SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Tuesday, 7th June, 2016

1. The Senate met at 10:56 a.m. The Deputy Senate President read Prayers.

2. **Votes and Proceedings:**
The Senate examined the Votes and Proceedings of Thursday, 2nd June, 2016.

Question was put and the Votes and Proceedings were approved.

3. **Message from Mr. President:**
The Deputy Senate President announced that he had received a letter from Mr. President, Commander-in-Chief of the Armed Forces of the Federation, which he read as follows:

Medical Vacation:

PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA

6th June, 2016

Distinguished Sen. Abubakar Bukola Saraki, CON,
President of the Senate,
Senate Chambers,
National Assembly Complex,
Three Arms Zone,
Abuja.

Dear Distinguished Senate President,

MEDICAL VACATION

In compliance with Section 145 (1) of the 1999 constitution as amended, I wish to inform the Distinguished Senate that I will be away on a short medical vacation from 6th - 16th of June, 2016, and while I am away, the Vice President will perform the functions of my office.

2. Please accept, as always assurances of my highest esteemed consideration.

Yours Sincerely
(Signed)
Muhammadu Buhari

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4. Announcements:

(a) Northern Senators' Forum:

The Deputy Senate President read a letter from Senator Abdullahi Adamu (*Nasarawa West*) as follows:

NORTHERN SENATORS' FORUM

ANNOUNCEMENT

This is to inform all members of the Northern Senators' Forum that a meeting of the Forum is scheduled to hold today at 2pm prompt (after Plenary).

Venue: Meeting Room 244, New Senate Wing.

Please, your attendance is highly solicited.

(Signed)
Senator Abdullahi Adamu
Chairman
Northern Senators' Forum

(b) South-South and South-East Forum:

The Deputy Senate President read a letter from Senator James E. Manager (*Delta South*) as follows:

James E. Manager
Federal Republic of Nigeria

7th June, 2016

NOTICE OF MEETING

This is to notify Distinguished Senators from the South-South and South-East of a meeting at the end of today's Plenary. The meeting holds at Hearing Room 1 (White House).

(Signed)
Senator James E. Manager

(c) Acknowledgement:

The Deputy Senate President acknowledged the presence of the Staff and Students of Asasul Islam Schools, Keffi, Nasarawa State who were in the gallery to observe Senate Proceedings.

5. Personal Explanation:

Rising on Rule 43, Senator Samuel N. Anyanwu *(Imo East)* drew the attention of the Senate to the killing of Mrs Bridget Agbahime from Orodo in Mbaitolu Local Government Area of Imo State in Kano on Friday, 3rd June, 2016. He urged the Senate to condemn the killing in the strongest terms.

The Senate condemned the killing and called on the Government to bring the perpetrators to book to avoid future occurrence.

6. Petition:
Rising on Rule 41, Senator Mao A. Ohuabunwa *(Abia North)* drew the attention of the Senate to a petition from Mr Paulinus I. Ijoma, over non payment of his pension and gratuity by the Union Bank of Nigeria Plc. 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.

7. Presentation of Bills:
(*i*) Nigeria Police Academy (Establishment, etc.) Bill, 2016 (SB. 270) — *Read the First Time.*

(*ii*) Pharmacists Council of Nigeria Act CAP P17 LFN 2004 (Amendment) Bill, 2016 (SB.277) — *Read the First Time.*

(*iii*) Chartered Institute of Logistics and Transport of Nigeria (Establishment, etc.) Bill, 2016 (SB. 289) — *Read the First Time.*

(*iv*) Police Act CAP P19 LFN 2004 (Amendment) Bill, 2016 (SB 294) — *Read the First Time.*

(*v*) Maritime University of Nigeria, Okerenkoko (Establishment, etc.) Bill, 2016 (SB. 295) — *Read the First Time.*

(*vi*) Independent National Electoral Commission (INEC) Act, 2010 (Amendment) Bill, 2016 (SB. 297) — *Read the First Time.*

8. Committees on Sports and Youth Development; and Poverty Alleviation and Social Welfare:
Report on the Discrimination against Persons with Disabilities (Prohibition) Bill, 2016 (SB. 22):
Motion made: That the Senate do receive the Report of the Committees on Sports and Youth Development; and Poverty Alleviation and Social Welfare on the Discrimination against Persons with Disabilities (Prohibition) Bill, 2016 (*Senator Joseph O. Ogba — Ebonyi Central*).

Question put and agreed to.

Report Laid.

9. Committee on Agriculture and Rural Development:
Report on the Nigeria Institute of Soil Science (Establishment, etc) Bill, 2016 (SB. 126):
Motion made: That the Senate do receive the Report of the Committee on Agriculture and Rural Development on the Nigeria Institute of Soil Science (Establishment, etc) Bill, 2016 (*Senator Abdullahi Adamu — Nasarawa West*).

Question put and agreed to.

Report Laid.

10. Committee on Agriculture and Rural Development:
Report on the Nigerian Agricultural Quarantine Service Bill, 2016 (SB. 81):
Motion made: That the Senate do receive the Report of the Committee on Agriculture and Rural Development on the Nigerian Agricultural Quarantine Service Bill, 2016 (*Senator Abdullahi Adamu — Nasarawa West*).

