



HOUSE OF REPRESENTATIVES FEDERAL REPUBLIC OF NIGERIA

FIRST VOTES AND PROCEEDINGS

Tuesday, 14 July, 2020

1. The House met at 11.21 a.m. Mr Speaker read the Prayers.
2. The House recited the National Pledge
3. **Votes and Proceedings**
Mr Speaker announced that he had examined and approved the *Second Votes and Proceedings* of Tuesday, 7 July, 2020.

The Votes and Proceedings was adopted by unanimous consent.

4. **Announcement**
 - (i) **Meeting of Committee Chairmen and Deputies:**
Mr Speaker announced that there will be a meeting of all the Committee Chairmen and their Deputies with the Leadership of the House, on Tuesday, 21 July, 2020 in Room 028, by 7 p.m.
 - (ii) **Bereavement:**
Mr Speaker announced the demise of a former Member, Hon. Musa Sanda (*Lafia Federal Constituency, 1992*), which occurred on Sunday, 12 July, 2020.

A minute silence was observed in honour of the deceased.

5. **Petitions**
 - (i) A petition from Gbenga Onifade, on the non-payment of his pension by the Nigeria Police Force, was presented and laid by Hon. Olaifa Jimoh Aremu (*Egbado North/Imeko-Afon Federal Constituency*);
 - (ii) A petition from Imogan I. Patience on the refusal of the Federal Ministry of Interior to re-instate her, was presented and laid by Hon. Julius Ihonvbere (*Owan East/Owan West Federal Constituency*);
 - (iii) A petition from Benjamin Okon Obot, on the alleged murder of Kingsley Okon Obot by Ellan Star Marine Company, was presented and laid by Hon. Nsikak O. Ekong (*Ikot Ekpene/Essien Udim/Obot Akara Federal Constituency*).

Petitions referred to the Committee on Public Petitions.

6. Matters of Urgent Public Importance (Standing Order Eight, Rule 4)

(i) *Need to Investigate the Purported Voluntary Resignation of Over 365 Soldiers From the Nigerian Army:*

Hon. Mohammed Tahir Monguno (*Monguno/Marte/Nganzai Federal Constituency and 3 Others*) introduced the matter and prayed the House to:

- (a) consider and approve the matter as one of urgent public importance; and
- (b) suspend Order Eight, Rule 4 (3) to allow debate on the matter forthwith.

Question that the matter be considered as one of urgent public importance — Agreed to.

Question that the House do suspend Order Eight, Rule 4 (3) to enable it debate the matter forthwith — Agreed to.

Need to Investigate the Purported Voluntary Resignation of Over 365 Soldiers From the Nigerian Army:

The House:

Notes that the Nigerian Army which was founded in 1960 is the largest component of the Nigerian armed forces with a staff strength of about two hundred thousand (200,000) soldiers with the responsibilities of taking charge of land warfare operations as well as protect and defend the territorial integrity of the nation;

Also notes that on 22 June, 2020, a Lance Corporal, Martin Idakpein in the Nigerian Army made an online video wherein he condemned the lackadaisical attitude of the Chief of Army Staff towards the attacks and killings of innocent Nigerians and soldiers as well as the untold hardship soldiers face while conducting combat operations;

Aware that on several occasions the Nigerian soldiers have disobeyed orders from superior officers in protest of poor welfare arrangements and alleged embezzlement of allowances by their superiors, leading to discontentment;

Concerned that recently, Major General Olusegun Adeniyi, Commander of Operation Lafiya Dole, Nigeria's counter terrorism outfit was removed for complaining about inferior military wares and poor equipment for troops while briefing the Chief of Army Staff on combat zone after successfully repelling an attack from Boko haram insurgents;

Worried that not too long ago the General Officer Commanding 7 Division of the Nigerian Army in Maimalari barrack, Major General Victor Ezegwu escaped being lynched by rampaging soldiers for leaving them with neither food nor water while fighting in the north eastern part of the country for 2 days;

Also concerned that on 3 July, 2020, via a reference number NA/COAS/001, 356 soldiers of a Battalion strength, serving in the North East and other theatres of operations wrote to the Chief of Army Staff asking for voluntary retirement from the force citing loss of interest as reasons for their retirement;

Disturbed that military sources have attributed these massive resignations to loss of morale, poor welfare, mass casualties in the hands of Boko Haram terrorists due to lack of intelligence apparatus and fighting equipment as well as poor welfare packages;

Further concerned that instead of the Army Authorities to see this action as indicative of a general discontentment within its fold and look for possible ways of solving this impending crisis that will further diminish the strength of our army, the Chief of Army Staff via a 17-page circular, signed by Brig. Gen. T. E. Gagariga graciously approved the voluntary retirement of a battalion of aggrieved soldiers in one full swoop;

Also worried that if this alarmitous drift currently ravaging the Nigerian army is not brought under control, by nipping the influx of able ex-army officers into our society without job security, it may become a serious security threat and an impending military mutiny that may imperil our democracy hence the need to urgently tackle this impending menace;

Resolves to:

Mandate the Committee on Army to investigate these allegations and report back in one (1) week (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency and 3 Others*).

Debate.

Agreed to.

The House:

Noted that the Nigerian Army which was founded in 1960 is the largest component of the Nigerian armed forces with a staff strength of about two hundred thousand (200,000) soldiers with the responsibilities of taking charge of land warfare operations as well as protect and defend the territorial integrity of the nation;

Also noted that on 22 June, 2020, a Lance Corporal, Martin Idakpein in the Nigerian Army made an online video wherein he condemned the lackadaisical attitude of the Chief of Army Staff towards the attacks and killings of innocent Nigerians and soldiers as well as the untold hardship soldiers face while conducting combat operations;

Aware that on several occasions the Nigerian soldiers have disobeyed orders from superior officers in protest of poor welfare arrangements and alleged embezzlement of allowances by their superiors, leading to discontentment;

Concerned that recently, Major General Olusegun Adeniyi, Commander of Operation Lafiya Dole, Nigeria's counter terrorism outfit was removed for complaining about inferior military wares and poor equipment for troops while briefing the Chief of Army Staff on combat zone after successfully repelling an attack from Boko haram insurgents;

Worried that not too long ago the General Officer Commanding 7 Division of the Nigerian Army in Maimalari barrack, Major General Victor Ezegwu escaped being lynched by rampaging soldiers for leaving them with neither food nor water while fighting in the north-eastern part of the country for 2 days;

Also concerned that on 3 July, 2020, via a reference number NA/COAS/001, 356 soldiers of a Battalion strength, serving in the North East and other theatres of operations wrote to the Chief of Army Staff asking for voluntary retirement from the force citing loss of interest as reasons for their retirement;

Disturbed that military sources have attributed these massive resignations to loss of morale, poor welfare, mass casualties in the hands of Boko Haram terrorists due to lack of intelligence apparatus and fighting equipment as well as poor welfare packages;

Further concerned that instead of the Army Authorities to see this action as indicative of a general discontentment within its fold and look for possible ways of solving this impending crisis that will further diminish the strength of our army, the Chief of Army Staff via a 17-page circular, signed by Brig. Gen. T. E. Gagariga graciously approved the voluntary retirement of a battalion of aggrieved soldiers in one full swoop;

Also worried that if this calamitous drift currently ravaging the Nigerian army is not brought under control, by nipping the influx of able ex-army officers into our society without job security, it may become a serious security threat and an impending military mutiny that may imperil our democracy hence the need to urgently tackle this impending menace;

Resolved to:

Mandate the Committee on Army to investigate these allegations and report back in one (1) week (HR. 15/07/2020).

(ii) ***Need to Halt Federal Government's Withdrawal from West African School Certificate Examination and Other Common Entrance Examinations and to Provide Enabling Environment for Students to Write Their Examinations in Accordance with NCDC Guidelines:***

Hon. Nnolim Nnaji John (*Nkanu East/Nkanu West Federal Constituency*) introduced the matter and prayed the House to:

- (a) consider and approve the matter as one of urgent public importance; and
- (b) suspend Order Eight, Rule 4 (3) to allow debate on the matter forthwith.

Question that the matter be considered as one of urgent public importance — Agreed to.

Question that the House do suspend Order Eight, Rule 4 (3) to enable it debate the matter forthwith — Agreed to.

Need to Halt Federal Government's Withdrawal from West African School Certificate Examination and Other Common Entrance Examinations and to Provide Enabling Environment for Students to Write Their Examinations in Accordance with Nigeria Centre for Disease Control (NCDC) Guidelines:

The House:

Notes that the world is enmeshed with the COVID-19 pandemic with its health and socio economic consequences around the world and particularly Nigeria, which has resulted in loss of lives, economic resources, which has threatened the universal educational system and adversely devastated global health system;

Also notes that the World Health Organization (WHO) alongside other health institutions around the world are intensifying efforts towards the containment of the COVID-19 pandemic;

Further notes that the annual West African School Certificate Examinations (WAEC) scheduled to hold between April 6 and June 5, 2020 was shifted to between August 3 and September 5, 2020 due to COVID-19 pandemic;

Observed that the choice of August 3 to September 5, 2020 period for the conduct of the examination was not arbitrarily set, rather, WAEC consulted extensively with the government of all the 5 countries that constitutes the council before arriving at the new exam date and duration;

Aware that the Minister of State for Education, Emeka Nwajiuba on Monday, July 6, 2020 during a briefing of the Presidential Task Force on COVID-19 in Abuja announced that Nigeria would participate in the West African Senior School Certificate Examination scheduled between August 4, 2020 and September 5, 2020:

Also aware that the Minister of State announced that school facilities would be available to the affected students for revision classes;

Concerned that on Wednesday, July 8, 2020, the Minister of Education, Adamu Adamu also announced that schools under control of the Federal Government will not be opening for the forthcoming WAEC exams and urged State Governments to toe the line of the Federal Government;

Disturbed by the contradictory pronouncements of top officials of Federal Government within such a short space of time;

Worried that Nigeria's non-participation in this year's examinations portends serious psychological, socio-economic and health effects on the students as well as the already overburdened parents and guardians;

Also worried that the negative and cumulative effects of government's action in seeking to withdraw Nigerian students from the examinations will be devastating on our educational system and Nigeria's economy at large;

Further worried that this sudden policy reversal is and will be detrimental and create further confusion and uncertainty in the education sector as well as frustrate the student's lifelong ambitions and send wrong signals to stakeholders and investors;

Cognizant that in taking precautionary health and safety measures, the Federal Government reopened markets, airports, inter-State travels, religious centers, banks, etc.;

Convinced that the government could apply the same safety measures towards school's resumption to enable Nigeria participate in this exit examinations;

Encouraged that with the successes recorded from the gradual reopening of the economy, its application in the education sector in screening, decontamination, provision of additional centers and supervisors, as well as strict compliance with NCDC guidelines on social distancing, hand washing, use of facemasks and sanitizers will contain the spread of the virus;

Hopeful that the adoption of comprehensive and adequate NCDC preventive guidelines in the schools and exam centers coupled with pre-attendance testing of the students at least two weeks to the exams in adherence to the WHO and NCDC guidelines will no doubt guarantee that the pandemic will be of no effect during the period of the examinations;

Resolves to:

- (i) urge the Federal Government to reverse the decision of the Federal Ministry of Education withdrawing Nigeria from participating in the West African Senior School Certificate Examination and other similar examinations;
- (ii) urge the Minister of Education to immediately implement the health safety measures outlined by the Federal Executive Council for the conduct of the examinations as well as provide soap, hand sanitizers and all other requirements stipulated by NCDC;

- (iii) mandate the Committees on Basic Education, Healthcare Services, Water Resources, and Legislative Compliance to ensure compliance and report back within two (2) weeks (*Hon. Nnolim Nnaji — Nkanu East/West Federal Constituency and Six others*).

Debate.

Agreed to.

The House:

Noted that the world is enmeshed with the COVID-19 pandemic with its health and socio-economic consequences around the world and particularly Nigeria, which has resulted in loss of lives, economic resources, which has threatened the universal educational system and adversely devastated global health system;

Also noted that the World Health Organization (WHO) alongside other health institutions around the world are intensifying efforts towards the containment of the COVID-19 pandemic;

Further noted that the annual West African School Certificate Examinations (WAEC) scheduled to hold between April 6 and June 5, 2020 was shifted to between August 3 and September 5, 2020 due to COVID-19 pandemic;

Observed that the choice of August 3 to September 5, 2020 period for the conduct of the examination was not arbitrarily set, rather, WAEC consulted extensively with the government of all the 5 countries that constitutes the council before arriving at the new exam date and duration;

Aware that the Minister of State for Education, Emeka Nwajiuba on Monday, July 6, 2020 during a briefing of the Presidential Task Force on COVID-19 in Abuja announced that Nigeria would participate in the West African Senior School Certificate Examination scheduled between August 4, 2020 and September 5, 2020;

Also aware that the Minister of State announced that school facilities would be available to the affected students for revision classes;

Concerned that on Wednesday, July 8, 2020, the Minister of Education, Adamu Adamu also announced that schools under control of the Federal Government will not be opening for the forthcoming WAEC exams and urged State Governments to toe the line of the Federal Government;

Disturbed by the contradictory pronouncements of top officials of Federal Government within such a short space of time;

Worried that Nigeria's non-participation in this year's examinations portends serious psychological, socio-economic and health effects on the students as well as the already overburdened parents and guardians;

Also worried that the negative and cumulative effects of government's action in seeking to withdraw Nigerian students from the examinations will be devastating on our educational system and Nigeria's economy at large;

Further worried that this sudden policy reversal is and will be detrimental and create further confusion and uncertainty in the education sector as well as frustrate the student's lifelong ambitions and send wrong signals to stakeholders and investors;

Cognizant that in taking precautionary health and safety measures, the Federal Government reopened markets, airports, inter-State travels, religious centers, banks, etc.;

Convinced that the government could apply the same safety measures towards school's resumption to enable Nigeria participate in this exit examinations;

Encouraged that with the successes recorded from the gradual reopening of the economy, its application in the education sector in screening, decontamination, provision of additional centers and supervisors, as well as strict compliance with NCDC guidelines on social distancing, hand washing, use of facemasks and sanitizers will contain the spread of the virus;

Hopeful that the adoption of comprehensive and adequate NCDC preventive guidelines in the schools and exam centers coupled with pre-attendance testing of the students at least two weeks to the exams in adherence to the WHO and NCDC guidelines will no doubt guarantee that the pandemic will be of no effect during the period of the examinations;

Resolved to:

- (i) urge the Federal Government to reverse the decision of the Federal Ministry of Education withdrawing Nigeria from participating in the West African Senior School Certificate Examination and other similar examinations;
- (ii) urge the Minister of Education to immediately implement the health safety measures outlined by the Federal Executive Council for the conduct of the examinations as well as provide soap, hand sanitizers and all other requirements stipulated by NCDC;
- (iii) mandate the Committees on Basic Education, Healthcare Services, Water Resources, and Legislative Compliance to ensure compliance and report back within two (2) weeks (**HR. 16/07/2020**).

Motion made and Question proposed, "That the House do suspend Order Eight, Rule 4 (4) to enable it take more than 2 matters of urgent public importance" (*Hon. Makki Abubakar Yalleman — Mallam Makki/Kaugama Federal Constituency*).

Agreed to.

- (iii) ***Need to Investigate the Inhuman Treatment of Navy Seaman Haruna Goshit by Rear Admiral P. O. Mohammed:***

Hon. Makki Abubakar Yalleman (*Mallam Makki/Kaugama Federal Constituency*) introduced the matter and prayed the House to:

- (a) consider and approve the matter as one of urgent public importance; and
- (b) suspend Order Eight, Rule 4 (3) to allow debate on the matter forthwith.

Question that the matter be considered as one of urgent public importance — Agreed to.

Question that the House do suspend Order Eight, Rule 4 (3) to enable it debate the matter forthwith — Agreed to.

Need to Investigate the Inhuman Treatment of Navy Seaman Haruna Goshit by Rear Admiral I. O. Mohammed:

The House:

Notes the alleged abuse of office by Rear Admiral I. O. Mohammed that led to the inhuman treatment on Navy Seaman Haruna Goshit;

Aware that the case was reported to Naval Authorities, but no action has been taken;

Concerned that there are several complaints on maltreatment of Officers, improper recruitment and promotion in the Navy;

Resolves to:

Mandate the Committee on Navy to investigate the inhuman treatment on Navy Seaman Haruna Goshit, complaints on recruitments and promotion in Navy and report back within four (4) weeks (*Hon. Makki Yalleman Abubakar — Mallam Madori/Kaugama Federal Constituency*).

Debate.

Agreed to.

The House:

Noted the alleged abuse of office by Rear Admiral I. O. Mohammed that led to the inhuman treatment on Navy Seaman Haruna Goshit;

Aware that the case was reported to Naval Authorities, but no action has been taken;

Concerned that there are several complaints on maltreatment of Officers, improper recruitment and promotion in the Navy;

Resolved to:

Mandate the Committee on Navy to investigate the inhuman treatment on Navy Seaman Haruna Goshit, complaints on recruitments and promotion in Navy and report back within four (4) weeks (**HR. 17/07/2020**).

(iv) ***Communal Clash Between the Waja and Lunguda People:***

Hon. Gibeon Goroki (*Guyuk/Shelleng Federal Constituency*) introduced the matter and prayed the House to:

(a) consider and approve the matter as one of urgent public importance; and

(b) suspend Order Eight, Rule 4 (3) to allow debate on the matter forthwith.

Question that the matter be considered as one of urgent public importance — Agreed to.

Question that the House do suspend Order Eight, Rule 4 (3) to enable it debate the matter forthwith — Agreed to.

Communal Clash Between the Waja and Lunguda People:

The House:

Notes that on 9 June 2020, a land dispute, between the people of Waja and Lunguda in Dumna ward which comprises lowcost of Boshikiri, Zakawon and Dumna Adaka in Southern part of Guyuk Local Government Area of Adamawa State and the neighbouring Lamurde, resulted in a communal clash that led to the killing of hundreds of men, women and children in a most barbaric manner and destruction of houses, farm produce, cattle and other properties worth millions of naira;

Also notes that the people of Waja and Lunguda had, over the years, lived harmoniously, sharing similar ideology, attending same places of worship, institutions of learning and exchanging marital relationship with each other;

Further notes that despite the intervention of the State Government after the clash of 9 June, 2020, and the series of dialogues initiated to calm nerves, incessant attacks have continued to occur with such impunity that is suggestive of a state of anarchy, particularly in the southern part of the local government area;

Concerned that the continuous massacre of people and destruction of properties in the communities are becoming unbearable, considering the fact that the people of the affected communities are predominantly farmers, cattle rearers, market men and women who can no longer undertake their daily activities without fear of attacks;

Informed that hunger, hardships and pervasive fear of further attacks are rife in the communities, especially at the commencement of the farming season which is not boding well for the people, many of whom have relocated to neighbouring communities, thereby creating a very serious humanitarian situation requiring that they be provided with relief materials like foodstuff, medical supplies, and other household necessities;

Also informed that the imposition of a state of emergency in the area by the Government of Adamawa State has not assuaged the feeling of fear by the people who can no longer sleep in peace, especially in the face of insufficient security operatives to maintain peace and assure their security;

Believes that the security agencies need to devise new strategies to enable them curb the pervasive insecurity bedevilling the North East Zone and indeed, the entire nation;

Resolves to:

- (i) call on the Inspector General of Police to establish, in the interim, a mobile police unit in the affected area to forestall further attacks and apprehend and prosecute perpetrators of the attacks;
- (ii) also call on the National Emergency Management Agency (NEMA) to provide relief materials for the people of the affected communities;
- (iii) observe a minute of silence in honour of those who lost their lives in the attacks;
- (iv) mandate the Committees on Police Affairs, and National Emergency and Disaster Preparedness to ensure compliance (*Hon. Gibeon Goroki — Guyuk/Shelleng Federal Constituency*).

Agreed to.

