



SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Wednesday, 12th July, 2017

1. The Senate met at 10:37 a.m. The Senate President read Prayers.
2. **Votes and Proceedings:**
The Senate examined the Votes and Proceedings of Tuesday, 11th July, 2017.
Question was put and the Votes and Proceedings were approved.
3. **Oaths:**
Senator-Elect, Adeleke Nurudeen Ademola (*Osun West*) took and subscribed to Oaths of Allegiance and Membership as required by law.
4. **Announcements:**
 - (a) **Inaugural Meeting:**
The Senate President read a letter from Senator Ike Ekweremadu (*Enugu West*) as follows:

**FEDERAL REPUBLIC OF NIGERIA
NATIONAL ASSEMBLY
SENATE
COMMITTEE ON NIGERIA-MOROCCO
PARLIAMENTARY FRIENDSHIP GROUP**

*Senate President
National Assembly
Federal Republic of Nigeria
Abuja.*

Your Excellency,

LETTER OF NOTIFICATION OF INAUGURAL MEETING

There will be an Inaugural Meeting of the Senate Committee on Nigeria-Morocco Parliamentary Friendship group scheduled to hold as follows;

- i. *Date: Wednesday 12th July, 2017*
- ii. *Time: 2:00pm*
- iii. *Venue: DSP's Conference Room*

2. *Members of the Committee are:*

- i. *Senator Ike Ekweremadu*
- ii. *Senator Philip T. Aduda*
- iii. *Senator Bukar Abba Ibrahim*
- iv. *Senator Abdullahi Adamu*
- v. *Senator Gershom O. Bassey*
- vi. *Senator Dino Melaye*
- vii. *Senator Olarenwaju A. Tejuoso*
- viii. *Senator Sabo M. Mohammed*
- ix. *Senator Francis A. Alimikhena*

3. *Accept the assurances of my highest regard.*

(Signed)

*Ike Ekweremadu CFR
DSP/Chairman
12th July, 2017*

(b) *Meeting of the Northern Senators Forum:*

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



NORTHERN SENATORS FORUM

12th July, 2017

*His Excellency,
The President of the Senate,
National Assembly,
Abuja.*

Your Excellency,

ANNOUNCEMENT

This is to inform all members of the Northern Senators' Forum that a meeting of the Forum is scheduled to hold on Wednesday, 12th July, 2017 at 2:00 pm prompt (after plenary).

Venue: Conference Room 231, 2nd Floor, New Senate Wing.

Please, your attendance is highly solicited in view of the importance of the meeting.

(Signed)

*Senator Abdullahi Adamu
Northern Senators' Forum*

(c) *Southern Senators Forum Meeting:*

The Senate President read a letter from Senator Matthew A. Urhogide (*Edo South*) as follows:



**Southern Senators Forum
Announcement**

JULY 12, 2017

*HE Distinguished Senator (Dr) Bukola Saraki
President,
Senate of the Federal Republic of Nigeria
NASS, Abuja Nigeria.*

Senate President Sir,

ELECTION OF EXECUTIVE COMMITTEE OF THE FORUM

This is to formally bring to your esteemed notice and the entire membership of the Senate that the Southern Senators Forum at its recent inaugural session, unanimously agreed and elected the under listed Distinguished Senators to run the affairs of the Forum:

- | | | | |
|----|---|---|----------------------------|
| 1. | <i>Distinguished Senator Hope Uzodinma</i> | - | <i>Chairman</i> |
| 2. | <i>Distinguished Senator Lame Tejuosho</i> | - | <i>Vice Chairman</i> |
| 3. | <i>Distinguished Senator Matthew Urhohide</i> | - | <i>Secretary General</i> |
| 4. | <i>Distinguished Senator Ovie Omo-Agege</i> | - | <i>Financial Secretary</i> |
| 5. | <i>Distinguished Senator Solomon Adeola</i> | - | <i>Treasurer</i> |
| 6. | <i>Distinguished Senator Mao Ohuanbuwa</i> | - | <i>Publicity Secretary</i> |
| 7. | <i>Distinguished Senator Duro Faseyi</i> | - | <i>Auditor</i> |

Please accept the assurances of the highest esteem of the forum.

(Signed)

*Senator Matthew A. Urhohide
(Secretary General)*

(d) Acknowledgment:

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

- (i) Members of National Association of Political Science Students, Federal University, Lokoja, Kogi State; and
- (ii) Staff and Students of Galaxy Academy, Karu, Nasarawa State.

5. Petitions:

- (i) Rising on Rule 41, Senator Danjuma Laah (*Kaduna South*) drew the attention of the Senate to a petition from his Constituent, Lt. Solomon Damina (rtd), against the Nigerian Army over non implementation of recall, reinstatement and promotion of thirteen (13) officers. He urged the Senate to look into the matter.

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

- (ii) Rising on Rule 41, Senator Matthew A. Urhohide (*Edo South*) drew the attention of the Senate to a petition from his Constituent, John O. Agu, on behalf of Matreach Logistics Limited, over termination of appointment of Bonga On/Offshore Terminal and Chevron JT, Warri. He urged the Senate to look into the matter.

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

- (iii) Rising on Rule 41, Senator ^{her} Oluremi S. Tinubu (*Lagos Central*) drew the attention of the Senate to a petition from ~~his~~ Constituent, Commader Femi Talabi and Seven (7) Others, against the Federal Road Safety Corps (FRSC) over non reinstatement of the officers. He ^{She} urged the Senate to look into the matter. ^{their}

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

- (iv) Rising on Rule 41, Senator Isah H. Misau (*Bauchi Central*) drew the attention of the Senate to a petition from his Constituent, Timothy N. Henry, against Mr. Edward Onoja, Chief of Staff to the Kogi State Governor, over financial crime with the Guaranty Trust Bank Plc. He urged the Senate to look into the matter.

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

- (v) Rising on Rule 41, Senator Shehu Sani (*Kaduna Central*) drew the attention of the Senate to a petition from Achike Umunna and Associate, against First Bank of Nigeria Plc. for breach of trust/corporate governance by with holding entitlements of the 2015 retirees with the Bank. He urged the Senate to look into the matter.

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

- (vi) Rising on Rule 41, Senator Benjamin C. Uwajumogu (*Imo North*) drew the attention of the Senate to two (2) petitions from:
- (a) Police Constable Ohadaka Ifeanyichukwu, against Nigeria Police over wrongful dismissal; and
 - (b) Mr Arlindo De-Freister on behalf of Late Mrs Chiamaka De-freister, against Medical Art Center, Lagos, over untimely death.

He urged the Senate to look into the matters.

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

6. Personal Explanation:

Rising on Rule 43, Senator Emmanuel Bwacha (*Taraba South*) drew the attention of the Senate to the Judgement of the Supreme Court of Nigeria given today, 12th July, 2017 in respect of the People Democratic Party(PDP) leadership tussle. He described the judgement as a new dawn in Nigerian Judiciary in particular and Democracy in general. He use the opportunity to congratulate all Nigerians on this resounding victory.

7. Personal Explanation:

Rising on Rule 43, Senator Ahmad R. Sani (*Zamfara West*) drew the attention of the Senate to the Senate Resolution given to the Committee on Marine Transport to “investigate the dredging activities, books, and records of the Nigerian Ports Authority (NPA); Lagos Channel Management (LCM) Limited; Bonny Channel Company (BCC) Limited; and Calabar Channel Management Company (CCMC) Limited and to report as soon as possible (S/Res/006/03/17)”. In view of the enormity of the assignment, he requested for more time to enable the Committee do a thorough job.

By leave of the Senate Committee was given additional three (3) weeks.

8. Matter of Urgent Public Importance:

Rising on Rules 42 and 52, Senator Ahmad I. Lawan (*Yobe North*) drew the attention of the Senate on the non-submission of Appropriation Proposals for some corporations and agencies to the Senate. He sought and obtained the leave of the Senate to present the matter forthwith:

The Senate notes that contrary to the provision of Section 21(1) of the Fiscal Responsibility Act, 2007 which provides "The Government corporations and agencies and government owned companies listed in the Schedule to this Act (in this Act referred of as lithe Corporations") shall, not later than 6 months from the commencement of this Act and every three financial years thereafter and not later than the end of the second quarter of every year, cause to be prepared and submitted to the Minister their Schedule estimates of revenue and expenditure for the next three financial years." some corporations and agencies listed in the Schedule are as at today, 12th July, 2017, yet to submit their 2017 Appropriation Proposals to the Senate for approval;

also notes that even though these corporations and agencies have been incurring expenditures without recourse to the approval of National Assembly; and

observed that some of them had already made submissions to some Standing Committees of the Senate contrary to the laid down procedures.

Accordingly resolves to:

- (i) allow these corporations and agencies to directly send their 2017 Budget Proposals to the relevant Standing Committee forward them to Senate Leader for onward transmission to the Senate;
- (ii) ensure that these Budget Proposals should be made within one (1) week; and
- (iii) further ensure that all the Reports of the Standing Committees on the submissions of these corporations and agencies be reported to the Senate for consideration before the annual recess.

Debate:

Proposed Resolution (i):

Question: That the Senate do allow these corporations and agencies to directly send their 2017 Budget Proposals to the relevant Standing Committee forward them to Senate Leader for onward transmission to the Senate — *Agreed to.*

Proposed Resolution (ii):

Question: That the Senate do ensure that these Budget Proposals should be made within one (1) week — *Agreed to.*

Proposed Resolution (iii):

Question: That the Senate do further ensure that all the Reports of the Standing Committees on the submissions of these corporations and agencies be reported to the Senate for consideration before the annual recess — *Agreed to.*

Resolved:

That the Senate do:

- (i) allow these corporations and agencies to directly send their 2017 Budget Proposals to the relevant Standing Committee forward them to Senate Leader for onward transmission to the Senate;
- (ii) ensure that these Budget Proposals should be made within one (1) week; and

- (iii) further ensure that all the Reports of the Standing Committees on the submissions of these corporations and agencies be reported to the Senate for consideration before the annual recess (*S/Res/016/03/17*).

9. Presentation of Bills:

- (i) Central Bank of Nigeria (CBN) Act 2007 (Amendment) Bill, 2017 (SB. 448)— *Read the First Time*.
- (ii) Civil Aviation Act (Amendment) Bill, 2017 (SB. 481)— *Read the First Time*.
- (iii) Armed Forces Comfort Fund CAP A21 Act (Amendment) Bill, 2017 (SB. 486)— *Read the First Time*.
- (iv) Nigerian Oil Research Development Agency Board Bill, 2017 (SB. 500)— *Read the First Time*.
- (v) Federal School of Medical Laboratory Technology (Science) (Establishment, etc.) Bill; 2017 (HB. 39) — *Read the First Time*.

10. Motions:

- (a) ***The need for an investigative audit in respect of contracts that were awarded and paid for in the past by TETFUND but are yet to be executed:***

Motion made: That the Senate notes that in the past years, the Tertiary Institutions Intervention Fund, TetFund has had to award numerous contracts for the benefits of several higher institutions across the country in keeping with the statute that established the Agency;

observes that these contracts were meant for projects spread across various levels of tertiary institutions such as universities, polytechnics, colleges of education etc, deemed as urgently needed to improve on the quality of teaching, learning and research in the institutions;

further notes that in spite of the good intention of TetFund in awarding the contracts, some of the contractors, who are yet to be identified, allegedly collected the project monies and walked away without executing the contracts;

conscious of the existing deficits in the infrastructural needs of all tertiary institutions in the country, and the allegations that some contractors that were awarded contracts by TETFUND have absconded with monies given to them for the contracts without executing the jobs; and

determined that in strict compliance with the recent pronouncement of the President of the Senate towards the renewed commitment of the Senate to exposing corrupt practices in all the facets of the Nigerian Society and bringing culprits to justice.

Accordingly resolves to:

mandate the Committee on Tertiary Institutions and TETFUND to conduct an investigation to ascertain the contractors who collected monies belonging to TetFund in the past but absconded without performing such contracts to specification and to report back to the Senate its findings and recommendations for further action (*Senator Jibrin I. Barau — Kano North*).

Debate:

Proposed Resolution:

Question: That the Senate do mandate the Committee on Tertiary Institutions and TETFUND to conduct an investigation to ascertain the contractors who collected monies belonging to TETFUND in the past but absconded without performing such contracts to specification and to report back to the Senate its findings and recommendations for further action.

Amendment Proposed:

Immediately after the word "TETFUND" in line 2, *insert* the words "and Public Procurement" (*Senator Abdullahi A. Sabi — Niger North*).

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

Resolved:

That the Senate do mandate the Committees on Tertiary Institutions and TETFUND; and Public Procurement to conduct an investigation to ascertain the contractors who collected monies belonging to TETFUND in the past but absconded without performing such contracts to specification and to report back to the Senate its findings and recommendations for further action (*S/Res/017/03/17*).

(b) ***Urgent need for the Federal Government to intervene in Ladoke Akintola University of Technology imbroglio in Order to save the future of the innocent Youths:***

Motion made: That the Senate notes that Ladoke Akintola University of Technology, Ogbomoso (LAUTECH) was established in Oyo State in April 1990 to cater for inadequate supply of tertiary education in the state and Nigeria at large;

aware that the following year, Osun State was split from Oyo State trapping LAUTECH in a dilemma of having two separate parents thereby making LAUTECH a shared responsibility of both states;

disturbed that LAUTECH which hitherto had the reputation of being the best State-owned University in the country now had nothing to her credit than the reputation of being the most strike-ridden university in the country as the university cannot escape an academic year without going on strike for 10 months or more, due to persistent non-payment of salaries of the members of staff;

worried by the fact that the University is currently in the middle of a strike which has crippled the activities of the University for more than a year due to the inability of the parent states to provide the sum of ₦4 billion to pay the accumulated salaries and arrears of members of staff and thereby leaving over 3000 members of staff of the university wallowing in economic hardship and poverty;

saddened that the careers of over 34,000 students of the University are currently under jeopardy turning them to social miscreants and leaving the parents who have labored to give their wards quality education languishing in pains and agonies for no fault of theirs;

notes that the current pitiable situation of LAUTECH has pathetically shown that the continuous joint-ownership in the management of the affairs of the university by the parent States is difficult and it has become necessary for the Federal Government to intervene and review this nature of ownership; and

observes that youths are the future of every nation and education is simply the soul of a society as it passes from one generation to another, therefore leaving the education of our youths in crisis is subjecting our nation to malady.

Accordingly resolves to:

urge the Federal Government to find immediate solution to the problem by injecting the fund presently needed for the school to re-open immediately (*Senator Buhari Abdulfatai — Oyo North*).

Debate:***Proposed Resolution:***

Question: That the Senate do urge the Federal Government to find immediate solution to the problem by injecting the fund presently needed for the school to re-open immediately.

Amendment Proposed:

Immediately after the word "problem" in line 2, *leave out* all the words (*Senator Ike Ekweremau — Enugu West*).

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

Amendment Proposed:

Insert Additional Proposed Resolution as follows:

"Urge the Governments of Oyo and Osun States to sit together and find permanent solution to this problem" (*Senator Ike Ekweremau — Enugu West*).

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

Resolved:

That the Senate do:

(i) urge the Federal Government to find immediate solution to the problem; and

(ii) urge the Governments of Oyo and Osun States to sit together and find permanent solution to this problem (*S/Res/018/03/17*).

**11. Committee on Judiciary, Human Rights and Legal Matters:
Report on the Whistle Blowers Protection Bill, 2017 (SB. 158):**

Consideration of the Report deferred to another Legislative Day.

12. Committee on Federal Capital Territory:

(a) *Report on the Federal Capital Territory Civil Service Commission Bill, 2017 (HBs. 167 & 310);*

Motion made: That the Senate do consider the Report of the Committee on Federal Capital Territory on the Federal Capital Territory Civil Service Commission Bill, 2017 (Concurrence) (*Senator Dino Melaye — Kogi West*).

Question put and agreed to.

Report presented.

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

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

Question put and agreed to.

Report presented.

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

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO ESTABLISH THE FEDERAL CAPITAL TERRITORY CIVIL SERVICE COMMISSION; AND FOR OTHER MATTERS RELATED THERETO, 2017.

Clause 1: Establishment of the FCT Civil Service Commission.

- (1) There is hereby established the Federal Capital Territory Civil Service Commission (in this Bill referred to as "the Commission").
- (2) The Commission shall be a body corporate with perpetual succession and a common seal and may:—
 - (a) sue and be sued in its corporate name; and
 - (b) hold, acquire and dispose of any property or interest in property, moveable or immovable.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

Clause 2: Composition and Membership of the Commission.

- (1) There shall be for the Commission, Commissioners who are called Members of the Commission (in this Bill referred to as Members) that shall be responsible for the discharge of the functions of the Commission.
- (2) The Members of the Commission shall consist of:—
 - (a) a Chairman.
 - (b) six (6) other members representing the geopolitical zones.
- (3) The Chairman shall be the Chief Executive Officer of the Commission and shall direct and supervise all administrative and operational activities of the Commission.
- (4) The Chairman and the other Members shall:—
 - (a) be resident in the FCT;
 - (b) be persons of unquestionable integrity and of sound mind;
 - (c) have wide knowledge in civil service administration matters;
 - (d) have at least 25 years post-tertiary institution cognate experience in civil service administration;
 - (e) be appointed by the President on the recommendation of the Minister;
 - (f) be retired Public Servants of the Federation not below Grade level 16.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

Clause 3: Qualification and Cessation of Membership of the Commission.