Question put and agreed to.

Report Laid.

11. Committee on Land Transport:
Report on the Nigerian Railway Corporation Act, 1955 (Repeal and Re-enactment) Bill, 2016 (SB.01):

Consideration of Report deferred to another Legislative Day.

12. Committee on Agriculture and Rural Development:
Report on the Commercial Agricultural Credit Scheme (Establishment, etc.) Bill, 2016 (SB. 20):
Motion made: That the Senate do consider the Report of the Committee on Agriculture and Rural Development on the Commercial Agricultural Credit Scheme (Establishment, etc.) Bill, 2016 (*Senator Abdullahi Adamu — Nasarawa West*).

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 A REGULATORY FRAMEWORK FOR THE AGRICULTURE CREDIT FUND WHICH SHALL PROMOTE COMMERCIAL AGRICULTURE IN NIGERIA, ENSURE CREDIT SUPPORT FOR PRODUCTION, STORAGE AND PROCESSING OF TARGET COMMODITIES, DEVELOP MARKET AND AGRICULTURAL ENTERPRISE AND FOR OTHER RELATED MATTERS

PART I — ESTABLISHMENT OF THE COMMERCIAL AGRICULTURE CREDIT SCHEME

Clause 1: Establishment of the Scheme.

(i) There is hereby established for the Federation a Commercial Agriculture Credit Scheme which shall comprise of the Central Bank of Nigeria (CBN), in collaboration with the Federal Government of Nigeria represented by the Ministries of Agriculture and Water resources;

(ii) The scheme shall under this Act provide and oversee fund which shall complement other special initiatives of the CBN in providing concessionary funding for agriculture such as Agricultural Credit Guarantee Scheme (ACGS) which is mostly for small scale farmers, interest draw-back scheme, Agricultural Credit Support Scheme

Committee's Recommendation:
That the provision in Clause 1 be retained (*Senator Abdullahi Adamu — Nasarawa West*) — *Agreed to.*

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

Clause 2: Objective of the Scheme.
The objectives of the scheme shall be:

(i) To fast track development of the agricultural sector of the Nigerian economy by providing credit facilities to commercial agricultural enterprises at a single digit interest rate;

(ii) To enhance national food security by increasing food supply and effecting lower agricultural produce and product prices, thereby promoting low food inflation;

(iii) To reduce the cost of credit in agricultural production to enable farmers to exploit the potentials of the sector;

(iv) To increase output, generate employment, diversify the revenue base, increase foreign exchange earnings and provide input for the industrial sector on a sustainable basis.

Committee's Recommendation:
That the provision in Clause 2 be retained (*Senator Abdullahi Adamu — Nasarawa West*) — *Agreed to.*

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

Clause 3: **Funding of the Scheme.**

(i) The scheme shall be funded by the Federal Government of Nigeria and Central Bank of Nigeria in the ratio of 60:40. Each party shall meet its full contribution in 2 years from the date of the Act.

(ii) Funds awaiting disbursement shall be invested in eligible securities by the Managing Agent and adequate levels be set aside in line with the projections of the Project Management Committee.

Committee's Recommendation:
That the provision in Clause 3 be retained (*Senator Abdullahi Adamu — Nasarawa West*) — *Agreed to.*

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

Clause 4: **Administration of the Fund.**

The fund shall be administered by any Deposit Money Bank (DMB) operating in Nigeria that meets the disbursement criteria established by the Project Management Committee, as well as has relevant experience in Agric lending.

Committee's Recommendation:
That the provision in Clause 4 be retained (*Senator Abdullahi Adamu — Nasarawa West*) — *Agreed to.*

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

PART II: MANAGEMENT OF THE SCHEME

Clause 5: **Management of the Scheme.**

(i) The management of the Commercial Agriculture Credit Scheme shall be the responsibility of the Central Bank of Nigeria and the Federal Ministries of Agriculture; and Water Resources in collaborative manner to ensure the success of the Scheme;

(ii) The day-to-day implementation of the project shall be the responsibility of the Development Finance Department of the Central Bank and the Commercial Agriculture Development Programme (CADP) Secretariat of the Federal Ministry of Agriculture and that of Water Resources which shall coordinate actions, and report to the Project Management Committee.

Committee's Recommendation:
That the provision in Clause 5 be retained (*Senator Abdullahi Adamu — Nasarawa West*) — *Agreed to.*

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

Clause 6: Establishment of the Project Management Committee.

(1) (i) There shall be a Technical Committee comprising of the Central Bank of Nigeria, the Commercial Agriculture Development Programme (CADP) Secretariat of the Federal Ministry of Agriculture and Rural Development which shall coordinate actions, and report to the Project Management Committee.

(ii) The Project Management Committee shall be the highest policy organ for the project.

(iii) Members shall meet for a minimum of two (2) times a year to review progress and propose changes if required in the running of the programme and advise the relevant stakeholders.