The House:

Noted that on 9 June 2020, a land dispute, between the people of Waja and Lunguda in Dumna ward which comprises lowcost of Boshikiri, Zakawon and Dumna Adaka in Southern part of Guyuk Local Government Area of Adamawa State and the neighbouring Lamurde, resulted in a communal clash that led to the killing of hundreds of men, women and children in a most barbaric manner and destruction of houses, farm produce, cattle and other properties worth millions of naira;

Also noted that the people of Waja and Lunguda had, over the years, lived harmoniously, sharing similar ideology, attending same places of worship, institutions of learning and exchanging marital relationship with each other;

Further noted that despite the intervention of the State Government after the clash of 9 June, 2020, and the series of dialogues initiated to calm nerves, incessant attacks have continued to occur with such impunity that is suggestive of a state of anarchy, particularly in the southern part of the local government area;

Concerned that the continuous massacre of people and destruction of properties in the communities are becoming unbearable, considering the fact that the people of the affected communities are predominantly farmers, cattle rearers, market men and women who can no longer undertake their daily activities without fear of attacks;

Informed that hunger, hardships and pervasive fear of further attacks are rife in the communities, especially at the commencement of the farming season which is not boding well for the people, many of whom have relocated to neighbouring communities, thereby creating a very serious humanitarian situation requiring that they be provided with relief materials like foodstuff, medical supplies, and other household necessities;

Also informed that the imposition of a state of emergency in the area by the Government of Adamawa State has not assuaged the feeling of fear by the people who can no longer sleep in peace, especially in the face of insufficient security operatives to maintain peace and assure their security;

Believed that the security agencies need to devise new strategies to enable them curb the pervasive insecurity bedevilling the North East Zone and indeed, the entire nation;

Resolved to:

- (i) call on the Inspector General of Police to establish, in the interim, a mobile police unit in the affected area to forestall further attacks and apprehend and prosecute perpetrators of the attacks;
- (ii) also call on the National Emergency Management Agency (NEMA) to provide relief materials for the people of the affected communities;
- (iii) observe a minute of silence in honour of those who lost their lives in the attacks;
- (iv) mandate the Committees on Police Affairs, and National Emergency and Disaster Preparedness to ensure compliance (**HR. 18/07/2020**).

A minute silence observed in honour of the deceased.

- (v) **Support for the Nomination of Dr Ngozi Okonjo-Iweala as the Director-General of the World Trade Organization (WTO):**
 Hon. Ndudi Godwin Elumelu (*Aniocha North/Aniocha South/Oshimili North/Oshimili South Federal Constituency*) introduced the matter and prayed the House to:

- (a) consider and approve the matter as one of urgent public importance; and
 (b) suspend Order Eight, Rule 4 (3) to allow debate on the matter forthwith.

Question that the matter be considered as one of urgent public importance — Agreed to.

Question that the House do suspend Order Eight, Rule 4 (3) to enable it debate the matter forthwith — Agreed to.

Support for the Nomination of Dr Ngozi Okonjo-Iweala as the Director-General of the World Trade Organization (WTO):

The House:

Notes that via the Marrakesh Agreement of 15 April, 1994 and signed by 123 nations, the World Trade Organization came into existence replacing the General Agreement on Tariffs and Trade (GATT);

Also notes that on 1 January, 1995 the agreement came into force with a mission of regulating international trades in goods, services and intellectual property between participating countries by providing a framework for negotiating trade agreements and a dispute resolution process aimed at enforcing the adherence of participants to their agreements;

Aware that the chairman of the General council of the World Trade organization (WTO) has announced the commencement of the process to replace the outgoing Director- General, Roberto Azevedo, with the opening date for nomination set at 8 June, 2020 and closing date for 8 July, 2020;

Also aware that a distinguished Nigerian, two term Minister of Finance, one time Minister of Foreign Affairs and former Managing Director of the World Bank, Dr Ngozi Okonjo-Iweala has been formally nominated by the Federal Republic of Nigeria to vie for the exalted position of the Director General of the WTO for the period of 2021-2025 and if successful will be the first female and first African to have occupied the office;

Acknowledges that President Buhari having put into consideration her outstanding academic and professional background as well as her long years of managerial experience at the top echelons of multilateral institutions, her reputation as a fearless reformer and excellent negotiator graciously endorsed her as the nations candidate for the WTO job;

Also acknowledges that with the COVID-19 pandemic at hand and many countries faced with difficult choices and critical moments, the WTO has a vital role to play in hunting for trade solutions and building trust amongst member states, hence the need for a capable hand that can make the WTO fit to thrive for the 21st century, there is no gainsay that Dr Ngozi Okonjo-Iweala has the requisite capacity and experience to handle the challenges of WTO at this critical moment;

Concerned that it is the perfect time for Africa to assume leadership at the WTO and all concerned stakeholders must unanimously commit to achieving this. Aside Dr Ngozi Okonjo-Iweala, Africa has two other candidates from Egypt and Kenya and entering the race with three candidates from Africa will split Africa's votes, which cripples the prospect of an

African assuming the WTO position. Therefore Nigeria must urgently reach out to the governments of Egypt and Kenya on the need to rally round a single candidate for the continent in the person of Dr Okonjo-Iweala;

Recalls that in the past, Nigeria has staunchly supported the candidatures of other Africans to leadership position of multilateral organisations, including the candidacy of late Boutros Boutros Ghali an Egyptian national to become the Secretary General of the United Nations. A good turn deserves another and Nigeria must now unite the African continent and ensure cooperation amongst African countries to put the continent first;

Further acknowledges that having a Nigerian as the Director General of the World Trade Organization will further enhance the image of the country amongst the comity of nations hence the need to massively support this bid;

Resolves to:

- (i) unanimously endorse the candidature of Dr Ngozi Okonjo-Iweala for the position of the Director General of the World Trade Organization for the period of 2021-2025;
- (ii) commend ECOWAS Authority of heads of states and governments for their strong endorsement;
- (iii) urge Mr President to further rally other African leaders to support her bid as the Director General of WTO;
- (iv) urge the Pan African parliament to follow suit; and
- (v) urge the FGN to interface with the governments of Egypt and Kenya to step down their candidates in the spirit of African oneness and reciprocity (*Hon. Ndudi Godwin Elumelu — Aniocha North/South/Oshimili North/South Federal Constituency and Nine Others*).

Debate.

Agreed to.

The House:

Noted that via the Marrakesh Agreement of 15 April, 1994 and signed by 123 nations, the World Trade Organization came into existence replacing the General Agreement on Tariffs and Trade (GATT);

Also noted that on 1 January, 1995 the agreement came into force with a mission of regulating international trades in goods, services and intellectual property between participating countries by providing a framework for negotiating trade agreements and a dispute resolution process aimed at enforcing the adherence of participants to their agreements;

Aware that the chairman of the General council of the World Trade organization (WTO) has announced the commencement of the process to replace the outgoing Director- General, Roberto Azevedo, with the opening date for nomination set at 8 June, 2020 and closing date for 8 July, 2020;

Also aware that a distinguished Nigerian, two term Minister of Finance, one time Minister of Foreign Affairs and former Managing Director of the World Bank, Dr Ngozi Okonjo-Iweala has been formally nominated by the Federal Republic of Nigeria to vie for the

exalted position of the Director General of the WTO for the period of 2021-2025 and if successful will be the first female and first African to have occupied the office;

Acknowledged that President Buhari having put into consideration her outstanding academic and professional background as well as her long years of managerial experience at the top echelons of multilateral institutions, her reputation as a fearless reformer and excellent negotiator graciously endorsed her as the nations candidate for the WTO job:

Also acknowledged that with the COVID-19 pandemic at hand and many countries faced with difficult choices and critical moments, the WTO has a vital role to play in hunting for trade solutions and building trust amongst member states, hence the need for a capable hand that can make the WTO fit to thrive for the 21st century, there is no gainsay that Dr Ngozi Okonjo-Iweala has the requisite capacity and experience to handle the challenges of WTO at this critical moment;

Concerned that it is the perfect time for Africa to assume leadership at the WTO and all concerned stakeholders must unanimously commit to achieving this. Aside Dr Ngozi Okonjo-Iweala, Africa has two other candidates from Egypt and Kenya and entering the race with three candidates from Africa will split Africa's votes, which cripples the prospect of an African assuming the WTO position. Therefore Nigeria must urgently reach out to the governments of Egypt and Kenya on the need to rally round a single candidate for the continent in the person of Dr Okonjo-Iweala;

Recalled that in the past, Nigeria has staunchly supported the candidatures of other Africans to leadership position of multilateral organisations, including the candidacy of late Boutros Boutros Ghali an Egyptian national to become the Secretary General of the United Nations. A good turn deserves another and Nigeria must now unite the African continent and ensure cooperation amongst African countries to put the continent first;

Further acknowledged that having a Nigerian as the Director General of the World Trade Organization will further enhance the image of the country amongst the comity of nations hence the need to massively support this bid;

Resolved to:

- (i) unanimously endorse the candidature of Dr Ngozi Okonjo-Iweala for the position of the Director General of the World Trade Organization for the period of 2021-2025;
 - (ii) commend ECOWAS Authority of heads of states and governments for their strong endorsement;
 - (iii) urge Mr President to further rally other African leaders to support her bid as the Director General of WTO;
 - (iv) urge the Pan African parliament to follow suit; and
 - (v) urge the FGN to interface with the governments of Egypt and Kenya to step down their candidates in the spirit of African oneness and reciprocity (HR. 19/07/2020).
- (vi) ***Need to Investigate the Abandoned Baro Port, 19 Months after Commissioning by President Muhammadu Buhari:***
Hon. Abdullahi Mamudu (Agaie/Lapai Federal Constituency) introduced the matter and prayed the House to:
- (a) consider and approve the matter as one of urgent public importance; and

(b) suspend Order Eight, Rule 4 (3) to allow debate on the matter forthwith.

Question that the matter be considered as one of urgent public importance — Agreed to.

Question that the House do suspend Order Eight, Rule 4 (3) to enable it debate the matter forthwith — Agreed to.

Need to Investigate the Abandoned Baro Port, 19 Months After Commissioning by President Muhammadu Buhari:

The House:

Notes that Baro Port is located in Agaie Local Government Area of Niger State approximately 400 miles (650 km) up the Niger River at the limit of river navigation, subject to dredging. It is also the terminus of a railway line connected to the Nigerian railway system;

Also notes that the Port will enhance intermodal transportation connectivity in Nigeria, reduce pressure of big trucks on the country's roads, create huge economic opportunities for Nigerians and help in decongesting the existing ports;

Aware that the port boasts of a quay length of 150 meters, cargo stacking yard of 7,000 square meters, a transit shed of 3,600 square meters and an estimated capacity of 5,000 Twenty-Foot Equivalent Unit (TEU) at a time;

Also aware that the port if it is equipped with facilities such as water hydrant system, water treatment plant, three forklifts of various tonnages and powered by a 100 KVA generating set, is expected to provide 2,000 direct and 2,500 indirect jobs;

Worried that the Port is yet to commence operation nineteen months after its commissioning by President of the Federal Republic of Nigeria, Muhammadu Buhari;

Also worried that the estimated cost of constructing the Port was put at ₦5.8 billion which was awarded to the Chinese firm CGCC Project Limited in 2011/2012. However, work on the project was stalled, leading to its abandonment before the President Muhammadu Buhari administration forged ahead to deliver;

Further worried that colossal amount of taxpayer's money has been invested in the project and is wasting;

Concerned that since the ceremony of unveiling the Port for business activities, by the President, the Port has been lying dormant, no single cargo has been lifted nor any vessel berthed;

Also concerned that the main constraint stalling activities at the port is lack of required transport facility as the two-transport network — road and railway — that should serve as catalysts to its operation are in bad shape;

Observed that one of the major challenges that constituted a clog in the construction and proper utilisation of the Port is deviation from its original plan which was designed to provide intermodal transportation connectivity in Nigeria;

Also observed that dredging the River Niger is a critical process for the commercial shipping industry to take place in Baro Port. It requires removing sediment to maintain the appropriate width and depth for enabling the safe, unobstructed passage of cargo vessels carrying oil, raw materials, and other essential commodities to the Port. This was not properly carried out;

Resolves to:

- (i) urge the Niger State Government to initiate the process that will ensure removal of bottlenecks stalling the operations at the port;
- (ii) urge the Federal Ministry of Works and Housing to provide access road to the port and compel the Federal Ministry of Transportation to release the timeline and schedule of completion of the both the port and the rail transportation component and provide benchmark for the functionality of Baro Port; and
- (iii) mandate the Committees on Land Transport, Ports and Harbour, Works, Housing, and Ecological Fund to conduct an investigative hearing with a view to unravel the remote cause of the abandoned port and report back within six (6) weeks (*Hon. Abdullahi Mamudu — Agaie/Lapai Federal Constituency*).

Agreed to.

(HR. 20/07/2020).

Motion referred to the Committees on Land Transport, Ports and Harbour, Works, Housing, and Ecological Fund, pursuant to Order Eight, Rule 9 (5).

(vii) ***Need to Forestall the Emerging Crisis Brewing in Omoku in Ogba/Egbema/Ndoni Local Government Area of Rivers State:***

Hon. Prince Uchechukwu Nnam-Obi (*Ahoada West/Ogba/Egbema/Ndoni Federal Constituency*) introduced the matter and prayed the House to:

- (a) consider and approve the matter as one of urgent public importance; and
- (b) suspend Order Eight, Rule 4 (3) to allow debate on the matter forthwith.

Question that the matter be considered as one of urgent public importance — Agreed to.

Question that the House do suspend Order Eight, Rule 4 (3) to enable it debate the matter forthwith — Agreed to.

Need to Forestall the Emerging Crisis Brewing in Omoku in Ogba/Egbema/Ndoni Local Government Area of Rivers State:

The House:

Notes that Omoku is one of the biggest communities in Ogba/Egbema/Ndoni Local Government Area of Rivers State and is rich in oil and gas and also plays host to about 30 indigenous and several multi-national oil companies, including Nigerian Agip Oil Company (ENI) as well as several oil and gas installations crucial to national interest;

Also notes that the 19 communities of Omoku are divided into three administrative quarters namely; Obakata with 6 communities, Obiete with 7 communities and Usomini with 6 communities respectively and those communities have had a long standing organisation, since 1970 named the Community Development Committee (CDC) with members drawn from all the communities making up Omoku to represent their interests, pursue and secure their entitlements and with the consent of the people, the CDC entered into a five-year renewable Memorandum of Understanding with AGIP on how to cater for the communities for peaceful co-existence, and this Understanding will elapse in 2023;

Informed that the formation of Community Development Committee was an internal arrangement of Omoku people to maintain a united front and elect responsible, and experienced representatives from the 19 federating communities to deepen participation and build a resilient local community. The CDC is mandated to take collective action and generate common solution to host communities problems and sundry issues as they pertain to the people's harmonious existence and livelihood as well as engage Oil companies on matters bothering on the interests of the people;

Concerned that the peace enjoyed in Omoku has been threatened by the actions of an agitative group operating as CDC members of Obosi community (a constituent part of Omoku community) who claimed to have secured an Autonomous Community status, however, the practice of Autonomous Community is alien to the history and tradition of the Ogba people and Rivers State. The aforementioned group launched a protest at the Obrikom Gas Plant, blocking the main entrance of AGIP for four straight days with the hope of extracting commitment through coercion, thereby disrupting oil production. *This action has the potential of creating very serious conflict among the peace loving people, thus truncating the peace of the area and the Rivers State Government on 6 July, 2020 in order to forestall breach of peace, issued a Statement banning all activities of Community Development Committees in the entire State;*

Worried that human lives are in danger and with the impact of COVID-19 on the Oil Sector, resulting in reduced government earnings, *any crisis in the region will not only affect oil production and installations in the area but may lead to loss of human lives and derail the pace being enjoyed in the area;*

Resolves to:

- (i) call on the Inspector General of Police to beef up Security in and around Omoku, Obrikom and its environs to forestall possible breach of the peace and protect lives and property of the people; and
- (ii) mandate the Committees on Niger Delta Affairs, Petroleum Resources (Upstream), and Special Duties, to investigate the situation in Omoku and report back in four (4) weeks (*Hon. Uchechuku Nnam-Obi — Ahoada-West/Ogba/Egbema/Ndoni Federal Constituency*).

Debate.

Agreed to.

The House:

Noted that Omoku is one of the biggest communities in Ogba/Egbema/Ndoni Local Government Area of Rivers State and is rich in oil and gas and also plays host to about 30 indigenous and several multi-national oil companies, including Nigerian Agip Oil Company (ENI) as well as several oil and gas installations crucial to national interest;

Also noted that the 19 communities of Omoku are divided into three administrative quarters namely, Obakata with 6 communities, Obiete with 7 communities and Usomini with 6 communities respectively and those communities have had a long standing organisation, since 1970 named the Community Development Committee (CDC) with members drawn from all the communities making up Omoku to represent their interests, pursue and secure their entitlements and with the consent of the people, the CDC entered into a five-year renewable Memorandum of Understanding with AGIP on how to cater for the communities for peaceful co-existence, and this Understanding will elapse in 2023;

Informed that the formation of Community Development Committee was an internal arrangement of Omoku people to maintain a united front and elect responsible, and experienced representatives from the 19 federating communities to deepen participation and build a resilient local community. The CDC is mandated to take collective action and generate common solution to host communities problems and sundry issues as they pertain to the people's harmonious existence and livelihood as well as engage Oil companies on matters bothering on the interests of the people;

Concerned that the peace enjoyed in Omoku has been threatened by the actions of an agitative group operating as CDC members of Obosi community (a constituent part of Omoku community) who claimed to have secured an Autonomous Community status, however, the practice of Autonomous Community is alien to the history and tradition of the Ogha people and Rivers State. The aforementioned group launched a protest at the Obrikom Gas Plant, blocking the main entrance of AGIP for four straight days with the hope of extracting commitment through coercion, thereby disrupting oil production. *This action has the potential of creating very serious conflict among the peace loving people, thus truncating the peace of the area and the Rivers State Government on 6 July, 2020 in order to forestall breach of peace, issued a Statement banning all activities of Community Development Committees in the entire State;*

Worried that human lives are in danger and with the impact of COVID-19 on the Oil Sector, resulting in reduced government earnings, *any crisis in the region will not only affect oil production and installations in the area but may lead to loss of human lives and derail the pace being enjoyed in the area;*

Resolved to:

- (i) call on the Inspector General of Police to beef up Security in and around Omoku; Obrikom and its environs to forestall possible breach of the peace and protect lives and property of the people; and
 - (ii) mandate the Committees on Niger Delta Affairs, Petroleum Resources (Upstream), and Special Duties to investigate the situation in Omoku and report back in four (4) weeks **(HR. 21/07/2020)**.
- (viii) ***Need for Urgent Investigation and Audit of the Nigerian Exports Supervision Scheme (NESS) Fund in view of the Non-Rendition of Accounts to the Auditor General for the Federation by the Federal Ministry of Finance, Budget and National Planning and the Excessive Abuse of the NESS Funds:***
Hon. Abdullahi Sa'ad Abdulkadir (*Ningi/Warji Federal Constituency*) introduced the matter and prayed the House to:
- (a) consider and approve the matter as one of urgent public importance; and
 - (b) suspend Order Eight, Rule 4 (3) to allow debate on the matter forthwith.

Question that the matter be considered as one of urgent public importance — Agreed to.

Question that the House do suspend Order Eight, Rule 4 (3) to enable it debate the matter forthwith — Agreed to.

Need for Urgent Investigation and Audit of the Nigerian Exports Supervision Scheme (NESS) Fund in view of the Non-Rendition of Accounts to the Auditor General for the Federation by the Federal Ministry of Finance, Budget and National Planning and the Excessive Abuse of the NESS Funds:

The House:

Notes that the Pre-shipment Inspection of Export Act requires that goods must be inspected, prior to export from Nigeria by an Inspection Agent, who in turn, is required to issue, where appropriate, a Clean Certificate of Inspection to the overseas buyer of the goods:

Also notes that both oil and non-oil exports are liable to pre-shipment inspection to ascertain their quality, quantity and price and the inspection Agent is required to issue to the Exporter, a Provisional Certificate of Inspection and upon loading of the goods and conduct of a final inspection, where the goods satisfy the required thresholds as to Quantity, quality and price, the Inspection Agent will issue a Clean Certificate of Inspection;

Further notes that in order to engender transparency in the administration of the Pre-shipment inspection programme, the Act requires the Inspection Agent to send an original copy of the Clean Certificate of Inspection to the Federal Ministry of Finance, Budget and National Planning, the Nigeria Customs Service, the Nigerian Ports Authority, the exporter, the exporter's bank for transmission to the buyer's bank overseas and the Central Bank of Nigeria;

Equally notes that in the spirit of transparency and public accountability, the Inspection Agent is obligated to furnish weekly reports of successfully conducted pre-shipment inspection to the Federal Ministry of Finance, the Federal Ministry of Trade and Investments and the Central Bank of Nigeria;

Aware that the Act requires the payment of a levy by exporters of goods as pre-shipment inspection levy, which will be paid into a special fund from which the remuneration, fees and other charges of the Inspection Agents are to be defrayed, in addition, section 14 (3) "of the Act requires that any balance remaining in the special fund is to be used for fund, is to be used for funding the pre-shipment inspection programme;

Also aware that section 80 (1) - (2) of the Constitution of the Federal Republic of Nigeria, 1999 requires that revenue that accrue to the Federation, which is not constitutionally required to be paid into a specific fund, must be paid into the Consolidated Revenue Fund and given that the Act created a Special Fund, and the balances in that Fund should be exempted from being paid to the Consolidated Revenue Fund;

Further aware that even though the Fund is exempted from being remitted into the Consolidated Revenue Fund, section 80 (4) of the Constitution requires that spending/expenditure from such Special Fund cannot be done without any appropriation by the National Assembly, hence it provided that "*No moneys shall be withdrawn from the Consolidated Revenue Fund or any other public fund of the Federation, except in the manner prescribed by the National Assembly*";

Informed that for the past 10 years the Federal Ministry of Finance and the Central Bank of Nigeria have expended from the Fund without the National Assembly appropriating for such spending and it is widely known that both the Federal Ministry of Finance and the Central Bank of Nigeria utilise the money in the Special Fund as a sort of slush fund;

Believes that this practice constitutes a gross violation of the letters and spirit of the 1999 Constitution, the Fiscal Responsibility Act, 2007, the transparency intent embedded in the Pre-Shipments Inspection of Export Act, and the Finance (Control and Management) Act;

Equally aware that the extra-statutory deductions and illegal expenditure from the Fund has cost Nigeria over ₦700 billion in the last ten years, and recently, over 500 million United States Dollar was expended from the Fund without any budgetary appropriation, in addition, the Federal Ministry of Finance has failed or refused to render an account in respect of the NESS Fund to the Auditor General for the Federation;

Also believes that if urgent steps are not taken to investigate and audit the NESS Fund, Nigeria may risk the strong possibility of losing more money and the Central Bank of Nigeria and the Ministry of Finance may continue to use the Fund as a slush fund with the chances of diverting it to personal use without any public scrutiny;

Resolves to:

Mandate the Committee on Public Accounts to carry out an investigation on the allegations and report back within four (4) weeks (*Hon. Abdullahi Sa'adu Abdulkadir — Ningi/Warji Federal Constituency*).

