execute or attach has been given to the Institute.

Committee's Recommendation:

Leave out the provision in Clause 60 be retained (*Senator Matthew A. Urhoghide — Edo South*) — *Agreed to.*

Clause 61: Indemnity of Officers of the Institute:

A member of the Board, Director - General, Academic Staff, officer or employee of the Institute shall be indemnified out of the assets of the Institute against any proceedings brought against him in his capacity as a member of the Board, Director - General, Academic Staff officer or employee of the Institute where the act complained of is not ultra vires his powers.

Committee's Recommendation:

That the provision in Clause 61 be retained (*Senator Matthew A. Urhoghide — Edo South*) — *Agreed to.*

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

Clause 62: Meetings of the Board :

The Board shall meet at least four times in each year.

Committee's Recommendation:

That the provision in Clause 62 be retained (*Senator Matthew A. Urhoghide — Edo South*) — *Agreed to.*

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

Clause 63: Stay of Arrest of Employee of the Institute on Duty:

- (1) No employee of the Institute shall be arrested while on duty.
- (2) Notwithstanding the provisions of subsection (1) of this section, where such arrest is unavoidable and might result in danger to public health or safety:—
 - (a) the head of Department in which the person to be arrested is employed; or
 - (b) the officer in charge of the person to be arrested, shall be given reasonable time to make provision for the replacement of the officer to be arrested before he is released to the person carrying out the arrest.

Committee's Recommendation:

Leave out the provision in Clause 63 be retained (*Senator Matthew A. Urhoghide — Edo South*) — *Agreed to.*

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

Clause 64: Transitional Provisions:

- (1) Any lawful act done or purported to have been done by the National Institute for Hospitality and Tourism existing immediately before the commencement of this Act (in this Act referred to as the "executing agency") is hereby validated under this Act.
- (2) Any act lawfully done or purported to have been done by any person however designated or appointed before the commencement of this Act for and on behalf of the Institute, including the acquisition of landed properties or erection of buildings, rentals, supervision or control of the Institute hereby established, is hereby validated.
- (3) Any agreement to which the executing agency under this Act was a party, whether or not made in writing and whether or not of such a nature that the rights, liabilities and obligations under the agreement may be assigned by the executing agency shall, unless its terms or subject matter make it impossible that it should, have effect so far as it relates to property as if the Institute was a party to the agreement and:—
 - (a) reference (however worded and whether express or implied) to the executing agency, in respect of anything failed to be done shall be a reference to the Institute; and
 - (b) any document which refers, whether specifically or generally, to the executing agency shall be construed as referring to the Institute.

- (4) Without prejudice to the generality of the provisions of this section, any right, liability or obligation which the executing agency had before the commencement of this Act shall vest in the Institute.
- (5) Any application, liability or obligation, legal proceedings or enforcement of rights pending against the executing agency may be continued against the Institute established under this Act.
- (6) Notwithstanding the provisions of subsections (1) to (5) of this section:—
 - (a) existing regulations or rules made or guidelines issued by the executing Agency before the commencement of this Act shall be deemed to have been made or issued pursuant to the relevant sections of this Act;
 - (b) any register kept by the executing Agency shall be deemed to be part of the register kept under this Act;
 - (c) any direction, orders and appointments lawfully given, made or other acts done by the executing Agency and in force immediately before the commencement of this Act, shall be deemed to have been given, made or done under this Act and shall have effect accordingly; and
 - (d) all property held by or on behalf of the executing Agency immediately before the commencement of this Act, shall on the commencement of this Act be deemed to have been vested in the Institute without further assurance.
- (7) Subject to the provisions of this Act, the Director - General of the executing Agency is deemed to have been transferred to the Institute established under this Act under the same conditions as the Director - General.
- (8) Any person who immediately before the commencement of this Act held appointment as an employee of the Institute shall on the commencement of this Act be deemed to have been appointed under this Act for purposes of pension.
- (9) As from the commencement of this Act, any disciplinary proceedings pending or existing against any employee of the executing Agency shall be continued and completed by the Institute established under this Act.

Committee's Recommendation:

That the provision in Clause 64 be retained (*Senator Matthew A. Urhohide — Edo South*)
— Agreed to.

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

Clause 65: Interpretation:

In this Act, unless the context otherwise requires;
"Academic staff" means a member of staff of the Institute whose sole and primary responsibility is teaching, research and assessment of students;

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

"Academic year" means semesters covered by a period of not more than twelve calendar months within which students must complete a level of study;

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

"Administrative staff" means those persons in the employment of the Institute other than academic staff who hold administrative, professional or technical posts;

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

"Alumni Association" means any association recognised by the Institute as being representative of graduates or former students of the Institute;

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

"Chairman" means the Chairman of the Board;

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

"Board" means the Governing Board of the Institute established under Section 7 of this Act;

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

"Director-General" means the Director-General of the Institute and charged with the day to day running of the Institute;

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

"enrolled" in relation to a member registered under this Act;

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

"executing agency" means the National Institute for Hospitality and Tourism established that existed immediately before the commencement of this Act;

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

"fees" includes annual subscription;

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

"functions" includes powers and duties;

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

"Graduate" means a person on whom a certificate other than an honorary certificate has been conferred to by the Institute;

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

"Grading" means the assessment of Hospitality, Travel or Tourism professional characteristics based on knowledge, skills and quality of services provided.