(2) The composition of the Committee shall be as follows:

(a) Deputy Governor, Central Bank of Nigeria (Financial System Stability), as Chairman

(b) National Coordinator, Commercial Agriculture Development Programme, as Secretary;

(c) Director, Development Finance, Central Bank of Nigeria, as Member;

(d) One Representative of the Bankers' Committee, as Member;

(e) A Representative each from the Federal Ministry of Finance; Agriculture; Industry, Trade and Investment;

(f) Representative of NACCIMA; as member.

(3) The quarterly report of the Committee shall be sent to the Ministers of Agriculture; Water Resources; Finance; and Central Bank of Nigeria Governor

Committee's Recommendation:
That the provision in Clause 6 be retained (*Senator Abdullahi Adamu — Nasarawa West*) — *Agreed to.*

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

Clause 7: **Target Agricultural Commodities.**

(1) The scheme shall cover agricultural value chain activities from input supply, production of economic crops, storage, marketing, processing, mechanization and other infrastructure.

(i) Rice, cassava, cotton, oil palm, wheat, rubber, sugar cane, Jatropha, carcus, fruits and vegetables; maize, soybeans, sesame seed, cocoa, groundnut, tea, coffee, kola, cashew, millet and sorghum

(ii) Livestock, cattle, sheep, goat, rabbitry, guinea pig, poultry, piggery, quail, snailery, guinea fowl, duck and ostrich.

(iii) Fisheries including Fish feeds.

(2) Any other activity as may be specified from time to time.

Committee's Recommendation:
That the provision in Clause 7 be retained (*Senator Abdullahi Adamu — Nasarawa West*) — *Agreed to.*

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

Clause 8: **Eligibility of Borrower under the Scheme include:**

(1) Corporate and Large Scale Commercial Farm/Agro Enterprises:

(i) Integrated large scale farm or Agro-based Enterprise with agricultural asset (excluding land) of not less than ₦100 million with prospects of growing the assets to ₦250 million within the next three years.

(ii) Non-Integrated Commercial Farm/Agro Enterprises with assets not less ₦50 million with prospects of growing the assets to ₦150 million, except in the case of on-lending to farmers' cooperative societies.

(2) All State Governments/FCT can access up to ₦5 billion of the fund through specialized agencies or secretariat established for the purpose of on-lending such funds to cooperative unions, co-operative societies, self-help groups and agricultural commodities association in their respective states.

Committee's Recommendation:
That the provision in Clause 8 be retained (*Senator Abdullahi Adamu — Nasarawa West*) — *Agreed to.*

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

Clause 9: **Eligibility for Participation in the Scheme.**

(1) To participate in the scheme the borrower shall:

(i) Be a limited liability company and shall comply with the provisions of the Companies and Allied Matters Act (1990);

(ii) Have a clear business plan;

(iii) Provide up-to-date record on its business operations if any.

(2) To participate in the scheme a State Government/FCT shall:

(i) Submit an expression of interest;

(ii) Put in place appropriate institutional arrangements by setting up a secretariat (special Unit or agency) staffed with experienced agricultural experts and credit officers dedicated for the administration of the fund to be borrowed which shall be approved by the Project Management Committee; and

(iii) Sign an Irrevocable Standing Payment Order (ISPO) in favour of the Central Bank of Nigeria to deduct at source the total amount in default from the state(s) on monthly basis of State revenue allocation on behalf of the Participating Banks.

Committee's Recommendation:
That the provision in Clause 9 be retained (*Senator Abdullahi Adamu — Nasarawa West*) — *Agreed to.*

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

Clause 10: Modalities of the Scheme.

(1) Agricultural credit from the participating banks shall be in the form of loans or overdraft.

(2) Interest on loan shall not exceed 5 percent, inclusive of all charges.

(3) Loan tenure under the scheme shall be a maximum of 10 years.

(4) Enhancement of credit facility, extension or rescheduling of payment shall be approved by the CBN Management

Committee's Recommendation:
That the provision in Clause 10 be retained (*Senator Abdullahi Adamu — Nasarawa West*) — *Agreed to.*

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

Clause 11: Acceptable Collateral.

The security which may be offered to a participating bank for the purpose of any loan under the scheme may be one or more of the following:

(a) A charge on the movable property of the borrower;

(b) A charge on land in which the borrower holds a legal interest or a right to farm, or a charge on the land including fixed assets, crop or livestock;

(c) A life insurance policy, a promissory note or other negotiable security;

(d) Stocks and shares;

(e) Any other collateral acceptable to the participating bank(s).

Committee's Recommendation:
That the provision in Clause 11 be retained (*Senator Abdullahi Adamu — Nasarawa West*) — *Agreed to.*

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

Clause 12: Procedure for Applying for the Loan.

(1) All applications for loans under the scheme shall be made to the Participating Banks in duplicates; one copy of which will be stamped by the Participating Bank concerned and forwarded to the Development Finance Department of Central Bank of Nigeria and Committee on Agriculture Development and Water Resources. Both departments shall set up a joint task-force that promptly (within 48 hours) issues a "no objection" letter to the Participating Bank on the loan application, after confirming that the products/purposes conform to the focus of the scheme.