- (1) Notwithstanding the provisions of clause 2 of the Bill, a person shall not be qualified or shall cease to hold office as a Member of the Commission if he:—
 - (a) is not a citizen of Nigeria;

- (b) is an undischarged bankrupt;
 - (c) he has committed a felony or any offence involving dishonesty or fraud;
 - (d) is of unsound mind;
 - (e) is for one reason or the other incapable of carrying out his duties;
 - (f) is guilty of gross misconduct in relation to his duties of office;
 - (g) holds office in any political party or political organization;
 - (h) has, within the preceding 10 years, been removed from office as a member of any of the bodies established by Section 153 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended);
 - (i) resigns his appointment by a letter addressed to the Minister;
 - (j) in the case of a person possessed of professional qualifications, he is disqualified or suspended from practicing his profession in any part of the world by an order of a competent authority made in respect of that member.
- (2) Any person employed in the Civil Service of the Federation or of a State shall not be disqualified for appointment as a Chairman or Member of the Commission, provided that where such a person has been duly appointed to the Commission, the person shall, upon accepting the appointment, be deemed to have resigned or retired from his or her former office as from the date of the appointment.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

Clause 4: Tenure of Office.

- (1) The Chairman and Members of the Commission shall hold office for a term of 4 years in the first instance and may be re-appointed for another term of 4 years and no more.
- (2) A Member of the Commission may be removed by the Minister, if all the Members of the Commission and the Chairman are satisfied that it is not in the interest of the Commission or in the interest of the public that the Member continues in office.
- (3) The President upon the recommendation of the Minister shall remove any member of the Commission if the Member or the Chairman did not comply with clause 3 of this Bill or for any other reason that is not for the interest of the civil service of the federation.
- (4) A member of the Commission may resign his appointment at any time by notice in writing under the member's hand addressed to the President through the Minister.

- (5) If a Member of the Commission dies or resigns or otherwise vacates the office before the expiration of the term for which he is appointed, the President shall within thirty days and from among three persons nominated by the Minister appoint fit and proper person for the remainder of the term of office of the predecessor.
- (6) Upon appointment of any Member or Chairman of the Commission, he or she shall take and sign an oath of office before the Minister.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

Clause 5: Quorum

The quorum for a meeting of the Members of the Commission shall not be less than three members including the chairman or the person presiding at the meeting pursuant to item two (2) of this schedule.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

Clause 6: Remuneration and condition of service of members.

The remuneration and condition of service of the Chairman and Members of the Commission shall be determined by Revenue Mobilization Allocation and Fiscal Commission (RMAFC).

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

PART II — FUNCTIONS AND POWERS OF THE COMMISSION

Clause 7: Functions

The Commission shall, without prejudice to the powers of the President, have the duty:—

- (a) to appoint other staff and persons to offices in the civil service of the FCT;
- (b) to dismiss and exercise disciplinary control over persons holding any office referred to in sub clause (a) of this clause;
- (c) advice the Minister on policies relating to the civil service of the FCT on:—
- (i) the administrative functions of departments in the civil service of the FCT.
- (ii) the conditions of service of employees generally including the ranks and grades of officers and employees.
- (iii) the scales of salaries, emoluments, benefits, allowances of all the various classes of officers and employees.

- (iv) the employment, appointment, promotions, transfers, discharge and other career issues of civil service in the FCT.
- (v) strict adherence to the principles enshrined in the Constitution of the Federal Republic of Nigeria.
- (vi) application of labour laws and relations in the civil service of the FCT.
- (vii) ensuring that disciplinary measures are adhered to in the civil service of the FCT.
- (viii) information management and information technology in the civil service of the FCT.
- (ix) any other thing which in its opinion is to facilitate the administrative performance of the civil service in the FCT.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

Clause 8: Powers of the Commission

The Commission should have power to:—

- (a) give directives to officers and employees of the civil service of the FCT.
- (b) make recommendations and conduct enquiries in relation to its functions and duties under this Bill.
- (c) issue a code of conduct that will be applicable to officers and employees of the civil service of the FCT.
- (d) provide advisory services to the officers and employees of the civil service of the FCT.
- (e) prescribe the guidelines and procedures for recruitment, appointment, promotion and transfer within the civil service of the FCT.
- (f) prepare and distribute to officers and employees of the civil service of the FCT staff procedure manuals.
- (g) publish and advertise any vacancy positions in the civil service of the FCT
- (h) provide staff evaluation advisory services.
- (i) provide mechanisms for staff training and development programs.
- (j) hear appeals on matters of appointment, promotion, transfer, discipline and any other issue that may arise.
- (k) do anything which in its opinion is calculated to facilitate the performance and administrative functions under this Bill.

- (l) act independently without the directives or control of any other authority or person(s) in exercising its powers to make appointments, to exercise disciplinary actions or other actions the commission shall undertake in exercising its powers under this Bill.
- (m) delegate or authorize any member of the Commission or any officer or employee in the civil service of the FCT to perform any of its powers and functions under this Bill.
- (n) engage consultants and advisers as it may require for the effective discharge of its functions.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

Clause 9: Power to Borrow

- (1) The Commission may, from time to time, borrow by overdraft or otherwise such sum as it may require for the performance of its functions under this Bill.
- (2) The Commission shall not, without the approval of the Minister, borrow money which exceeds, at any time the amount set by the Minister.
- (3) Notwithstanding the provisions of sub-clause (1) of this clause, where the sum to be borrowed is in foreign currency, the Commission shall not borrow the sum without the prior approval of the Minister.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

Clause 10: Power to Accept Gifts.

- (1) The Commission may accept any gift of land, money or other property in accordance with the law on such terms and conditions, if any, as may be specified by the person or organization making the gift.
- (2) The Commission shall not accept any gift if the conditions attached by the person or organization offering the gift are inconsistent with the functions of the Commission.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

Clause 11: Investment.

The Commission may, subject to the provisions of this Bill and the conditions of any trust created in respect of any property, invest all or any of its fund in any security prescribed by the Trustee Investment Act or in such other securities as may from time to time, be approved by the Minister.

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

Clause 12: Acquisition of Land.

The Commission may subject to the provisions of the Land Use Act, acquire, hold, grant, charge or otherwise deal with any interest in land or other property, for the purpose of providing offices and premises necessary for the performance of its functions under this Bill.

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

Clause 13: Power to Obtain Information.

- (1) For the purpose of carrying out the functions conferred on the Commission under this Bill, the Commission or any Member or any authorized officer or employee of the Commission —
 - (a) shall have right of access to all the records and relevant information of any staff of any agency, department and secretariat and all other administrative units of the FCT to which this Bill applies;
 - (b) may by notice in writing served on any person require that person to furnish or cause to be furnished information on such matters as may be specified in the notice necessary for the discharge of the functions of the Commission.
- (2) It shall be the duty of any person required to furnish information pursuant to sub-clause (1) of this clause to comply with the notice within a reasonable period of time.

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

PART III — SECRETARY AND OTHER STAFF OF THE COMMISSION**Clause 14: Secretary**

- (1) There shall be a Secretary for the Commission who shall be appointed by the Minister.
- (2) The Secretary shall —
 - (a) be a senior officer of the Commission not below the rank of a Director in the civil service of the FCT and who shall be the Chief Accounting Officer;
 - (b) hold office for a term of 5 years in the first instance and may be re-appointed for another term of 5 years and no more;
 - (c) be on such terms and conditions as to remuneration and other conditions of services as approved by the Minister;

- (d) be responsible for the execution of the policy and the day to day administration of the Commission;
- (e) keep the books and proper records of proceedings of the Commission;
- (f) conduct the correspondence of the Commission;
- (g) perform such other functions and duties as the Commission or the Chairman may, from time to time, direct.

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

Clause 15: Other Staff of the Commission.

- (1) The Commission shall have power to:—
 - (a) appoint such number of staff and other employees as it may, from time to time, deem necessary to assist the Commission in the discharge of any of its functions under this Bill;
 - (b) pay persons so employed such remuneration and allowances as may be payable to other officers or employees of similar grade in the civil service of the FCT.
- (2) The terms and conditions of employment applicable to officers and employees of the civil service of the FCT shall apply to the employees and staff appointed by the Commission under sub-clause (1) of this clause.
- (3) The Commission may generally or specifically delegate to the Chairman, the power to appoint such categories of staff of the civil service of the FCT as the Commission may from time to time specify.

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

Clause 16: Pension

- (1) Service in the Commission shall be approved service under the provision of the Pension Reform Act and accordingly, staff and employees of the commission shall be entitled to pensions, gratuities and other retirement benefits as prescribed under the Pension Reform Act and are engaged by persons holding equivalent offices in the civil service of the federation.
- (2) Without prejudice to the provisions of sub-clause (1) of this clause, nothing in this Bill shall prevent the appointment of any person to any office on terms which preclude the grant of pension, gratuity or other retirement benefits with respect to that office.

Committee's Recommendation:

That the provision in Clause 16 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

PART IV — FINANCIAL PROVISIONS

Clause 17: Fund of the Commission.

- (1) The FCT Administration shall establish a fund for the FCT Civil Service Commission and provision for the fund shall be made in the annual budget of the FCT Administration.
- (2) There shall be paid and credited to the fund, established pursuant to sub-clause(1) of this clause:—
 - (a) such monies as may be provided by the FCT Administration by way of annual subvention or otherwise.
 - (b) such monies granted or deposited with the Commission by the FCT Administration or anybody or institution within the country.
 - (c) such sums or other advances by way of loans.
 - (d) all monies raised for the purposes of the Commission by way of gifts, grants-in-aid, testamentary dispositions or otherwise.
 - (e) such subvention or budgetary allocation from the Federal Government.
 - (f) money earned or arising from any investment or other property acquired or vested in the Commission.
 - (g) such monies as may from time to time accrue to the Commission.
 - (h) all sums, investments or other property vested in the Commission by virtue of this Bill.
- (3) The Commission shall defray from the fund all expenditures incurred by it, including but not limited to:—
 - (a) the cost of administration of the Commission.
 - (b) the remuneration and allowance of the members of the Commission and any Committee set up by the Commission of such expenses as may be expressly authorized by the Commission in accordance with the rates approved by the Minister.
 - (c) the payment of salaries, remuneration, fees, allowances, pensions and gratuities of the staff and employees of the Commission.
 - (d) the remuneration payable to agents and consultants of the Commission.
 - (e) for the maintenance of any property vested in the Commission.
 - (f) such other sums as the Commission may approve in connection with any of its functions under this Bill.

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

Clause 18: Annual Estimates and Accounts.

- (1) The Commission shall not later than 30th day of September in each year, submit to the Minister, an estimate of the income and expenditure of the Commission (including estimates of expected payments into the fund of the Commission) during the next succeeding year.
- (2) The Commission shall keep proper records of accounts of each year in a form which conforms to accepted accounting standards, and proper records in relation thereto.
- (3) The accounts of the Commission shall be audited at the end of each calendar year by auditors appointed by the FCT Administration from a list and in accordance with the guidelines supplied by the Auditor-General of the Federation.

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

Clause 19: Annual Reports.

The Commission shall, not later than six months after the end of each year, submit to the Minister, a report on the activities of the Commission and its administration during the immediately preceding year and shall include in the report the audited accounts of the Commission and the auditor's report on the accounts.

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

PART V — ADMINISTRATION OF THE CIVIL SERVICE OF THE FEDERAL CAPITAL TERRITORY**Clause 20: Civil Service Code.**

- (1) The Commission shall issue a Code of Conduct for the FCT civil service Commission, which may otherwise be termed the FCT Civil Service Staff Code. The Commission may from time to time amend same to reflect and supplement the provisions of the Bill.
- (2) The FCT Civil Service Staff Code shall consist of principles for the directive guidance, regulation and governance of the FCT civil service officers and employees.
- (3) The provisions of the civil service staff code shall be binding upon any department, officer or employee of the civil service of the FCT in so far as they apply to that unit, department, officer or employee.
- (4) The issues contained in the Civil Service Staff Code shall not be inconsistent with the provisions of this Bill or any regulations made thereunder.

Committee's Recommendation:

That the provision in Clause 20 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

Clause 21: Board of Examiners.

- (1) The commission shall set up such board of examiners as may from time to time be required to test candidates for appointment or promotion within the civil service of the FCT.
- (2) The Chairman of the Commission when sitting upon a board of examiners shall be the chairman of the board, and in other cases he shall send a representative to be present at the interview, but the representative will not be the chairman during such representation.
- (3) The Board of Examiners shall stipulate its Guidelines during interviews which may include:—
 - (a) ensuring that appointments and promotions within the civil service of the FCT shall be based on principles of merit and Federal Character.
 - (b) establishing such standards for selection and assessment of such officers and staff.
 - (c) conducting competitive written examination(s) or such other competitive processes for selection, as the Commission may consider to be appropriate for the best interest of the civil service of the FCT.
 - (d) taking into cognizance the education, knowledge, experience, language, residence and any other issue which in the opinion of the commission, are necessary or desirable having regard to the nature of the duties to be performed by the applicant(s).
- (4) The Chief Executive Officer of any department or agency of the FCT Administration in respect of which candidates for appointment or promotion are examined by a board of examiners, may upon the Commission's request, be present or designate a representative to be present at such interview of any candidate.
- (5) The Commission shall not discriminate against any person by reason of national or ethnic origin, religion, age, sex, marital status, family status, disability and under any circumstances whatsoever.

Committee's Recommendation:

That the provision in Clause 21 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

PART VI — REGULATIONS AND SUPPLEMENTARY PROVISIONS**Clause 22: Regulations**

The Minister may with the approval of the President, make regulations for the effective operation of this Bill and the due administration thereof.

Committee's Recommendation:

That the provision in Clause 22 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

Clause 23: Interpretations.

In this Bill, unless the context otherwise requires:—

"Commission" means the FCT Civil Service Commission established by Clause 1 of this Bill;

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

"FCT" means the Federal Capital Territory, Abuja;

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

"Member" means Commissioners of the Commission and includes the Chairman;

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

"Minister" means the Minister for the time being charged with responsibility for the FCT under the Federal Capital Territory Act;

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

"President" means the President of the Federal Republic of Nigeria;

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

"Civil Service of the FCT" shall consist of persons who hold fixed or permanent appointments in the civil service of the FCT and receive funds wholly or part appropriated by the FCT Administration.

Question: That the word "Civil Service of the FCT" be as defined in the Interpretation to this Act, put and agreed to.

Committee's Recommendation:

That the provision in Clause 23 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

Clause 24: Citation

This Bill may be cited as the Federal Capital Territory Civil Service Commission Bill, 2017.

Committee's Recommendation:

That the provision in Clause 24 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

SCHEDULE

Proceedings of the Commission

1. Subject to this Bill and clause 27 of the Interpretation Bill (which provides for decisions of a statutory body to be taken by a majority of its members and for the chairman to have a second or casting vote), the Commission may make standing orders regulating the proceedings of the Commission and Committee thereof.
2. If at any time, the office of the chairman is vacant or the chairman is in the opinion of the Commission permanently or temporarily unable to perform the function of the office, the Commission may appoint one of its Members to perform such functions from the period of the vacancy in the office of the chairman and references in this schedule to the chairman shall be construed according.
3. Every meeting of the Commission shall be presided over by the chairman and if the chairman is unable to attend a particular meeting, the Members present at the meeting shall elect one of their Members to preside at the meeting.
4. Where upon any specific issue or occasion, the Commission desires to obtain the advice of any person on any person on any particular matter, the Commission may co-opt that person to be Member for as many meetings as may be necessary, and that person while so co-opted shall have all the rights and privileges of a Member, except that the person shall not be entitled to vote or count towards a quorum.

Committees

5. Subject to its standing orders, the Commission may appoint such number of Standing ad-hoc Committees as it thinks fit to consider and report on any matter with which the Commission is concerned.
6. Every Committee appointed under the provisions of sub-clause (1) of this paragraph, shall be presided over by a Member of the Commission and shall be made up of a number of persons, not necessarily Members of the Commission, as the Commission may determine in each case.
7. The decision of the Committee shall have no effect until it is confirmed by the Commission.

Miscellaneous

8. The fixing of the seal of the Commission shall be authenticated by the signature of the Chairman and the Secretary of the Commission or such other Member authorized generally or specifically by the Commission to act for that person.
9. Any contract or instrument, which if made by a person not being a body corporate, would not be required to be made under seal, may be made or executed on behalf of the Commission by the Secretary or by any other person generally or specifically authorized by the Commission to act for that purpose.
10. Any document purporting to be a contract, instrument or other document signed or sealed on behalf of the Commission shall be received in evidence and, unless the contrary is proved, be presumed, without further proof to have been so signed or sealed.
11. The validity of any proceedings of the Commission or a Committee thereof, shall not be adversely affected by:—
 - (a) any vacancy in the Membership of the Commission;

- (b) any defect in the appointment of a Member of the Commission or Committee
 - (c) reason that a person not entitled to do so, took part in the proceedings.
12. Any member of the Commission or a Committee thereof, who has a personal interest in any contract or agreement entered into or proposed to be considered by the Commission or Committee, shall forthwith disclose such interest to the Commission or Committee and shall not vote on any question relating to the contract or arrangement.

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

Chairman to report Bill.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered Report of the Committee on Federal Capital Territory on the Federal Capital Territory Civil Service Commission Bill, 2017 and approved as follows:

Clauses 1- 24 — As Recommended

Schedule — As Recommended

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

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

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

(b) Report on the Federal Capital Territory Water Board (Establishment, etc.) Bill, 2017 (HB.318);

Motion made: That the Senate do consider the Report of the Committee on Federal Capital Territory on the Federal Capital Territory Water Board (Establishment, etc.) Bill, 2017 (Concurrence) (*Senator Dino Melaye — Kogi West*).

Question put and agreed to.

Report presented.

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

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

Question put and agreed to.

Report presented.

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

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO ESTABLISH THE FEDERAL CAPITAL TERRITORY WATER BOARD AND FOR AND FOR MATTERS CONNECTED THEREWITH, 2017.

PART 1 — ESTABLISHMENT, ETC OF THE FEDERAL CAPITAL TERRITORY WATER BOARD

Clause 1: Establishment, etc. of the Federal Capital Territory Water Board.