Debate.

Agreed to.

The House:

Noted that the Pre-shipment Inspection of Export Act requires that goods must be inspected, prior to export from Nigeria by an Inspection Agent, who in turn, is required to issue, where appropriate, a Clean Certificate of Inspection to the overseas buyer of the goods;

Also noted that both oil and non-oil exports are liable to pre-shipment inspection to ascertain their quality, quantity and price and the inspection Agent is required to issue to the Exporter, a Provisional Certificate of Inspection and upon loading of the goods and conduct of a final inspection, where the goods satisfy the required thresholds as to Quantity, quality and price, the Inspection Agent will issue a Clean Certificate of Inspection;

Further noted that in order to engender transparency in the administration of the Pre-shipment inspection programme, the Act requires the Inspection Agent to send an original copy of the Clean Certificate of Inspection to the Federal Ministry of Finance, Budget and National Planning, the Nigeria Customs Service, the Nigerian Ports Authority, the exporter, the exporter's bank for transmission to the buyer's bank overseas and the Central Bank of Nigeria;

Equally noted that in the spirit of transparency and public accountability, the Inspection Agent is obligated to furnish weekly reports of successfully conducted pre-shipment inspection to the Federal Ministry of Finance, the Federal Ministry of Trade and Investments and the Central Bank of Nigeria;

Aware that the Act requires the payment of a levy by exporters of goods as pre-shipment inspection levy, which will be paid into a special fund from which the remuneration, fees and other charges of the Inspection Agents are to be defrayed, in addition, section 14 (3) "of the Act requires that any balance remaining in the special fund is to be used for fund, is to be used for funding the pre-shipment inspection programme;

Also aware that section 80 (1) - (2) of the Constitution of the Federal Republic of Nigeria, 1999 requires that revenue that accrue to the Federation, which is not constitutionally required to be paid into a specific fund, must be paid into the Consolidated Revenue Fund and given that the Act created a Special Fund, and the balances in that Fund should be exempted from being paid to the Consolidated Revenue Fund;

Further aware that even though the Fund is exempted from being remitted into the Consolidated Revenue Fund, section 80 (4) of the Constitution requires that spending/expenditure from such Special Fund cannot be done without any appropriation by the National Assembly, hence it provided that "*No moneys shall be withdrawn from the Consolidated Revenue Fund or any other public fund of the Federation, except in the manner prescribed by the National Assembly*";

Informed that for the past 10 years the Federal Ministry of Finance and the Central Bank of Nigeria have expended from the Fund without the National Assembly appropriating for such spending and it is widely known that both the Federal Ministry of Finance and the Central Bank of Nigeria utilise the money in the Special Fund as a sort of slush fund;

Believed that this practice constitutes a gross violation of the letters and spirit of the 1999 Constitution, the Fiscal Responsibility Act, 2007, the transparency intent embedded in the Pre-Shipment Inspection of Export Act, and the Finance (Control and Management) Act:

Equally aware that the extra-statutory deductions and illegal expenditure from the Fund has cost Nigeria over ₦700 billion in the last ten years, and recently, over 500 million United States Dollar was expended from the Fund without any budgetary appropriation, in addition, the Federal Ministry of Finance has failed or refused to render an account in respect of the NESS Fund to the Auditor General for the Federation;

Also believed that if urgent steps are not taken to investigate and audit the NESS Fund, Nigeria may risk the strong possibility of losing more money and the Central Bank of Nigeria and the Ministry of Finance may continue to use the Fund as a slush fund with the chances of diverting it to personal use without any public scrutiny;

Resolved to:

Mandate the Committee on Public Accounts to carry out an investigation on the allegations and report back within four (4) weeks (**HR. 22/07/2020**).

7. Privileges (Order Six, Rule 2)

- (i) Hon. Ndudi Godwin Elumelu (*Aniocha North/South/Oshimili North/South Federal Constituency*), drew the attention of the House to the failure of Committees to render reports on the various measures referred to them with a time line. He noted that such actions have denied the House opportunity of knowing the status of these measures. He considered this as a breach of his privilege and called on the Speaker to prevail on the Chairmen of Committees to comply with the stipulated resolutions of the House.

Ordered: Committees should render reports on all matters referred to them on or before Thursday, 23 July, 2020 thereafter, any Committee in default will be discharged of such referrals.

Clerk of the House to compile the list of all such referrals discharged of Committees.

- (ii) Hon. Dachung Bagos Musa (*Jos South/Jos East Federal Constituency*), expressed his difficulty in gaining access to the premises of the National Assembly due to traffic gridlock at the gate, which accounted for the reason why some Members came in late to the Chamber for the day's plenary sitting. He viewed that as a breach of his privilege and implored Mr Speaker to prevail on the Sergeant-at-Arms, Committees on Internal Security and House Services to create an alternative entrance for Members to gain easy access to the National Assembly Complex.

Ordered: Committees on House Services, and Internal Security of the National Assembly, the Sergeant-at-Arms, and the Clerk of the House to look into the matter.

8. Presentation of Bills

The following Bills were read the *First Time*:

- (1) Federal Medical Centre, Ona-Ara (Establishment) Bill, 2020 (HB.944).
- (2) Crime Against Humanity, War Crimes, Genocide and Related Offences Bill, 2020 (HB.945).
- (3) National Institute of Industrial Technology, Kwale, Delta State (Establishment, etc.) Bill, 2020 (HB.946).
- (4) National Institute for Culture Orientation (Amendment) Bill, 2020 (HB.947).
- (5) Agricultural Development Trust Fund Bill, 2020 (HB.948).
- (6) Constitution of the Federal Republic of Nigeria, 1999 Act (Alteration) Bill, 2020 (HB.950).
- (7) Constitution of the Federal Republic of Nigeria, 1999 Act (Alteration) Bill, 2020 (HB.951).
- (8) National Metallurgical Training Institute, Ogbaru (Establishment, etc. Bill, 2020 (HB. 952).
- (9) Water Resources Act (Amendment) Bill, 2020 (HB.953).
- (10) River Basins Development Authorities Act (Amendment) Bill, 2020 (HB.954).
- (11) Code of Conduct Bureau and Tribunal Act (Amendment) Bill, 2020 (HB.955).
- (12) Prevention of Crimes Act (Amendment) Bill, 2020 (HB.956).
- (13) Economic and Financial Crimes Commission (Establishment, etc.) Act (Amendment) Bill, 2020 (HB.957).
- (14) Criminal Code Act (Amendment) Bill, 2020 (HB.958).
- (15) National Institute for Nigerian Languages, Act (Repeal and Enactment) Bill, 2020 (HB.959).
- (16) Notaries Public Act (Amendment) Bill, 2020 (HB.960).
- (17) Constitution of the Federal Republic of Nigeria, 1999 Act (Alteration) Bill, 2020 (HB.961).
- (18) Federal Technical College, Ikuru Town, Rivers State (Establishment) Bill, 2020 (HB.962).
- (19) Federal Medical Centre, Bonny, Rivers State (Establishment) Bill, 2020 (HB.963).
- (20) Federal College of Agriculture, Iseyin, Oyo State (Establishment) Bill, 2020 (HB.964).
- (21) Federal Polytechnic, Iseyin, Oyo State (Establishment) Bill, 2020 (HB.965).
- (22) Chartered Institute of Development Studies and Administration of Nigeria (Establishment) Bill, 2020 (HB.966).
- (23) Insurance Bill, 2020 (HB.967).
- (24) Nigeria Deposit Insurance Corporation Act (Repeal and Enactment) Bill, 2020 (HB. 968).
- (25) Cybercrimes (Prohibition, Prevention, etc.) Act (Amendment) Bill, 2020 (HB. 969).

- (26) Federal University of Agriculture, Ibadan, Oyo State Bill, 2020 (HB. 970).
- (27) Pension Reforms Act (Amendment) Bill, 2020 (HB. 971).
- (28) Interpretations Act (Amendment) Bill, 2020 (HB. 972).
- (29) Federal College of Agriculture, Ishiagu (Establishment, etc.) Bill, 2020 (HB. 951).
- (30) Federal College of Land Resources Technology, Owerri (Establishment, etc.) Bill, 2020 (HB. 955).
- (31) Defence Industry Corporation of Nigeria Act (Amendment) Bill, 2020 (HB. 973).
- (32) Innovation and Prize Competition Bill, 2020 (HB. 951).
- (33) Voluntary Income Declaration, Recovery and Amnesty Scheme Bill, 2020 (HB. 974).
- (34) Agricultural Research Council of Nigeria Act (Repeal and Enactment) Bill, 2020 (HB. 975).
- (35) Federal Neuro-Psychiatric Hospital, Isiagu Ezinato, 2020 (HB. 976).
- (36) Administration of Criminal Justice Act (Amendment) Bill, 2020 (HB. 977).
- (37) Federal University of Aviation Technology, Uyo (Establishment, etc.) Bill, 2020 (HB. 978).
- (38) National Centre for Research, Management and Control of Autism and Down Syndrome Bill, 2020 (HB. 979).
- (39) Electoral Act (Amendment) Bill, 2020 (HB. 980).

9. Presentation of Reports

(i) **Committee on Federal Road Safety Commission:**

That the House do receive the Report of the Committee on Federal Road Safety Commission on the Need to Establish more Roadside Clinics and Improve Facilities in the existing Roadside Clinics (HR/246/12/2019)

Order read; deferred by leave of the House.

(ii) **Committee on Aviation:**

Motion made and Question proposed, "That the House do receive the Report of the Committee on Aviation on the Need to Stop the Use of Foreign Airlines in Evacuating Nigerians Stranded Abroad (HR. 148/05/2020)" (Hon. Nnolim Nnaji John — Nkanu East/Nkanu West Federal Constituency).

Agreed to.

Report laid.

10. **A Bill for an Act to Amend the Legislative Houses (Powers and Privileges) Act, 2017 to Preserve the Legislative Powers of a Legislative House and Guarantee the Principle of Separation of Powers; and for Related Matters (HB. 898) — Second Reading**
Motion made and Question proposed, "That a Bill for an Act to Amend the Legislative Houses (Powers and Privileges) Act, 2017 to Preserve the Legislative Powers of a Legislative House and Guarantee the Principle of Separation of Powers; and for Related Matters (HB. 898) be read a Second Time" (Hon. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma Federal Constituency and 1 other).

Debate.

Question that the Bill be now read a Second Time — Agreed to.

Bill read the Second Time.

Bill referred to the Committee on Justice.

11. **A Bill for an Act to Establish Federal University of Agriculture and Technology, Tarauni; and for Related Matters (HB.584) — Second Reading**

Motion made and Question proposed, “That a Bill for an Act to Establish Federal University of Agriculture and Technology, Tarauni; and for Related Matters (HB.584) be read a Second Time” (Hon. Hon. Hafiz Ibrahim Kawu — Tarauni Federal Constituency).

Debate.

Question that the Bill be now read a Second Time — Agreed to.

Bill read the Second Time.

Bill referred to the Committee on Tertiary Education and Services.

12. **A Bill for an Act to Provide the Legal Framework for the Administration and Management of the National Social Investment Fund to cater for the Basic Needs of the poorest and most vulnerable Nigerians; and for Related Matters (HB. 917) — Second Reading**

Order read; deferred by leave of the House.

13. **A Bill for an Act to Establish the Federal Polytechnic Zandi, Plateau State to provide full and part-time courses of instruction in different fields of Studies; and for Related Matters (HB. 184) — Second Reading**

Motion made and Question proposed, “That a Bill for an Act to Establish the Federal Polytechnic Zandi, Plateau State to provide full and part-time courses of instruction in different fields of Studies; and for Related Matters (HB. 184) be read a Second Time” (Hon. Dachung Musa Bagos — Jos South/Jos East Federal Constituency).

Debate.

Question that the Bill be now read a Second Time — Agreed to.

Bill read the Second Time.

Bill referred to the Committee on Tertiary Education and Services.

14. **A Bill for an Act to Amend the Electoral Act, to Prohibit Members of the National Electoral Commission and Resident Electoral Commissioners from engaging in Partisan Politics within Five (5) Years of Retirement, Resignation and Official Relief of Duties; and for Related Matters (HB.483) — Second Reading**

Motion made and Question proposed, “That a Bill for an Act to Amend the Electoral Act, to Prohibit Members of the National Electoral Commission and Resident Electoral Commissioners from engaging in Partisan Politics within Five (5) Years of Retirement, Resignation and Official Relief of Duties; and for Related Matters (HB.483) be read a Second Time” (Hon. Tasir Olawale Raji — Epe Federal Constituency).

Debate.

Question that the Bill be now read a Second Time — Agreed to.

Bill read the Second Time.

Bill referred to the Committee on Electoral Matters.

15. Reconsideration of Outstanding Bills from the Preceding Assembly

Motion made and Question proposed:

The House:

*Notes that pursuant to Order Twelve (12), Rule 16 of the Standing Orders of the House of Representatives, Bills passed by the preceding Assembly and forwarded to the Senate for concurrence for which no concurrence was made or negatived or passed by the Senate and forwarded to the House for which no concurrence was made or negatived or which were passed by the National Assembly and forwarded to the President for assent but for which assent or withholding thereof was not communicated before the end of the tenure of the Assembly, the House may resolve that such Bills, upon being re-gazetted or clean copies circulated, be re-considered in the Committee of the Whole without being commenced *de-novo*;*

Also notes that the underlisted Bills were passed by the preceding Assembly and forwarded to the Senate for concurrence for which no concurrence was made and/or forwarded to the President for assent but for which assent or withholding thereof was not communicated before the end of the tenure of the last Assembly:

- (i) Mandatory Inclusion of Agricultural Science in Secondary Schools Curriculum in Nigeria Bill, 2019 (HB. 244),
- (ii) Institute of Chartered Economics of Nigeria (Establishment) Bill, 2019 (HB. 162),
- (iii) Abuja Geographical Information Systems Bill, 2019 (HB. 215),
- (iv) Chartered Institute of Entrepreneurship Education Bill, 2019 (HB. 305),
- (v) Chartered Institute of Forensic and Investigative Professionals of Nigeria (Establishment, Etc.) Bill, 2020 (HB. 791),
- (vi) Nigerian Council for Psychologists (Establishment) Bill, 2020 (HB. 848),
- (vii) South-East Development Commission (Establishment, etc.) Bill, 2020 (HB. 887),
- (viii) Nigeria Railway Authority Bill, 2020 (HB. 888),
- (ix) Nigerian Postal Commission Bill, 2020 (HB. 889),
- (x) Federal Capital Territory Transport Authority (Establishment, etc.) Bill, 2020 (HB. 890),
- (xi) Chartered Institute of Training and Development Bill, 2020 (HB. 891),
- (xii) National Institute for Cancer Research and Treatment (Establishment, etc.) Bill, 2020 (HB.892),
- (xiii) Fisheries Institute of Nigeria (Establishment, etc.) Bill, 2020 (HB. 896),
- (xiv) National Water Resources Bill, 2020 (HB. 921);

Aware that the Bills were re-gazetted as HB. 244, HB. 162, HB. 215, HB. 305, HB. 791, HB. 848, HB. 887, HB. 888, HB. 889, HB. 890, HB. 891, HB. 892, HB. 896 and HB. 921 respectively and read the first time;

Resolves to:

Commit the Bills to the Committee of the Whole for consideration (*Hon. Abubakar Hassan Fulata – Birniwa/Guri/Kiri-Kasamma Federal Constituency*).

Agreed to.

16. Need to Provide Emergency Relief Materials for Victims of Windstorm in various Communities in Baure Local Government Area, Katsina State

Motion made and Question proposed:

The House:

Notes that torrential rainfall, flooding and windstorms have become a yearly occurrence all over the country with devastating outcomes that result in very dire humanitarian and economic consequences and they have had greater negative impact in the Northwest Geopolitical Zone of the country with Katsina State and Zango/Baure Federal Constituency in particular having the most devastations;

Also notes that in September, 2019, there were serious devastations in communities constituting twelve wards in Baure LGA and ten wards in Zango Local Government Area, both in Katsina State as a result of flooding and torrential rainfall which led to the destruction of about 400 houses, various household items, farms, foodstuff and animals;

Further notes that an appeal made to the National Emergency Management Agency to provide succour for the affected communities through the provision of emergency relief materials to the victims did not produce the required response;

Concerned that on 11 and 13 June, 2020, serious windstorms resulting from torrential rainfall sadly led to the death of two persons and hospitalization of no fewer than three persons in various communities and villages constituting eight wards in Baure Local Government Area of Katsina State;

Also concerned by the number of villages and communities affected by the current windstorm devastations which include Zoda, Wanga, Huicikin Gari, Unguwar Rai, Kwaryar Sallah, Wankade, Kwarin Gawasa, Kawarin Gyada, Gamaji, Bukudu, Doki, Taramnawa, Totsi, Sa/ai, Dan Dogo, Shado, Unguwar Jibo, Ilallah, etc.;

Aware that conservatively, a total of seven hundred and eighty-nine (789) houses were substantially damaged, affecting about one thousand, three hundred and nine (1,309) rooms, excluding the walls and fences of such houses;

Also aware that the displaced family members are currently seeking shelter in schools while others are putting up with friends and relatives who will only be able to accommodate and take care of them for a short period of time;

Cognizant that if relief materials are not made available to them in the shortest possible time, they run the risk of transiting into internally displaced persons, thereby stretching the capacity of the existing Internally Displaced Persons (IDPs) Camps in Katsina State;

Resolves to:

- (i) urge the National Emergency Management Agency to send relief materials to victims of the windstorm, most of whom are currently in make-shift shelters in the affected communities;

- (ii) also urge the Federal Ministry of Humanitarian Affairs, Disaster Management and Social Development to ameliorate the devastating effects of the windstorm in the affected communities by providing emergency materials like foodstuffs and building materials;
- (iii) mandate the Committee on Emergency and Disaster Preparedness to ensure the delivery of emergency relief materials by the National Emergency Management Agency and Federal Ministry of Humanitarian Affairs, Disaster Management and Social Development to the affected communities;
- (iv) also mandate the Committees on Emergency and Disaster Preparedness, and Environment and Habitat to make recommendations that will address the issue of perennial flooding and windstorm destruction across the country (*Hon. Nasiru Sani Zangon Daura – Zango/Baure Federal Constituency*).

Agreed to.

(HR. 23/07/2020).

Motion referred to the Committees on Emergency and Disaster Preparedness, and Environment and Habitat, pursuant to Order Eight, Rule 9 (5).

17. Order of the Day

Motion made and Question proposed, "That the House do set down items 8 - 10, and 12 - 14 on the Order Paper to another legislative day, pursuant to Order Eight, Rule 6 (3)" (Hon. Abubakar Fulata Hassan – Birniwa/Guri/Kirikasamma Federal Constituency) – Agreed to.