(2) Thereafter, the Participating Bank shall quickly process the loan and effect disbursement. Applications received by the Participating Bank shall be processed promptly and not exceeding Thirty days. The banks shall set up Task-Forces and fast-track processes to ensure prompt service delivery.

(3) All applications under the scheme shall be treated by Participating Bank with high degree of diligence, good faith and competence.

Committee's Recommendation:
Leave out the provision in Clause 12 (*Senator Abdullahi Adamu — Nasarawa West*) — *Agreed to.*

Clause 13: Verification and Monitoring of Projects.

Both the Development Finance Department of the Central Bank of Nigeria and the Committee on Agriculture Development Programme Secretariat of Federal Ministry of Agriculture and Water Resources shall ensure periodic monitoring of the projects funded under the scheme, and report to the Project Management Committee.

Committee's Recommendation:
Leave out the provision in Clause 13 (*Senator Abdullahi Adamu — Nasarawa West*) — *Agreed to.*

Clause 14: Verification of other Terms and Conditions of Loan.

A participating bank shall require a prior approval of the Project Management Committee before it can alter any of the terms and conditions governing a loan in respect of which Commercial Agriculture facility is on-going.

Committee's Recommendation:
Leave out the provision in Clause 14 (*Senator Abdullahi Adamu — Nasarawa West*) — *Agreed to.*

Clause 15: 1nfractions and Sanctions Participating Bank(s):

(i) Diversion of funds by Participating Banks (PBs) shall attract a penalty at the bank's MAXIMUM lending rate at the time of infraction.

(ii) Non rendition or false returns shall attract the penalty stipulated by Banks and other Financial Institutions Act section 60;

(iii) Charging interest rate higher than prescribed shall attract the penalty stipulated by Banks and other Financial Institutions Act section 60;

(iv) Any Participating Bank (PB) that fails to follow the agreed disbursement schedule with the borrower after the receipt of the fund shall be charged its Maximum interest rate for the period the fund was not disbursed and any additional penalty as specified by the CBN

(v) Any other breach of the guide lines as may be specified from time to time.

Committee's Recommendation:
That the provision in Clause 15 be retained (*Senator Abdullahi Adamu — Nasarawa West*) — *Agreed to.*

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

Clause 16: **Borrower.**
The borrower shall:
(a) Utilize the funds for the purpose for which it is granted;

(b) Insure the project being financed;

(c) Adhere strictly to the terms and conditions of the scheme;

(d) Make the project and records available for inspection and verification by the Project Management Committee;

(e) Render periodic returns to the Participating Banks as may be required; and

(f) State Government/FCT shall agree to utilize the funds solely for on lending to registered cooperative unions, cooperative societies, commodity associations and self-help groups and qualified individuals.

Committee's Recommendation:
That the provision in Clause 16 be retained (*Senator Abdullahi Adamu — Nasarawa West*) — *Agreed to.*

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

Clause 17: **Repayment or Discontinuation of a Credit Facility.**
Whenever a credit facility is otherwise discontinued, the Participating Banks shall advise the Project Management Committee immediately, giving particulars of the credit facility.

Committee's Recommendation:
That the provision in Clause 17 be retained (*Senator Abdullahi Adamu — Nasarawa West*) — *Agreed to.*

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

Clause 18: **Disbursement of Fund.**
The Participating Banks and borrowers shall strictly adhere to agree disbursement/repayment schedule. Any deviation from the schedule shall be mutually agreed between the parties and the Project Management Committee informed accordingly.

Committee's Recommendation:
That the provision in Clause 18 be retained (*Senator Abdullahi Adamu — Nasarawa West*) — *Agreed to.*

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

Clause 19: Citation.
This Bill may be cited as Commercial Agriculture Credit Scheme Bill, 2016.

Committee's Recommendation:
That the provision in Clause 19 be retained (*Senator Abdullahi Adamu — Nasarawa West*) — *Agreed to.*

Question that Clause 19 *do stand part of the Bill, put and 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 Agriculture and Rural Development on the Commercial Agricultural Credit Scheme (Establishment, etc.) Bill, 2016 and approved as follows:

Clauses 1- 19 — As Recommended

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

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

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

13. **Environmental Health Officers (Registration, etc.) Act, 2002 (Amendment) Bill, 2016 (HB.29):**
Motion made: That the Senate do consider a Bill for an Act to Amend the Environmental Health Officers (Registration, etc.) Act, 2002 and for other related matters, 2016 - for Concurrence (*Senate Leader*).

Question put and agreed to.

Debate:

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

Motion made: Pursuant to Rule 81, that the Senate do resolve into the Committee of the Whole to consider the Report *(Senate Leader).*

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO AMEND THE ENVIRONMENTAL HEALTH OFFICERS (REGISTRATION, ETC.) ACT, 2002 AND FOR OTHER RELATED MATTERS

Clause 1: Amendment of the Principal Act.
The Environmental Health Officers (Registration, etc.) Act, 2002 (in this Act Referred to as the "Principal Act") is hereby amended as set out in this Act.