- (1) There is hereby established for the Federal Capital Territory, Abuja, (in this Bill referred to as "the Territory"), the Federal Capital Territory Water Board (referred to in this Bill as "the Board").
- (2) The Board shall —
 - (a) be a body corporate with perpetual succession and a common seal;
 - (b) have powers to sue and be sued, in its corporate name
 - (c) have power to enter into contracts or partnerships with any person (whether corporate or unincorporated) which in its opinion will facilitate the discharge of the functions conferred on it by this Bill;
 - (d) be capable of holding, purchasing, acquiring, managing and disposing of property, movable and immovable;
 - (e) have power to train managerial and technical staff for the purpose of the discharge of the functions conferred on it in this Bill.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

Clause 2: The Board and its Constitution.

- (1) The Board shall consist of —
 - (a) a Chairman who shall serve on part time basis;
 - (b) a General Manager;
 - (c) a member nominated by the Nigerian Society of Engineers;
 - (d) a Director in charge of the planning department of the Federal Capital Development Authority (FCDA);
 - (e) a representative from the Federal Ministry of Water Resources;
 - (f) a representative from the Consumer Protection Council;
 - (g) a representative from a reputable Non-Governmental Organization.
- (2) the members from (f) - (g) shall represent public interest and must have proven ability and experience in the field related to the functions of the Board and must be capable of making valuable contributions to the objectives/work of the Board.

- (3) The Chairman and other members of the Board shall be appointed by the Minister, FCT.
- (4) The provisions contained in the Schedule to this Bill shall have effect with respect to the proceedings of the Board, and the other matters mentioned therein.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

Clause 3: Remuneration of members of the Board.

There shall be paid to the members of the Board such remuneration as the Minister, FCT, may from time to time determine.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

Clause 4: Tenure of office of Members.

- (1) The Chairman and other members of the Board shall hold office—
 - (a) for a term of four years in the first instance and may be reappointed for a further term of four years and no more; and
 - (b) on such terms and conditions as may be stipulated in their letters of appointment.
- (2) All members of the Board except the General Manager shall serve as part-time members.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

Clause 5: Quorum

The quorum for a meeting of the Board shall be five members, including the Chairman.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

Clause 6: Vacation of Office.

- (1) Notwithstanding the provisions of section 4 of this Bill, a member shall vacate office
 - (a) three months after the date upon which he gives notice in writing to the Minister, FCT of his intention to resign, or on the expiry of such other period of notice as he and the Minister, FCT may agree; or
 - (b) on the date he begins to serve a sentence of imprisonment imposed without the option of a fine —

- (i) in Nigeria, in respect of an offence; or
 - (ii) outside Nigeria, in respect of an offence involving financial impropriety or any conduct which, if committed in Nigeria, would constitute an offence;
 - (c) if he attends fewer than 75% of the Board's meetings in any one year period; or
 - (d) in the case of members who have professional qualifications, if the member is barred or suspended from his professional body;
 - (e) If he becomes bankrupt;
 - (f) if he becomes of unsound mind or incapable of carrying out his duties;
 - (g) if he is guilty of serious misconduct with relation to his duties as a member of the Board.
- (2) A member of the Board may only be removed by the Minister, FCT under any of the provisions of section 6 (1) (a) to (g) of this Bill.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

PART II — FUNCTIONS, POWER AN OBJECTIVES OF THE BOARD

Clause 7: Objectives of the Board.

The objectives of the Board shall be to —

- (a) provide safe, adequate and affordable water supply services to the residents of the Federal capital Territory;
- (b) collaborate with the Authority responsible for Water Resources Management to secure efficient use of water resources for the conservation and protection of the water resources of the Territory and the Nation.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

Clause 8: Functions of the Board.

The functions of the Board shall be to—

- (i) ensure the supply of adequate and potable water throughout the Territory at reasonable charges;
- (ii) manage and maintain all capital works, water services facilities and new water services assets in the Territory either directly, or pursuant to PPP Agreements with private participants, or by raising necessary funds from other sources subject to the provisions of this Bill;

- (iii) prepare for the approval of the Minister, FCT, plans for the maintenance and development of water supply services, water service assets and new water services assets in the Territory (referred to as the "Development Plans"), pursuant to consultation with the relevant authorities and consumer groups;
- (iv) identify and implement projects for the delivery of water supply services which may be undertaken with private sector participation, pursuant to consultation with the relevant authorities, in order to fulfill the water service obligations of the Board;
- (v) manage and maintain existing waterworks within the Territory more particularly to the various area councils and maintaining limited supervising capacity and intervention over these area councils' operations;
- (vi) manage and control waterworks for public, domestic, industrial, and general purposes in the Territory;
- (vii) verify and monitor Public Private Partnership (PPP) Agreements compliance by the private participant
- (viii) establish and implement proper accounting procedures for all of the assets and liabilities of the Board;
- (ix) undertake from time to time the conduct of research for the purposes of carrying out the functions of the Board;
- (x) submit the result of such research to the Minister for the utilization of same for the formulation of the Policies relating to water supply, and water pollution control in the Territory;
- (xi) authorize or delegate any officer or employee of the Board to act as agent of the Board for any functions, services or facilities which may be exercised, performed or provided by the Board under this Bill;
- (xii) specify the terms and conditions of supply of water to the consumers;
- (xiii) develop regulations for the protection and preservation of the water services assets and water supply facilities of the Board;
- (xiv) promote the rational use of water resources and potable water supplied by the Board and develop regulations to prevent wastage;
- (xv) take steps to protect the water resources and others assets and facilities of the Board from trespass, pollution and other nuisance by any member of the public.
- (xvi) collect rate and charges for water supplied, distributed, or sold in bulk by the Board, and;
- (xvii) carry out any other activities that are expedient or necessary for the effective and efficient performance of its functions under this Bill.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

Clause 9: General Powers of the Board.

- (1) The Board shall, subject to the provisions of this Bill, have power for the purpose of carrying out its functions to—
 - (a) own all water services assets within the Territory;
 - (b) fix rates and charges payable by customers for water supplied by the Board within the Territory subject to the approval of the Minister, FCT;
 - (c) determine fees to be paid for all services of the Board, which fees, including water rates will conform to the cost of production, maintenance and shall correlate with consumption;
 - (d) determine the manner in which rates shall be paid by the consumers and exercising discretionary powers on whether to stratify the payments of rates according to income and or house types;
 - (e) prepare development plans for the maintenance and development of water supply services assets;
 - (f) acquire, purchase, lease, hold, maintain or insure any property forming part of the water services assets or new water services assets, whether movable or immovable, required for or in connection with the performance of its functions and sell, lease, concede, dispose of, or otherwise deal with such property or any part thereof subject to the approval of the Minister in instances of sale of asset—
 - (i) undertake any land acquisition procedure necessary for the performance of its functions, in accordance with all valid legislation;
 - (ii) enter into agreement with any person for the management, supply manufacture, maintenance or repair of any water services asset or new water services asset whether movable or immovable;
 - (iii) procure water abstraction rights from the relevant authorities and may assign such rights to private participants under PPP Agreements;
 - (g) maintain and operate water works and all other buildings and works necessary for the discharge of the functions of the Board under this Bill;
 - (h) protect, maintain and improve all existing natural water courses in consultation with relevant authorities;

- (i) carry any water pipe through, across, or under any street or any place laid out or intended as a street and after giving reasonable notice in writing to the owner or occupier thereof, and making good any damage done;
- (j) abstract water from any lake, river, stream or other natural source forming part of the water resources of the Territory, and to do likewise in respect of other water by arrangement with the appropriate authority under and in accordance with the provisions of any existing law in that behalf;
- (k) access from time to time any surface or underground water forming part of the water Resources of the Territory for the purpose of determining what if any pollution exists and its causes and to do likewise in respect of other water by arrangement with the appropriate authority under and in accordance with the provisions of any existing Act in that behalf;
- (l) control the drilling and operation of boreholes and the abstraction from underground water forming part of the water resources of the Territory in consultation with the Ministry responsible for water resources and making appropriate regulations relating thereto;
- (m) enter upon any land at any time for the purpose of investigating, repairing or removing any water pipe which is the property of the Board;
- (n) maintain stand pipes or public fountains in any street or other public place;
- (o) at any time between the hours of six o'clock in the morning and six o'clock in the evening, or in case of emergency at any other time, to enter into any premises or any place upon which any pipe has been laid or into which any water supply services is supplied so as to—
 - (i) inspect any service and to ascertain whether there is any wastage, leakage, obstruction, illegal connection or damage to any service or meter therein and anything in connection therewith;
 - (ii) ascertain the amount of water taken or used or;
 - (iii) disconnect the supply of water to any premises;
- (p) diminish, withhold, or suspend, stop, turn off or divert the supply of water through or by means of any service or public fountain either wholly or in part whenever the Board deems necessary;
- (q) enter into agreement with any person for the supply, construction, manufacture, maintenance or repair of any property whether movable or immovable, which is necessary or appropriate for the purpose of the Board;

- (r) do anything for the purpose of advancing the skill of persons employed by the Board or the efficiency of the equipment of the Board or the manner in which the equipment is operated including the provision of facilities for training, education and research;
 - (s) accept or acquire and hold any security of any kind in any form whatsoever;
 - (t) delegate the responsibility to provide water services and the operation, management and maintenance of water services assets and new water services assets, to private participants pursuant to project agreements subject to the Policy of the Federal Government with respect thereto;
 - (u) surrender, transfer or re-convey any security held by the Board whether upon exchange for other security or upon discharge;
 - (v) in relation to any security held by the Board exercise any power, right or privilege in respect thereof that a private individual would be capable of exercising in like circumstances;
 - (w) make, draw, accept, or endorse, negotiable instruments;
 - (x) invest money standing to its credit and not for the time being required for its immediate need, in stocks, shares, debentures or other securities whatsoever approved by the Minister and to sell such stocks, shares, debentures or other securities;
 - (y) insure its properties against all forms of risk—
 - (i) write off bad debts with the approval of the Minister;
 - (ii) raise financing or borrow money by issuing debenture or any other securities or in any other manner in connection with the exercise of its functions subject to the approval of the Minister;
 - (iii) retain and expend corporate income, as defined under relevant accounting standards, for the purposes of fulfilling its function under this Bill.
- (2) The Board shall have power for the purpose of carrying out its functions to do all such acts as appear to it to be requisite, advantageous, or convenient and may carry on any activities in that behalf either alone or in association with any other person or body.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

Clause 10: Power to make Regulations.

The Board may, with the approval of the Minister make regulations with respect to all or any of the following matters—

- (a) fixing the rate and scale of charges payable for the water supplied by meter or otherwise within the Territory;

- (b) granting exemptions from any water rate or charge of any premises or class of premises to any person or class of persons;
- (c) the amount payable in respect of water supplied to any Government in the Federation or Local Authority Council, institution or institutions, be it public or private, or to any special part of any such institutions as aforesaid;
- (d) the amount of rent payable on the Board's meters;
- (e) the method and manner in which water may be taken from public fountains;
- (f) fees payable for services rendered by the Board together with the time and place of payment of such fees;
- (g) the construction, laying, fitting, alteration or readjustment of services and the nature, quality, size and pattern used;
- (h) the forms of all notices required to be given or sent under this Act and the issuing and service of same;
- (i) the control, whether by prohibition or otherwise of boating on or fishing in any waterworks;
- (j) the prevention of the wrongful opening or closing of any lock, cock, valve, sluice or manhole pertaining to any waterworks or otherwise belonging thereto;
- (k) the prevention of the commission of an offence or nuisance in or, about any station, works, plant, building or premises of the Board;
- (l) the prevention of illegal tapping of water;
- (m) the prevention of trespass upon or injury to stations, works, plants, buildings or premises appertaining to any water works or otherwise belonging thereto;
- (n) generally regulating the operations of the waterworks and the governance thereof and maintenance of good order thereon;
- (o) generally for the preservation and the conservation of the sources of water in the areas appertaining to the Board's operations;
- (p) the prevention of wastage and leakage of water;
- (q) licensing procedure for water services operators and other participants in the water sector including informal operators.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

PART III — STAFF OF THE BOARD

Clause 11: The General Manager and Chief Executive Officer (GM).

There shall be appointed by the Minister an officer of the Board to be known as the General Manager who shall, subject to the general direction of the Board—

- (a) be the Chief Executive and Chief Accounting Officer of the Board (referred to in this Bill as "the General Manager" or "GM");
- (b) be responsible for the implementation of the decisions and policies of the Board as well as the general administration of the Board;
- (c) perform such other duties as the Board may from time to time direct.

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

Clause 12: Other Management Staff.

In the discharge of his functions, the General Manager may be assisted by the following officers of the Board—

- (a) Assistant General Manager in charge of Administration;
- (b) Assistant General Manager in charge of Finance and Accounts;
- (c) Assistant General Manager in charge of Technical operations;
- (d) Assistant General Manager in charge of Commercial operations;
- (e) Assistant General Manager in charge of Planning;
- (f) the Secretary of the Board who shall be the legal Adviser to the Board;
- (g) any other Officers as the Board may deem necessary in furtherance of the functions of the Board.

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

Clause 13: Other Staff of the Board.

- (1) The Board shall have power to appoint directly, or from any Public Service of the Federation, any number of staff and other employees as it may from time to time deem necessary to assist the Board in the discharge of its functions under this Bill.
- (2) The terms and Conditions of Service of members of staff shall be as may be determined by the Board and in accordance with prevailing terms and conditions of service for public enterprises.
- (3) It is hereby declared—
 - (a) that Service in the Board shall be approved Service under the provision of the Pensions Act and accordingly, staff and employees of the Board shall be entitled to pensions, gratuities and other retirement benefits as prescribed under the Pensions Act.

- (b) without prejudice to the provisions of subsection (a) of this section, nothing in this Bill shall prevent the appointment of any person to any office on terms which preclude the grant of pension, gratuity or other retirement benefits with respect to that office.

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

Clause 14: Remuneration of Officers.

The Board shall determine the remuneration to be paid to its officers and servants and may require any officer to give such security as is deemed proper for the due execution of his office.

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

PART IV—FINANCIAL PROVISIONS

Clause 15: Funds of the Board

- (1) The funds and resources of the Board shall consist of—
- (a) all sums, investments or other property vested in the Board by virtue of the provisions of this Bill;
 - (b) such sums or other advances by way of loans or grants to the Board by the Government;
 - (c) such sums or other property as may from time to time be advanced by way of loans or grants to the Board by any Government or Statutory Body in the Territory, the Federal Government or any agency or institution of any such Government, any international Organization, and private foundation or any person whatsoever;
 - (d) any investments or other property whatsoever acquired by the Board;
 - (e) money earned or arising from any investments or other property acquired by or vested in the Board; and
 - (f) all other sums (whether as water rates, water services charges) or other property whatsoever which may in any manner become payable to or vested in the Board in respect of its powers and duties or of any other incidental matter under this Bill or by virtue of the provisions of any other Bill;
 - (g) any money allocated to the Board under the Federal Government budgetary allocation or
 - (h) such other money as may from time to time accrue to the Board.

- (2) The Board shall ensure that its funds and resources are adequate to meet the operating expenses, depreciation charges, debt servicing requirements and such percentage of its annual capital expenditure requirements as may be determined by the Minister.

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

Clause 16: Bank Account.

The Board shall operate bank accounts for its funds with a reputable Bank or Banks and the signatories to the accounts shall be either the General Manager or in his absence his designated representatives as the case may be, and the Head of Accounts, or in his absence his designated representative or any person duly authorized by the Board in that behalf.

Committee's Recommendation:

That the provision in Clause 16 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

Clause 17: Application of the Board's Revenue.

The following charges shall be defrayed out of the revenue of the Board for any financial year—

- (a) the remuneration and allowances of the members of the governing body and those of any committees of the Board;
- (b) the salaries, remuneration, fees, allowances, pensions and gratuities of the staff, agents, technical and other advisers or consultants of the Board;
- (c) all expenses of working and management of the Board and its waterworks and other properties including proper provision for depreciation, wear and tear or renewal of assets;
- (d) such minor works of a capital nature as the Board may deem necessary from time to time;
- (e) such sums including compensation that may be payable by the Board to any person or authority by virtue of the provisions of this Bill or any other enactment;
- (f) taxes, rates and other levies payable by the Board under any Bill;
- (g) interest or loans raised by and on behalf of the Board;
- (h) sums required to be transferred to any sinking fund or otherwise set aside for the purpose of making provision for the redemption of or other securities or the repayment of other loans; and
- (i) such other sums as the Board may approve for payment out of the revenue account of the Board in respect of any Financial year.

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

Clause 18: General Reserve Fund.

- (1) The Board shall establish and maintain a General reserve fund in a separate Account into which account shall be paid the following—
 - (a) balance of the revenue of the Board for any financial year;
 - (b) such money as the Minister may from time to time direct from any sources;
 - (c) operating profits as may accrue to the Board in any financial year.
- (2) The General Reserve Funds shall be used for the actualization of the Plans of the Board with respect to the provision of water services delivery as contained in the approved water services development plan.

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

Clause 19: Loans and Grants by the Federal Government.

- (1) It shall be lawful for the Government to make to the Board the following—
 - (a) grants of any sums of money or property deemed necessary; and
 - (b) loans upon such terms as to repayment, with interest or otherwise as the Government may determine.
- (2) The Government may, if it deems it expedient so to do, waive in favour of the Board any right or liability to the Government in respect of any property vested in the Board by virtue of the provisions of this Bill.

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

Clause 20: Annual Budgets and Accounts.

- (1) The Board shall, not later than 30th September of each year, submit for the approval of the Minister an estimate of its expenditure and income (including payments for the Board's fund) for the next succeeding year.
- (2) The Board shall keep proper accounts, to conform with standard accounting practice, in respect of each year and proper records in relation to those accounts and shall cause its accounts to be audited within six months after the end of each year by auditors appointed from the list and in accordance with guidelines supplied by the Auditor - General for the Federation.