18. Need to Intervene in the Case of Attack and Gruesome Murder of Four (4) Indigenes of Usaka Ukwu in Ikwuano Local Government Area of Abia State by Armed Indigenes of Ibono Okporo, Nkari in Ini Local Government Area of Akwa-Ibom State in Order to Prevent a Bloodbath:

Motion made and Question proposed:

The House:

Notes that the people of Usaka Ukwu Autonomous Community in Ikwuano Local Government Area of Abia State share boundaries with Ibono-Okporo, Ikoro Emiong and Ikoro Etim Communities all in Ini Local Government Area of Akwa-Ibom State and have always lived peacefully with each other as neighbours without any land or boundary dispute of any sort;

Informed that on 20 May, 2020, some indigenes of Usaka Ukwu went to their ancestral farm land at Igbata and while there, irate and armed indigenes of IbonoOkporo numbering over eight (8) persons attacked and killed one of them, Mr Peter Uwaechehi Ugorji and inflicted machete and gunshot wounds on over four (4) other persons, the corpse of Mr. Peter Uwaechehi Ugorji was later recovered and deposited in the mortuary;

Also informed that the people of Usaka Ukwu duly reported the incident to the Security Agencies, including the Army Commander, Army Barracks Ariam, Ikwuano and on 22 May, 2020, a peace meeting was initiated by the Chairman of Ikwuano LGA in Ariam Army Barracks with the following people in attendance: Chief Security Adviser to the Governor of Abia State; Area Commander Umuahia Area Police Command (representing the Commissioner of Police); Divisional Police Officer Ikwuano LGA; DSS from Ikwuano and Ini LGAs; the Army Commander (the Host) and other Army officers; Chairmen of Ikwuano, Ini and Obot Akara LGAs and their Deputies and 10 representatives each from Ariam/Usaka Clan and Ibono Okporo, Nkari;

Also notes that during the peace meeting, the people of Usaka Ukwu requested that a joint patrol team made up of the Army; the Police; the DSS and personnel from the two Local Government Areas be established to patrol the two communities to avoid any repeat attack, that the two communities should

stay away from the farmland where the murder took place and that the killers of Mr Ugorji be produced and handed over to the security agencies for prosecution;

Further notes that the Chairman of Ini LGA, Hon. Israel Idaisin demonstrated statesmanship in noting that the people of Ibono Okporo were responsible for the gruesome murder of Mr Ugorji and publicly apologized to the people of Usaka Ukwu and the Abia State Government for the attack and murder of their son and appealed that Usaka Ukwu people should not go for a reprisal attack while promising that the culprits will be apprehended and handed over to security agencies. Promised that Ibono Okporo and Ini Local Government Council will assist in the burial of Late Peter Uwaehegi Ugorji;

Concerned that while a visit to the locus in quo was scheduled for 28 May, 2020 and 30 May, 2020 was chosen as the date for the reconvening of the peace meeting to appraise the visit to the locus in quo, on 23 May, 2020, the people of Ibono-Okporo remobilized and ambushed Usaka Ukwu Autonomous Community and shot Mr John Irozuru and his son Chisom, on their way to their farm at Abama, but luckily, they escaped but their motorcycle which their attackers seized has not been recovered till date;

Also concerned that on 15 June, 2020, the indigenes of Ibono Okporo disregarded all peace efforts and continued with the attack which resulted in the gruesome murder of three Usaka Ukwu indigenes namely- Iruegbulam Isaac; Boniface Ugwunna and Iheanacho Orioha who went to their ancestral farm land at Oji and Ala Oku where they were apprehended and beheaded by Ibono Okporo indigenes;

Aware that the Army, the Police and the DSS were contacted, and visited the said land and saw pools of blood in different locations with traces of how two of the murdered victims were dragged away and their corpses have not been recovered till date;

Disturbed that since those premeditated killings were allegedly carried out by the people of Ibono Okporo Nkari against their Usaka Ukwu neighbours, no arrests have been made by any of the Security Agencies as a stern warning against the people of Ibono Okporo, and the people of Usaka Ukwu Autonomous Community are of the opinion that Nkari is being sponsored to grab their land because of the abundant mineral resources deposits such as Kioline;

Also disturbed that on 30 June, 2020, the people of Ibono Okporo embarked on forceful and unjustified harvesting of the farm produce of the people of Usaka Ukwu even when they were fully aware that authorities are working on how to restore peace to the area, this is absolutely troubling because this ancestral land of Usaka Ukwu people has never been in dispute;

Cognizant that section 14 (2) (b) of the 1999 Constitution of the Federal Republic of Nigeria (as amended) provides that the security and welfare of the people shall be the primary purpose of governance and believing that this type of bloodletting should have been prevented by the Security Agencies in the area;

Resolves to:

- (i) urge the Nigerian Security and Civil Defence Corps, the Nigeria Police Force, the Department of State Service and the Nigerian Army to ensure that the perpetrators of the gruesome killings are arrested and prosecuted as a deterrence;
- (ii) also urge the National Boundary Commission to immediately commence the demarcation of the boundary between the two warring communities to avert a repeat of this ugly bloodletting experience;
- (iii) further urge the Federal Ministry of Humanitarian Affairs, Disaster Management and Social Development to immediately send relief materials to the people of Usaka Ukwu community who have fled their homes due to the attacks;

- (iv) condemn the killing of four (4) Usaka Ukwu indigenes in cold blood by armed indigenes of Ibono Okporo even when the State and Military Authorities were working on the restoration of permanent peace between those age-long neighbours and observe a minute silence in their honour;
- (v) mandate the Committees on Special Duties and Legislative Compliance to ensure compliance and report back within two (2) weeks (*Hon. Samuel Ifeanyi Onuigbo — Ikwuano/Umuahia North/South Federal Constituency*).

Debate.

Agreed to.

The House:

Noted that the people of Usaka Ukwu Autonomous Community in Ikwuano Local Government Area of Abia State share boundaries with Ibono-Okporo, Ikoro Emiong and Ikoro Etim Communities all in Ini Local Government Area of Akwa Ibom State and have always lived peacefully with each other as neighbours without any land or boundary dispute of any sort;

Informed that on 20 May, 2020, some indigenes of Usaka Ukwu went to their ancestral farm land at Igbata and while there, irate and armed indigenes of Ibono-Okporo numbering over eight (8) persons attacked and killed one of them, Mr Peter Uwaecheji Ugorji and inflicted machete and gunshot wounds on over four (4) other persons, the corpse of Mr. Peter Uwaecheji Ugorji was later recovered and deposited in the mortuary;

Also informed that the people of Usaka Ukwu duly reported the incident to the Security Agencies, including the Army Commander, Army Barracks Ariam, Ikwuano and on 22 May, 2020, a peace meeting was initiated by the Chairman of Ikwuano LGA in Ariam Army Barracks with the following people in attendance: Chief Security Adviser to the Governor of Abia State; Area Commander, Umuahia Area Police Command (representing the Commissioner of Police); Divisional Police Officer Ikwuano LGA; DSS from Ikwuano and Ini LGAs; the Army Commander (the Host) and other Army officers; Chairmen of Ikwuano, Ini and Obot Akara LGAs and their Deputies and 10 representatives each from Ariam/Usaka Clan and Ibono Okporo, Nkari;

Also noted that during the peace meeting, the people of Usaka Ukwu requested that a joint patrol team made up of the Army; the Police; the DSS and personnel from the two Local Government Areas be established to patrol the two communities to avoid any repeat attack, that the two communities should stay away from the farmland where the murder took place and that the killers of Mr Ugorji be produced and handed over to the security agencies for prosecution;

Further noted that the Chairman of Ini LGA, Hon. Israel Idaisin demonstrated statesmanship in noting that the people of Ibono Okporo were responsible for the gruesome murder of Mr Ugorji and publicly apologized to the people of Usaka Ukwu and the Abia State Government for the attack and murder of their son and appealed that Usaka Ukwu people should not go for a reprisal attack while promising that the culprits will be apprehended and handed over to security agencies. Promised that Ibono Okporo and Ini Local Government Council will assist in the burial of Late Peter Uwaecheji Ugorji;

Concerned that while a visit to the locus in quo was scheduled for 28 May, 2020 and 30 May, 2020 was chosen as the date for the reconvening of the peace meeting to appraise the visit to the locus in quo, on 23 May, 2020, the people of Ibono Okporo remobilized and ambushed Usaka Ukwu Autonomous Community and shot Mr John Irozuru and his son Chisom, on their way to their farm at Abama, but luckily, they escaped but their motorcycle which their attackers seized has not been recovered till date;

Also concerned that on 15 June, 2020, the indigenes of Ibono Okporo disregarded all peace efforts and continued with the attack which resulted in the gruesome murder of three Usaka Ukwu indigenes namely- Iruegbulam Isaac; Boniface Ugwunna and Iheanacho Orioha who went to their ancestral farm land at Oji and Ala Oku where they were apprehended and beheaded by Ibono Okporo indigenes;

Aware that the Army, the Police and the DSS were contacted, and visited the said land and saw pools of blood in different locations with traces of how two of the murdered victims were dragged away and their corpses have not been recovered till date;

Disturbed that since those premeditated killings were allegedly carried out by the people of Ibono Okporo Nkari against their Usaka Ukwu neighbours, no arrests have been made by any of the Security Agencies as a stern warning against the people of Ibono Okporo, and the people of Usaka Ukwu Autonomous Community are of the opinion that Nkari is being sponsored to grab their land because of the abundant mineral resources deposits such as Kioline;

Also disturbed that on 30 June, 2020, the people of Ibono Okporo embarked on forceful and unjustified harvesting of the farm produce of the people of Usaka Ukwu even when they were fully aware that authorities are working on how to restore peace to the area, this is absolutely troubling because this ancestral land of Usaka Ukwu people has never been in dispute;

Cognizant that section 14 (2) (b) of the 1999 Constitution of the Federal Republic of Nigeria (as amended) provides that the security and welfare of the people shall be the primary purpose of governance and believing that this type of bloodletting should have been prevented by the Security Agencies in the area;

Resolved to:

- (i) urge the Nigerian Security and Civil Defence Corps, the Nigeria Police Force, the Department of State Service and the Nigerian Army to ensure that the perpetrators of the gruesome killings are arrested and prosecuted as a deterrence;
- (ii) also urge the National Boundary Commission to immediately commence the demarcation of the boundary between the two warring communities to avert a repeat of this ugly bloodletting experience;
- (iii) further urge the Federal Ministry of Humanitarian Affairs, Disaster Management and Social Development to immediately send relief materials to the people of Usaka Ukwu community who have fled their homes due to the attacks;
- (iv) condemn the killing of four (4) Usaka Ukwu indigenes in cold blood by armed indigenes of Ibono Okporo even when the State and Military Authorities were working on the restoration of permanent peace between those age-long neighbours and observe a minute silence in their honour;
- (v) mandate the Committees on Special Duties and Legislative Compliance to ensure compliance and report back within two (2) weeks (**HR. 24/07/2020**).

A minute silence was observed in honour of the deceased.

19. Consideration of Reports

- (i) *A Bill for an Act to Repeal the Arbitration and Conciliation Act, Cap. A18, Laws of the Federation of Nigeria, 2004 and Enact the Arbitration and Mediation Bill to Provide a Unified Legal Framework for the Fair and Efficient Settlement of Commercial Disputes by Arbitration and Mediation; make Applicable the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York Convention) to any Award made in Nigeria or in any Contracting State arising out of International Commercial Arbitration, the Convention on the International Settlement Agreements Resulting from Mediation (the Singapore Convention); and for Related Matters (HB. 91).*

Order read; deferred by leave of the House.

- (ii) *A Bill for an Act to Establish the Pharmaceutical Technologists and Pharmacy Technicians Regulatory Council of Nigeria to be Vested with the Responsibility of Determining the Standards of Knowledge and Skills to be Attained by Persons seeking to Become Pharmaceutical Technologists and Pharmacy Technicians; and for Related Matters (HB. 459) (Committee of the Whole):*

Motion made and Question proposed, "That the House do consider the Report on a Bill for an Act to Establish the Pharmaceutical Technologists and Pharmacy Technicians Regulatory Council of Nigeria to be Vested with the Responsibility of Determining the Standards of Knowledge and Skills to be Attained by Persons seeking to Become Pharmaceutical Technologists and Pharmacy Technicians; and for Related Matters (HB. 459)" (Hon. Amir Tukur — Bakori/Danja Federal Constituency).

Agreed to.

Question that the House do resolve into the Committee of the Whole to consider the Report — Agreed to.

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

A BILL FOR AN ACT TO ESTABLISH THE PHARMACEUTICAL
TECHNOLOGISTS AND PHARMACY TECHNICIANS REGULATORY
COUNCIL OF NIGERIA TO BE VESTED THE RESPONSIBILITY OF DETERMINING
STANDARDS OF KNOWLEDGE AND SKILLS TO BE ATTAINED BY PERSONS
SEEKING TO BECOME PHARMACEUTICAL TECHNOLOGISTS AND
PHARMACY TECHNICIANS AND FOR RELATED MATTERS

Clause 1: Establishment of the Pharmaceutical Technologists and Pharmacy Technicians Regulatory Council.

- (1) There is established a body to be known as the Pharmaceutical Technologists and Pharmacy Technicians Regulatory Council of Nigeria (in this Bill referred to as "the Council").
- (2) The Council shall be a body corporate with perpetual succession and a common seal, and may —
 - (a) sue or be sued in its corporate name;
 - (b) hold, acquire and dispose of any property, movable and immovable; and

- (c) exercise right, powers, privileges and incur the liabilities and obligations of a natural person of full age and capacity (*Hon. Amir Tukur — Bakori/Danja Federal Constituency*).

Question that Clause 1 stands part of the Bill — Agreed to.

Clause 2: Objects of the Council.

The objects of the Board shall be to —

- (a) advance Pharmaceutical Technology and Pharmacy Techniques (in this Bill referred to as "the Profession");
- (b) issue licenses to Pharmaceutical Technologists and Pharmacy Technicians;
- (c) regulate the practice of the Profession;
- (d) determine what standards of knowledge and skill are to be attained by persons seeking to become licensed members of the profession and reviewing those standards from time to time as circumstances may permit;
- (e) promote the highest standard of competence, practice and conduct among members of the profession;
- (f) advance drug and pharmaceutical technology knowledge and essential drug education in the rural areas through the counseling of patients by the members of the profession.
- (g) ensure the preparation of a register of licensed members of the profession and the publication from time to time of a list of those members;
- (h) secure, safeguard and advance the professional knowledge, interest and efficiency of the professional in the field through the board;
- (i) conduct examinations, grant of certificates, advise and assist in examinations relevant to the profession;
- (j) conduct research in all areas of the profession;
- (k) serve as a certifying body through its licensed members;
- (l) ensure that safety standards are met and that necessary facilities required in the practice of the profession are put in place;
- (m) ensure effective and efficient management and administration of the profession;
- (n) arrange mandatory professional training for members of the profession;
- (o) conduct inspection of pharmaceutical technologies in post-secondary institutions, industries and research institutes in order to ensure maintenance of professional standards;
- (p) carry out action that promote the advancement of the profession in both the public and private sectors; and

- (g) perform through the governing council established under section 5 of this Bill, the functions conferred on the Board by this Bill (*Hon. Amir Tukur — Bakori/Danja Federal Constituency*).

Question that Clause 2 stands part of the Bill — Agreed to.

Clause 3: Membership of the Council.

- (1) Subject to the provisions of the Bill, a person admitted to the membership of the Council shall be entitled to use one of the following acronyms after his name, that is-
- (a) fellow;
 - (b) honorary member;
 - (c) member;
 - (d) associate member;
 - (e) extra-ordinary member; and
 - (f) student member.
- (2) A person qualifies to be a registered member and to use any of the acronyms listed in subsection (1) of this section, if he satisfies all the criteria stipulated by the council as applicable to each grade of membership and as contained in the bye-laws of the Council (*Hon. Amir Tukur — Bakori/Danja Federal Constituency*).

Question that Clause 3 stands part of the Bill — Agreed to.

Clause 4: Duties and Responsibilities of Pharmaceutical Technologists And Pharmacy Technicians.

- (1) The duties and responsibilities of pharmaceutical technologists and pharmacy technicians shall be:
- (a) to dispense (compound, mix and supply) non-scheduled pharmaceutical products, primary health care essential drugs; and
 - (b) counseling patients on the use of drugs prescribed by a medical practitioner including —
 - (i) the removal of drugs from packets;
 - (ii) the method of usage of drugs (whether orally, locally or by injection);
 - (iii) when a drug can be used and its side effect on a patient; and
 - (iv) storage of drugs where necessary.
- (2) A registered member shall be eligible to carry out the business of pharmaceutical Technology or essential drug store (*Hon. Amir Tukur — Bakori/Danja Federal Constituency*).

Question that Clause 4 stands part of the Bill — Agreed to.

Clause 5: Establishment and Composition of the Governing Council.

- (1) There is established for the council, a governing body (in this Bill referred to as "the council") which shall be charged with the administration and general management of the Council.
- (2) The council shall consists of —
 - (a) a Chairman, who shall be the President of the National Association of Pharmaceutical Technologists and Pharmacy Technicians of Nigeria (NAPPTON) in this Bill referred to as "the Association";
 - (b) a Deputy Chairman, who shall be the Deputy President of the Association;
 - (c) a Vice Chairman who shall be the Secretary General of the Association;
 - (d) the Registrar of the Council who shall be the Secretary of this Council and Head of Department of Administration and Personnel of the Board;
 - (e) the Assistant Registrar who shall be the Assistant Secretary of the Council and deputies the Registrar in discharging his duties;
 - (f) six Deputy Registrars nominated from the six geo- political zones of the Federation;
 - (g) one representative of —
 - (i) Federal Ministry of Health,
 - (ii) State Ministry of Health,
 - (iii) National Primary Health Care Development Agency,
 - (iv) National Agency for Food, Drug, Administration and Control,
 - (v) National Drug Law Enforcement Agency,
 - (vi) Medical Corps of the Nigerian, Army, Navy and Air Force, and
 - (vii) the Director of Finance who shall be the Head of Department of finance of the Council.
- (3) There shall be a legal adviser appointed by the Council who shall be a legal practitioner with at least 2years post call practicing experience.
- (4) The Chairman, Deputy Chairman, Vice Chairman, Registrar and Zonal Deputy Registrars shall be fellows of the Council (*Hon. Amir Tukur — Bakori/Danja Federal Constituency*).

Question that Clause 5 stands part of the Bill — Agreed to.

Clause 6: Tenure of Office.

- (1) The Chairman, Deputy Chairman and Vice Chairman shall be appointed by the President on the recommendation of the Minister and shall hold office for a term of four years from the date of their appointment and may be reappointed for another term of 4 years and no more.
- (2) The Chairman shall oversee the activities of the Council but in the event death or permanent incapacity of the Chairman, the Deputy Chairman shall become the Chairman of the Council for the unexpired period of the term of the affected chairman, but shall not succeed himself for a fresh term unless he has been elected as the President of the Council.
- (3) The Chairman shall preside over meetings of the Board, but in the absence, the Deputy Chairman shall preside over the meeting.
- (4) If the Chairman or any Principal Officer ceases to be a member of the Council, he shall cease to hold any of the offices created under this section.
- (5) The provisions of Schedule 3 to this Bill shall have effect with respect to the qualifications and tenure of office of the members of the Council and other matters (*Hon. Amir Tukur — Bakori/Danja Federal Constituency*).

Question that Clause 6 stands part of the Bill — Agreed to.

PART II — FINANCIAL PROVISIONS

Clause 7: Funds of the Council.

- (1) The Council shall establish and maintain a fund for the purpose of this Bill.
- (2) There shall be credited into the fund —
 - (a) all moneys received by the Council pursuant to this Bill;
 - (b) all fees and other monies payable to the Council by its members, individuals and corporate bodies; and
 - (c) money as may be provided by the Federal, State and Local Government, Individuals or Corporate bodies (National or International) to the Council by way of grant, subvention or otherwise.
- (3) There shall be paid out of the fund of the Council —
 - (a) all expenditure incurred by the Council in discharge of its functions under this Bill;
 - (b) remunerations and allowances of the Registrar and other Staff of the Council; and
 - (c) reasonable travelling and other allowances of members of the Council in respect of the time spent on the duties of the Council as the Council may determine.
- (4) The Council may invest money from the fund on behalf of the Council as may be approved by the Council (*Hon. Amir Tukur — Bakori/Danja Federal Constituency*).

Question that Clause 7 stands part of the Bill — Agreed to.

Clause 8: Power to Borrow.

The Council may, from time to time, borrow money for the purpose of the Council and any interest payable on monies borrowed, shall be paid out of the fund of the Council (*Hon. Amir Tukur — Bakori/Danja Federal Constituency*).

Question that Clause 8 stands part of the Bill — Agreed to.

Clause 9: Accounts of the Council.