Committee's Recommendation:
That the provision in Clause 1 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 2: Amendment of section 1.
Section 1 of the Principal Act is amended as follows:

(1) There is established a body to be known as the Environmental Health Council of Nigeria (in this Act referred to as "the Council") -

(a) accordingly any reference in the Act to the Environmental Health Officers Registration Council of Nigeria shall be construed as the Environmental Health Council of Nigeria.

(b) the re-designation of the enactment specified in section (1) of this section shall not affect anything done or purported to be done under the designated enactment.

(2) The Council:

(a) shall be a Council for Environmental Health, based on rules and regulations made by the Minister;

(b) shall be a body corporate with perpetual succession and a common seal;

(c) may sue or be sued in its name; and

(d) may acquire, hold or dispose of any property, movable or Immovable for the purpose of carrying out its functions under this Act.

(3) The Council is charged with the following functions:

(a) determining what standards of knowledge and skill are to be attained by persons seeking to become members of the profession of Environmental Health (in this Act referred to as "the Profession") and improving those standards from time to time as circumstances may permit;

(b) securing in accordance with, the provisions of this Act the establishment and maintenance of register of persons entitled to practice as members of the profession and the publication from time to time the list of those persons;

(c) establishing a code of conduct and reviewing same from time to time as the Council considers desirable for the effective practice of Environmental Health Profession;

(d) charging practicing fees as may be determined by the Council;

(e) regulating and controlling the practice of Environmental Health profession in all its aspects and ramifications, including corporate practice areas as Waste collection and disposal; public health pest control; cleaning services; air quality monitoring; sanitary inspection of premises; health impact assessment etc.

(f) conducting examinations in the profession and awarding certificates or diplomas to successful candidates as appropriate and for such purpose and the Council shall prescribe fees to be paid in respect thereof;

(g) coordinate and liaise with Donor Agencies, Stakeholders and NGOs within and outside Nigeria on matters of environmental health infrastructural provision and implementation;

(h) set regulations and provide infrastructure for Medical Waste Management;

(i) set Environmental health standard and work with other stakeholders to ensure the enforcement and compliance with standards, legislation and guidelines on Environmental health infrastructure provision and implementation;

(j) create public awareness and enlightenment on environmental health and sanitation;

(k) work with the private sector in cooperation with participating States to provide private sector funding for construction and maintenance of sanitation infrastructure such as sewerage systems, recycling plants, leasing of sanitation of equipment for use across the country;

(l) establish and supervise the National Institute of Environmental Health for the purposes of advanced professional education for members of the profession;

(m) carry out research and publish general scientific and other data resulting from the performance of its functions;

(n) support National Capacity building for managers and staff of State Environmental Sanitation Agencies to develop needed manpower;

(o) carry out such activities as are necessary or expedient for the performance of its functions objectives;

(p) having such powers to litigate against and or punish any erring Environmental Health Officer, Environmental Health Service provider or other persons registered by the Council or performing environmental health functions;

(q) having such powers to litigate against and or sanction any erring individual and corporate individual violating sanitary regulations; and

(r) having such powers and duties as conferred on it by this Act or by any other Enactment or law on such matters on which the National Assembly has power to make.

Committee's Recommendation:
That the provision in Clause 2 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 3: **Amendment of section 2.**
Section 2 (1) (*c*) of the Principal Act is amended to read "one Environmental Health Officer to represent each of the six geopolitical zones in rotation";

Section 2 of the Principal Act is further amended by adding new subsections (*h*) and (*i*) as follows:

"(*h*) one person who shall be the most senior licensed Environmental Health Officer in the Armed Forces and Para-military to represent the Armed Forces and Para-military in rotation".

Committee's Recommendation:
That the provision in Clause 3 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 4: **Amendment of section 3.**
Section 3 of the Principal Act is amended by deleting subsection (2) and subsequently redrafted as follows.

Powers of the Council.

(2) Subject to this section and to any directions of the Minister under this Act, the Council shall have powers to do anything which in its opinion is calculated to facilitate the carrying on of its activities under this Act.

Committee's Recommendation:
That the provision in Clause 4 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 5: **Amendment of section 6.**
Section 6 (1) of the Principal Act is amended to read as follows:

6. The Council shall appoint a fit and proper person who shall be registered with the Council to be the Registrar/Chief Executive for the purpose of this Act.

(*a*) The Term "Registrar" shall be substituted with "Registrar/Chief Executive" where ever it appeared in the Principal Act;

(*b*) Insert immediately after subsection 6 (2) as follows:

Structures of the Council.

3 (1) The Council shall have the following structures:

(a) Directorate of Education and Training;

(b) Directorate of Registration and Inspectorate;

(c) Directorate of Ethics and Standards Enforcement;

(d) Directorate of Administration and Accounts

(e) Directorate of Planning, Research and Statistics.

(2) Each Directorate shall be headed by a Director. Except for 7 (1) (d), all other Directorates shall be headed by licensed Environmental Health Officers.

(3) The Council and its Directorates shall have adequate numbers of units and divisions as may be required in the discharge of its functions of the Council.

(4) The Council shall have Zonal Offices in each of the geopolitical zones and State Offices in all the States of the Federation.