Committee's Recommendation:

That the provision in Clause 20 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

Clause 21: Annual Reports.

The Board shall prepare and submit to the Minister, not later than six months after the end of each year, a report in such form as the Minister may direct on the activities of the Board during the immediately preceding year, and shall include in such report a copy of the audited accounts of the Board for that year and the auditors' report on the accounts.

Committee's Recommendation:

That the provision in Clause 21 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

Clause 22: Power to Accept Gifts.

- (1) The Board may accept gifts of land, money or other property on such terms and conditions, if any, as may be specified by the person or organization making the gift.
- (2) The Board shall not accept gifts if the conditions attached by the person or organization offering the gifts are inconsistent with the functions of the Board.

Committee's Recommendation:

That the provision in Clause 22 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

Clause 23: Power to Borrow Money.

- (a) The Board may from time to time, with the approval of the National Assembly, borrow money by overdraft or in any other manner for and in connection with the exercise of its functions under this Bill as the Board may deem necessary.
- (b) An approval given for the purposes of this section may be either general or limited to a particular borrowing or otherwise and may be subject to conditions.
- (c) The Board shall have the powers to take loans for purposes of developmental activities as may be approved by the National Assembly.

Committee's Recommendation:

That the provision in Clause 23 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

Clause 24: Investments.

The Board may, subject to the Provisions of this Bill, and the conditions of any trust created in respect of any property, invest all or any of its funds in any security prescribed by the Investments and Securities Act or in such other securities as may from time to time be approved by the Minister.

Committee's Recommendation:

That the provision in Clause 24 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

Clause 25: Power to raise Capital on the Stock Exchange.

The Board may with the approval of the National Assembly raise capital for the implementation of its developmental plans and programmes through the capital market or by issuing Bonds or other instruments, and by satisfying all the necessary requirements of the Stock Exchange in that regard subject to the approval of the National Assembly.

Committee's Recommendation:

That the provision in Clause 25 be retained (*Senator Dino Melaye—Kogi West*) — *Agreed to.*

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

Clause 26: Guarantee on Loans or Other Instruments of the Board by the Federal Government.

- (1) The Government may guarantee by an undertaking of the Minister of Finance in such manner and on such condition as that Minister may think fit, the payment of the principal and interest of any sum or sums borrowed or Bonds issued by the Board with the approval of the Minister.
- (2) Such sums as may be required by the Federal Accountant-General for the purpose of making good the obligations of the Government under the guarantee shall be charged on the Consolidated Revenue Fund of the Federal government.

Committee's Recommendation:

That the provision in Clause 26 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

Clause 27: Proof of Moneys Due.

In any action for the recovery of any rate or other moneys (other than fines and penalties) payable or recoverable under and by virtue of the provisions of this Bill, a certificate under the hand of the Board in that behalf, that any sum of money is due, and that the defendant is the person liable to pay the same shall, be evidence of such debt and of non-payment thereof, and of the fact that the defendant is the person liable to pay the same.

Committee's Recommendation:

That the provision in Clause 27 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

PART V — TECHNICAL PROVISIONS**Clause 28: Water Supply, Distribution and Consumption**

Board's Responsibility to Consumers for continuous Supply of Water.

- (1) The Board shall as far as possible maintain a continuity of supply of treated water to residents in the Territory, provided that—
 - (a) the Board shall have the right to suspend the supply of water for such periods as may be necessary for carrying out inspections, tests, or repairs and for the making of new connections;
 - (b) the Board shall have the right to suspend or turn off supply for the purpose of effecting alterations and modifications to its pipelines and other facilities or general maintenance of the waterworks;

- (c) the Board shall have the right to suspend or discontinue any supply where the payment of any rate, dues or charges are in arrears.
- (2) The Board shall in no case be under any obligation to pay damages or compensation for loss, damages or inconveniences caused to any consumer through any suspension, failure, discontinuance or a total or partial interruption of the supply of water howsoever caused.

Committee's Recommendation:

That the provision in Clause 28 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

Clause 29: Rates and Scales of Charges.

- (1) The Board, shall from time to time fix rates and scales of charges payable for water supply and other services within the Territory in accordance with a methodology for tariff setting earlier approved by the Minister which allows for the fixing of economic rates for water supply and other services in order to meet its financial objectives and in accordance with the provisions of this Bill.
- (2) The water rates and charges may be fixed at different rates for different locations as the Board may think fit in the circumstances.

Committee's Recommendation:

That the provision in Clause 29 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

Clause 30: Application for Water Supply.

- (1) Subject to this Bill and any rules or regulations made thereunder, the Board may supply water to any tenement upon application made by the owner or occupier thereof and such application shall be accompanied with payment of fees or rates as the Board may from time to time determine.
- (2) The Board may refuse to supply water to any particular premises otherwise than by a meter or device installed and maintained by the Board.

Committee's Recommendation:

That the provision in Clause 30 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

Clause 31: Purchase, Resale and Distribution of Water by the Board.

Subject to the provisions of this Bill, the Board may purchase water in bulk and may resell such water either in bulk or by distribution to individual consumers.

Committee's Recommendation:

That the provision in Clause 31 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

Clause 32: Prohibition of Sale of Water supplied by the Board.

As from the commencement of this Bill, it shall be unlawful for any person to resell water supplied by the Board except pursuant to a License or other Agreement with the Board for that purpose:

Provided that no authority shall be required for the sale of any manufactured goods or other commodities in which water supplied by the Board is included.

Committee's Recommendation:

That the provision in Clause 32 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

Clause 33: Payment for Water Rates and Charges.

- (1) The owner or occupier of any tenement to which water is supplied by the Board shall pay to the Board such rates and charges for water supply or other services as may from time to time be determined by the Board.
- (2) Where any person fails to pay water rates or charges within one month after it has become due the Board may recover such rates or charges with cost by an application brought before the FCT High court.

Committee's Recommendation:

That the provision in Clause 33 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

Clause 34: Power to Levy General Water Rate in respect of Local Authorities.

The Board shall have power to collect from Local Authorities such fees as may be agreed in respect of services in common provided for the inhabitants of the respective Local Areas.

Committee's Recommendation:

That the provision in Clause 34 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

Clause 35: Board not Responsible for Installation Works or for Damage.

The Board shall not by virtue of making any inspection or test of a consumer's pipes, fittings, appliances and apparatus in accordance with this Bill, or any regulations made there-under, whether during the progress of the work of installation at the consumer's premises or after its completion, be deemed to be responsible for the efficiency or safety of the consumer's pipes, fittings, appliances and apparatus so inspected or tested or arising out of the use or misuse of apparatus by the consumer or any other person other than an employee of the Board.

Committee's Recommendation:

That the provision in Clause 35 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

Clause 36: Entitlement to Supply of Water without Preferential Treatment.

Except in so far as is otherwise provided by this Bill, where a supply of water is provided by the Board in any part of an area for private purposes, every person within that part of the area shall, upon application to the Board, be entitled to a supply on terms and conditions as the Board may deem fit:

Provided that in the case of a first time connection adequate water can be made available without detriment to existing supplies to persons or institutions in the area.

Committee's Recommendation:

That the provision in Clause 36 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

Clause 37: Responsibility for Expenses caused by Certain Necessary Alterations.

- (1) If any person or any Ministry of the Federal Government, a Department of the Ministry, or other authority does anything which such person, department or authority is by or under any Act authorized to do and which necessitates an alteration in any part of any waterworks, or of any distribution system vested in or the property of the Board, the Board shall on reasonable notice being given to it by such person, Ministry, Department or Authority make such alteration and the expenses incurred thereby shall be borne by such person, Ministry, Department or Authority.
- (2) In the event of any dispute as to the amount of such expenses the same may be referred by the person, Ministry, Department or Authority concerned, or the Board to the Abuja Multi-Door Courthouse.

Committee's Recommendation:

That the provision in Clause 37 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

Clause 38: Maps of Waterworks.

- (1) Subject to the provisions of this section, it shall be the duty of the Board to keep records of the location of—
 - (a) every resource main, water main or discharge pipe which is for the time being vested in the Board; and
 - (b) any other underground works, other than a service pipe, which are for the time being vested in the Board.
- (2) It shall be the duty of the Board to ensure that the contents of any records for the time being kept by it under this section are available, at all reasonable times, for inspection by the public free of charge at an office of the Board upon prior application in writing to the Board.
- (3) Any information which is required under this section to be made available by the Board for inspection by the public shall be so made available in the form of a map.
- (4) For the purpose of determining whether any failure to make a modification of any records kept under this section constitutes a breach of the duty imposed by subsection (1) that duty shall be taken to require any modification of the records to be made as soon as reasonably practicable after the completion of the works which make the modification necessary; and, where records kept under this section are modified, the date of the modification and of the completion of the works making the modification necessary shall be incorporated in the records.

- (5) The Board may charge such amounts as it may determine for the provision of such information to the public.

Committee's Recommendation:

That the provision in Clause 38 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

PART VI— CUSTOMER CARE CENTER

Clause 39: Establishment of Customer Care Centre.

- (1) There shall be established for the Board, a Customer Care Centre (referred to in this Bill as "the Centre") which shall be established within the Board's Headquarters.
- (2) The Board may also establish customer care centers in its area offices as it deems necessary with a view to bringing its services closer to the consumers.

Committee's Recommendation:

That the provision in Clause 39 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

Clause 40: Functions of the Center

The functions of the Centre shall be —

- (1) To receive and pursue complaints from consumers regarding:—
- (a) quality of water;
 - (b) water leakages;
 - (c) damage to properties of the Water Board
 - (d) water connection charges
 - (e) standards of service; and
 - (f) other related matters.
- (2) To settle minor disputes and protect the interests of all consumers.
- (3) To monitor all matters appearing to the Centre to affect the interests of consumers or potential consumers.
- (4) To consult with any operator about matters which affect the interest of consumers or potential consumers to that operator.
- (5) To make representations where appropriate on behalf of a consumer or complainant to any Private Sector Operator.
- (6) To receive and pursue complaints from Environmental Agencies and Government Bodies on pollution matters.
- (7) To forward complaints to the relevant authorities where applicable.

Committee's Recommendation:

That the provision in Clause 40 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

PART VII — OFFENCES AND PENALTIES

Clause 41: Offences Relating to Water Diversion, Pollution, etc.

Any person who —

- (a) willfully or negligently damages any water works, public fountain or service; or
- (b) unlawfully draws, diverts or takes water from any source or from stream by which any water is supplied, or
- (c) makes an unauthorized opening or closes any valve, sluice or manhole of any waterworks; or
- (d) pollutes any water or water source; or
- (e) allows or causes any foul liquid or gas or other noxious or toxic or injurious substance or matter to be discharged into any water source or any facility of the Board, commits an offence and shall be liable on conviction to a fine of ₦20, 000 or to imprisonment for a term not exceeding 1 year or to both such fine and imprisonment in case of an individual or ₦250, 000.00 in case of corporate offenders and to a further penalty of ₦50, 000 for each day that the act or omission that constitutes the offence continues.

Committee's Recommendation:

That the provision in Clause 41 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

Clause 42: Offences Relating to Wastage.

Any person who —

- (a) willfully or negligently misuses, causes or allows to be misused or wasted any water, passing through or into, upon or near tenement any water works; or
- (b) alters, causes or permits to be altered any pipeline, fittings or fountains or any waterworks without the consent of the Board, commits an offence and shall be liable on conviction to a fine of N10,000 or to imprisonment for a term not less than 6 months or to both such fine and imprisonment.

Committee's Recommendation:

That the provision in Clause 42 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

Clause 43: Offences Relating to Fraudulent Measurements.

Any person who alters, causes or permits to be altered, any pipeline, fittings or fountains or any waterworks with the intent to —

- (a) avoid the accurate measurement or register of water by means of any meter;

- (b) obtain a greater supply of water than he is entitled, or to avoid payment For such supply; or
- (c) willfully or negligently damage, alter, cause or permit to be damaged or altered any meter, commits an offence and shall be liable on conviction to a fine of N10,000 or to imprisonment for a term not exceeding 1 month or to both such fine and imprisonment.

Committee's Recommendation:

That the provision in Clause 43 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

Clause 44: Offences Relating to Nuisance.

- (1) Any person who puts, allows to be put or to remain, or to accumulate on any tenement owned or occupied by him or his servant or agent, any foul material or substance in such manner or place that it causes nuisance or may fall, be washed or be carried into or obstructs any water works of the Board, commits an offence and shall be liable on conviction to a fine of N20,000 or to imprisonment for a term not exceeding 3 months or to both such fine and imprisonment.
- (2) Any person who allows any material or substance or any nuisance to remain after notice for the cleanup or removal or remediation has been served on him by the Board shall, in addition to the penalty specified in subsection (1) of this section, be liable to a further penalty of N5000 for each day that the act or omission that constitutes the offence continues.

Committee's Recommendation:

That the provision in Clause 44 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

Clause 45: Offences Relating to Bathing, Washing, etc.

Any person who —

- (a) bathes or washes clothes, materials or other things in any part of any waterworks or its appurtenances; or
- (b) puts, allows or causes to enter into any waterworks any horse, dog, goat, pig or any other domestic animal or any bird or other things; or
- (c) makes an unauthorized opening or closes any, valve/control, sluice or manhole belonging to any waterworks, commits an offence and shall be liable on conviction to a fine of N10,000 or imprisonment for a term not exceeding 6 months or to both such fine and imprisonment.

Committee's Recommendation:

That the provision in Clause 45 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

Clause 46: Incitement.

Any person who —

- (a) incites another person to refuse to pay any water rates or charges due and payable by him, or

- (b) incites or assist any person to misrepresent in any way his ratable capacity or any information material to the assessment of or rating upon tenement of which he is owner or occupier commits an offence and shall liable on conviction to a fine of N5,000 or imprisonment for a period of one month or both.

Committee's Recommendation:

That the provision in Clause 46 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

Clause 47: Obstruction of the Staff of the Board.

Any person who obstructs or assaults any staff, officer or employee of the Board or any other person authorized by the Board in the course of carrying into effect any of the provisions of this Bill commits an offence and shall be liable on conviction to a fine N5,000 or imprisonment for a term not exceeding 1 month or to both such fine or imprisonment.

Committee's Recommendation:

That the provision in Clause 47 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

Clause 48: Offences of Impersonation.

Any person who, not being lawfully authorized to carry out any function under this Bill by the Board, and who under any guise or cover holds out himself as having been authorized to enforce any part of this Bill commits an offence and shall be liable on conviction to a fine N100,000 or one year imprisonment for a Board impersonator.

Committee's Recommendation:

That the provision in Clause 48 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

Clause 49: Conspiracy.

Any person who conspires with, procures, instigates, aids, or facilitates another person to do anything or act prohibited under any of the provision of this Bill, commits an offence and shall be liable under the relevant provisions of this Bill relating to such offence and shall be punished as if he committed the offence himself.

Committee's Recommendation:

That the provision in Clause 49 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

PART VIII — LEGAL PROCEEDINGS

Clause 50: Limitation of Suits against the Board, etc.

- (1) Subject to the provisions of this Bill, the provisions of the Public Officers Protection Act shall apply in relation to any suit instituted against member, officer or employee of the Board.

- (2) No suit against the Board, a member of the Board, the General Manager or any other officer or employee of the Board for any act done in pursuance or execution of any Law, or any public duties or in respect of any alleged neglect or default in the execution of such act, duties or authority, shall lie or be instituted in any court unless —
- (a) it is commenced within three months next after the act, neglect or default complained; or
 - (b) in the case of continuation of damage or injury, within three months next after the ceasing thereof.
- (3) No suit shall be commenced against the Board, the General Manager or any other officer or employee of the Board before the expiration of a period of one month after written notice of intention to commence the suit shall have been served on the Board by the intending plaintiff or his agent; and the notice shall clearly and explicitly state —
- (a) the cause of action;
 - (b) the particulars of claim;
 - (c) the name and place of the abode of the intending plaintiff; and
 - (d) the relief claimed.

Committee's Recommendation:

That the provision in Clause 50 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

Clause 51: Service of Documents.

The notice referred to in subsection (3) of section 55 of this Bill, and any summons, notice or other document required or authorized to be served upon the Board under the provisions of this Bill or any other Law may be served by delivering the same to the General Manager or by sending it by registered post and addressed to the General Manager at the Headquarters of the Board.

Committee's Recommendation:

That the provision in Clause 51 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

Clause 52: Restriction on Execution against the Board.

In any action or suit against the Board, no execution or attachment of process in the nature thereof shall be issued against the Board but any sums of money which may by judgment of the court be awarded against the Board shall, subject to any directions given by the court, be paid from the general reserve fund of the Board.

Committee's Recommendation:

That the provision in Clause 52 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

Clause 53: Every member of the Board, agent, auditor, officer or employee of the Board shall be indemnified out of the assets of the Board against any liability incurred by him in defending any proceeding, whether civil or criminal if any such proceeding is brought against him in his capacity as such member, agent, auditor, officer or employee as aforesaid.

Committee's Recommendation:

That the provision in Clause 53 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

PART IX — MISCELLANEOUS PROVISIONS

Clause 54: Certain Provisions Relating to Defaulters, etc.

- (1) Where any person contravenes any of the provisions of this Bill, the Board may, without prejudice to the rights of the Board to commence proceedings against any defaulter —
 - (a) serve a notice in writing on the defaulting occupier or consumer; and
 - (b) authorize or cause an officer or employee of the Board to enter and alter, disconnect, stop or remove any water fittings belonging to or used by such defaulting occupier or consumer.
- (2) Upon the occupier or the consumer remedying the default or contravention referred to in subsection (1) of this section, the Board may cause repairs, replacement and re-connection of the water fittings and the Board shall recover from the defaulter, the cost or expenses reasonably incurred to effect the repairs or replacement or re-connection as the case may be.