- (1) The Council shall keep proper account on behalf of the Council in respect of each year and proper record in relation to the account.
- (2) The Council shall cause the account to be audited by an Auditor appointed from the list and in accordance with the guidelines supplied by the Auditor-General of the Federation.
- (3) The Auditor appointed for the purpose of this section shall not be a member of the Council.
- (4) The Council shall prepare and submit to the Minister not later than 6 months of each subsequent year, a report on the activities of the Council in the last preceding year and shall include in the report, a copy of the audited accounts of the Auditor's report on the account (*Hon. Amir Tukur — Bakori/Danja Federal Constituency*).

Question that Clause 9 stands part of the Bill — Agreed to.

PART III — THE REGISTRAR

Clause 10: Appointment of Registrar and Preparation of the Register.

- (1) The Council shall appoint —
 - (a) a fit and deserving member of the Council to be the Registrar and Assistant Registrar;
 - (b) six fit and deserving members of the Council from the six geopolitical zone of Nigeria (one per zone) to be Zonal Deputy Registrars; and
 - (c) other persons as the Council may from time to time think necessary to assist the Registrar in the performance of his functions under this Bill.
- (2) The Registrar shall prepare and maintain, in accordance with the rules made by the Council, a register of names, addresses, approved qualifications and other relevant particulars as may be specified in the rules, of all persons who are entitled in accordance with the provisions of this Act, to be registered as members of the Council in the category of "Fellows", "Honorary Members", "Members", "Associate Members", "Extra-Ordinary Members" and Student Members" who in the manner prescribed by the rules, apply to be registered.
- (3) The Zonal Deputy Registrars shall liaise with the offices of the Council in the states under their zones to ensure proper compilation of the register and effective compliance with the provisions of this Bill and Rules made pursuant to this Bill.

- (4) The Register shall consist of parts representing different classes of membership.
- (5) Subject to the provisions of this section, the Council shall make rules with respect to the form, keeping of the register and the making of entries in the register and in particular —
- (a) regulating the making of applications for registration, and providing for the evidence to be produced in support of the application;
 - (b) providing for notification to the registrar, to effect a change in particulars by the person to whom registered particulars relate;
 - (c) authorizing a registered person to have any qualification which is in relation to the relevant division of the profession, either an approved qualification or an accepted qualification for the purpose of this Bill, registered in relation to his name in addition to or as he may elect, in substitution for any other qualifications registered;
 - (d) specifying the fees including subscription to be paid to the Council in respect of the entry of names into the register and authorizing the Registrar to refuse to enter a name into the register until the fees specified for the entry has been paid;
 - (e) specifying anything failing to be specified under the provisions of this section but rules made for the purpose of paragraph (d) of this section shall not come into effect until they are confirmed at a special meeting of the Council convened for that purpose or at the next general meeting as the case may be (*Hon. Amir Tukur — Bakori/Danja Federal Constituency*).

Question that Clause 10 stands part of the Bill — Agreed to.

Clause 11: Functions of the Registrar.

The Registrar shall —

- (a) correct in accordance with the Council's directions any entry in the register which in the Council's opinion was incorrectly made;
- (b) make any necessary alterations in the registered particulars of registered persons from time to time;
- (c) remove from the register, the name of any registered person who has died or ceased to be a member for any reason; and
- (d) record the names of members of the Council who are in default for more than twelve months in the payment of annual subscription, and take appropriate action against those members (including removal of the names of the defaulters from the register) as the Council may direct or require (*Hon. Amir Tukur — Bakori/Danja Federal Constituency*).

Question that Clause 11 stands part of the Bill — Agreed to.

Clause 12: Publication of Registers and List of Corrections.

- (1) It shall be the duty of the Registrar to cause —

- (a) the register to be printed, published and put on sale to members of the public not later than 2 years from the commencement of this Bill;
 - (b) to be printed, published and put on sale as either a —
 - (i) corrected edition of the register; or
 - (ii) list of corrections each year after the printing and publishing of the first copy of the register;
 - (c) a print of each edition of the register and of each list of corrections to be deposited at the principal offices of the Council; and
 - (d) the register and lists so deposited to be made available to members of the public at all reasonable times for inspection.
- (2) A document purporting to be —
- (a) a print of an edition of a register published under this section by authority of the Registrar;
 - (b) prints of an edition of the register published and of the list of corrections to that edition published; shall without prejudice to any other mode of proof, be admissible in any proceeding as evidence that any person specified in the document, or the documents read together, as being registered at the date of the edition or of the list corrections, as the case may be, and that any person not so specified was not registered.
- (3) Where in accordance with subsection (2) of this section a person is in any proceeding 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 purpose of these proceedings as having in all material times thereafter continued to be, or not to be registered (*Hon. Amir Tukur — Bakori/Danja Federal Constituency*).

Question that Clause 12 stands part of the Bill — Agreed to.

Clause 13: Entries in a Register.

- (1) If the Registrar:
- (a) sends by post to any registered person a letter addressed to him at his address on the register enquiring whether the registered particulars relating to him are correct and receives no reply to the letter within the period of six months from the date of posting it; and
 - (b) on the expiration of that period, send in like manner to the person in question a second similar letter and receives no reply to that letter within three months from the date of posting it, the Registrar may remove the particulars relating to the person in question from the register.

- (2) Pursuant to subsection (1) of this section, the Council may direct the Registrar to restore to the appropriate part of the register any particulars removed there from (*Hon. Amir Tukur — Bakori/Danja Federal Constituency*).

Question that Clause 13 stands part of the Bill — Agreed to.

PART IV — REGISTRATION

Clause 14: Registration of Members.

- (1) Subject to section 15 of this Bill and to rules made under section 10 (3) of this Bill, a person shall be entitled to be registered as a member of the profession if he satisfies the Council that —
- (a) he has passed the qualifying examination for registration recognized or conducted by the Council under this Bill and completes the practical training prescribed if any;
 - (b) immediately before the commencement of this Bill, he holds qualification approved for membership of the Profession and has completed the post qualification experience; or
 - (c) he is by law entitled to practice for all purposes as Pharmaceutical Technologist, Pharmacy Technician or a practitioner in the country in which the qualification was granted.
- (2) Every Pharmaceutical Technologist or Pharmacy Technician shall also be entitled to be registered under the Act if he holds Certificate as may be recognized by the Council from time to time and his conduct after qualification has been continually satisfactory for a period of not less than 3 years.
- (3) An application to the Board for registration shall be in the prescribed form contained in Schedule 1 and shall state clearly:
- (a) the name of the applicant and the institutions attended with qualification obtained and dates;
 - (b) name of two registered members as referees who shall endorse the application;
 - (c) 2 copies of passport sized photographs certified by the referees named above; and
 - (d) the certificate of registration shall be in the form contained in schedule 2 to this Bill.
- (4) An application to the Council for registration under this Bill shall in addition to evidence of qualification, satisfy the Council that the applicant —
- (a) is of good character;
 - (b) has attained the age of 18 years; and

- (c) has not been convicted in Nigeria or elsewhere of any offence involving fraud or dishonesty.
- (5) The Council 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 a period as may be specified.
- (6) Any entry directed to be made in the register, under subsection (5) of this section, shall show that the registration is provisional and no entry so made shall be converted to full registration without the consent of the Council signified in writing in that behalf.
- (7) The Council shall from time to time, publish in the gazette, particulars of qualification for the time being accepted for registration under this Bill.
- (8) Every registered member shall, on or before the 31st March of each year, pay a fee to be fixed by the Council for retention of his name in the register in addition to annual practicing fee (*Hon. Amir Tukur — Bakori/Danja Federal Constituency*).

Question that Clause 14 stands part of the Bill — Agreed to.

Clause 15: Approval of Qualifications, etc.

- (1) The Council may approve any qualification for the purpose of this Bill, and may for the same purpose approve:
- (a) any course of training at any approved institution which is intended for persons seeking to become or who are already members of the profession and which in the opinion of the Council is designed to confer sufficient knowledge and skill on persons completing it for the practice of the profession;
- (b) any qualification which, as a result of examination taken in conjunction with a course of training approved by the Council under this section is granted to candidates reaching a standard at the examination, indicating in the opinion of the Council that the candidates have sufficient knowledge and skill for the practice of the profession.
- (2) The Council may withdraw any approval given under this section in respect of any course, qualification or institution; but before withdrawing the approval the Council shall —
- (a) give notice that it proposes to do so to persons in Nigeria appearing to the Council to be persons by whom the course is conducted or the qualification is granted or the institution is controlled as the case may be;
- (b) afford the personal opportunity of making representations to the Council with regard to the proposal; and
- (c) take into consideration any representation made with respect to the proposal pursuant to paragraph (b) of this section.
- (3) A course, qualification or institution shall not be treated as approved during any period the approval is withdrawn under subsection (2) of this section.

- (4) Notwithstanding the provisions of subsection (3) of this section, the withdrawal of an approval under subsection (2) of this section, shall not prejudice the registration or eligibility for registration of any person who by virtue of the approval was registered or was eligible for registration (either unconditionally or prior to his obtaining a certificate of experience) immediately before the approval was withdrawn.
- (5) The giving or withdrawal of an approval under this section shall have effect from the date, either before or after the execution of the instrument signifying the giving or withdrawal of the approval, as the Council may specify in the instrument and the Council shall —
 - (a) expeditiously publish a copy of the instrument in the Gazette; and
 - (b) not later than 7 days before its publication, send a copy of the instrument to the Minister (*Hon. Amir Tukur — Bakori/Danja Federal Constituency*).

Question that Clause 15 stands part of the Bill — Agreed to.

Clause 16: Supervision of Instructions and Examinations Leading to Approved Qualification.

- (1) The Council shall keep itself informed of the nature of the —
 - (a) instruction given at approved institution to persons attending approved courses of training; and
 - (b) examinations as a result of which approved qualifications are granted; and for the purpose of performing these duties, the Council may appoint, either from among its own members or otherwise, persons to visit the approved institutions, or to observe the examinations.
- (2) A person appointed under subsection (1) of this section shall report to the Council on —
 - (a) the adequacy or otherwise of the instruction given to persons attending approved course of training at institutions visited;
 - (b) the adequacy or otherwise of the examination conducted at any institution he visited; and
 - (c) any other matter to the institutions or examinations on which the Council may, either generally or in a particular case, request him to report; but no appointed person shall interfere with the giving of any instruction or the holding of any examination.
- (3) On the receipt of a report made pursuant to this section, the Council may, if it thinks fit and shall, if so required by the Council, send a copy of the report to the person appearing to the Council to be in charge of the institution or responsible for the examination to which the report relates, requesting that person to make observation on the report to the Council within such period as may be specified in the request, not being less than one month from the date of the request (*Hon. Amir Tukur — Bakori/Danja Federal Constituency*).

Question that Clause 16 stands part of the Bill — Agreed to.

PART V — PROFESSIONAL DISCIPLINE

Clause 17: Establishment of Disciplinary Tribunal and Investigating Panel.

- (1) There is established a body to be known as the Pharmaceutical Technologists and Pharmacy Technicians Disciplinary Tribunal (in this Bill referred to as "the Tribunal") which shall be charged with the duty of considering and determining any case referred to it by the Investigation Panel established by subsection (3) of this section and any other case of which the Tribunal has cognizant under the following provisions of this Bill.
- (2) The Tribunal shall consist of the Chairman and 2 other members of the Council, 4 members of the Council from different geopolitical zones and 1 Legal practitioner of at least 10 years post call who is to serve in advisory capacity.
- (3) There shall be a body, to be known as the Pharmaceutical Technologists and Pharmacy Technicians Investigating Panel (in this Bill referred to as "the Panel") which shall be charged with the duty of —
 - (a) conducting preliminary investigation into any case where it is alleged that a member of the profession has misbehaved in his capacity as a member or should for any other reason be the subject of proceedings before the Tribunal;
 - (b) deciding whether the case should be referred to the Tribunal; and
 - (c) submitting a report on any action taken in the past to the Tribunal.
- (4) The panel shall be appointed by the Council and shall consist of 2 members of the Council, 3 members of the Council who are not members of the Council, and 1 legal practitioner of at least 2 years post call who is to serve in advisory capacity.
- (5) The provision of Schedule 3 to this Bill, shall, so far as it is applicable to the Tribunal and the Panel respectively, have effect with respect to those bodies.
- (6) The Council may make rules not inconsistent with this Bill as to acts which constitute professional misconduct (*Hon. Amir Tukur — Bakori/Danja Federal Constituency*).

Question that Clause 17 stands part of the Bill — Agreed to.

Clause 18: Penalties for Unprofessional Conducts, etc.

- (1) Where —
 - (a) a member of the Council is judged by the Tribunal to be guilty of infamous conduct or professional misconduct;
 - (b) a member is convicted of a criminal offence by any Court or Tribunal in Nigeria or elsewhere having power to award punishment for an offence (whether or not punishable with imprisonment) which in the opinion of the Tribunals is incompatible with the status of a member of the profession;

- (c) a member's conduct after registration has not been satisfactory;
 - (d) a member's performance falls below established standards set by the Council;
 - (e) a member's behavior is deemed unethical to this profession as a Pharmaceutical Technologist or Pharmacy Technician; or
 - (f) the Tribunal is satisfied that a person's name has been fraudulently registered; the Tribunal may give a direction reprimanding that person or ordering the Registrar to strike his name off the relevant part of the register.
- (2) The Tribunal may defer or further defer its decision to give a direction under subsection (1) until a subsequent meeting of the Tribunal: but —
- (a) no decision shall be deferred under this subsection for periods exceeding one year in the aggregate; and
 - (b) no person shall be a member of the Tribunal for the purpose of reaching a decision which has been deferred or further deferred unless he was present as a member of the Tribunal when the decision was deferred.
- (3) For the purpose of subsection (1) (b) of this section, a person shall be treated as convicted, unless the conviction stands at time when no appeal or further appeal is pending or may (without extension of time) be brought in connection with the conviction.
- (4) 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.
- (5) A person to whom a direction relates may, at any time within 28 days from the date of service on him of notice of the direction, appeal against the direction to the Court of Appeal and the Tribunal may appear as respondent to the appeal and for the purpose of enabling direction to be given as to the costs of the appeal and of proceedings before the Court of Appeal, the Tribunal shall be deemed to be a party whether or not it appears on the hearing of the appeal.
- (6) A direction of the Tribunal under subsection (1) of this section shall take effect where —
- (a) no appeal under this section is brought against the direction within the time specified in this Bill for an appeal, on the expiration of that time;
 - (b) an appeal is brought and is withdrawn or struck out for want of prosecution, on the withdrawal or striking out of the appeal; or
 - (c) an appeal is brought and is not withdrawn or struck out, if and when the appeal is dismissed.

- (7) A member whose name is struck off the register in pursuance of a direction of the Tribunal under this section may be re-registered if his conduct is satisfactory to the Council and the Council so directs in writing except where the member has been convicted of a criminal offence (*Hon. Amir Tukur — Bakori/Danja Federal Constituency*).

Question that Clause 18 stands part of the Bill — Agreed to.

PART IV — OFFENCES

Clause 19: Offences.

- (1) Any person who, for the purpose of procuring the registration of any name qualification or other matter —
- (a) makes a statement which he believes to be false in a material particular; or
 - (b) recklessly makes a statement which is false in a particular; commits an offence.
- (2) If on or after the commencement of this Bill, a person who is not a member of the Council practice or holds himself out to practice for or in expectation of reward or takes or uses any name, title, addition or description implying that he is a member of the Council, he commits an offence.
- (3) A person who practice the profession without a qualifying Certificate or Diploma and without being Licensed by the Council in addition to such qualification commits an offence and is liable on conviction to —
- (a) a fine of an amount not less than ₦100,000 for a first offender;
 - (b) imprisonment for a term not exceeding 2 years, or both.
- (4) Subsection (2) of this section shall not apply in respect of anything done by a person falling within section 20 (1) of this Bill —
- (a) during the period of 6 months mentioned in section 20 of this Bill; and
 - (b) if within that period he duly applies for membership of the Council then, unless within that period he is notified that his application has not been approved, this subsection shall not apply in respect of anything done by him between the end of that period and the date on which he is registered or is notified.
- (5) If the Registrar or any other person employed by or on behalf of the Council willfully makes any falsification in any matter relating to the register, he or she has committed an offence.
- (6) A person who commits an offence under this section, except as provided in subsection (3) of this section, is liable on conviction to —
- (a) a fine of any amount not exceeding ₦150,000;
 - (b) to imprisonment for a term not exceeding 2 year, or both.

- (7) Where an offence under this section which has been committed by a body corporate is proved to have been committed with the consent or connivance of or to be attributable to any neglect, on the part of any director, manager, secretary or any other similar officer of the body corporate or any person purporting to act in that capacity, he or she as well as the body corporate, shall be deemed to have committed the offence and is liable on conviction to be a fine of ₦5,000,000 (Five Million Naira) (*Hon. Amir Tukur — Bakori/Danja Federal Constituency*).

Question that Clause 19 stands part of the Bill — Agreed to.

PART V — MISCELLANEOUS

Clause 20: Application of this Bill to Unregistered Practitioners.

- (1) At the commencement of this Bill —
- (a) a person who holds a Certificate or Diploma in Pharmaceutical Technology or Pharmacy Techniques from an Institution either in Nigeria or abroad approved pursuant to section 15 (1) of this Bill, shall, within 6 months of the commencement of this Bill, apply to be licensed by the Council in order to be allowed to practice the profession in Nigeria;
 - (b) a person who has obtained a qualification in a cadre in the health sector that is related to the profession and listed among the cadre that may be allowed to practice the profession shall apply to the Council for a license and the Council may grant the person license if —
 - (i) he has trained for 12 months in a workshop organized by the Council; and
 - (ii) he has passes the qualifying exam at the conclusion of the workshop.
- (2) The Council shall from time to time review the list of cadre in the health sector that is related to the profession pursuant to the provisions of subsection (1) (b) of this section and make rules stopping the application of the provision of that subsection (*Hon. Amir Tukur — Bakori/Danja Federal Constituency*).

Question that Clause 20 stands part of the Bill — Agreed to.

Clause 21: When a Person is Deemed to Practice as a Member of the Profession.

A person shall be deemed to practice the profession if for consideration of remuneration received or to be received, he, and either by himself or in partnership with any person —

- (a) engages himself in the practice of the profession or holds himself out to the public as a member of the profession;
- (b) renders professional service or assistance in or about matters of principle or detail relating to the profession; or

- (c) renders any other services which may by regulations made by the Council, with the approval of the Minister be designated as service constituting practice as a professional (*Hon. Amir Tukur — Bakori/Danja Federal Constituency*).

Question that Clause 21 stands part of the Bill — Agreed to.

Clause 22: Rules as to Articles, etc.

- (1) The Council may make rules —
- (a) registered members of the Council to train suitable persons as Pharmaceutical Technologists and Pharmacy Technicians;
 - (b) the supervision and regulation of the engagement, training and transfer of persons trained pursuant to subparagraph (a).
- (2) The Council may make rules —
- (a) prescribing the form of license to practice to be issued annually or if the council deems fit, by endorsement on an existing license;
 - (b) prescribing the fees to be paid by members of the profession;
 - (c) restricting the right to practice in default of payment of the amount of the annual subscription where the default continues for a longer period than that prescribed in the rules.
- (3) The Chairman of the Council may direct that rules made under this section be published in the Gazette (*Hon. Amir Tukur — Bakori/Danja Federal Constituency*).

Question that Clause 22 stands part of the Bill — Agreed to.

Clause 23: Honorary Membership.

The Council shall be free to award honorary membership of the Council to persons whom it considers worthy of the honour, on terms and conditions prescribed by the council and approved by the Council in the general meeting (*Hon. Amir Tukur — Bakori/Danja Federal Constituency*).

Question that Clause 23 stands part of the Bill — Agreed to.

Clause 24: Provision of Library Facilities, etc.

The Council shall —

- (a) provide and maintain a library comprising of books and publication for the advancement of knowledge of the profession and other books and publications as the Council may think necessary for the purpose; and
- (b) encourage research into the profession and allied subjects as may be relevant to the profession to the extent that the Council may from time to time consider necessary (*Hon. Amir Tukur — Bakori/Danja Federal Constituency*).

Question that Clause 24 stands part of the Bill — Agreed to.

Clause 25: Power of the Minister to Give Directions to the Council.

The Minister may give to the Council directions of a general nature relating either generally or particular, matters (but not to an individual matter or case) with regard to the exercise of its functions by the Council and it shall be the duty of the Council to comply with the directives (*Hon. Amir Tukur — Bakori/Danja Federal Constituency*).

Question that Clause 25 stands part of the Bill — Agreed to.

Clause 26: Regulations.