(c) renumbering the subsection appropriately

Committee's Recommendation:
That the provision in Clause 5 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 6: Amendment of section 8.
Section 8 of the Principal Act is amended in subsection (1) to read thus:
(1) The Registrar/Chief Executive shall be the Chief Executive Officer of the Council who shall prepare and maintain, in accordance with rules made by the Council under this section, a register of the names, addresses, approved qualifications and such other particulars; as may be specified of all persons who are entitled in accordance with the provisions of this Act to be registered as members of the profession and who apply in the specified manner to be so registered.

Section 8 of the Principal Act is further amended by inserting new subsections (1) (A) and (B) as follows:
(1) (A) A person shall not hold an appointment or practice as an Environmental Health Officer in Nigeria or perform the duties of an Environmental Health Officer in Nigeria unless he is registered with the Council under the provisions of this Act.

(B) A registered Environmental Health Officer is entitled to practice as an Environmental Health Officer anywhere in Nigeria.

Insert a new subsection (2) to read thus:
Transfer from one register to another.
A person registered under this Act as Environmental Health Assistant, Environmental Health Technician or Environmental Health Technologist may apply to transfer from a lower register to a higher register if he obtains an academic qualification or approved equivalent educational qualification commensurate to the requirement of the higher register he desires to transfer to. In addition he must have had the required experience as well as passed the prescribed examination and other conditions as may be set out from time to time by Council".

Committee's Recommendation:
That the provision in Clause 6 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 7: **Amendment of section 10.**

Section 10 of the Principal Act is amended in subparagraph (a)

(i) by inserting immediately after the word "attended" the words "and successfully completed".

(ii) by substituting for subsection (3) as follows:

(3) (a) A corporate organization desirous of practicing in the environmental health field shall be entitled to be registered under this Act as an environmental health service provider and being so registered, to receive a registration certificate from the Council if the company satisfies the Council that such company has requisite staff and equipment to practice and shall abide by rules made by the council and pays the prescribed fee;

(b) no registered person or company shall practice as an environmental health officer or environmental health service provider in any year unless he has renewed his license in respect of that year. This renewal shall be due every January and not later than 31st March in every year as prescribed by the Council;

(c) the Council may with the confirmation of the Minister from time to time, vary the practicing fees prescribed, The Council shall keep and utilize the funds realized from the practicing fees and other activities of the Council for the development of the profession;

(d) any Environmental Health Officer or Environmental Health service provider, who in respect of any year practices without renewing his license is guilty of an offence and is liable on conviction:

(i) in the case of first offender, to a fine of twice the prescribed practicing fee; and

(ii) in the case of a second or subsequent offender to a fine of not less than ten times the prescribed practicing fee;

(iii) where the Environmental Health Officer is in the employment of any person or Organization (Public or private), the employer is also guilty of an offence punishable in like manner as the Environmental Health Officer if it is proved that the failure to pay the practicing fee was with his knowledge, consent and connivance;

(iv) where the Environmental Health Service Provider is engaged by any person or Organization (Public or private), such person or Organization is also guilty of an offence punishable in like manner as the Environmental Health Service Provider if it is proved that the failure to pay the practicing fee was with his knowledge, consent and connivance.

(iii) insert a new subsection (7) as follows:
(7) A registered Environmental Health Officer shall be issued a practicing seal subject to rules made by the Council".

Committee's Recommendation:
That the provision in Clause 7 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 8: Amendment of section 13 (4).
Section 13 of the Principal Act is amended by inserting new subsection (4) as follows:
(4) It shall be the duty of the Head of every faculty, department, institute or school of Environmental Health in Nigeria, approved by the Council to furnish the Registrar with the list of candidates admitted or enrolled into a course in Environmental Health and the list of candidates successful at the final Environmental Health Examination immediately after the release of the result within three months of each event respectively.

Committee's Recommendation:
That the provision in Clause 8 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 9: Amendment of section 17.
Section 17 of the Principal Act is amended by substituting it with the following:
Any person who not being in accordance with this Act, holds himself out to be so registered or uses any name, title, description, dress or symbol calculated to lead any person to infer that he is so registered, shall be guilty of an offence and liable on conviction for a first offence to a fine of not less than Twenty Thousand Naira or to imprisonment for a term of six months or to both such fine and imprisonment, and on conviction for a second or any subsequent offence to imprisonment for a term of not less than one year or more than three years and a fine of fifty Thousand Naira only".

Committee's Recommendation:
That the provision in Clause 9 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 10: Amendment of section 19.
Section 19 of the Principal Act is amended by in subsection (3) by:
(i) substituting the words "five thousand Naira" with the words "Twenty Thousand Naira".

(ii) in subsection (4) with new subsection (4) as follows:
Where the offense of practicing without registration or any other offence under this Act is committed by a body corporate and is proved to have been committed with the connivance of or to be attributable to any neglect on the part of any Head, Director, Manager, Secretary or other similar officer of the body corporate or any person purporting to act in. any such capacity, he, as well as the body corporate, shall be guilty of an offence and on conviction to a fine of not less than Two hundred thousand Naira or to imprisonment for a term of six months for such a Head, director, manager, secretary or other similar officer of the body corporate".