Committee's Recommendation:

That the provision in Clause 54 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

Clause 55: Recovery of Loss of Money.

- (1) Where, upon consideration of any audit report, the Board is satisfied that in respect of its functions under this Bill —
 - (a) a sum due to the Board has not been duly brought to account by any person; and
 - (b) there is loss of money or destruction of any of the property of the Board which has occurred by reason of —
 - (i) negligence; and
 - (ii) breach of official duty or other misconduct of any person, the Board may surcharge such money or the value of the property lost or destroyed upon the person aforesaid whether he is member of staff of the Board or an agent of the Board.
- (2) Before exercising any of the powers specified under subsection (1) of this section, the Board may, in writing, authorize any person to conduct an inquiry for the purposes of the section (and to take evidence and examine witnesses) by summons, require all such persons as it may deem fit to appear before it at a time and place stated in such notice or summons and to produce all such books, records, accounts and other documents and materials as it may consider necessary for the purpose of the inquiry.
- (3) If the Board decides to surcharge any person under subsection (1) of this section, it shall cause a notice to be served upon such person.

- (4) Notwithstanding anything to the contrary contained in subsection (1) of the section, no liability to surcharge shall be incurred by any officer, employee or agent of the Board if he can prove to the satisfaction of the Board that he acted in pursuance, and in accordance with the terms of a resolution of the Board or of any committee duly appointed by the Board under this Bill or on the written instructions of any officer, employee or agent of the Board:

Provided that nothing in this subsection shall exempt any person from liability to surcharge within the provisions of this section where it is proved that he knew or ought reasonably to have known that the terms of the resolution or written instructions as aforesaid were not in accordance with provisions of this Bill or rules or directions given hereunder

- (5) Any amount notified as a surcharge in accordance with subsection (3) of this section shall be due to the Board and may be sued for and recovered in any court of competent jurisdiction at the instance of the Board.

Committee's Recommendation:

That the provision in Clause 55 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

Clause 56: Appeals against Surcharge.

- (1) Any person who is aggrieved by any decision of the Board for a surcharge of any amount exceeding N1,000 may within thirty days of such decision appeal to the Minister for a review of the decision.
- (2) The Minister, shall have power to confirm, vary or quash the decision of the Board and give such direction(s) as he may deem fit in each circumstance.

Committee's Recommendation:

That the provision in Clause 56 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

Clause 57: Provisions Relating to Land.

- (1) Wherever it appears to the Board that any land in the Territory is required for the purpose of any waterworks, the Board shall, subject to the Land Use Act, apply to the Minister for approval for its officers or agents to enter upon the land and —
- (a) survey and take levels of the land
- (b) dig or bore hole under the subsoil; and
- (c) do such other things as are necessary to ascertain whether the land is adapted for such purposes:

Provided that no such officer, agent, servant or workman of the Board shall enter into any building or upon any enclosed court or garden attached to a dwelling house without giving at least seven days notice of intention to enter to the Occupier and the occupier shall not unreasonably withhold consent as requested.

- (2) Where any entry made under subsection (1) of this section occasions any damages requiring the payment of compensation, the Board shall pay compensation (s) as it thinks fit in the circumstances, from time to time.

Committee's Recommendation:

That the provision in Clause 57 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

Clause 58: Abstraction by Fire Authorities.

- (1) Subject to subsection (2) of this section, any fire authority may abstract water from any public fountain, service or waterworks of the Board for the purpose of prevention or control of fire.
- (2) Water shall not be abstracted by any fire authority for the purpose of testing any fire fighting appliance except with the consent of the Board and such consent should not be unreasonably withheld.
- (3) No charge shall be made for water supplied by the Board under subsection (1) or (2) of this section.
- (4) Any main, pipe, valve, hydrant, service or other waterworks required within the area of operation of the Board by any fire authority in the discharge of its functions to prevent and control fire shall be provided by the Board upon payment thereof by the fire authority such fees or rates as the Board may from time to time, determine provided that such main, pipe, valve, hydrant, service or other waterworks shall vest in the Board and shall be maintained by the Board as the fire authority may, from time to time, require.
- (5) In this section, "fire authority" means any authority or body of firemen duly constituted, organized or established under any enactment or Act by the Federal, Local Authority.

Committee's Recommendation:

That the provision in Clause 58 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

Clause 59: Savings and Transfers of Liabilities, Staff etc.

- (1) The statutory functions, rights, obligations and liabilities of the Federal Capital Development Authority (in this Bill referred to as "the Authority") as they relate to the supply of water in the Territory existing before the commencement of this Bill under any contract or instrument, shall subject to any contrary directive(s) by the Minister, be vested in the Board established under this Bill.
- (2) Any such contract or instrument as is mentioned in subsection (1) of this section, shall be of the same force and effect against or in favour of the Board established by this Bill and shall be enforceable as fully and effectively as if instead of the Authority existing before the commencement of this Bill, the Board established by this Bill has been named therein or had been a party thereto.

- (3) The Board established by this Bill shall be subject to all obligations and liabilities to which the Authority existing before the commencement of this Bill was subject before the commencement of this Bill and all persons shall have the same rights, powers and remedies against the Board established by this Bill as they had against the Authority
- (4) Any proceeding or cause of action pending or existing immediately before the commencement of this Bill, by or against the Authority existing before the commencement of this Bill in respect of any right, interest, obligation or liability of the Authority may be continued or as the case may be commenced by or against the Board and any determination of a court, tribunal or other authority may be enforced by or against the Board established by this Bill to the same extent that such proceeding or cause of action or determination might have been continued, commenced or enforced against the board.
- (5) Any person who immediately before the coming into force of this Bill is the holder of any office in the Authority existing before the commencement of this Bill shall, on the commencement of this Bill and without further assurance, continue in office and be deemed to have been appointed to his office by the Board established under this Bill unless the authority by which the person was appointed terminates the appointment.

Committee's Recommendation:

That the provision in Clause 59 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

Clause 60: Interpretation.

In this Bill, unless the context otherwise requires —

"Abstraction" in relation to water contained in any source of supply, means the doing of anything whereby any of that water is removed from that source of supply, whether temporarily or permanently, including anything whereby the water is so removed for the purpose of being transferred to another source of supply and "abstract" shall be constructed accordingly;

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

"Appropriate Local Authority" means any Local Authority having jurisdiction over a specific area for the purpose of this Bill;

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

"Authorized Officer" means any environmental health officer or any member of staff duly authorized in writing by the Board;

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

"Authority" means the Federal Capital Development Authority; established pursuant to the Federal Capital Territory Act;

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

"Board" means the Federal Capital Territory Water Board established under section 1 of this Bill;

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

"Bulk Supply" means water supplied for the purpose of wholesale by the Board or by any other operator;

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

"Consumer" means any person who is supplied with water and includes any person who applied to be supplied with water from any waterworks or any person, who otherwise uses water and is liable for the payment of water rates, rents or charges;

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

"Domestic Supply" means water supplied from any waterworks used in any tenement for drinking, washing, cooking, or for baths or any other purpose of domestic life;

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

"Drain" means any pipe or channel, etc, conveying only surface water or subsoil water or both and which is below ground level;

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

"Financial year" means every period of twelve months terminating on the 31st day of December;

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

"Functions" includes objectives and duties;

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

"General Manager" means the General Manager of the Board appointed under section 2 of this Bill;

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

"Illegal Connection" means any connection to a water pipe without the explicit authorization of the Board;

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

"Leakage" means the loss of water from the Board or any operators distribution system or from parts of service pipes for which consumers are responsible;

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

"Member" means a member of Board and includes the Chairman;

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

"Meter" includes any device used for measuring ascertaining or regulating the quantity of water taken or used from any waterworks by means of any service;

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

"Metered Supply" means the supply of water by means of a service where the water supply is measured by meter;

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

"Minister" means the Minister of the Federal Capital Territory;

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

"Occupier" in relation to a tenement means the person in occupation of the whole or of any part of such tenement, but does not include a lodger;

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

"Owner" includes the person for the time being receiving the rent of the tenement in respect of which the water is used whether on his own account or as agent or trustee of any other person or who would receive the rent if such tenement were to be let to a tenant and includes the holder of a tenement from the Minister whether under lease, license or otherwise;

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

"Permit" shall mean the certificate to be issued by the Board stating the information that may be required as the Board shall determine, but does not include the payment of annual charges.

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

"Person" means an individual and shall include a limited liability company or an organization duly registered under the Companies and Allied Matters Act 1990;

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

"Pollution" means the man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water;

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

"Premises" means land with buildings or a distinct or separate holding or tenancy or any wharf or pier, or any tract of land used for any purpose;

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

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

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

"Private Sector Participant" means any private entity, whether a natural person, body corporate or a consortium or joint venture entering into a project agreement;

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

"Property" includes buildings and appurtenances, accessories, stores, materials, investments, funds, loans and accounts receivable claims;

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

"PPP Agreement" means an agreement between the Board and a Private Sector Participant selected by Board through competitive bidding procedures to carry out private sector participation that sets the terms and conditions of such participation, including, without limiting the generality of the foregoing, concessions, leases, management contracts, BOT and BOOT Agreements, technical assistance contracts, consulting services contracts, franchises, bulk water supply and purchase agreements and regulatory agreements;

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

"Public Fountain" means any fountain, standpipe, valve, tap of any device used or intended to be used for or in connection with the supply of water to the public from any waterworks, and vested in or erected by the Board and which is the property thereof;

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

"Records" include computer records and other records kept otherwise than in a document;

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

"Relevant Authority" means any governmental ministry or agency, or any other body, which is competent to address matters within its power;

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

"Service" means all pipes, valves, cisterns, cocks, fittings, and other devices (excepting any meter as herein defined) by or through which water flows or is intended to flow from any waterworks or which are or may be used for the purpose of supplying any tenement from any waterworks, and being the property of the owner or occupier or such tenement;

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

"Street" includes any square, court, highway, road, thorough fare or public passage or place over which the public have a right of way;

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

"Tenement" means any land with or without buildings which is held or occupied as a distinct or separate holding under tenancy or terms of occupation of any description;

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

"Territory" means the Federal Capital Territory, Abuja;

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

"Treated Water" means water treated for domestic purposes;

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

"Waterworks" includes all reservoirs, ponds, boreholes or well, dams, tanks, cisterns, channels, tunnel, fitter beds, conduits, aqueducts, mains pipes, fountains, sluices used or constructed for the storage or conveyance, supply, measurement or regulation of water which belongs to or are vested in the Board.

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

Committee's Recommendation:

That the provision in Clause 60 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

Clause 61: Citation.

This Bill may be cited as the Federal Capital Territory Water Board (Establishment, etc.) Bill, 2017.

Committee's Recommendation:

That the provision in Clause 61 be retained (*Senator Dino Melaye — Kogi West*) — *Agreed to.*

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

SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD E.T.C.

Proceedings of the Board

1. Subject to this Bill and section 27 of the Interpretation Act (which provides for decisions of statutory body to be taken by a majority of its members and for the person presiding at any meeting, when a vote is ordered, to have a second or casting vote), the Board may make standing orders regulating its proceedings or that of any committees.
2. At every meeting of the Board, the Chairman shall preside and in his absence the members present at the meeting shall appoint one of their numbers to preside at the meeting.
3. The quorum at a meeting of the Board shall be not less than one-third of the total number of members of Board at the date of the meeting and the quorum of a committee of the Board shall be as determined by the Board.
4. The Board shall for the purposes of this Bill, meet not less than three times in each year and subject, thereto, the Board shall meet whenever it summoned by the Chairman, and if required to do so, by notice given to him by not less than 5 other members, he shall summon a meeting of the Board to be held within 14 days from the date on which the notice is given.
5. Where the Board desires to obtain the advice of any person on a particular matter, the Board may co-opt him to the Board for such period as it thinks fit, but a person who is a member by virtue of this paragraph shall not be entitled to vote at any meeting of the Board and shall not count towards a quorum.
6. A member of the Board who is directly or indirectly interested in any matter being deliberated on by the Board, or is interested in contract made or proposed to be made by the Board shall, as soon as possible after the relevant facts have come to his knowledge disclose the nature of his interest at a meeting of the Board.
7. A disclosure under this paragraph shall be recorded in the Minutes of Meetings of the Board and the member concerned shall —
 - (a) not, after the disclosure, take part in any deliberation or decision of the Board; and
 - (b) be excluded for the purpose of constituting a quorum of any meeting of the Board for any deliberation or decision, with regard to the subject matter in respect of which his interest is so disclosed.

Committees

8. (1) Subject to its standing orders, the Board may appoint such number of standing and ad hoc committees as it thinks fit to consider and report on any matter with which the Board is concerned.
- (2) A committee appointed under this paragraph shall consist of such number of persons (not necessarily members of the Board as may be determined by the Board), and a person, other than a member of the Board, shall hold office on the committee in accordance with the terms of his appointment and the committee shall be presided over by a member of the Board.
- (3) The quorum of any committee set up by the Board shall be as may be determined by the Board.
- (4) A decision of a committee of Board shall be of no effect until it is ratified and confirmed by the Board.

Miscellaneous

9. The fixing of the seal of the Board shall be authenticated by the signature of the Chairman or any other person generally or specifically authorized by the Board to act for that purpose, and that of the Secretary.
10. Any contract or instrument which, if made by a person not being a body corporate, would not be required to be under seal and may be executed on behalf of the Board by the Secretary or by any other person generally or specially authorized by the Board to act for that purpose.
11. Any document purporting to be a contract, instrument or other document duly signed or sealed on the behalf of the Board shall be received in evidence and shall, unless the contrary is proved, be presumed without further proof to have been so signed or sealed.
12. The validity of any proceedings of the Board or of any of its committees shall not be affected by—
 - (a) any vacancy in the membership of the Board, or committee; or
 - (b) any defect in the appointment of member of the Board or committee: or by reason that any person not entitled to do so took part in the proceedings of the Board or committee.
13. A member of a committee who has a personal interest in any contract or arrangement entered into or proposed to be considered by the committee shall forthwith disclose his interest to the committee and shall not vote on any question relating to the contract or arrangement.
14. No member of the Board shall be personally liable for any omission done or made in good faith while engaged in the business of the Board.

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

Chairman to report Bill.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered Report of the Committee on Federal Capital Territory on the Federal Capital Territory Water Board (Establishment, etc.) Bill, 2017 and approved as follows:

Clauses 1- 61 — As Recommended

Schedule — As Recommended

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

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

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

(c) *Report on the Federal Capital Territory Transport Authority (Establishment, etc.) Bill, 2017 (HB. 91);*

Motion made: That the Senate do consider the Report of the Committee on Federal Capital Territory on the Federal Capital Territory Transport Authority (Establishment, etc.) Bill, 2017 (Concurrence) (*Senator Dino Melaye — Kogi West*).

Question put and agreed to.

Report presented.

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

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A TRANSPORT AUTHORITY FOR THE FEDERAL CAPITAL TERRITORY; AND FOR OTHER MATTERS RELATED THERETO, 2017

PART I — LAND TRANSPORT POLICY**Clause 1: Minister to prescribe policy.**

- (1) The Minister shall prescribe a land transport policy for the Federal Capital Territory which —
 - (a) promotes an integrated approach to the provision of public transport;
 - (b) encourages and facilitates private investment in transport infrastructure and services;
 - (c) promotes regulated competition between and within modes;
 - (d) prioritizes user needs in terms of accessibility, affordability and reliability;

- (e) promotes the safety of passengers and other road users;
 - (f) ensures that the money available for land transport is applied in an efficient, economic, equitable and transparent manner;
 - (g) encourages public transport over private transport use;
 - (h) encourages efficiency and entrepreneurial behaviour on the part of transport service providers;
 - (i) promotes the efficient use of energy resources; and
 - (j) limits adverse environmental impacts.
- (2) The Minister shall publish the policy as approved by the Federal Executive Council in the Gazette.
- (3) Within 3 years after the coming into force of this Bill, the Minister shall review policy progress with the implementation of the policy or cause to have the policy reviewed. Thereafter, the Minister shall ensure that the policy is reviewed every three years.
- (4) The Minister may, from time to time, publish updates to the policy and shall, after a review, amend the policy to implement any recommendations that are approved by the Federal Executive Council.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senator Dino Melaye — Kogi West*).

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

Clause 2: Role of the Transportation Secretariat.

- (1) The Transportation Secretariat shall assist the Minister in developing and monitoring the implementation of the land transport policy of the Federal Capital Territory.
- (2) Without limiting the generality of the foregoing, the Transport Secretariat shall —
- (a) monitor the implementation of the policy by the Federal Capital Territory Transportation Authority and Area Councils;
 - (b) monitor compliance with directives, if any, issued by the Minister;
 - (c) conduct investigations into matters arising from the policy and make recommendations to the Minister regarding adjustments, if any, to the policy;
 - (d) assist Area Councils that lack the necessary staff or resources in meeting their responsibilities and performing their functions and duties with regard to land transport;
 - (e) support the Minister to coordinate between the Federal Capital Territory Administration and other Federal Ministries, Departments and Agencies to encourage the development of an integrated transport system and to avoid a duplication of effort and resources;

- (f) assist the Minister in preparing recommendations to the President on the appointment of members to the Board of the Authority;
- (g) advise the Minister in reviewing the Business Plan of the Authority;
- (h) advise the Minister in reviewing the Authorities Annual Report and audited financial statements; and
- (i) perform such functions as may be assigned to it by the Minister or by any other law.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senator Dino Melaye — Kogi West*).

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

Clause 3: Ministerial Directive.