- (1) Any regulations made under this Bill shall be sent to the Minister not later than 7 days before they are published in the Gazette.
- (2) Rules made for the purpose of this Bill shall be subject to confirmation by the Council at its next general meeting or at any special meeting of the Council convened for the purpose and if then annulled, shall cease to have effect on the day after the date of annulment, but without prejudice to anything done in pursuance or intended pursuant to the rules.
- (3) The Council may with the approval of the Minister make regulations directing the method and manner in which it shall carry out its business under this Bill (*Hon. Amir Tukur — Bakori/Danja Federal Constituency*).

Question that Clause 26 stands part of the Bill — Agreed to.

Clause 27: Transfer to the Council of Certain Assets and Liabilities.

- (1) On the commencement of this Bill —
 - (a) all necessary Assets for the starting up of operation by the Council shall be jointly provided by the Federal Ministry of Health, States Ministries of Health, National Association of Pharmaceutical Technologists and Pharmacy Technicians of Nigeria; and the Medical and Health Workers Union of Nigeria; and
 - (b) the provision of schedules 5 to this Bill shall have effect with respect to the proportion in which the bodies stated in subsection (1) of this section shall provide the necessary Assets for the take-off of the Council (*Hon. Amir Tukur — Bakori/Danja Federal Constituency*).

Question that Clause 27 stands part of the Bill — Agreed to.

Clause 28: Interpretation.

In this Bill:

"Association" means the National Association of Pharmaceutical Technologists and Pharmacy Technicians of Nigeria (NAPPTON) registered under the Companies and Allied Matter Act (*Hon. Amir Tukur — Bakori/Danja Federal Constituency*).

Question that the meaning of the word "Association" be as defined in the interpretation to this Bill — Agreed to.

"Council" means the Council established as the governing body of the board under section 5 of this Bill (*Hon. Amir Tukur — Bakori/Danja Federal Constituency*).

Question that the meaning of the word "Council" be as defined in the interpretation to this Bill — Agreed to.

"Tribunal" means the Board Disciplinary Tribunal established under section 17 subsections (1) of this Bill (*Hon. Amir Tukur — Bakori/Danja Federal Constituency*).

Question that the meaning of the word "Tribunal" be as defined in the interpretation to this Bill — Agreed to.

"Enrolled" in relation to a fellow, member, associate and affiliate member means registered in the part of the register relating to fellow, members or affiliate member as the case may be (*Hon. Amir Tukur — Bakori/Danja Federal Constituency*).

Question that the meaning of the word "Enrolled" be as defined in the interpretation to this Bill — Agreed to.

"Fees" includes annual subscription (*Hon. Amir Tukur — Bakori/Danja Federal Constituency*).

Question that the meaning of the word "Fees" be as defined in the interpretation to this Bill — Agreed to.

"Member of the Council" means a registered member of the Council and includes the Chairman (*Hon. Amir Tukur — Bakori/Danja Federal Constituency*).

Question that the meaning of the words "Member of the Council" be as defined in the interpretation to this Bill — Agreed to.

"Minister" means the Minister charged with the responsibility for matters relating to Health (*Hon. Amir Tukur — Bakori/Danja Federal Constituency*).

Question that the meaning of the word "Minister" be as defined in the interpretation to this Bill — Agreed to.

"NAFDAC Act" means National Agency for Food and Drug Administration and Control Act, Cap. N1, Laws of the Federation of Nigeria, 2004 (*Hon. Amir Tukur — Bakori/Danja Federal Constituency*).

Question that the meaning of the words "NAFDAC Act" be as defined in the interpretation to this Bill — Agreed to.

"Panel" means the Council's Investigating Panel established under section 17 (*Hon. Amir Tukur — Bakori/Danja Federal Constituency*).

Question that the meaning of the word "Panel" be as defined in the interpretation to this Bill — Agreed to.

"Profession" means the profession of Pharmaceutical Technologies and Pharmacy Techniques (*Hon. Amir Tukur — Bakori/Danja Federal Constituency*).

Question that the meaning of the word "Profession" be as defined in the interpretation to this Bill — Agreed to.

"Pharmacy Technician" means a person who has been trained in Institutions recognized by the Council including Schools or Colleges of Health Technology, Teaching Hospitals and Polytechnics and has obtained a Certificate or Diploma in Pharmacy Technique or Pharmaceutical Technology and by virtue of the qualification

can mix, compound, prepare, dispense and supply non-scheduled Pharmaceutical products, and Primary Health care essential drugs (*Hon. Amir Tukur — Bakori/Danja Federal Constituency*).

Question that the meaning of the words "Pharmacy Technician" be as defined in the interpretation to this Bill — Agreed to.

"Pharmaceutical Technologist" means a person who is first, a Pharmacy Technician and has in addition to that, attained advance training and a qualification of Higher National Diploma or its equivalent in Pharmaceutical Technology (*Hon. Amir Tukur — Bakori/Danja Federal Constituency*).

Question that the meaning of the words "Pharmaceutical Technologist" be as defined in the interpretation to this Bill — Agreed to.

"President" means the President and Commander-in-Chief of the Armed Forces of the Federal Republic of Nigeria (*Hon. Amir Tukur — Bakori/Danja Federal Constituency*).

Question that the meaning of the word "President" be as defined in the interpretation to this Bill — Agreed to.

"Principal Officers of the Council" means the Chairman, Deputy Chairman, Vice Chairman, Registrar and Zonal Deputy Registrars of the Board (*Hon. Amir Tukur — Bakori/Danja Federal Constituency*).

Question that the meaning of the words "Principal Officers of the Council" be as defined in the interpretation to this Bill — Agreed to.

"Register" means the register containing the names and particulars of qualified members of the Board maintained pursuant to section 10 of this Bill (*Hon. Amir Tukur — Bakori/Danja Federal Constituency*).

Question that the meaning of the word "Register" be as defined in the interpretation to this Bill — Agreed to.

"registered member" means a member of the National Association of Pharmaceutical Technologists and Pharmacy Technicians of Nigeria whose name has been registered by the Pharmaceutical Technologists and Pharmacy Technicians Council; and (*Hon. Amir Tukur — Bakori/Danja Federal Constituency*).

Question that the meaning of the words "registered member" be as defined in the interpretation to this Bill — Agreed to.

"Registrar" means the Registrar of the Pharmaceutical Technologists and Pharmacy Technicians Council under section 10 of this Bill (*Hon. Amir Tukur — Bakori/Danja Federal Constituency*).

Question that the meaning of the word "Registrar" be as defined in the interpretation to this Bill — Agreed to.

Question that Clause 28 stands part of the Bill — Agreed to.

Clause 29: Citation.

This Bill may be cited as the Pharmaceutical Technologists and Pharmacy Technicians Regulatory Council of Nigeria Bill, 2020 (*Hon. Amir Tukur — Bakori/Danja Federal Constituency*).

Question that Clause 29 stands part of the Bill — Agreed to.

SCHEDULES

SCHEDULES 1

**PHARMACEUTICAL TECHNOLOGISTS AND PHARMACY
TECHNICIANS REGULATORY COUNCIL OF NIGERIA**

Registration Form

Enrolment number:.....

Date:.....

- 1. Name of member Mr/Mrs/ Miss:.....
- 2. Date of Birth:.....
- 3. Year of Qualification:.....
- 4. School Attended:.....
- 5. State of Origin:.....
- 6. Present Station:.....
- 7. Home Address:.....
- 8. Official Address:.....
- 9. Nationality:.....
- 10. Religion:.....
- 11. (a) Next of Kin:.....
- (b) Address of Next of Kin:.....
- 12. Referees:.....
- (a) Name:.....
- Address:.....
- Signature:.....
- (b) Name:.....
- Address:.....
- Signature:.....

13. I undertakes that the above information is true.

.....
Signature of Member

FOR OFFICIAL USE ONLY

Name of State Chairman of NAPTTON:.....

Name of State Secretary NAPTTON:.....

Approved or not Approved:.....

.....
Chairman Registrar
(Hon. Amir Tukur — Bakori/Danja Federal Constituency).

Question that the provisions of Schedule 1 stand part of the Bill — Agreed to.

SCHEDULES 2

PHARMACEUTICAL TECHNOLOGISTS AND PHARMACY
TECHNICIANS REGULATORY COUNCIL OF NIGERIA

License to Practice

License No:.....

This is to certify that

Mr/Mrs/Miss/Chief:..... is licensed to practice as a:

- (a) Pharmaceutical Technologist;
- (b) Pharmacy Technician.

This license is given for the period of to

.....
Chairman Registrar
(Hon. Amir Tukur — Bakori/Danja Federal Constituency).

Question that the provisions of Schedule 2 stand part of the Bill — Agreed to.

SCHEDULE 3

SUPPLEMENTARY PROVISIONS IN RELATION TO THE COUNCIL

- 1. (1) Subject to the provision of this paragraph, every elected principal officer of the Council shall holds office for one year in the first instance and shall be eligible for reelection for a further term of one year in the same office beginning with the date of this appointment election.

- (2) An officer of the Council who ceases to be a member shall, if he is also a member of the Council, cease to hold office in the Council.
- (3) An appointed member may, by notice in writing under his hand addressed to the Minister resign his office.
- (4) A person who retires from or otherwise ceases to be a member of the Council shall be eligible to be re-elected or re-appointed a member of the Council.
- (5) Where a member vacates his elected office for any reason, the council shall, if the unexpired period of his term of office warrants the filling of the vacancy, notify the Minister to recommend an appropriate member to the President for appointment for the unexpired term.
- (6) A person appointed pursuant to subsection (5) may on completion of the unexpired term, be re-appointed if he so qualifies.
- (7) The Council shall be constituted a month before the end of an existing term of office.

Powers of Council

2. (1) The Council shall have power to manage the Board's business and in particular —
 - (a) do anything which in its opinion is calculated to facilitate the activities of the Council;
 - (b) exercise all powers of the Council to borrow money, within Nigeria or overseas, subject to the banking laws of the country, mortgage or charge its undertaking and property or any part thereof and to issue off the debentures, debenture stocks, and other securities whether outright or as security for any debt, liability or obligation of the Council;
 - (c) set up as soon as practicable the general meeting, an executive committee of Council which shall meet regularly and carry out the normal business of Council between the regular meetings of Council; and
 - (d) may at any time establish a branch of the Council in any locality within the country.
- (2) The Council shall have power to make, alter and repeal any regulations as it may deem necessary for the proper conducts and management of the Council
- (3) The Council shall adopt means as it deems sufficient to bring to the notice of the Council and all its members, regulations, alterations and repeals made under the powers conferred by this Bill and no regulations shall be inconsistent with, affect or repeal anything contained in this Bill or constitute an amendment of or addition to this Bill, and where a regulation is inconsistent with the provisions of this Bill, that regulation shall be void to the extent of its inconsistency.

Proceedings of the Council

3. (1) Subject to the provisions of this Bill, and section 27 of the interpretation Act, the Council may in the name of the Board make standing orders regulating the proceedings of the Board or of the Council, and in the exercise of its power under

this Bill may set up committees in the general interest of the Council and make standing orders in that regard.

- (2) The standing order shall provide for decisions to be taken by a majority of the members and in the event of equality of votes, the Chairman shall have a second casting vote.
- (3) Standing orders made for a committee shall be for the committee to report back to the Council on any matter referred to it by the Council.
- (4) The quorum of the Council shall be five and the quorum of the committee of the Council shall be fixed by the Council.

Meeting of the Council

4. (1) Subject to the provisions of any standing orders of the Council, the Council shall meet biannually or whenever it is summoned by the Chairman and if the Chairman is required to do so notice in writing given to him by not less than five other members of the Council, he shall summon a meeting of the Council to be held fourteen days from the date on which the notice is given.
- (2) At any meeting of the Council, the Chairman or in his absence the Deputy Chairman shall preside; but if both of them are absent, the Vice Chairman shall preside.
- (3) Where the Council desires to obtain the advice of any person on a particular matter, the Council may co-opt him as a member for a period as the Council deems fit; but a person who is a member by virtue of this sub-paragraph, shall not count towards a quorum.
- (4) Notwithstanding anything in the foregoing provisions of this paragraph, the first meeting of the Council shall be convened after consultation with the Minister.

Committees

5. (1) The Council may appoint one or more regular or *Ad-hoc* committees to assist in carrying out, on behalf of the Council such functions as the Council may determine.
- (2) A committee appointed under this paragraph shall consist of the number of persons determined by the Council of whom not more than one third may be persons who are not members of the Council.
- (3) A person other than a member of the Council shall hold office on the committees in accordance with the terms of the letter by which he is appointed.
- (4) A decision of a committee shall be of no effect until it is confirmed by the Council.
6. (1) The fixing of the seal of the Council shall be authenticated by the signature of the Chairman or of some other members of the Council authorized generally or specially by the Council to act for that purpose.
- (2) Any contract or instrument which, if made or executed by a person not being body corporate, will not be required to be under seal, may be made or executed on behalf of the Board or of the Council, as the case may require, by any person generally or specially authorized to act for that purpose by the Council.

- (3) Any document purporting to be a document duly executed under the seal of the Council shall be received and shall, unless the contrary is proved, be deemed to be so executed.
7. The validity of any proceedings of the Board, Council or a committee shall not be adversely affected by any vacancy in membership or any defect in the appointment of a member of the Board, Council or of a person to serve on a committee or by reason that a person not entitled to do so took part in the proceedings.
8. Any member of the Council and any person holding office on a committee of the Council, who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Council shall immediately disclose his interest to the President of the Council and shall not vote on any question relating to the contract or arrangement.
9. A person shall not by any reason only of the membership of the Council be treated as holding an office in the Public Service of the Federation (*Hon. Amir Tukur — Bakori/Danja Federal Constituency*).

Question that the provisions of Schedule 3 stand part of the Bill — Agreed to.

SCHEDULE 4

SUPPLEMENTARY PROVISION RELATING TO THE DISCIPLINARY TRIBUNAL AND INVESTIGATING PANEL

The Disciplinary Tribunal

1. The quorum of the Tribunal shall be 5 members.
2. (1) The Attorney-General of the Federation may make rules as to the selection of members of the Tribunal for the purpose of any proceeding, and as to the procedure to be followed and the rules of the evidence to be observed in proceedings before the Tribunal.
- (2) The rules shall provide —
- (a) for securing that notice of the proceeding shall be given at such time and in such manner as may be specified by the rules to a person who is the subject who is the subject of a proceeding;
- (b) for determining who in addition to the person aforesaid, shall be a party to the proceedings;
- (c) for securing that any party to the proceedings shall, if he so requests, be entitled to be heard by the Disciplinary Tribunal;
- (d) for securing that any party to the proceedings may be represented by a legal practitioner;
- (e) subject to the provisions of section 18 (5) of this Bill, as to the costs of proceedings before the Tribunal;
- (f) for requiring, in a case where it is alleged that a person who is the subject of the proceedings is guilty of infamous conduct in any professional respect, that where the Tribunal adjudges that the allegation has not been proved it

shall record a finding that the person is not guilty of the conduct in respect of the matters to which the allegation relates; and

- (g) for publishing in the Gazette, notice of any direction of the Tribunal which has taken effect providing that a person's name shall be struck off a register.

3. For the purpose of any proceedings before the Tribunal, any member of the Tribunal may administer oaths and any party to the proceedings may issue out of the registry of the High Court writs of subpoena ad testificandum or duces tecum; but no person appearing before the Tribunal shall be compelled —

- (a) to make any statement before the Tribunal tending to incriminate himself; or
 (b) to produce any document under such a writ which he could not be compelled to produce at the trial of an action.

4. (1) For the purpose of advising the Tribunal on questions of Law arising in proceedings before it, there shall in all such proceedings be an assessor to the Tribunal who shall be appointed by the Council on the nomination of the Attorney- General of the Federation and shall be a legal practitioner of not less than 10 years standing.

- (2) The Attorney-General of the Federation shall make rules as to the functions of the assessors appointed under this paragraph and in particular the rules shall contain provisions for securing —

- (a) that where an assessor advises the Tribunal on any question of law as to evidence, procedure or any other matter specified by the rules, he shall do so in the presence of every party or person representing a party to the proceedings who appears at the proceeding or, if the advice is tendered while the Tribunal is deliberating in private, that every such party or person shall be informed of what advice the assessor has tendered; and

- (b) that every party or person as mentioned in paragraph (a) shall be informed if in any case the Tribunal does not accept the advice of the assessor on the question.

- (3) Any assessor may be appointed under this paragraph, either generally or for a particular proceeding or class of proceedings and shall hold and vacate office in accordance with the terms of the letter by which he is appointed.

The Panel

5. The quorum of the Panel shall be three.

6. (1) The panel may, at any of its meeting attended by its members make standing orders with respect to the Panel.
 (2) The Panel may regulate its own procedure subject to the provisions of any standing orders made pursuant to subparagraph (1).

Miscellaneous

7. (1) A person who has ceased to be a member of the Tribunal or the Panel shall be eligible for re-appointment as a member of the Tribunal or Panel, as the case may be.

- (2) 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.
8. 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 7 (2) of this schedule) by reason of the fact any person who was not entitled to do so took part in the proceedings of that body.
9. The Council shall defray the cost of serving any document authorised or required by virtue of this Bill to be served on the Tribunal or the Panel.
10. Any expenses of the Tribunal or the Panel shall be defrayed by the Council (*Hon. Amir Iukur — Bakori/Danja Federal Constituency*).

Question that the provisions Schedule 4 stand part of the Bill — Agreed to.

SCHEDULE 5

PROPORTIONAL PROVISION OF ASSETS NECESSARY FOR THE TAKE-OFF OF THE COUNCIL

Transfer of Assets and liabilities.

1. The proportion in which the assets necessary for the take-off of the Council shall be provided shall be as follows —
- (a) the Federal Government shall provide 25% of the assets;
- (b) the 36 States of the Federation shall provide 50% of the assets in equal proportion among the States;
- (c) National Association of Pharmaceutical Technologists and Pharmacy Technicians of Nigeria shall provide 10% of the assets; and
- (d) Medical and Health Workers' Union of Nigeria shall provide 15% of the assets.

Commencement of Functions etc.

2. (1) The Council shall be constituted at the commencement of this Bill and at its first meeting and the Council shall fix a date (not later than six months after the commencement of this Bill) for the first biannual general meeting of the Council.
- (2) The members of the Association shall be deemed to be members of the Council until the date determined in pursuance of sub-paragraph (1) when the Board shall have its first biannual meeting and they shall cease to be members unless they are licensed to practice the profession in accordance to the provisions of this Bill and the Rules made by the Council.
- (3) Any person who, immediately before the commencement of this Bill held office as the President, Deputy President, and Secretary General of the Association shall on commencement of this Bill become the Chairman, Deputy Chairman and Vice Chairman of the board; the Registrar of the Board shall be appointed from among committed members of the Association on the recommendation of the Chairman and shall be deemed to have been appointed on the following conditions:

- (a) that the tenure of office at the commencement of the Council shall be equivalent with the tenure of office of the Association;
- (b) the date of termination of office shall be the same as the date of termination of the existing term of office in the Association; and
- (c) the officials of the Council so appointed shall qualify for reappointment only if they are re-elected into the same office in the Association (*Hon. Amir Tukur — Bakori/Danja Federal Constituency*).

Question that the provisions of Schedule 5 stand part of the Bill — Agreed to.

Explanatory Memorandum:

This Bill seeks to establish the Pharmaceutical Technologists and Pharmacy Technicians Regulatory Council, to among other things:

- (a) determine what standards of knowledge and skill are to be attained by persons seeking to become Pharmaceutical Technologists and Pharmacy Technicians;
- (b) promote the highest standard of competence, practice and conduct among members of the profession; and
- (c) ensure that determined standards are strictly observed (*Hon. Amir Tukur — Bakori/Danja Federal Constituency*).

Agreed to.

Long Title:

A Bill for an Act to Establish the Pharmaceutical Technologists and Pharmacy Technicians Regulatory Council of Nigeria to be Vested the Responsibility of Determining Standards of Knowledge and Skills to be Attained by Persons Seeking to Become Pharmaceutical Technologists and Pharmacy Technicians and for Related Matters (HB. 459) (*Hon. Amir Tukur — Bakori/Danja Federal Constituency*).

Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in Committee of the Whole considered the Report on a Bill for an Act to Establish the Pharmaceutical Technologists and Pharmacy Technicians Regulatory Council of Nigeria to be Vested with the Responsibility of Determining the Standards of Knowledge and Skills to be Attained by Persons seeking to Become Pharmaceutical Technologists and Pharmacy Technicians; and for Related Matters (HB. 459) approved Clauses 1 - 29, the Schedules, the Explanatory Memorandum, and the Long Title of the Bill.

Question that the House do adopt the Report of the Committee of the Whole — Agreed to.