Committee's Recommendation:
That the provision in Clause 10 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 11: Amendment of section 20.
Section 20 of the Principal Act is amended by inserting a new section 20 as follows:
(1) A suit shall not commence against the Council before the expiration of a period of one month, after written notice of intention to commence the suit shall have been served on the Council 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 he claims.

(2) The notice referred to in subsection (1) of this section and summons, notice or other document required or authorized to be served on the Council under the provisions of this Act or any other enactment or law may be served by:
(a) delivering the same to-the office of the Registrar; or

(b) sending it by registered post addressed to-the Registrar at the head office of the Council.

(3) In all litigations against the Council, the provisions of the public officer's (protection) Act Cap. 379, Laws of the Federation of Nigeria 1990 shall apply.

Committee's Recommendation:
That the provision in Clause 11 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 12: Amendment of section 27.
Section 27 of the Principal Act is amended by substituting the section with the following new section:
The Minister may make rules and regulations on the advice of the Council as are necessary or expedient for efficient regulation of environmental health and sanitation practice:
(a) to prescribe the methodologies for private- sector participation in the work of the Council;

(b) to prescribe the fees to be paid for services rendered by the Council;

(c) generally for the purposes of carrying out or giving full effect to the functions of the Council under this Act.

Committee's Recommendation:
That the provision in Clause 12 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 13: Amendment of section 28.
Section 28 of the Principal Act is amended by adding the following definitions:
(i) Environmental health after the definition of "Council".
Environmental health" means the control of those aspects of human health and disease that are determined by factors in the environment. It also refers to the theory and practice of assessing and controlling factors in the environment that can potentially affect health;

(ii) Environmental Health Officer" means any person registered in accordance with the relevant sections of this Act and holding a valid practice license;

(iii) Environmental Health Service Provider" means any company registered to provide environmental health service(s) by the Council and holding a valid practice license.

Committee's Recommendation:
That the provision in Clause 13 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 14: Amendment of section 29.
Section 29 of the Principal Act is amended thus:
This Act may be cited as the Environmental Health Officers (Registration, etc.) (Amendment) Act, 2016".

Committee's Recommendation:
That the provision in Clause 14 be retained (*Senate Leader*) — *Agreed to.*

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

Amendment of the Schedules.

FIRST SCHEDULE

Section 2 (1) of the First Schedule of the Principal Act is amended to read thus:

Subject to the provisions of this paragraph, a member of the Council other than those in section 2 (1) (c), (e), (f), and (h) shall hold Office for a period of three years from the date of his appointment and shall be eligible for re-appointment for one further period of three years only".

Question that First Schedule stand part of the Schedule to the Bill, put and agreed to.

THIRD SCHEDULE

Accepted minimum qualification for the purpose of Registration on the Register established under the Principal Act in the Third Schedule is amended as follows:
1. Environmental Health Officer:
Bachelor of Science or Bachelor of Technology in Environmental Health Sciences from an institution recognized by the Council;

2. Environmental Health Technologist:
Higher National Diploma in 'Environmental Health from an institution recognized by the Council.

3. Environmental Health Technician National Certificate for Environmental Health Technicians from an institution recognized by the Council.

4. Environmental Health Assistant National Certificate for Environmental Health Assistants from an institution recognized by the Council.

Question that Third Schedule stand part of the Schedule to the Bill, put and 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 Bill for an Act to Amend the Environmental Health Officers (Registration, etc.) Act, 2002 and for other related matters, 2016 and approved as follows:

Clauses 1- 14	—	As Recommended
Schedules	—	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.

14. Postgraduate Physiotherapy College of Nigeria (Establishment, etc.) Bill, 2016 (SB. 204):

Consideration of Bill deferred to another Legislative Day.

15. Constituencies Development Catalyst Fund (Establishment, etc.) Bill, 2016 (SB. 103):
Motion made: That a Bill for an Act to establish the Constituencies Development Catalyst Fund; to provide a data bank for constituency projects; allocation and an orderly disbursement of funds to constituents and for prudent management, compilation of records, returns and reports from constituencies and to provide for other related matters 2016, be read the Second Time (*Senator Buhari Abdulfatai — Oyo North*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee on Finance to report within Four (4) weeks.

16. Microfinance Bill, 2016 (SB. 57):
Motion made: That a Bill for an Act to make provision for the Licensing, Regulation and Supervision of Microfinance Business in Nigeria and for connected purposes be read the Second Time (*Senator Matthew A. Urhoghide — Edo South*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee on Banking, Insurance and Other Financial Institutions to report within Four (4) weeks.