- (1) Subject to this Bill and any other law, the Minister shall issue directives in writing to the Authority and an Area Council regarding the implementation of the approved land transport policy.
- (2) The Minister shall not issue any directive requiring the Authority —
 - (a) to perform an act which the Authority is not required to perform by virtue of this Bill;
 - (b) to refrain from performing an act which the Authority is required to perform by virtue of this Bill.
- (3) Where compliance with any directive issued by the Minister entails any expenditure or use of resources not provided for in the Authorities budget as contained in its approved business plan, the Authority shall not be required to comply with such directive until such time as the Minister has provided it with the necessary funds or resources.

**PART II — ESTABLISHMENT OF THE FEDERAL CAPITAL
TERRITORY TRANSPORT AUTHORITY**

Clause 4: Establishment of the Federal Capital Territory Transport Authority.

- (1) There is established a body to be known as the Federal Capital Territory Transport Authority (in this Bill referred to as "the Authority").
- (2) The Authority —
 - (a) shall be a body corporate with perpetual succession and a common seal;
 - (b) may sue and be sued in its corporate name; and
 - (c) may, subject to the provisions of the Land Use Act, 1978, and for the purpose for which it is established, acquire, hold or dispose of any real or personal property.

- (3) Any person acting judicially, quasi-judicially or administratively shall take judicial notice of the common seal of the Authority affixed to a document and presume that it was duly affixed.
- (4) The headquarters of the Authority shall be located in the Federal Capital Territory, Abuja.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senator Dino Melaye — Kogi West*).

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

Clause 5: Purpose of the Authority.

The purpose of the Authority is to implement the land transport policy of the Federal Capital Territory and to contribute to an effective and efficient land transport system which supports the social, economic, environmental and cultural well-being of the Federal Capital Territory and its inhabitants.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senator Dino Melaye — Kogi West*).

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

Clause 6: Operating Principles of the Authority.

In meeting its purpose, the Authority must —

- (a) operate in a financially responsible manner;
- (b) manage its assets and liabilities prudently to ensure that the Authority maintains long-term financial viability and continues to act as a successful going concern;
- (c) use its revenue efficiently and effectively and in a manner which ensures value for money;
- (d) ensure that revenue and expenditure are accounted for in a transparent manner;
- (e) recruit staff subject to remuneration and conditions of service that attract highly-qualified individuals and contribute towards the development of a stable and competent professional cadre;
- (f) act in a transparent manner in taking decisions related to its functions and responsibilities;
- (g) perform its functions in a neutral manner with due regard to stakeholders interests; and
- (h) regularly account for its actions to the Minister.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senator Dino Melaye — Kogi West*).

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

Clause 7: General Functions and Duties of the Authority.

- (1) The functions of the Authority are to give effect to the approved land transport policy of the Federal Capital Territory.
- (2) Without limiting the generality of the foregoing, the Authority shall be vested with the following responsibilities —
 - (a) to plan, design, construct, concession, manage, maintain and fund road infrastructure in the Territory in collaboration with FCTA;
 - (b) to exercise the prescribed functions of owner of the railway infrastructure assets;
 - (c) to plan and regulate public rail and road transport services;
 - (d) to develop and maintain a register of road and rail assets in the Federal Capital Territory;
 - (e) to develop and implement an integrated rail and road public transport plan for the Federal Capital Territory;
 - (f) to enter into concessions and other forms of public-private partnership for the provision of road and rail passenger transport services and to monitor their implementation subject to the Infrastructure Concession Regulatory Commission Act and Public Procurement Act;
 - (g) to develop and implement road traffic management strategies;
 - (h) to regulate railway safety;
 - (i) to regulate the operations and safety of road passenger transport services offered for hire or reward;
 - (j) to conduct research, monitor transport system performance and disseminate information; and
 - (k) to consult with Ministries, Departments and Agencies of the Federal Government relating to road and rail transport in the Territory to ensure that its activities are coordinated with those of the Federal Government.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senator Dino Melaye — Kogi West*).

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

Clause 8: Functions of the Authority Relating to Road Transport.

The functions of the Authority in relation to road transport are —

- (a) to improve the safety and quality of road transport services by —
 - (i) collaborating with the transport industry to develop and implement a system of operator licensing for passenger and freight transport to raise professional standards with regard to technical skills, financial standing and operational capacity;

- (ii) collaborating with the transport industry to develop model codes of conduct for operators, drivers and conductors regarding service standards and driver and vehicle safety;
 - (iii) reviewing transport industry training requirements, setting training standards for operators and accrediting training providers; and
 - (iv) developing and managing a road transport operator database which captures prescribed data relating operators; vehicles; drivers; offences and violations; and any other matter as may be prescribed.
- (b) to ensure the balanced provision of public transport services by authorising passenger transport services, managing the supply of and demand for public transport services and ensuring equitable competition and an adequate revenue stream for operators;
- (c) to manage competition by —
- (i) regulating bus fares through a transparent and predictable procedure which allows for regular reviews and fare adjustments to provide operators with a reasonable rate of return;
 - (ii) implementing a procedure providing for the filing of minibus and taxi fares to enable the Authority to monitor fare levels;
 - (iii) monitoring freight tariffs;
 - (iv) investigating complaints regarding violations of regulated fares, overpricing or fare gouging and to impose prescribed penalties;
 - (v) monitoring anti-competitive behavior by transport operators and to implement the prescribed measures to penalize anti-competitive conduct.
- (d) to support traffic law enforcement by —
- (i) collaborating with the agency responsible for law enforcement to develop and implement targeted law enforcement campaigns to strictly enforce road traffic rules and standards; and
 - (ii) regulating parking and the provision and operation of parking facilities.
- (e) to perform such other functions as may be prescribed.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senator Dino Melaye — Kogi West*).

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

Clause 9: Functions of the Authority Relating to Rail Transport.

- (1) The functions of the Authority in relation to rail transport are —
 - (a) to manage regulate and supervise the operations of rail mass transit in the Federal Capital Territory;

- (b) to manage the procurement process, negotiate with the preferred bidder and to conclude, on behalf of the Government, an agreement with the operator selected to operate the rail mass transit scheme subject to the Public Procurement Act and the Infrastructure Concession Regulatory Commission Act;
 - (c) to develop and monitor safety, service and quality standards for rail transport;
 - (d) to regulate rail fares and to approve the adjustment of fares;
 - (e) to issue a safety license to the rail operator subject to the submission of an approved safety plan by the operator;
 - (f) to supervise the rail operator and monitor compliance with the provisions of the agreement relating to services, tariffs, investments and public liability insurance and related matters;
 - (g) to monitor the operator levels of return on investment;
 - (h) to support the operator in promoting an integration of road and rail transport services; and
 - (i) to perform such other functions as maybe prescribed.
- (2) The Minister for FCT may make arrangements with the Minister responsible for railways providing for some or all of the Authority's functions relating to railway safety to be assumed by a responsible Federal body established for the purposes of regulating railway safety.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senator Dino Melaye — Kogi West*).

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

Clause 10: Functions of the Authority Related to Water Transport.

The functions of the Authority in relation to water transport are —

- (a) to develop and monitor safety, service and quality standards for water transport;
- (b) to license prescribed water transport services;
- (c) to monitor water transport tariffs and to regulate such tariffs where necessary to prevent monopolistic pricing; and
- (d) to perform such functions as may be prescribed.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senator Dino Melaye — Kogi West*).

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

Clause 11: Powers of the Authority.

- (1) In order to fulfill its functions, the Authority may carry on such activities as appear to the Authority to be advantageous, necessary or convenient for it to carry on for or in connection with the discharge of its functions and duties under this Bill or any other written law, and in particular may exercise any of the following powers —
- (a) to grant licences or permits for land transport purposes, formulate licence conditions, to supervise and enforce compliance with the provisions of such licences; and suspend or withdraw licences for prescribed violations;
 - (b) to authorise passenger transport services;
 - (c) to open and break up any road and to take possession of and use any road or portion thereof;
 - (d) to make regulations, subject to the approval of the Minister;
 - (e) to utilise all property of the Authority, movable and immovable, in such manner as the Authority may think expedient, including the raising of loans by mortgaging such property;
 - (f) to lease or let, with or without taking a premium, any property vested in or acquired by it or to grant easements, rights of way, temporary licences or other rights or privileges over, under, through or in respect of any land or buildings belonging to or vested in the Authority upon such terms and conditions as the Authority may think fit;
 - (g) to form or participate in the formation of any company or corporation, or enter into any joint venture or partnership with the approval of the Minister;
 - (h) to enter into all such contracts for the supply of goods, services or materials or for the execution of works or any other contract as may be necessary for the discharge of its duties and functions under this Bill —
 - (i) to appoint consultants to advise the Authority in the carrying out of its functions;
 - (j) to impose fees or charges for services rendered by the Authority;
 - (k) to impose prescribed fines and penalties for violations of license conditions and other prescribed contraventions of the Bill;
 - (l) to appoint authorised officers to undertake inspections, verify compliance with license conditions, issue infringement notices and fines and perform such other functions and exercise such powers as may be prescribed, including but not limited to powers to enter premises, request documents, and seize anything which provides evidence of a contravention under this Bill or an infringement of licence conditions;

- (m) to convene public hearings for the purposes of consultation in developing a public transport plan for the Federal Capital Territory, developing industry standards and developing systems of operator accreditation;
 - (n) to conduct investigations in response to complaints about anti-competitive conduct; to hear evidence from parties involved in the complaint; to mediate disputes between parties and to seek the amicable resolution of disputes;
 - (o) to provide training for employees of the Authority and to award scholarships or otherwise pay for such training;
 - (p) to receive donations and contributions from any source, provided that no donations or contribution may be accepted if conditions are attached that are inconsistent with the objects of the Authority or the provisions of this Act;
 - (q) to raise funds by all lawful means; and
 - (r) to do anything incidental to any of its powers.
- (2) This Clause shall not be construed as limiting any power of the Authority conferred by or under any other written law.

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senator Dino Melaye — Kogi West*).

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

- Clause 12:**
- (1) Any person who is aggrieved by a decision of the Authority to —
 - (a) grant, refuse, suspend or withdraw a licence;
 - (b) impose a penalty or fine;

may, within a period of Three (3) months after such person has been informed of the decision, appeal against such decision to the Minister by lodging the prescribed Notice of appeal.

- (2) The Minister shall not hear any appeal if the period for lodging an appeal has expired.
- (3) The Minister's decision shall be subject to review by the High Court established under section 255 (1) of the 1999 Constitution (as amended).

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senator Dino Melaye — Kogi West*).

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

PART III — INSTITUTIONAL ARRANGEMENTS

Clause 13: Governing Body of the Authority.

- (1) The Governing Body of the Authority shall be a Board of part-time Directors (in this Bill referred to as "the Board").

- (2) The Board comprises no fewer than three and no more than seven members appointed by the President upon recommendation of the Minister with requisite experience in transportation;
- (3) The Chief Executive Officer shall be a member of Board ex-officio and may participate in all Board deliberations, but shall not vote.
- (4) The First Schedule shall govern the constitution and proceedings of the Board.

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senator Dino Melaye — Kogi West*).

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

Clause 14: Disqualification of Members.

No person may be appointed a member of the Board if he or she —

- (a) is incapacitated by physical or mental illness;
- (b) holds any other office of profit under the Authority;
- (c) has been convicted at any time by any court of law in Nigeria or elsewhere for fraud or any offence for which a sentence of imprisonment has been imposed without the option of a fine;
- (d) has any interest, financial or otherwise, in any contract with the Authority whether individually or as an owner, principal, director, officer or shareholder of any enterprise party to such contract, including any enterprise of which close relatives (spouses, parents, full and half siblings, children, aunts, uncles, nieces, nephews and domestic partners) are owners, directors, officers or shareholders;
- (e) holds elected office under the Federation, any State or Area Council; and
- (f) he or she is disqualified from serving as a director by virtue of the Companies and Allied Matters Act, 1990.

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senator Dino Melaye — Kogi West*).

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

Clause 15: Functions of the Board.

The functions of the Board are —

- (a) to strategically guide the Authority;
- (b) to appoint the Chief Executive Officer subject to approval by the Minister and the conclusion of a performance agreement between the Board and Chief Executive Officer;
- (c) to approve the annual business plan of the Authority and recommend its approval to the Minister;
- (d) to approve the Annual Report and audited financial statements of the Authority and submit the same to the Minister;

- (e) to approve the staffing plan prepared by the Chief Executive Officer;
- (f) to approve the remuneration and conditions of service of the Chief Executive Officer and staff of the Authority subject to the approval of the National Salaries, Incomes and Wages Commission; and
- (g) to monitor the performance and progress of the Authority in meeting its key performance indicators.

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senator Dino Melaye — Kogi West*).

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

Clause 16: Appointment of Committees and Delegation of Powers.

- (1) The Board may appoint from among its own members or other persons who are not members such number of Committees as it thinks fit consisting of members or other persons or members and other persons for purposes which, in the opinion of the Board, would be better regulated and managed by means of such Committees.
- (2) The Board may, subject to such conditions or restrictions as it thinks fit, delegate to any such Committee or to any member, officer or employee of the Authority, any of the functions or powers of the Authority under this Bill or any other written law, except the power of delegation conferred by this Clause.
- (3) No delegation under this Clause shall prevent the performance or exercise of any function or power by the Board.

Committee's Recommendation:

That the provision in Clause 16 be retained (*Senator Dino Melaye — Kogi West*).

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

Clause 17: Chief Executive Officer.

- (1) The Board must, subject to the provisions of sub clause (3), appoint a Chief Executive Officer of the Authority within one month after the date of commencement of this Bill.
- (2) For the purpose of sub clause (1), the Board must invite applications for the post of Chief Executive Officer by publishing an advertisement in two or more international and national news publications.
- (3) The Chief Executive Officer shall devote himself full time to the affairs of the Authority and may not occupy any other office or undertake any other paid employment, save that he may, with the approval of the Board, act as a member of a Committee, Board or Commission established by the Government.
- (4) The Chief Executive Officer shall —
 - (a) have at least ten (10) years experience in transportation management;
 - (b) be knowledgeable about public transport affairs; and

- (c) be a Nigerian citizen, unless expressly exempted by the Board from this requirement.
- (5) The disqualifications applicable to members of the Board listed in Clause 14 apply, mutatis mutandis, to the Chief Executive Officer.
- (6) The appointment of the Chief Executive Officer is subject to the conclusion of a performance contract between such officer and the Board.
- (7) A Chief Executive Officer is appointed for a period of five years, where after the post must be re-advertised in the manner specified in sub Clause (2).
- (8) A Chief Executive Officer may apply for re-appointment after the expiration of the period of appointment referred to in Sub Clause (7).
- (9) The Chief Executive Officer holds office on such terms and conditions, including remuneration and allowances as the Board determines in writing, with the concurrence of the Minister.

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senator Dino Melaye — Kogi West*).

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

Clause 18: Functions of the Chief Executive.

- (1) The Chief Executive Officer manages and controls the day to day affairs of the Authority in terms of a business plan approved by the Board.
- (2) Without limiting the generality of the foregoing, the Chief Executive Officer shall perform the following functions —
 - (a) annually prepare the draft business plan of the Authority for ensuing financial year and submit the plan to the Board for approval;
 - (b) within three months after his or her appointment, submit the Authority's draft organizational plan to the Board for approval;
 - (c) recommend to the Board a scheme containing the proposed remuneration of the Authority's staff and their service conditions based on the approved business plan;
 - (d) supervise the recruitment and appointment of staff;
 - (e) measure the performance of the Authority's departments, divisions and sections against approved key performance indicators;
 - (f) attend meetings of the Board and regularly apprise the Board of the Authority performance; and
 - (g) ensure compliance with measures approved by the Board to ensure good governance, including but not limited to the completion of the Declaration of Interests Register and the compliance with the Ethics Code.

- (3) In preparing the organizational plan of the Authority, the Chief Executive Officer shall ensure that the Authority is structured into divisions, departments or sections to comprehensively cover all its functions following good organisational practice.
- (4) Without limiting the generality of sub Clause (4), the organizational plan must ensure that the Authority employs staff skilled in transport planning, engineering, transport safety and environmental regulation, tariff and competition regulation and finance.

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senator Dino Melaye — Kogi West*).

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

PART IV — CONSULTATIVE PROCEDURES

Clause 19: Consultative Procedures

- (1) The Authority shall consult widely in performing its functions to ensure that it canvasses the views of transport service providers, users and other stakeholders in planning, managing and regulating the transport sector of the Federal Capital Territory.
- (2) The Authority shall, in particular, ensure that it consults —
 - (a) during the preparation of its business plan;
 - (b) in developing a public transport plan for the Federal Capital Territory;
 - (c) in developing and introducing professional standards for transport operators;
 - (d) in investigating allegations of anti-competitive conduct and other complaints against transport service providers;
 - (e) prior to the introduction of any user fee; and
 - (f) under such circumstances as may be prescribed.
- (3) The Authority shall formulate appropriate procedures to ensure that it complies effectively with its obligation to consult, amongst others, by—
 - (a) conducting information campaigns in the media;
 - (b) hosting workshops and seminars; and
 - (c) publishing and updating relevant public information on its website.

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senator Dino Melaye — Kogi West*).

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

PART V — CORPORATE GOVERNANCE INSTRUMENTS

Clause 20: Corporate Governance Instruments.