- (iii) ***A Bill for an Act to Repeal the Federal Capital Territory, Abuja Area Courts Act, 2010 and Enact the Federal Capital Territory, Abuja Area Courts Bill to, among other things, Expand the Jurisdiction of the Area Courts to entertain both Civil and Criminal Matters; and for Related Matters (HB. 67) (Committee of the Whole):***

Motion made and Question proposed, "That the House do consider the Report on a Bill for an Act to Repeal the Federal Capital Territory, Abuja Area Courts Act, 2010 and Enact the

Federal Capital Territory, Abuja Area Courts Bill to, among other things, Expand the Jurisdiction of the Area Courts to entertain both Civil and Criminal Matters; and for Related Matters (HB. 67)" (*Hon. Munir B. Dan Agundi — Kumbotso Federal Constituency*).

Agreed to.

Question that the House do resolve into the Committee of the Whole to consider the Report — Agreed to.

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

A BILL FOR AN ACT TO REPEAL THE FEDERAL CAPITAL TERRITORY ABUJA AREA COURTS (REPEAL AND ENACTMENT) ACT, 2010 AND ENACT THE FEDERAL CAPITAL TERRITORY ABUJA AREA COURTS ACT TO, AMONG OTHER THINGS; EXPAND THE JURISDICTION OF THE AREA COURTS TO ENTERTAIN BOTH CIVIL AND CRIMINAL; AND FOR RELATED MATTERS

PART I — ESTABLISHMENT AND CONSTITUTION OF AREA COURTS

Clause 1: Establishment of Area Courts.

- (1) There is established such grades of Area Court for the Federal Capital Territory, Abuja.
- (2) An Area Court shall exercise the jurisdiction conferred upon it by or under this Bill within the area and to the extent specified.
- (3) The Grand Kadi, shall assign to each Area Court established in pursuance of this section such name and shall issue a warrant under his hand in respect of such court.
- (4) Except otherwise stated, a warrant issued under this section shall come to force on the day of publication in the Official Gazette.
- (5) The Grand Kadi, may at any time suspend, cancel or vary any warrant establishing an Area Court or specifying the area within which, or the extent to which, the powers of an Area Court may be exercised.
- (6) The Grand Kadi shall cause the jurisdiction of each Area Court to be published from time to time in the Official Gazette (*Hon. Munir Babba Dan'Agundi — Kumbotso Federal Constituency*).

Question that Clause 1 stands of the Bill — Agreed to.

Clause 2: Constitution and membership of Area Courts.

- (1) An Area Court shall consist of an Area Court Judge sitting alone.
- (2) Every Judge of an Area Court shall be an officer in the Public Service (*Hon. Munir Babba Dan'Agundi — Kumbotso Federal Constituency*).

Question that Clause 2 stands of the Bill — Agreed to.

Clause 3: Qualification of Area Court Judge.

A person shall not be qualified for an appointment as an Area Court Judge unless:

- (a) he is a legal practitioner, learned in Islamic Law or;
- (b) he holds a degree in Sharia or related discipline. Provided that a person holding the office of an Area Court Judge before the commencement of this Bill, not being a legal practitioner, learned in Islamic Law or holder of a degree in Sharia or related discipline shall continue to hold such office and act in that capacity (*Hon. Munir Babba Dan'Agundi — Kumbotso Federal Constituency*).

Question that Clause 3 stands of the Bill — Agreed to.

Clause 4: Discipline of members of Area Courts.

- (1) Subject to the provisions of any written law, the Judicial Service Committee shall appoint and exercise disciplinary power on an Area Court Judge —
 - (a) who appears to have abused his power or to be incapable of exercising the same justly; and
 - (b) for other sufficient reason.
- (2) The appointment and discipline of an Area Court Judge shall be in accordance with the rules and regulations applicable to Area Court Judges (*Hon. Munir Babba Dan'Agundi — Kumbotso Federal Constituency*).

Question that Clause 4 stands of the Bill — Agreed to.

Clause 5: Sessions.

- (1) Subject to the provisions of any written law, an Area Court shall hold sessions at such times and places as may be necessary for the convenient and speedy dispatch of the business of the court.
- (2) The Grand Kadi may direct that sessions shall be held at times and places he deems fit (*Hon. Munir Babba Dan'Agundi — Kumbotso Federal Constituency*).

Question that Clause 5 stands of the Bill — Agreed to.

Clause 6: Indemnity of members of Area Courts.

An Area Court Judge shall not be personally liable for any act done by him or ordered by him to be done in the discharge of his judicial duty, whether or not within the limits of his jurisdiction: Provided that he, at the time in good faith, believed himself to have jurisdiction to do or order to be done the act in question (*Hon. Munir Babba Dan'Agundi — Kumbotso Federal Constituency*).

Question that Clause 6 stands of the Bill — Agreed to.

PART II — STAFF OF AREA COURTS

Clause 7: Staff of the Court.

- (1) Staff of Area Courts shall be officers in the Public Service of the Federation.
- (2) There shall be appointed a Registrar or Clerk and such other staff as may be required by an Area Court.
- (3) The duties of the Registrar or Clerk shall include —

- (a) prepare warrants and writs;
- (b) register orders and judgments;
- (c) keep records of moneys received or paid by the court; and
- (d) perform such duties in the execution of the powers and authorities of the court as may be assigned to him by the rules or special order of the court (*Hon. Munir Babba Dan'Agundi — Kumbotso Federal Constituency*).

Question that Clause 7 stands of the Bill — Agreed to.

Clause 8: Delegation of duties.

A Registrar or Clerk may, with the consent of the Area Court Judge, delegate any of the duties assigned to him to any other servant of the court, and in every such case, such servant shall be governed in respect of his duties by the orders and directions of the Registrar or Clerk (*Hon. Munir Babba Dan'Agundi — Kumbotso Federal Constituency*).

Question that Clause 8 stands of the Bill — Agreed to.

Clause 9: Bailiff and messengers.

- (1) Such bailiffs or messengers as may be required shall be appointed to every Area Court.
- (2) A person appointed under subsection (1) of this section shall —
 - (a) effect the service and execution of all writs and other process which he may receive from the Area Court to which he is attached;
 - (b) make all necessary returns in relation to such writs and processes;
 - (c) carry out other duties as may be prescribed by rules made under this Bill; and
 - (d) at all times when he is not engaged in duties which necessitate his absence from the Area Court, attend the Area Court and obey all the lawful directions of the Court.
- (3) An Area Court may authorize a police officer to perform all or any of the duties mentioned in subsection (2) of this section in so far as they relate to the criminal jurisdiction of the court and any police officer who is in possession of any criminal process shall be presumed to be authorized to execute such process unless the contrary is proved.
- (4) Subject to the provisions of subsection (3) of this section, no person other than a duly appointed bailiff or messenger shall carry out, purport or attempt to carry out any of the duties mentioned in subsection (2) of this section (*Hon. Munir Babba Dan'Agundi — Kumbotso Federal Constituency*).

Question that Clause 9 stands of the Bill — Agreed to.

Clause 10: Indemnity of staff of Area Courts.

No member of the staff of any Area Court or other person bound to execute lawful warrants or orders issued or made in the exercise of jurisdiction conferred by this Bill is liable to be sued in any court for the execution of any warrant or order which he would be bound to execute if the person issuing the same had been acting in the exercise of lawful authority (*Hon. Munir Babba Dan'Agundi — Kumbotso Federal Constituency*).

Question that Clause 10 stands of the Bill — Agreed to.

PART III — JURISDICTION OF AREA COURT**Clause 11: Institution of proceedings in Area Courts.**

- (1) Subject to the provisions of this Bill and of any other written law, any person may institute any cause or matter in an Area Court.
- (2) A person who institutes or prosecutes any cause or matter in an Area Court under subsection (1) of this section shall, in that cause or matter be subject to the jurisdiction of that Area Court and of any other court exercising jurisdiction in that cause or matter (*Hon. Munir Babba Dan'Agundi — Kumbotso Federal Constituency*).

Question that Clause 11 stands of the Bill — Agreed to.

Clause 12: Persons subject to jurisdiction of Area Courts.

- (1) Subject to the provision of this Bill and of any other written law, the following persons shall be subject to the jurisdiction of Area Court —
 - (a) any person who is a Muslim;
 - (b) any other person in a cause or matter in which any law, other than Islamic Law, applies (*Hon. Munir Babba Dan'Agundi — Kumbotso Federal Constituency*).

Question that Clause 12 stands of the Bill — Agreed to.

Clause 13: Inquiry by High Court whether person is subject to jurisdiction of Area Courts.

- (1) Where at any stage of the proceedings before final judgment in any cause or matter in an Area Court, a person alleges that he is not subject to the jurisdiction of Area Court, the proceedings shall on the application of that person to the High Court be transferred to the High court, which shall inquire into and determine the truth of the person's allegation.
- (2) Upon such determination as mentioned in subsection (1), the High Court shall make such order for the trial of the proceedings in the High Court, Magistrate Court, District Court, Area Court or Customary Court as the circumstance of the case may seem just.
- (3) The applicant shall give notice to the Area Court of the application made by him under subsection (1) of this section and the application shall operate as a stay of the proceedings in the Area Court until the High Court has made an order under subsection (2) of this section (*Hon. Munir Babba Dan'Agundi — Kumbotso Federal Constituency*).

Question that Clause 13 stands of the Bill — Agreed to.

Clause 14: Criminal and Civil jurisdiction of Area Courts.

An Area Court, subject to the provisions of this Bill, the Criminal Procedure Code Act and the Administration of Criminal Justice Act, shall have jurisdiction to try all criminal causes and matters in which the parties are subject to the jurisdiction of the Court and in all Civil Causes shall have jurisdiction and power, to the extent set out in the warrant establishing it:

PROVIDED that in all Criminal Causes and Matters the presiding Area Court Judge shall be a legal practitioner (*Hon. Munir Babba Dan'Agundi — Kumbotso Federal Constituency*).

Question that Clause 14 stands of the Bill — Agreed to.

Clause 15: Place of trial of criminal cases.

(1) The place of trial of all criminal causes shall be determined in accordance with the provisions of the Criminal Procedure Code Act, the Administration of Criminal Justice Act or any other written law in force.

Place of trial of Civil Cases.

(2) All civil causes or matters shall be tried and determined by an Area Court which has jurisdiction over the area —

- (a) in which the defendant is ordinarily resident;
- (b) in which the defendant was at the time when the cause of action arose; or
- (c) where the transaction occurred (*Hon. Munir Babba Dan'Agundi — Kumbotso Federal Constituency*).

Question that Clause 15 stands of the Bill — Agreed to.

Clause 16: Law to be administered in Criminal and Civil Cases.

Subject to the provisions of this Bill, an Area Court:

- (a) in all criminal causes and matters shall administer the provisions of:
 - (i) the Penal Code Act, the Criminal Procedure Code Act, the Administration of Criminal Justice Act and any subsidiary legislation made there under.
 - (ii) any written law which the court may be authorized to enforce by any order made by the President in respect of Federal Matters and within the local limits of the jurisdiction of such courts all or any of the provisions of any written law made applicable to the Federal Capital Territory, Abuja; and
- (b) In all Civil Causes and Matters administer:
 - (i) Islamic Law of the Maliki School of Jurisprudence,
 - (ii) Common Law,
 - (iii) Doctrine of Equity, and

- (iv) Statutes of general application which were in force in England on the 1st day of January, 1900 (*Hon. Munir Babba Dan'Agundi — Kumbotso Federal Constituency*).

Question that Clause 16 stands of the Bill — Agreed to.

Clause 17: Guardianship of children.

- (1) In any matter relating to the guardianship of children, the interest and welfare of the child shall be the first and paramount consideration.
- (2) Whenever it appears to an Area Court that an order made by the court, should, in the interest of a child, be reviewed, the court may of its own motion or upon the application of any interested person, vary or discharge the order (*Hon. Munir Babba Dan'Agundi — Kumbotso Federal Constituency*).

Question that Clause 17 stands of the Bill — Agreed to.

PART IV — PRACTICE AND PROCEDURE IN AREA COURT

Clause 18: Practice and procedure generally.

Subject to the provisions of this Bill and of any other written law and any rule which may be made under section 50 of this Bill, the provisions of section 16 of this Bill shall apply in the regulation of the practice and procedure of Area Courts in civil cases and matters (*Hon. Munir Babba Dan'Agundi — Kumbotso Federal Constituency*).

Question that Clause 18 stands of the Bill — Agreed to.

Clause 19: Jurisdiction of Area Court not required to be shown on the record.

- (1) All proceedings in the Area Court shall be recorded by the Judge in English Language.
- (2) An Area Court shall record the reasons for its decisions in every cause or matter.
- (3) Where an Area Court has jurisdiction in or over any cause or matter or over the parties thereto it shall not be necessary for —
 - (a) such court to state on the face of the record of its proceeding in such cause or matter that the court has jurisdiction in or over such cause or matter or over the parties; and
 - (b) the jurisdiction of such court in or over such cause or matter or over the parties thereto to appear on or from the face of the record of its proceedings in such cause or matter (*Hon. Munir Babba Dan'Agundi — Kumbotso Federal Constituency*).

Question that Clause 19 stands of the Bill — Agreed to.

Clause 20: Appearance and representation of parties.

- (1) Legal practitioners shall have right of audience before an Area Court.
- (2) An Area Court may permit —

- (a) the husband, wife, brother, sister, son, daughter, guardian, servant, master or any inmate of the household of any party, who shall give satisfactory proof that he or she has authority in that behalf; or
 - (b) a relative of a person administering the estate of a deceased person who was subject to the Jurisdiction of an Area Court, to appear for any party before an Area Court.
- (3) Subject to the provisions of subsections (1) and (2) of this section, in the case of a local authority or in any proceeding pending before an Area Court, a local authority may be represented in Court at any stage of the proceeding by any member or officer of the local authority who shall satisfy the court that he is duly authorized in that behalf (*Hon. Munir Babba Dan'Agundi — Kumbotso Federal Constituency*).

Question that Clause 20 stands of the Bill — Agreed to.

Clause 21: Proceedings to be in open court.

- (1) The room or place which an Area court sits to hear and determine any proceedings shall be an open and public court to which the members of the public shall have a right of access while they shall be of good behaviour and to that extent to which the capacity of the court shall allow.
- (2) Provision may be made by rules of court under section 50 of this Bill for the exclusion of the public from any Area Court in cases —
 - (a) in which persons under the age of 17 years are involved; or
 - (b) where the administration of justice would be rendered impracticable by the presence of the public (*Hon. Munir Babba Dan'Agundi — Kumbotso Federal Constituency*).

Question that Clause 21 stands of the Bill — Agreed to.

PART V — TRANSFER BY AREA COURTS

Clause 22: Power of transfer by Area Court.

Area Court may order the transfer of any cause or matter either before hearing or at any stage of the proceedings before judgment is given to any other Area Court of competent jurisdiction and that other Area Court may take any course with regard to the cause or matter which it considers that justice requires (*Hon. Munir Babba Dan'Agundi — Kumbotso Federal Constituency*).

Question that Clause 22 stands of the Bill — Agreed to.

Clause 23: Remission of case to lower grade Area Court.

An Area Court may, of its own motion or upon the application of either party to a cause or matter, remit to a lower grade Area Court of competent jurisdiction which is within the territorial jurisdiction of that other lower grade Area Court, any cause or matter before it which, in its opinion, can, for purposes of convenience or otherwise, be more appropriately or expeditiously dealt with by such lower grade Area Court and upon such order being made the lower grade Area Court specified therein shall hear and determine the cause or matter, *de novo* (*Hon. Munir Babba Dan'Agundi — Kumbotso Federal Constituency*).

Question that Clause 23 stands of the Bill — Agreed to.

PART VI — ANCILLARY POWERS OF AREA COURTS

Clause 24: Power to summon witnesses.

An Area Court shall have power, subject to any limitation that may be imposed by any law, to summon before it, for the purpose of giving evidence, any person (*Hon. Munir Babba Dan'Agundi — Kumbotso Federal Constituency*).

Question that Clause 24 stands of the Bill — Agreed to.

Clause 25: Person present may be required to give evidence.

Any person present at an Area Court, whether a party or not to any cause or matter before the court, may be required by the court to give evidence as if he had been summoned to attend and give evidence (*Hon. Munir Babba Dan'Agundi — Kumbotso Federal Constituency*).

Question that Clause 25 stands of the Bill — Agreed to.

Clause 26: Evidence of person not within jurisdiction.

- (1) If, in any cause or matter, an Area Court considers that the interest of justice requires that the evidence of a person not Within the area of jurisdiction of the Area Court should be obtained before any other court or any officer, the Area Court may make an application to a Sharia Court of Appeal requesting that the evidence of the person be taken before any other court or officer in the place in which that person is.
- (2) Upon an application under subsection (1) of this section, the Sharia Court of Appeal to which the application is made, may, in its discretion, make an order in respect of the taking of the evidence of the person as it deems fit (*Hon. Munir Babba Dan'Agundi — Kumbotso Federal Constituency*).

Question that Clause 26 stands of the Bill — Agreed to.

Clause 27: Execution of judgments.

Any judgment or order given or made by an Area Court in a civil cause or matter may be enforced by seizure and sale of the property of the person against whom the judgment or order is made, or by such other methods of enforcing judgments and orders as may be prescribed by rules made under section 50 of this Bill (*Hon. Munir Babba Dan'Agundi — Kumbotso Federal Constituency*).

Question that Clause 27 stands of the Bill — Agreed to.

Clause 28: Execution of orders of other courts.

An Area Court shall —

- (a) carry into execution any decree or order of all courts or tribunal established by law which may be fully directed to them;
- (b) execute all warrants and serve all process issued by the courts or tribunal and directed to the Area Courts for execution or service; and
- (c) generally give such assistance to any court or tribunal as may berequired (*Hon. Munir Babba Dan'Agundi — Kumbotso Federal Constituency*).

Question that Clause 28 stands of the Bill — Agreed to.

Clause 29: Power to grant interim injunction or impound property.

In any cause or matter before an Area Court in which, pending final determination it is shown to the satisfaction of the Area Court that any property which is in dispute in the cause or matter is in danger of being wasted, damaged, alienated or otherwise injuriously dealt with by any party to the cause or matter, the Area Court may issue an injunction to the party commanding him to refrain from doing the particular act complained of, or alternatively, may take and keep the property in custody pending the determination of the cause or matter (*Hon. Munir Babba Dan'Agundi — Kumbotso Federal Constituency*).

Question that Clause 29 stands of the Bill — Agreed to.

Clause 30: Power to appoint receiver and manager.

- (1) An Area Court may, whenever it deems it necessary to do so for the preservation, proper custody or management of any property in dispute in a cause or matter, appoint any person as a receiver or manager to receive and take charge of the property and to deal with it in any manner as may be directed by the Area Court.
- (2) Any person appointed as a receiver or manager under subsection (1) of this section shall be responsible to the Area Court for all things done as receiver or manager, and shall account for or pay to the Area Court all moneys received in respect of any property referred to in subsection (1) of this section.
- (3) An Area Court may make an order as it deems fit in regard to the remuneration of any person appointed as receiver and manager and shall pay to the party entitled thereto all moneys in the custody of the Area Court in respect of any property referred to in subsection (1) of this section (*Hon. Munir Babba Dan'Agundi — Kumbotso Federal Constituency*).

Question that Clause 30 stands of the Bill — Agreed to.

Clause 31: Inspection.

In any cause or matter an Area Court, may on the application of either party or on its own motion —

- (a) make such order as the court may deem fit for the inspection by the Area Court, the parties or any witness of any immovable or movable property the inspection of which may be material to the proper determination of the question in dispute; and
- (b) give any direction as the court may deem fit respecting the inspection (*Hon. Munir Babba Dan'Agundi — Kumbotso Federal Constituency*).

Question that Clause 31 stands of the Bill — Agreed to.

Clause 32: General supervision of Area Courts.

- (1) Subject to the provisions of this Bill and any other written law, all Area Courts shall be subject to the general supervision of the Sharia Court of Appeal.
- (2) Without prejudice to the generality of subsection (1) of this section, if it appears to the Sharia Court of Appeal that —

- (a) it is necessary for the purpose of securing, as far as possible, a fair and impartial trial, or
- (b) it is expedient in the interest of justice generally that a particular cause or matter which is within the jurisdiction of an Area Court should not be tried by that court having jurisdiction to do so, the Sharia Court of Appeal may order that such cause or matter be tried by such other Area Court which the order may direct.
- (3) The powers of the Sharia Court of Appeal under this section may be exercised by it either on its own motion or on the application of any party to a cause or matter in an Area Court or upon report by an inspector of Area Court (*Hon. Munir Babba Dan'Agundi — Kumbotso Federal Constituency*).

Question that Clause 32 stands of the Bill — Agreed to.

Clause 33: Appointment and functions of Director of Area Courts.