17. Motions:

(a) Implementation of Compulsory Insurance in Nigeria as provided in the "Insurance Act and Regulation, 2003":

Motion made: That the Senate notes that the "Insurance Act and Regulation, 2003" expressly provides for compulsory insurance schemes namely: (i) The Third Party Motor/vehicle insurance (ii) Building under construction insurance (iii) Group Life insurance (iv) Public buildings insurance (v) Workman compensation insurance, and (vi) Professional indemnity insurance;

further notes that these insurance schemes are made mandatory to take care of third party liabilities arising from the actions or inactions of a person, group/organizations in the course of their activities;

worried that the country is grossly under-insured and basically, her citizens do not take advantage of services rendered by this very important sector of the economy as a result of many reasons such as; (a) the existence of unregistered insurance institutions within the system (b) ignorance and gross knowledge gap (c) apathy occasioned by several factors including mistrust and fear for the whole concept of insurance, and (d) poverty;

further worried that there are presently Fifty-Eight (58) insurance companies registered with the National Insurance Commission, yet there are uncountable number of unregistered insurance institutions selling worthless insurance certificates to unsuspecting members of the public. This reprehensible act is mostly manifest in the third party motor/vehicle insurance scheme where such unregistered institutions connive with relevant law enforcement agencies to perpetuate their act;

aware that of the Sixteen Million vehicles in Nigeria, only Four Million are properly insured;

further aware that section 3(a)(b) and section 4(1- 4) of the Insurance Act, 2003, expressly provides the conditions for the registration of an insurance company in Nigeria, yet these provisions are frequently flouted;

alarmed at the staggering number of Nigerians who seek for help for various reasons including mishaps at workplace, illnesses traceable to occupational hazards, debilitating injuries and even death as a result of motor accidents, injuries and deaths resulting from building collapse, despite the "Building under construction Insurance" and the "Public Building Insurance" as provided in the Insurance and Regulation Act, 2003;

further alarmed that these Nigerians often have no choice but to have recourse to both the electronic and print media to seek help which more often, do not produce the expected results;

convinced that if the "Compulsory Insurance Schemes" are implemented as provided in the Insurance Act, most of these challenges raised would be solved;

further convinced that insurance is a huge/serious business and its potential in Nigeria as regards solving social and economic problems cannot be over emphasized; and

determined to make a change in this regard.

Accordingly resolves to:

(*i*) mandate the Committee on Banking, Insurance and Other Financial Institutions to invite all stakeholders in the insurance sector, such as the National Insurance Commission (NAICOM), Registered Insurance Companies in Nigeria, Relevant Law enforcement agencies (Federal Road Safety Commission and Vehicle Inspection Office) to deliberate on ways and means of ensuring the strict implementation and compliance with the six compulsory insurance schemes as provided in the Act and invoke sanctions where necessary;

(*ii*) mandate NAICOM to properly orientate the public on the Insurance Policies as stipulated in the Act and publish the Fifty-Eight (58) registered Insurance Companies through sustained enlightenment in the national media; and

(*iii*) urge the National Assembly to pay more attention to the Insurance sector through appropriate legislation and deliberate actions to raise the status of Insurance in Nigeria to be at par with other sectors such as Banking and Capital Market as well as comply with best practices globally (*Senator Ahmed S. Ogembe — Kogi Central*).

Debate:

Proposed Resolution (i):

Question: That the Senate do mandate the Committee on Banking, Insurance and Other Financial Institutions to invite all stakeholders in the insurance sector, such as the National Insurance Commission (NAICOM), Registered Insurance Companies in Nigeria, Relevant Law enforcement agencies (Federal Road Safety Commission and Vehicle Inspection Office) to deliberate on ways and means of ensuring the strict implementation and compliance with the six compulsory insurance schemes as provided in the Act and invoke sanctions where necessary — *Agreed to.*

Proposed Resolution (ii):

Question: That the Senate do mandate NAICOM to properly orientate the public on the Insurance Policies as stipulated in the Act and publish the Fifty-Eight (58) registered Insurance Companies through sustained enlightenment in the national media — *Agreed to.*

Proposed Resolution (iii):

Question: That the Senate do urge the National Assembly to pay more attention to the Insurance sector through appropriate legislation and deliberate actions to raise the status of Insurance in Nigeria to be at par with other sectors such as Banking and Capital Market as well as comply with best practices globally — *Agreed to.*

Resolved:

That the Senate do:

(*i*) mandate the Committee on Banking, Insurance and Other Financial Institutions to invite all stakeholders in the insurance sector, such as the National Insurance Commission (NAICOM), Registered Insurance Companies in Nigeria, Relevant Law enforcement agencies (Federal Road Safety Commission and Vehicle Inspection Office) to deliberate on ways and means of ensuring the strict implementation and compliance with the six compulsory insurance schemes as provided in the Act and invoke sanctions where necessary;

(*ii*) mandate NAICOM to properly orientate the public on the Insurance Policies as stipulated in the Act and publish the Fifty-Eight (58) registered Insurance Companies through sustained enlightenment in the national media; and

(*iii*) urge the National Assembly to pay more attention to the Insurance sector through appropriate legislation and deliberate actions to raise the status of Insurance in Nigeria to be at par with other sectors such as Banking and Capital Market as well as comply with best practices globally ***(S/Res/150/01/16)***.

(b) Indiscriminate Rock Blasting in the FCT and other parts of Nigeria:

Consideration of Motion deferred to another Legislative Day.

18. Adjournment:

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

Adjourned accordingly at 1:17 *p.m.*

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