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

"Hospitality" includes a broad category of fields within the service industry that includes lodging, event planning, theme parks, transportation, cruise line, and additional fields within the tourism industry;

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

"Hospitality, Travel and Tourism" includes the activities enumerated under the Second Schedule to this Act;

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

"Institute" means the National Institute for Hospitality and Tourism established under this Act;

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

"Establishment or Enterprise" means the activities enumerated under the second schedule of this Act;

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

"Minister" means the Minister charged with the responsibility for matters relating to Culture and tourism;

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

"multi campus system" means the Institute campuses established in any part of Nigeria and the Federal Capital Territory, Abuja;

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

"Officer" means a staff of senior rank of the Institute;

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

"Register" means the register of Hospitality, Travel and Tourism Practitioners maintained under this Act;

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

"Tourism" includes the business or industry of providing information, accommodations, transportation, and other related services to tourists; and

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

"Tribunal" means the Hospitality, Travel and Tourism Practitioners Disciplinary Tribunal established under this Act.

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

"Visitor" means the President, Commander in Chief of the Armed Forces of the Federal Republic of Nigeria.

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

Committee's Recommendation:

That the provision in Clause 65 be retained (*Senator Matthew A. Urhoghide — Edo South*) — Agreed to.

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

Clause 66: Citation

This Bill may be cited as the National Institute for Hospitality and Tourism Bill, 2017.

Committee's Recommendation:

That the provision in Clause 66 be retained (*Senator Matthew A. Urhoghide — Edo South*) — Agreed to.

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

SCHEDULE 1

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

Proceedings of the Board.

1. Subject to this Act and section 27 of the Interpretation Act, the Board shall have power to regulate its proceedings and those of its committees, notices to be given, the keeping of minutes of its proceedings, the custody and production for inspection

of such minutes and such other matters as the Board may, from time to time determine.

2. There shall be at least four (4) ordinary meeting of the Board in each year and subject thereto, the Board shall meet whenever it is convened by the Director General, and if the Chairman makes a request to do so by notice given to Director General.
3. Every meeting of the Board shall be presided over by the Chairman and if the Chairman is unable to attend a particular meeting, the Chairman may nominate any of the members present to preside at the meeting.
4. The minutes of the Board shall be recorded by the Secretary and signed by the Chairman or the person who presided at the meeting, after confirmation by the Board.
5. A quorum at a meeting of the Board shall be one-third of the total number of members.

Convening of Meetings of the Board

6. The Director General shall, at any time, if five other members request in writing, convene an emergency meeting of the Board, provided that not less than 48 hours' notice is given to members for the meeting.
7. The Board shall meet for the conduct of its business at such places and on such days as the Director General may appoint.
8. A question put before the Board at a meeting shall be decided by consensus and where this is not possible, by a majority of the votes of the members present and voting.
9. The Chairman shall, in the case of an equality of votes, have a casting vote in addition to his deliberative vote.
10. Where the Board seeks the advice of any person on a particular matter, the Board may invite that person to attend for such period as it deems fit, but a person who is invited by virtue of this paragraph shall not be entitled to vote at any meeting of the Board and shall not count towards the quorum.

Committees

11. The Board may appoint one or more committees to carry out on behalf of the Board such of its functions as the Board may determine and report on any matter with which the Board is concerned subject to budgetary funding.
12. A committee appointed under paragraph 11 of this Schedule shall be presided over by a member of the Board and shall consist of such number of persons (not necessarily all members of the Board) as, may be determined by the Board, and a person other than a member of the Board shall hold office on the committee in accordance with the, terms of his appointment.
13. A person who is not a member of the Board shall hold office on the committee in accordance with his letter of appointment.
14. A decision of a committee of the Board shall be of no effect until it is confirmed by the Board resolution.

Seal of the Institute

15. The application of the common seal of the Institute shall be authenticated by the signature of the Director - General on behalf of the Institute.
16. A contract or an instrument which, if 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 authorized to act for that purpose by the Director - General
17. 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 presumed without further proof, to have been properly signed or sealed.

Miscellaneous

18. The validity of any proceeding of the Board or its committees shall not be affected by:—
 - (a) any vacancy in the membership of the Board or its committees
 - (b) reason that a person not entitled to do so took part in the proceedings; or
 - (c) any defect in the appointment of a member.
19. 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
 - (b) not vote on any question relating to the arrangement.
20. A resolution of the Board is valid, even though it is not passed at a meeting of the Board, if:—
 - (a) the notice in writing of the proposed resolution was given to each member; and
 - (b) the resolution is signed or assented to by a majority of members of the Board, including the Director - General.

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

SCHEDULE 2

**PROVISIONS RELATING TO TRAINING, CERTIFICATION AND REGISTRATION
OF PERSONNEL IN HOSPITALITY, TRAVEL AND TOURISM**

Class "H" Enterprises Tourism and Hospitality Training Institutions.