- (1) The Judicial Service Committee shall appoint a Director of Area Court.
- (2) The functions of the Director of Area Court shall include —
 - (a) advising the Chief Registrar in respect of the Constitution, jurisdiction and membership of Area Courts;
 - (b) subject to the general or special directions of the Chief Registrar, the organization, guidance and supervision of Area Courts;
 - (c) transferring a matter from one court to another upon a complaint or inspecting the record of the case as the justice of the case may demand and
 - (d) any other function as may, from time to time, be conferred upon him by the Chief Registrar (*Hon. Munir Babba Dan'Agundi — Kumbotso Federal Constituency*).

Question that Clause 33 stands of the Bill — Agreed to.

Clause 34: Appointment of Chief Inspector and inspectors.

The Judicial Service Committee shall, for the purposes of this Bill, appoint Chief Inspector and Inspectors (*Hon. Munir Babba Dan'Agundi — Kumbotso Federal Constituency*).

Question that Clause 34 stands of the Bill — Agreed to.

Clause 35: Reports of cases tried.

The Chief Inspector or an Inspector may require an Area Court to submit a report to him of any case tried in that court (*Hon. Munir Babba Dan'Agundi — Kumbotso Federal Constituency*).

Question that Clause 35 stands of the Bill — Agreed to.

Clause 36: Chief Inspector and Inspector's right of access to Area Courts.

The Chief Inspector or an Inspector shall, at all times, have access to all Area Courts within the Federal Capital Territory, Abuja and to the records and proceedings of those courts (*Hon. Munir Babba Dan'Agundi — Kumbotso Federal Constituency*).

Question that Clause 36 stands of the Bill — Agreed to.

Clause 37: Supervisory powers of Chief Inspector and Inspectors.

- (1) The Chief Inspector or an Inspector shall have power, at any stage of the proceedings before final judgment, either of his own motion or on the application of any party to a cause or matter before an Area Court, by order, to stay the hearing of the cause or matter on terms as the Chief Inspector or Inspector may consider just.
- (2) Where an order under subsection (1) of this section has been made, the Chief Inspector or an Inspector may, in his discretion, adopt one or any of the following courses —
 - (a) if the cause or matter appears to be within the jurisdiction of an Area Court other than that referred to in subsection (1) of this section, he may, by the same or another order, direct that the cause or matter be inquired into, tried and determined by the Area Court which has jurisdiction over the same;
 - (b) he may direct in like manner that the cause or matter be inquired into, tried and determined by a Magistrate Court, District Court or Customary Court;
 - (c) if the cause or matter is one which in his opinion ought for any reason to be transferred from an Area Court to the Sharia Court of Appeal, he may report the case to the Sharia Court of Appeal.
- (3) No cause or matter which has been transferred by the High Court or a Magistrate Court or District Court or Customary Court to an Area Court may be reported to the Sharia Court of Appeal or transferred to the same or any other Magistrate Court, District Court or Customary Court under this section.
- (4) The court to which a cause or matter is transferred under this section shall be informed in writing of the reason for making the order of transfer and may thereafter take any course with regard to the cause or matter which it considers that justice requires.
- (5) Where a cause or matter is reported to the Sharia Court of Appeal under subsection (2) (c) of this section, the Sharia Court of Appeal shall direct in what mode and in what court the cause or matter shall be heard and determined.
- (6) Where a cause or matter is transferred from an Area Court to any other court under this section, no summons fee shall be payable in the court to which the cause or matter is transferred if the appropriate summons fee has been paid in the Area Court from which the cause or matter is transferred (*Hon. Munir Babba Dan'Agundi — Kumbotso Federal Constituency*).

Question that Clause 37 stands of the Bill — Agreed to.

Clause 38: Effect of order of transfer.

- (1) An order of transfer shall operate as a stay of proceedings before the Area Court from which the proceedings are ordered to be transferred in any cause or matter to which the order extends or is applicable, and the process and proceedings in that cause or matter, and a certified copy of the record shall

be transmitted to the court to which the same is transferred and all proceedings in the cause or matter shall be taken in the court as if the cause or matter had been commenced therein.

- (2) A report made under section 37 (2) (c) of this Bill shall operate to suspend proceedings, the subject of the report until the directions of the Sharia Court of Appeal have been given under section 37 (4) of this Bill.
- (3) The Chief Inspector or Inspector may, if it appears expedient in the first instance, transmit by post, or through any other means, the contents of any order made by him under subsection (1) of this section and the post or any other means adopted shall, until the receipt of the order, have the same validity and effect as if it were the said order (*Hon. Munir Babba Dan'Agundi — Kumbotso Federal Constituency*).

Question that Clause 38 stands of the Bill — Agreed to.

Clause 39: Review by appeal court on report of Chief Inspector or inspector.

- (1) The Chief Inspector or an Inspector, if in his opinion there has been a miscarriage of justice in any case before an Area Court to which he has access under the provisions of section 37 of this Bill, may of his own motion or in his discretion on the application of any person concerned, report that case to the court to which an appeal in the case would lie.
- (2) A report under subsection (1) of this section shall be made in writing and shall record the particulars of the judgment, order or case, and the reason for its being reported and shall be accompanied by a copy of the record of the case.
- (3) The Court to which the case has been reported shall review it, and may —
 - (a) reverse, vary or affirm the decision given;
 - (b) make an order in the proceedings as the lower court could have made;
 - (c) make a further order, as may be necessary or as the justice of the case may require but no order in a civil proceeding to the prejudice of any party shall be made without an opportunity being given to the party of being heard;
 - (d) set aside the judgment or other order of the lower court; and
 - (e) when it considers it desirable, order the case to be retried either by the same court or any other Area Court of competent jurisdiction or by any Magistrate Court, District Court or Customary Court, or if the case is one that appears proper to be heard by the High Court, report the case to the High Court.
- (4) In the exercise of its powers of review under this section, a court may hear any additional evidence as it considers necessary for the just disposal of the case.

- (5) The Chief Inspector or an Inspector who has reported any case to a court under the provisions of this section may have power to direct the lower court to stay all actions in the interim, pending the determination of the matter by the court to which the matter is reported.
- (6) A person aggrieved by a decision of the Sharia Court of Appeal in a review under this section may appeal from the decision to the Court of Appeal as if it were a decision in an appeal brought to the Sharia Court of Appeal from some other court (*Hon. Munir Babba Dan'Agundi — Kumbotso Federal Constituency*).

Question 1 at Clause 39 stands of the Bill — Agreed to.

Clause 40. Special plea in bar not admissible on hearing.

Where proceedings are quashed and an order for retrial is made under the provisions of this Part, no plea of res judicata or autrefois convict shall be entertained in respect of the proceedings in any subsequent proceedings (*Hon. Munir Babba Dan'Agundi — Kumbotso Federal Constituency*).

Question that Clause 40 stands of the Bill — Agreed to.

- Clause 41: Power of Chief Inspector or inspector not exercisable where appeal instituted..**
No Chief Inspector or an Inspector shall exercise the powers conferred upon him under this Part in any case where a party aggrieved by the decision of the Area Court has appealed from that decision or otherwise instituted any appeal proceedings in respect of the decision (*Hon. Munir Babba Dan'Agundi — Kumbotso Federal Constituency*).

Question that Clause 41 stands of the Bill — Agreed to.

PART VIII — APPEAL

Clause 42: Appeals from Area Courts.

- (1) A party aggrieved by a decision of an Area Court may appeal to —
 - (a) the Sharia Court of Appeal in cases involving questions regarding Islamic Personal Law; and
 - (b) the High Court in all other cases.
- (2) Every such appeal shall be commenced by the appellant giving to the Registrar of the Area Court notice of the appeal which shall be in writing, and signed by the appellant or by a legal practitioner if a legal practitioner is representing him.
- (3) Subject to the provisions of subsection (4) of this section, a notice of appeal under subsection (2) of this section shall be given in every case before the expiration of 30 days from the date of the decision appealed against.
- (4) A notice of appeal under subsection (2) in respect of an interlocutory decision shall be given within 14 days from the date of the decision appealed against (*Hon. Munir Babba Dan'Agundi — Kumbotso Federal Constituency*).

Question that Clause 42 stands of the Bill — Agreed to.

Clause 43: Restrictions on the right of appeal.

Subject to the provisions of the Constitution of the Federal Republic of Nigeria, no appeal shall lie from the lower court at the instance of any person at whose request a case has been reported to a court under section 39 of this Bill (*Hon. Munir Babba Dan'Agundi — Kumbotso Federal Constituency*).

Question that Clause 43 stands of the Bill — Agreed to.

Clause 44: Appeal out of time.

Leave to appeal out of time to any court may be given by the court upon such terms as it may seem just (*Hon. Munir Babba Dan'Agundi — Kumbotso Federal Constituency*).

Question that Clause 44 stands of the Bill — Agreed to.

Clause 45: Powers of appellate court in civil matters.

(1) Any court exercising appellate jurisdiction in civil matters under the provisions of this Bill may, in the exercise of that jurisdiction —

(a) reverse, vary or affirm the decision of the court from which the appeal is brought and may make any order or exercise any power as the court of first instance could have made or exercised in the case or as the Appeal Court considers that the justice of the case requires;

(b) quash any proceeding and, there-upon where it is considered desirable, order such case to be retried before the court of first instance or before any other court of competent jurisdiction.

(2) In the exercise of its power under subsection (1) (a) of this section, a court may hear additional evidence if it considers the evidence necessary for the just disposal of the case, and the court shall record its reason for exercising its power under this subsection (*Hon. Munir Babba Dan'Agundi — Kumbotso Federal Constituency*).

Question that Clause 45 stands of the Bill — Agreed to.

Clause 46: Powers of court of appeal to inspect records.

Where an appeal lies from an order or decision of an Area Court, the court to which the appeal is brought shall have powers to inspect the records or books of the Area Court relating to the appeal (*Hon. Munir Babba Dan'Agundi — Kumbotso Federal Constituency*).

Question that Clause 46 stands of the Bill — Agreed to.

Clause 47: Substantial justice to be done without undue regard to technicalities.

No proceedings in an Area Court and no summons, warrants, process, order or decree issued or made thereby shall be varied or declared void upon appeal or revision solely by reason of any defect in procedure or wants of form but every court or authority established in and for the Federal Capital Territory, Abuja and exercising powers of appeal or revision under this Bill shall decide all matters according to substantial justice without undue regards to technicalities (*Hon. Munir Babba Dan'Agundi — Kumbotso Federal Constituency*).

Question that Clause 47 stands of the Bill — Agreed to.

PART IX — OFFENCES

Clause 48: Adjudication without authority.

- (1) Any person who exercises or attempts to exercise judicial Powers within the area of the jurisdiction of a duly constituted Area Court, except in accordance with the provisions of any written law, shall be liable on conviction before the High Court, Magistrate Court or Area Court of competent jurisdiction, to a fine not exceeding N20, 000.00 or to imprisonment for a period not exceeding 12 months or to both.
- (2) Nothing contained in this section shall be deemed to prohibit any person from adjudicating as an arbitrator upon any civil matter in dispute where the parties to the matter have agreed to submit the dispute to his decision (*Hon. Munir Babba Dan'Agundi — Kumbotso Federal Constituency*).

Question that Clause 48 stands of the Bill — Agreed to.

Clause 49: Jurisdiction of courts.

Subject to the provision of this Bill, any proceeding arising under this Part may be brought in the High Court, Magistrate Court or Area Court of competent jurisdiction (*Hon. Munir Babba Dan'Agundi — Kumbotso Federal Constituency*).

Question that Clause 49 stands of the Bill — Agreed to.

PART X — RULES OF COURT

Clause 50: Power to make rules.

- (1) The Grand Kadi may make rules providing for any or all of the following matters —
 - (a) prescribing and providing for —
 - (i) the maximum fees which may be charged in Area Courts and for appeals from the Area Courts generally,
 - (ii) the reduction of the maximum fees in respect of all or any Area Court or in respect of all or any proceeding, and
 - (iii) the remission in whole or in part of any maximum or reduced fee and the manner in which the persons or Area Court by whom or by which the remission may be made;
 - (b) the disposal and application of fines and fees received by Area Courts;
 - (c) the practice and procedure of Area Courts in their original jurisdiction, on review and appeal;
 - (d) the time within which any act, matter or thing shall be carried out or performed for the purpose of this Bill and the time within which notice of appeal shall be given from the decision of any Area Court;
 - (e) providing for the execution of —

- (i) the decrees or orders of Area Court or any class of Area Courts, whether the Area Courts are established under this Bill or under any other written law, and
 - (ii) the warrants and the service of the process of the courts or class of courts, where these decrees or orders are made or the warrants or process are issued in respect of persons or property not within the area of the jurisdiction of the Area Court making or issuing the same;
 - (f) prescribing the courts or authority by which the decrees, orders, warrants or process mentioned in paragraph (e) (ii) of this subsection shall be carried into execution, executed or served;
 - (g) the exclusion of the public from an Area Court in accordance with section 21 (2) of this Bill; and
 - (h) the procedure of Area Courts in relation to applications for the interpretation of the Constitution of the Federal Republic of Nigeria.
- (2) Any rule made under this section may apply to all Area Courts or a class of Area Courts or any particular Area Court or those Area Courts or particular Area Courts or those Area Court or particular Area Court as may be determined under the rules (*Hon. Munir Babba Dan'Agundi — Kumbotso Federal Constituency*).

Question that Clause 50 stands of the Bill — Agreed to.

PART XI — MISCELLANEOUS

Clause 51: Saving and transitional provision.

- (1) All Assets and liabilities of the Area Court established under the Area Court Act, Cap. 477, Laws of the Federal Capital Territory Abuja, 2006; and the Federal Capital Territory Abuja Area Courts (Repeal and Enactment) Act, 2010 shall be vested in the Area Court established under this Bill.
- (2) All appointments or decisions made by the Area Courts established under the Area Courts Act Cap. 477, Laws of the Federal Capital Territory Abuja, 2006; and the Federal Capital Territory Abuja Area Courts (Repeal and Enactment) Act, 2010 shall continue to persist or deemed to have been made by the Area Court established under this Bill.
- (3) Nothing in this Bill shall be deemed to affect the powers or functions of the High Court or Magistrate Court in the exercise of their Criminal Jurisdiction or any right or power in any officer or person to institute criminal proceedings in those courts (*Hon. Munir Babba Dan'Agundi — Kumbotso Federal Constituency*).

Question that Clause 51 stands of the Bill — Agreed to.

Clause 52: Interpretation.

In this Bill —

"Area Court" means a court established under this Bill for the Federal Capital Territory, Abuja or deemed to have been so established and includes an Upper Area Court (*Hon. Munir Babba Dan'Agundi — Kumbotso Federal Constituency*).

Question that the meaning of the words "Area Court" be as defined in the interpretation to this Bill — Agreed to.

"cause" includes any action, suit or other original proceeding between a plaintiff and a defendant and also any criminal proceeding (*Hon. Munir Babba Dan'Agundi — Kumbotso Federal Constituency*).

Question that the meaning of the word "cause" be as defined in the interpretation to this Bill — Agreed to.

"Chief Registrar" means the Chief Registrar of the Sharia Court of Appeal of the Federal Capital Territory, Abuja (*Hon. Munir Babba Dan'Agundi — Kumbotso Federal Constituency*).

Question that the meaning of the words "Chief Registrar" be as defined in the interpretation to this Bill — Agreed to.

"Customary Court" means a Customary Court established under the Customary Court Act, 2007 (*Hon. Munir Babba Dan'Agundi — Kumbotso Federal Constituency*).

Question that the meaning of the words "Customary Court" be as defined in the interpretation to this Bill — Agreed to.

"District Court" means a District Court established under the District Court Act, 1960 (*Hon. Munir Babba Dan'Agundi — Kumbotso Federal Constituency*).

Question that the meaning of the words "District Court" be as defined in the interpretation to this Bill — Agreed to.

"Grand Kadi" means the Grand Kadi of Sharia Court of Appeal of Federal Capital Territory, Abuja (*Hon. Munir Babba Dan'Agundi — Kumbotso Federal Constituency*).

Question that the meaning of the words "Grand Kadi" be as defined in the interpretation to this Bill — Agreed to.

"Chief Inspectors of Area Courts" or "Inspector" means a person appointed under section 34 to exercise power vested in him under this Bill and includes the Director of Area Courts, Chief Inspector or any other Inspector (*Hon. Munir Babba Dan'Agundi — Kumbotso Federal Constituency*).

Question that the meaning of the words "Chief Inspector of Area Courts" or "Inspector" be as defined in the interpretation to this Bill — Agreed to.

"Judicial Service Committee" means the Judicial Service Committee of the Federal Capital Territory, Abuja (*Hon. Munir Babba Dan'Agundi — Kumbotso Federal Constituency*).

Question that the meaning of the words "Judicial Service Committee" be as defined in the interpretation to this Bill — Agreed to.

"Land Cause" means a cause or matter relating to ownership, occupation or possession of Land (*Hon. Munir Babba Dan'Agundi — Kumbotso Federal Constituency*).

Question that the meaning of the words "Land Cause" be as defined in the interpretation to this Bill — Agreed to.

"Legal Practitioner" has the same meaning as in the Legal Practitioners Act, Cap. L11, LFN, 2004 (Hon. Munir Babba Dan'Agundi — Kumbotso Federal Constituency).

Question that the meaning of the words "Legal Practitioner" be as defined in the interpretation to this Bill — Agreed to.

"Local Authority" means an Area Council, or any other body established for the administration of the Federal Capital Territory, Abuja (Hon. Munir Babba Dan'Agundi — Kumbotso Federal Constituency).

Question that the meaning of the words "Local Authority" be as defined in the interpretation to this Bill — Agreed to.

"Magistrate Court" means a Magistrate court established under or pursuant to Criminal Procedure Code Act or deemed to have been established (Hon. Munir Babba Dan'Agundi — Kumbotso Federal Constituency).

Question that the meaning of the words "Magistrate Court" be as defined in the interpretation to this Bill — Agreed to.

"Islamic Personal Law" has the same meaning as it has in Sharia Court of Appeal Act (Hon. Munir Babba Dan'Agundi — Kumbotso Federal Constituency).

Question that the meaning of the words "Islamic Personal Law" be as defined in the interpretation to this Bill — Agreed to.

"Sharia Court of Appeal" means Sharia Court of Appeal established for the Federal Capital Territory, Abuja (Hon. Munir Babba Dan'Agundi — Kumbotso Federal Constituency).

Question that the meaning of the words "Sharia Court of Appeal" be as defined in the interpretation to this Bill — Agreed to.

Question that Clause 52 stands of the Bill — Agreed to.

Clause 53: Repeal.

The Federal Capital Territory Abuja Area Courts (Repeal and Enactment) Act, 2010 is hereby repealed (Hon. Munir Babba Dan'Agundi — Kumbotso Federal Constituency).

Question that Clause 53 stands of the Bill — Agreed to.

Clause 54: Citation.

This Bill may be cited as the Federal Capital Territory Abuja Area Courts Bill, 2020 (Hon. Munir Babba Dan'Agundi — Kumbotso Federal Constituency).

Question that Clause 54 stands of the Bill — Agreed to.

Explanatory Note:

This Bill seeks to confer Criminal jurisdiction on Area Courts in the Federal Capital Territory in addition to its existing jurisdiction over civil matters in which parties are subject to the jurisdiction of the court to the extent set out in the establishing warrant. It further makes provision for the application of the Penal Code Act, Administration of Criminal Justice Act, 2015 and any other written law which the court may be authorized to enforce in accordance with the provisions of this Bill (*Hon. Munir Babba Dan'Agundi — Kumbotso Federal Constituency*).

Agreed to.

Long Title:

A Bill for an Act to Repeal the Federal Capital Territory Abuja Area Courts (Repeal and Enactment) Act, 2010 and Enact the Federal Capital Territory Abuja Area Courts Act to, Among Other Things; Expand the Jurisdiction of the Area Courts to Entertain Both Civil and Criminal; and for Related Matters (HB. 67) (*Hon. Munir Babba Dan'Agundi — Kumbotso Federal Constituency*).

Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in Committee of the Whole considered the Report on a Bill for an Act to Repeal the Federal Capital Territory, Abuja Area Courts Act, 2010 and Enact the Federal Capital Territory, Abuja Area Courts Bill to, among other things, Expand the Jurisdiction of the Area Courts to entertain both Civil and Criminal Matters; and for Related Matters (HB. 67) and approved Clauses 1 - 54, the Explanatory Memorandum, and the Long Title of the Bill.

Question that the House do adopt the Report of the Committee of the Whole — Agreed to.

20. Adjournment of First Sitting

That the House do adjourn the First Sitting till 2.20 p.m. (Hon. Garba Alhassan Ado — House Leader).

The House adjourned accordingly at 2.05 p.m.

Femi Akerele Gbajabiamila
Speaker