- (1) Not later than Sixty (60) days before the end of the financial year of the Authority, the Chief Executive Officer must prepare and deliver to the Board for comment, a draft business plan for the following financial year.
- (2) Notwithstanding sub clause (1), the Authority's business plan for its first financial year must be submitted to the Board within 90 days after the entry into force of this Bill.
- (3) The Board must, within Thirty (30) days after having received the plan, consider the business plan and —
 - (a) approve the plan;
 - (b) direct the Chief Executive Officer to amend the plan.
- (4) If the Board directs the Chief Executive Officer to amend the plan, the Chief Executive Officer shall submit an amended plan to the Board within 10 working days.
- (5) The Chairman of the Board shall submit the business plan to the Minister within Five(5) working days after its approval by the Board.
- (6) Subject to the provisions of this Bill, the Minister may provide the Board with comments regarding the plan and may direct the Board to amend the business plan to ensure compliance with the land transport policy.
- (7) A business plan must set out the Authority's proposed operations, projects, activities for the following financial year as well as —
 - (a) the objectives of the Authority for the financial year concerned and for such future financial years as the Board directs;
 - (b) the costs of the proposed operations, projects, activities and other objectives;
 - (c) the manner in which it is proposed to finance them;
 - (d) a statement of the Authority estimated income and expenditure for the following financial year;
 - (e) the extent to which the Authority has consulted or intends to consult with interested parties and the public regarding any proposed operations, projects or activities;
 - (f) the targets and indicators for assessing the performance of the Authority;
 - (g) any other information that maybe prescribed; and
 - (h) any additional information that the Minister may request in writing.
- (8) The Authority shall publish the approved business plan, or relevant extracts thereof, on its website.

- (9) This clause does not prevent the Authority from undertaking any planning for the longer term.

Committee's Recommendation:

That the provision in Clause 20 be retained (*Senator Dino Melaye — Kogi West*).

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

Clause 21: Annual Report.

- (1) Annually, within five months after the end of the financial year, the Authority must submit a report to the Minister about the business, operations, projects, finances, transactions and activities of the Authority during the financial year and its financial position as at the end of that year.
- (2) For that purpose the annual report, amongst others, must include the following —
- (a) the audited financial statements of the Authority for the financial year covered by the annual report;
 - (b) the auditor's report;
 - (c) a synopsis by the Board which, in broad terms, outlines the Authority's business, operations, projects and activities during that financial year and gives the necessary background information, explanations or reasons for anything dealt with in the financial statements, and —
 - (i) setting out the extent to which the Authority has succeeded in achieving or advancing its various detailed objectives as set out in its business and financial plan for that financial year and in its then current strategic plan;
 - (ii) containing all relevant information about the Authority's performance with a view to determining how far the Authority has succeeded in applying its resources effectively, efficiently and economically during that financial year, as well as a comparison between the planned performance indicators for that financial year as set out in that year's business and financial plan, and the actual performance indicators as at the end of that year;
 - (iii) specifying the amounts of money received by the Authority from the State (if any) and the manner in which it was made available to it and, if any amount was made available by the State for any particular purpose, also the purpose in question; and
 - (iv) specifying any liability incurred or commitment undertaken by the State (if any) for the Authority's benefit.
- (3) The Authority's annual report shall be laid on the table in the National Assembly within Fourteen (14) days after the Minister has received it, if the National Assembly is sitting then, or, if the National Assembly is not sitting then, within Fourteen(14) days after the beginning of its next sitting.

Committee's Recommendation:

That the provision in Clause 21 be retained (*Senator Dino Melaye — Kogi West*).

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

Clause 22: Accounting and Auditing.

- (1) The Authority shall keep proper books and records of account for each financial year in accordance with generally accepted accounting practice and procedure, with regard to its income, expenditure and transactions during the financial year and the state of its assets and liabilities during and as at the end of the financial year.
- (2) The Authority shall have the following financial statements prepared for that year, namely, a statement of income and expenditure, a cash-flow statement and a balance sheet, which must accurately reflect the Authority's transactions and financial sources, position and state of affairs as if the Authority were incorporated under the Companies and Allied Matters Act.
- (3)
 - (a) The Authority's books and records of account and financial statements must be audited annually by the Auditor-General for the Federation through an accredited external auditor or audit firm.
 - (b) The Chief Executive Officer must annually, within three months after the end of the financial year, submit the Authority's financial statements as approved by the Board and certified to that effect by the Chief Executive Officer, to the Auditor-General for auditing who, upon completion of the audit, must furnish an auditor's report to the Board through its Chairperson.
 - (c) The Chairperson must forthwith, on receipt of the auditor's report, convene a meeting of the Board. At that meeting the auditor report must be considered by the Board.
- (4) The auditor's report must express an opinion, amongst others —
 - (a) as to whether the information contained in the Authority's financial statements has been presented on a basis consistent with that of the previous financial year (where applicable);
 - (b) as to the transactions and activities of the Authority which had come to the auditor's attention in the course of the examination during auditing and which were not authorised (if any), whether by or in terms of this Act or by any directives issued thereunder;
 - (c) as to the transactions and activities of the Authority which so had come to the auditor's attention and which were not consistent with the objects and functions of the Authority in all material respects (if any);
 - (d) as to whether, broadly speaking, there are adequate measures and procedures in place for the proper management of the Authority, that is to say, for managing the Authority effectively, efficiently and according to sound economic principles.

- (5) The auditor's report in addition must draw attention to any other matters arising from the auditing which, in the auditor opinion, should be brought to the notice of the Minister and the National Assembly in the interest of the public or the national interest.

Committee's Recommendation:

That the provision in Clause 22 be retained (*Senator Dino Melaye — Kogi West*).

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

Clause 23: Financial Report.

The financial year of the Authority commences on 1st January and ends on 31st December.

Committee's Recommendation:

That the provision in Clause 23 be retained (*Senator Dino Melaye — Kogi West*).

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

PART VI — FUNDS OF THE AUTHORITY

Clause 24: Funds of the Authority.

The funds, resources and property of the Authority shall consist of —

- (a) such sum as may be appropriated to it by the National Assembly;
- (b) such sum as appropriated to it annually from the fund of the Federal Capital Territory;
- (c) any loan granted to the Authority by the Federal Capital Territory Administration from its statutory allocation of the Federation Account or any other person with the approval of the Minister;
- (d) any sum or property which may in any manner become payable to or vest in the Authority in respect of the performance of its functions;
- (e) any sum or property which may be donated to the Authority, but the Authority shall not be obliged to accept a donation for a particular purpose unless it approves of the terms and conditions attached to such donation;
- (f) any sum paid to the Authority by way of grants, subsidies, fees, fines, penalties, subscriptions, rent, interest, and royalties;
- (g) any sum derived from the sale of any property held by or on behalf of the Authority;
- (h) any other sum and property lawfully received by the Authority for the purposes of the Authority; and
- (i) all accumulations of income derived from any such property or money.

Committee's Recommendation:

That the provision in Clause 24 be retained (*Senator Dino Melaye — Kogi West*).

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

Clause 25: Borrowing Powers.

- (1) The Board may with the approval of the Minister, in any currency and on such terms and conditions as it thinks fit, borrow or otherwise raise money from time to time in such amounts as the Minister certifies are, in his opinion, necessary for the exercise of its powers or the performance of its functions under this Bill.
- (2) The Authority may give security over the whole or any part of its assets for the repayment of amount of money borrowed under this clause and the payment of interest on amounts so borrowed.
- (3) The Minister may on behalf of the Authority guarantee the repayment by the Authority of amounts borrowed under this clause otherwise than from the Federal Capital Territory Administration and the payment of interest on amounts so borrowed.
- (4) The Authority shall not borrow money except in accordance with this clause.
- (5) In the exercise of the powers conferred on it by this Act, the Authority may purchase property under an agreement providing for the payment of the whole or parts of the purchase price by installments.
- (6) The powers conferred by sub clause (1) may be exercised to provide the Authority with such sums or credits as it may require for —
 - (a) carrying out the purposes referred to in clause 7 (2) of this Bill;
 - (b) repaying money previously borrowed by it therefore and interest, premium or other charge on such money;
 - (c) repaying sums due to the Federal Capital Territory Administration;
 - (d) discharging the indebtedness arising under sub clause (1) and any interest thereon.

Committee's Recommendation:

That the provision in Clause 25 be retained (*Senator Dino Melaye — Kogi West*).

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

Clause 26: Accounting Procedures.

- (1) All money belonging to the Authority shall, as soon as practicable after it has come into the hands of the Chief Accountant or other proper officer of the Authority authorized to receive money on behalf of the Authority, be paid into such bank and into such account as the Minister from time to time appoints.
- (2) No such money shall be withdrawn from the bank except by cheque or other instrument not being a promissory note or bill signed by the Chief Executive Officer and countersigned by the Chief Accountant and other Members of the Board for that purpose.
- (3) Notwithstanding the provisions of sub clause (2) of this Clause, it shall be lawful, with the prior consent in writing of the Auditor-General of the Federation and subject to such conditions as the Auditor-General of the

Federation prescribes, for any cheque bearing facsimiles of the signatures of the persons so authorized to sign and countersign cheques, and every cheque bearing such facsimiles shall be deemed to have been duly signed and countersigned in accordance with that sub clause.

- (4) Every payment of money by the Authority shall be authorized by a prior resolution of the Board or shall be submitted to the Board at its first meeting after the date of payment.

Committee's Recommendation:

That the provision in Clause 26 be retained (*Senator Dino Melaye — Kogi West*).

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

PART VII — ETHICS AND GOOD INSTITUTIONAL PRACTICE

Clause 27: Declaration of Interest.

- (1) Within 30 days of being appointed to the Board, each member shall make a declaration of interests as prescribed.
- (2) Without limiting the generality of sub Clause (1), an "interest" shall include —
 - (a) being a member of a body or being in a position of general control or management of a body which is affected by any business of the Authority;
 - (b) being employed by any employer who is affected by any business of the Authority;
 - (c) conducting any business for own account which is affected by any business of the Authority;
 - (d) any company, partnership or body which conducts business in the Federal Capital Territory in which a member has a beneficial interest;
 - (e) any land in the Federal Capital Territory in which a member has a beneficial interest;
 - (f) any contract for goods, services or works between the Authority and a member or between the Authority and a firm in which a member is a partner, or a company of which a member is a director; or
 - (g) any decision of the Authority which might reasonably be regarded as affecting the well-being or financial position of a member or the well-being or financial position of a relevant person.
- (3) For the purposes of sub clause (2)(g), a relevant person is —
 - (a) a family member of a member or a person with who a member has a close association;
 - (b) any person or body who employs a member or remunerates a member, any firm of which a member is a partner or any company of which a member is a Director.

- (4) A member of the Board must prior to the discussion of any matter in which such member has an interest, declare such interest to the Board and such declaration must be minuted.
- (5) A member of the Board may not take part in any deliberations of the Board with regard to any matter in which such member has declared an interest.

Committee's Recommendation:

That the provision in Clause 27 be retained (*Senator Dino Melaye — Kogi West*).

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

Clause 28: Code of Ethics.

- (1) The Board shall, within 3 months after the entry into force of this Bill, adopt a Code of Ethics.
- (2) The Code of Ethics shall in respect of members of the Board and employees of the Authority —
 - (a) specify general rules of conduct;
 - (b) specify a procedure for a declaration of interests;
 - (c) impose a general duty on all members and employees to act impartially and in the best interests of the Authority;
 - (d) prohibit the receipt of gifts or hospitality from external bodies or any person having business with the Authority;
 - (e) specify procedures to be followed for a breach of the Code;
 - (f) provide for protection of whistle blowers; and
 - (g) regulate conduct with regard to the media and interest groups.
- (3) The Chief Executive Officer shall ensure that the contents of the Code are widely publicised within the Authority and shall be deemed to form part of all contracts between the Authority and its employees.

Committee's Recommendation:

That the provision in Clause 28 be retained (*Senator Dino Melaye — Kogi West*).

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

PART VIII — TRANSITIONAL ARRANGEMENTS

Clause 29: Transitional.

- (1) Anybody that performed the functions or exercised the powers provided to be performed or exercised by the Authority, is hereby divested of such functions or powers.

- (2) All such real and personal property, whether in the estate or elsewhere which immediately before the commencement of this Bill was vested in or belonged to the Transportation Secretariat of the Federal Capital Territory and which is required by the Authority for the effective discharge of its functions under this Bill is hereby vested in the Authority without conveyance, transfer or assignment and, subject to the provisions of this Bill, shall be held by the Authority for the same purposes as it was held immediately before the commencement of this Bill.
- (3) The person charged with the keeping of any register, on the written request of the Authority and on payment of the appropriate fee, shall make such entries in his register and on any outstanding documents of title and generally do all such things as may be necessary to give effect to the provisions of this clause.
- (4) Subject to the provisions of this Bill, all rights, obligations and liabilities which immediately before the commencement of this Bill were vested in or imposed on the Transportation Secretariat of the Federal Capital Territory or the Federal Capital Development Authority shall be deemed to be the rights and obligations of the Authority in so far as they relate to the functions of the Authority. The Authority shall have all powers necessary to take possession of, recover and deal with such assets and discharge such liabilities.
- (5) Upon the coming into operation of this Bill the Transportation Secretariat of the Federal Capital Territory and the Federal Capital Development Authority shall deliver to the Authority, or as the Authority may order, all books, papers, documents, minutes, receipts and ledgers appertaining to the Transportation Secretariat of the Federal Capital Territory and to its operations or the Federal Capital Development Authority and its operations, in so far as they relate to the functions of the Authority.
- (6) Subject to the provisions of sub clause (7), every agreement, whether in writing or not, to which the Transportation Secretariat of the Federal Capital Territory or the Federal Capital Development Authority was a party immediately prior to the coming into operation of this Bill, and whether or not of such nature that the rights and liabilities thereunder could be assigned shall have effect as from the coming into operation of this Bill as if—
 - (a) the Authority had been a party to such agreement; and
 - (b) all references to the old body in any Bill, regulation, order, or other enactment or in any agreement, deed, instrument, application, notice, or other document whatsoever shall, unless the context otherwise requires, be read as references to the Authority, in so far as such agreement relates to the functions of the Authority.
- (7) Any proceedings pending on the coming into operation of this Bill to which the Transportation Secretariat of the Federal Capital Territory or the Federal Capital Development Authority was a party which relate to the functions of the Authority, shall be continued as if the Authority was a party thereto in lieu of the old body.

- (8) Where anything has commenced by or under the authority of the Transportation Secretariat of the Federal Capital Territory or the Federal Capital Development Authority prior to the coming into operation of this Bill and such a thing is within the powers of the Authority or was done in relation to any of the matters transferred by this Clause to the Authority, such things may be carried on and completed by, or under the authority of, the Authority.
- (9) The Minister may by order provide for any matters which it appears to him necessary or expedient to provide for the better carrying out of the provisions of this Clause, and without prejudice to the generality of the foregoing, may appoint any person to do any act or sign any document for and on behalf of the old body whereby the assets of the Transportation Secretariat of the Federal Capital Territory or the Federal Capital Development Authority may be transferred to the Authority.

Committee's Recommendation:

That the provision in Clause 29 be retained (*Senator Dino Melaye — Kogi West*).

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

PART IX - MISCELLANEOUS PROVISIONS

- Clause 30:** The Minister may, after consultation with the Authority, make regulations not inconsistent with the Bill—
- (a) stipulating the contents of public transport plans;
 - (b) stipulating reporting requirements for the Authority and Area Councils in relation to the implementation of the land transport policy of the Federal Capital Territory;
 - (c) specifying the form and contents of the Authority's business plan;
 - (d) settings standards for accessibility and reliability of public transport;
 - (e) regulating intermodal and intramodal competition in the Federal Capital Territory;
 - (f) specifying requirements for tariff filing;
 - (g) regulating and monitoring public transport tariffs;
 - (h) on complaints procedures;
 - (i) on licensing of road and rail transport operators;
 - (j) setting educational, financial and technical standards for professional transport operators and their operations;
 - (k) specifying minimum training requirements for transport operators and standards for the accreditation of training service providers;
 - (l) setting safety standards for public service vehicles;
 - (m) setting railway safety standards;

- (n) specifying procedures for the inspection of premises and workshops of transport operators;
- (o) specifying the powers of the Authority to act as a road authority, including but not limited to powers to —
 - (i) declare and classify a public road;
 - (ii) declare a road protection corridor;
 - (iii) compulsorily acquire land for a purposes of constructing a road, subject to the Land Use Act;
 - (iv) enter upon land, including private land, for the purposes of constructing, operating or maintaining a road;
 - (v) construct points of access to and egress from a public road;
 - (vi) close or divert a public road;
 - (vii) prevent damage to a road;
 - (viii) regulate the construction of structures or other works, on, over or below a public road;
 - (ix) regulate advertising and trading along a public road;
 - (x) restrict building and other works on the verges of a public road and in the road protection corridor;
 - (xi) remove rubbish and abandoned property on a near a public road; and
 - (xii) recover compensation for damage to a public road.
- (p) specifying the powers of the Authority to act as the owner of the railway infrastructure assets including but not limited to powers to —
 - (i) declare land part of a railway corridor;
 - (ii) expropriate land for railway purposes;
 - (iii) investigate railway accidents;
 - (iv) enter upon land for the purposes of constructing or maintaining the railway;
 - (v) suspend railway services on safety or environmental grounds;
 - (vi) prevent damage to a railway;
 - (vii) regulate the construction of structures or other works, on, over or below a railway;
 - (viii) restrict building and other works on or close to a railway and in the railway corridor; and

- (ix) recover compensation for damage to a railway.
- (q) specifying consultative procedures to be applied by the Authority;
- (r) specifying the procedure for appeals against decisions of the Authority;
- (s) with regard to anything which in terms of this Act may or must be prescribed, governed or determined by regulation or which, in terms of this Act, may or must be provided for by regulation.

Committee's Recommendation:

That the provision in Clause 30 be retained (*Senator Dino Melaye — Kogi West*).

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

Clause 31: Liabilities of the Officers of the Authority.

No suit or other legal proceedings shall lie personally against any member, officer or employee of the Authority or other person acting under the directive of the Authority or the Authority itself, for anything which is in done or intended to be done in the execution or purported execution of this Bill.

Committee's Recommendation:

That the provision in Clause 31 be retained (*Senator Dino Melaye — Kogi West*).