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

SCHEDULE 3

**SUPPLEMENTARY PROVISIONS RELATING TO THE
DISCIPLINARY TRIBUNAL AND INVESTIGATING PANEL**

The Tribunal.

1. The quorum of the Tribunal shall be three of whom at least one shall be a certified Travel Tourism and Hospitality Practitioner.
2. The Board shall make rules for the purposes of any proceedings and as to the procedure to be followed.
3. The rules made pursuant to Paragraph 2 of this Schedule shall in particular provide for —
 - (a) securing that notice of the proceedings shall be given, at such time and in such manner as may be specified by the rules, to the person who is the subject of the proceedings
 - (b) determining who in addition to the person aforesaid, shall be a party to the proceedings
 - (c) securing that any party to the proceedings shall, if he so requires, be entitled to be heard by the Tribunal
 - (d) publishing in the Federal Gazette notice of any direction of the Tribunal which has taken effect providing that a person's name shall be struck off a register.

The Panel

4. The quorum of the Panel shall be three.
5. The Panel may, at any meeting of the Panel attended by all the members of the Panel,

Make Standing Orders with Respect to the Panel.

6. Subject to the provisions of any such standing orders, the Panel may regulate its own procedure.

Miscellaneous

7. A person ceasing to be member of the Tribunal or the Panel shall be eligible for reappointment as a member of that body.
8. A person may, if otherwise eligible, be a member of both the Tribunal and the Panel; but no person who acted as a member of the Panel with respect to any case shall act as a member of the Tribunal with respect to that case.
9. The Tribunal or the Panel may act notwithstanding any vacancy in its membership; and the proceedings of either body shall not be invalidated by any irregularity in the appointment of a member of that body, or (subject to paragraph 6 (b) of this Schedule) by reason of the fact that any person who was not entitled to do so took part in the proceedings of that body.
10. Any expenses of the Tribunal or the Panel shall be defrayed by the Institute.

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

Chairman to report Bill.

(SENATE IN PLENARY)

The Deputy Senate President reported that the Senate in the Committee of the Whole considered the Report of the Committee on Culture and Tourism on the National Institute for Hospitality and Tourism (Establishment, etc.) Bill, 2017 be read the Second Time and approved as follows:

Clauses 1- 5	—	As Recommended
Clause 6	—	As Amended
Clause 7	—	As Recommended
Clause 8	—	As Amended
Clauses 9- 12	—	As Recommended
Clauses 13 - 15	—	As Amended
Clauses 16-20	—	As Recommended
Clause 21	—	As Amended
Clauses 22- 48	—	As Recommended
Clause 49	—	As Amended
Clauses 50- 66	—	As Recommended
Schedules 1 - 3	—	As Recommended

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

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

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

11. Federal University of Health Science Otukpo (Establishment, etc.) Bill, 2017 (SB. 504):

Motion made: That a Bill for an Act to establish the Federal University of Health Science Otukpo and Other Related Matters Connected Thereto, 2017 be read the Second Time (*Senator David A.B. Mark — Beueue 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.

12. Nigerian Tax Academy (Establishment, etc.) Bill, 2017 (SB. 330):

Consideration of Bill deferred to another Legislative Day.

13. In-Vitro Fertilization Prohibition Bill, 2017 (SB. 127):

Consideration of Bill deferred to another Legislative Day.

14. **Assisted Reproductive Technology Bill, 2017 (SB. 325):**
Consideration of Bill deferred to another Legislative Day.
15. **Agricultural Research Council of Nigeria Bill, 2017 (SB.315):**
Consideration of Bill deferred to another Legislative Day.
16. **Legal Practitioners Act CAP C11 LFN 2004 Amendment Bill, 2017 (SB. 435):**
Consideration of Bill deferred to another Legislative Day.
17. **National Tea and Coffee Development Council (Establishment, etc.) Bill, 2017 (SB.462):**
Consideration of Bill deferred to another Legislative Day.
18. **Federal Capital Territory (FCT) Act CAP F6 LFN 2004 Amendment Bill, 2017 (SB.385):**
Consideration of Bill deferred to another Legislative Day.
19. **National Youth Development Commission (Establishment, etc.) Bill, 2017 (SB. 385):**
Consideration of Bill deferred to another Legislative Day.
20. **Nigerian Bank of Industry (Establishment, etc.) Bill, 2017 (SB.366):**
Consideration of Bill deferred to another Legislative Day.
21. **Nigerian Institute of Management Act No.14 2003 (Amendment) Bill, 2017 (SB.13):**
Consideration of Bill deferred to another Legislative Day.
22. **Metallurgical Regulation Bill, 2017 (SB.260):**
Consideration of Bill deferred to another Legislative Day.
23. **National Institute of Credit Administration (Establishment, etc.) Bill, 2017 (SB.153):**
Consideration of Bill deferred to another Legislative Day.
24. **Adjournment:**
And it being 2:16 p.m. the Deputy Senate President adjourned the Senate till Thursday, 19th October, 2017 at 10:00 a.m.

Adjourned accordingly at 2:16 p.m.

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