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

Clause 32: Legal procedures.

Subject to the provisions of this Bill, the provisions of the Public Officers Protection Act shall apply in relation to any suit instituted against any member or officer or employee of the Authority.

Committee's Recommendation:

That the provision in Clause 32 be retained (*Senator Dino Melaye — Kogi West*).

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

Clause 33: Notice.

A notice, summons or other document required or authorized to be served on the Authority under the provisions of this Act or any other law or enactment may be served by delivering it to the Chief Executive Officer or sending it by registered post addressed to the Chief Executive Officer at the principal office of the Authority.

Committee's Recommendation:

That the provision in Clause 33 be retained (*Senator Dino Melaye — Kogi West*).

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

Clause 34: Execution of Judgment.

- (1) In any action or suit against the Authority, no execution or attachment of processes in the nature thereof shall be issued against the Authority unless not less than three month notice of the intention to execute or attach has been given to the Authority.

- (2) Any sum of money which by the judgment of any court has been awarded against the Authority shall, subject to any direction given by the court, where no notice of appeal against the judgment has been given, be paid from the funds of the Authority.

Committee's Recommendation:

That the provision in Clause 34 be retained (*Senator Dino Melaye — Kogi West*).

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

PART X - OFFENCES AND PENALTIES

Clause 35: General Offences and Penalties.

Contravention Relating to On Street Parking

1. (1) Any person who fails to pay the prescribed fees for On Street Parking would have committed an offence and shall be liable on conviction to a fine not exceeding N5,000.00 or imprisonment for one month.
- (2) Where a vehicle is parked in contravention of parking guideline, a licensed operator may clamp such a vehicle; or tow the vehicle to a designated automobile pond where the vehicle had been —
 - (a) Parked for 30 minutes in an on street parking area for failure to pay fees or penalty;
 - (b) Parked in an area designated by the Transportation Secretariat as "No Parking" Area or Zone;
- (3) A licensed operator that fails to install and maintain parking machines at designated places shall pay a fine of N500, 000:00 and have his license suspended until the parking machine has been installed.
- (4) Licensed Operator that fails to comply with the operational guidelines and directives of FCTA, commits an offence and shall be punishable by a fine of N500, 000.00 in the first and second instances, and the revocation of the operational licence for the third offence.

2. Contravention Relating to Off Street Parking

- (1) Any person who contravenes the provision of parking guidelines, commits an offence and shall be liable on conviction to a fine not exceeding 10,000.00 or imprisonment for one month.
- (2) Where a vehicle is parked in contravention of parking guidelines, a licensed operator may clamp such a vehicle; or tow the vehicle to a designated automobile pond where the vehicle had been —
 - (a) Parked for 30 minutes in an off street area for failure to pay fees or penalty;
 - (b) Parked in an area designated by the Transportation Secretariat as "No Parking" Area or Zone.

- (c) Illegal operation of Off-Street parking attracts a fine of N1,000,000:00 or 6 months imprisonment or both.
3. **Contravention Relating to Operators' License Scheme and Licensed Operators:**
- (1) Any licensed operator that contravenes the Operators' License Scheme guidelines, constitutes an offence and shall be liable to a fine not exceeding N500,000.00 or revocation of license for the first time, and outright revocation if convicted the second time.
 - (2) Any licensed operator who fails to display signs and amount in a parking area, commits an offence and shall be liable on conviction to a fine not exceeding N50,000.00 and shall have its operation in such area suspended until such signs and amount are installed.
 - (3) Operation of unauthorised loading bay along any street in the FCT attracts a fine of N200,000.00 or 3 months imprisonment or both.
4. **Contravention Relating to the Use of Feeder Routes**
- (1) Any person who drives or operates commercial services with buses or omnibuses or coaster buses in the Federal Capital City, commits an offence and shall be liable on conviction to a fine not exceeding N50,000.00 or imprisonment for one month; and may in addition have the vehicle impounded.
 - (2) Any operator's vehicle operating outside the designated route is liable to a fine of N50,000:00 per vehicle.
5. **Contravention Relating to Bus Rapid Transit**
- (1) Any person not driving a mass transit bus or ambulance who drives or causes to be driven along the Bus Rapid Transit (BRT) lane, commits an offence and shall be liable on conviction to pay a fine of N20,000.00 or imprisonment for one month.
 - (2) Any person who engages in trading, canvassing for advert inside public transport is liable to a fine of N2,000:00 and confiscation of the goods or one month imprisonment or both.
6. **Driving Beyond Permitted Speed Limit**
- (1) A person who drives at a speed beyond the maximum speed limit provided by the FCT Transport Regulations, is guilty of an offence and shall be liable on conviction to a fine of N25,000.00 or imprisonment for a term not exceeding one month or both.
7. **Destruction of Traffic Light Installations and Other Road Furniture**
- (1) A person who destroys or causes to be destroyed any traffic light installation, traffic signs, bus shelter, bollards, delineators, street light, mileage stones, barriers, directional signs or any other road furniture, will have his vehicle impounded and towed away, and will be released upon payment of the cost of towing and replacement of the damaged facilities within fourteen days.
 - (2) Any person who defaces or causes to be defaced road traffic signs, markings, bus shelters and other road furniture, commits an offence and shall be liable to a penalty not exceeding N50,000.00 and replacement of the road furniture defaced.

8. **Altering and Erasing Road Markings**
 - (1) A person who unlawfully alters, erases or causes to be altered or erased any road markings with the intent to changing the design, standard, quality and colour of such road markings is guilty of an offence and shall be liable on conviction to a fine of N30,000.00 or imprisonment for a term not exceeding one month or both.

9. **Offences Relating to Overloading**
 - (1) Any person who drives a motor vehicle on a Federal Capital Territory road carrying load(s) beyond the weight allowed; or drives a vehicle with a protruding or tallying loads beyond the approved length; or its load spilling is guilty of an offence, and shall be liable on conviction to a fine of N50,000.00 or imprisonment for a term not exceeding one month or both.

10. **Obstruction/Assault of Officer or Employee of FCTA on Duty**
 - (1) Any person who obstructs any officer or employee of the Federal Capital Territory Administration in carrying out any duty authorized under the FCT Transport Regulations, causes the non-carrying into effect any duty of an employee of FCTA, is guilty of an offence and shall be liable on conviction to a fine of N50,000.00 or imprisonment for a term not exceeding one month or both.

 - (2) Any person who assaults any officer or employee of the Federal Capital Territory Administration in carrying out any duty authorized under the FCT Transport Regulations, causes the non-carrying into effect any duty of an employee of FCTA, is guilty of an offence and shall be liable on conviction to a fine of N100,000.00 or imprisonment for a term not exceeding three months or both.

11. **Failure to Obtain License —**
 - (a) Any person who wilfully operates or runs a transportation business within the territory without licence duly issued by the Secretariat in accordance with the provisions in Schedule (five) of these Regulations, shall be guilty of an offence and liable to a fine of N200,000.00 or three months imprisonment or both.

 - (b) Any person who refuses to abate the default of any condition of a license issued after the Secretariat has duly requested him to do so, shall be guilty of an offence and liable to a fine of N10,000.00 for a period not exceeding two weeks, after which the establishment shall be sealed until such default is rectified and the accumulated fine paid.

 - (c) Any person who wilfully delays an inspector in the exercise of the power conferred on him under the Schedule, or fails to comply with his requisition or produce any document or furnish any information he is required to produce, or withholds any information as to who the proprietor of any premises of a transportation business is, or refuses to allow entry by a duly authorized inspector, shall be deemed to have obstructed an officer in the execution of his duty.

- (d) Any person who obstructs an inspector in the execution of his duties shall be guilty of an offence and liable of a fine of N50,000.00 or one month imprisonment or both.
12. Failure to Obtain Ticket for use at a Park and Ride Location, On-Street Parking Zone, On-Street and Off-Street Parking
- (1) Any person who fails to obtain a Ticket in a Park and Ride Station, On-Street and Off- Street Parking operated by FCTA, is guilty of an offence and shall be liable to a fine of N5,000.00 and the vehicle shall be impounded for a period not exceeding one month where he fails to pay.
- (2) Any person who parks his vehicle for a period exceeding 24 hours in any of the parking facilities is guilty of an offence and shall be liable to pay a fine of N10,000.00 in addition to payment of demurrage of N1,000:00 daily.
13. Offence of Impersonation
- (1) Any person who, not being lawfully authorized to carry out any function of FCTA, and who under any guise or cover holds out himself as having been authorized to enforce any part of these duties of FCTA, is guilty of an offence and shall be liable on conviction to a fine of N100,000.00 or imprisonment for a term of one year or both.
14. Offences Relating to Displaying Automobile For Sales outside Approved Automobile Marts
- (1) Any person who displays automobile in FCT for sale outside an approved automobile mart is guilty of an offence and the displayed automobile shall be impounded and the sum of N100,000.00 shall be paid for each of such an impounded automobile and such automobile shall be forfeited to the FCTA if the owner fail to reclaim them within 90 days from the date of impoundment.
- (15) Failure to Wear Safety Helmets
- (1) Any person who rides a motorcycle without safety helmets is guilty of an offence and shall be liable on conviction to a fine of N10,000.00 or 1 month imprisonment or both; or have the motorcycle impounded until such fine is paid, and such motorcycle shall be forfeited to FCTA if the owner(s) fail to reclaim them within 90 days.
- (2) Any person who, being a passenger on a motorcycle, is required to wear a safety helmet and fails to wear same, is guilty of an offence and shall be liable on conviction to a fine of N10,000.00.
- (16) Offences Relating to Pedestrians
- (1) Any person who blocks, drives, rides or tows a vehicle, bicycle, tricycle or motorcycle on a pedestrian walkway or underpass, is guilty of an offence and shall be liable on conviction to a fine of N20,000.00 or imprisonment for a term not exceeding one month or both.
- (17) Offences Relating to Assembling, Manufacturing and Sale of Bicycle, Tricycles, Buses and Omnibuses

- (1) Any person who carries on the business of assembling, manufacturing and selling bicycle, tricycles or buses or omnibuses without registering the business with FCTA, is guilty of an offence and shall be liable on conviction to a fine of N100,000.00 or imprisonment for a term not exceeding three months or both. In addition the business shall be sealed until such registration or license has been obtained.
18. Offences Relating to Sale of Automobiles below Approved Standards
- (1) Any person who puts up for sale an automobile below the standard approved by the relevant Federal Government Agency is guilty of an offence and shall be liable on conviction to a fine of N100,000.00 or imprisonment for a term not exceeding three months or both. In addition such business shall be stopped.
19. Offences Relating to Bicycles
- (1) Any bicycle rider shall cross the road at designated Crossing points such as pedestrian crossings, underpasses and pedestrian bridges as shall be designated by FCTA and shall not ride a bicycle along a walkway. Any rider who contravenes this provision shall be guilty of an offence and shall be liable on conviction to a fine of N100,000.00 or imprisonment for a term not exceeding three months or both.
20. Offences Relating to Transportation Impact Assessment
- (1) Any person who does not carry out Transport Impact Assessment (TIA) approved by FCTA before commencing business is guilty of an offence and shall be liable on conviction to a fine of N500,000.00 and shall have his business premises sealed until such TIA has complied with the standard set by the FCTA. If the premises cannot comply, it will be refused permission to operate as a traffic generator or attract or.
21. Conspiracy, Procurement, Instigation, Aids, Abetment or Facilitation, Etc.
- (1) Any person who conspires, procures, instigates, aids, abets or facilitates with another person to do anything or act contrary to the functions of FCTA, is guilty of an offence and shall be liable on conviction to be punished in the same manner as the principal offender for which the conspiracy, procurement, instigation, aids, abetment or facilitation was made.
22. Offences Where No Penalty is Specifically Provided
- (1) A person who contravenes or fails to comply with any of the provisions of any of the guidelines, regulations and directives of FCTA which no penalty is specifically provided, shall be liable on conviction to a fine not exceeding N20, 000.00.
23. Penalty For Prohibited Acts
- (1) Any person who undertakes to do an act outside the functions of FCTA, is guilty of an offence and shall be liable on conviction to a fine of N20,000.00 or imprisonment for a term not exceeding one month or both.

24. Offences Committed by Body Corporate, Firm, Association, Etc.
- (1) Where an offence is committed by a Body Corporate, Firm or Association —
- (a) Any Director, Manager, Secretary or other similar officer of the body corporate;
- (b) Any partner of the firm;
- (c) Any person concerned in the management of the association; Shall be liable to be prosecuted and punished for the offence, unless he/she proves that the act or omission constituting the offence took place without his knowledge, consent or connivance.
- (25) Publication of the Particulars of Traffic Offenders
- (1) The FCTA may, by notice in the official Gazette, and in such newspapers as it deems fit, from time to time, publish the identity of and particulars of vehicles of traffic offenders convicted.

Miscellaneous

(1) Transportation Impact Assessment

- (1) The proponent or owner of any business development or project within the Federal Capital Territory shall carry out an impact assessment to be approved by the FCTA.
- (2) The proponent or owner of any business development or project shall be required to submit to the FCTA a project brief and shall be issued an impact clearance permit before commencing the development.
- (3) The project brief shall contain the nature and scope of the project; the site and size of the project; the activities to be carried out; the parking spaces within the premises; the anticipated project staff or occupants of the development and any other relevant information that may be demanded by the FCTA.

(2) Road User Charge

The FCTA may, with the approval of the Minister, introduce road user charge to secure efficient economic and safe operation and management of traffic in the Federal Capital Territory for the improvement of public transport and well being of the residents.

(3) Construction Companies in FCT.

- (1) Construction companies in FCT shall register company vehicles with the FCTA.
- (2) Conveying Passengers on trailers, containers or vehicles not approved by FCTA shall attract a fine of N500,000.00.
- (3) Road Diversions at construction sites not according to specification shall attract a fine of N500, 000.00 per road.

Committee's Recommendation:

That the provision in Clause 35 be retained (*Senator Dino Melaye — Kogi West*).

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

Clause 36: Repeal and Savings.

The Act listed in column A of the Second Schedule is amended to the extent set out in column B of that Schedule.

Committee's Recommendation:

That the provision in Clause 36 be retained (*Senator Dino Melaye — Kogi West*).

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

Clause 37: Power to make Bylaws.

The Authority may, with the approval of the Minister, make regulations not inconsistent with this Bill.

Committee's Recommendation:

That the provision in Clause 37 be retained (*Senator Dino Melaye — Kogi West*).

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

Clause 38: Interpretation.

In this Bill, unless the context otherwise requires:

"Authority" means the Federal Capital Territory Transport Authority established under clause 4;

"Board" means the Board of the Authority appointed in terms of Section 11;

"Chief Executive Officer" means the Chief Executive Officer of the Authority appointed in terms of clause 17;

"Minister" means the Minister responsible for the Federal Capital Territory;

"prescribed" means prescribed by the Minister by regulation; and

"Transportation Secretariat" means the department responsible for supporting the Minister in relation to transport in the Federal Capital Territory.

Committee's Recommendation:

That the provision in Clause 38 be retained (*Senator Dino Melaye — Kogi West*).

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

Clause 39: Citation.

This Bill may be cited as the Federal Capital Territory Transport Authority (Establishment) Bill, 2017.

Committee's Recommendation:

That the provision in Clause 39 be retained (*Senator Dino Melaye — Kogi West*).

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

SCHEDULES

FIRST SCHEDULE

Appointment of Chairperson and Deputy Chairperson

1. The Minister shall appoint one of the members to be the Board and another to be Deputy Chairperson of the Board.

Tenure of office of Members

2. A member of the Board shall hold office for a period of five (5) years and non-renewable.

Temporary members

3. The Minister shall, upon recommendation of the Chairperson, appoint any person to be a temporary member of the Board during the temporary incapacity from illness or otherwise, or during the temporary absence from Nigeria, of any member.

Revocation of appointment

4. The Minister must revoke the appointment of any member who becomes disqualified by virtue of the provisions of Section 14.

Resignation

5. A member may resign at any time by giving notice in writing to the Minister and from the date specified in the notice, or if no date is specified, from the date of receipt of the notice by the Minister, he or she shall cease to be a member of the Board.

Chairman may delegate functions

6. The Chairman may, by instrument in writing, authorise any member to exercise any power or perform any function conferred on the Chairman by or under this Bill.

Vacation of office

7. The office of a member shall become vacant —
 - (a) on his or her death;
 - (b) if he or she, without sufficient cause (the sufficiency thereof to be decided by the Board) fails to attend 3 consecutive meetings of the Board;
 - (c) if he becomes in any manner disqualified from membership of the Board by virtue of the provisions in clause 14.

Filling of vacancies

8. If a member dies, resigns or has his appointment revoked or otherwise vacates his office before the expiry of the term for which he has been appointed, the Minister may appoint a person to fill the vacancy for the residue of the term for which the vacating member was appointed.

Salaries, etc., payable to members of Authority

9. There shall be paid to the members out of the funds of the Authority such salaries, fees and allowances as the President may from time to time determine.

Meetings of the Board

10.
 - (1) The Board shall meet for the dispatch of business at such times and places as the Chairman may from time to time appoint.
 - (2) The quorum at every meeting of the Board shall be one-third of the total number of members.
 - (3) A decision at a meeting of the Board shall be adopted by a simple majority of the members present and voting except that in the case of an equality of votes the Chairman or member presiding shall have a casting vote in addition to his original vote.

- (4) Where the Chairperson is absent at a meeting, he shall nominate a member that can act at his capacity.

Vacancies

11. Provided a quorum is present as required in terms of clause 10 (2), the Board may act notwithstanding any vacancy in its membership.

Procedure at meetings

12. Subject to the provisions of this Act, the Board may make rules to regulate its own procedure generally, and in particular, regarding the holding and proceedings of meetings, the notice to be given of such meetings, the keeping of minutes and the custody, production and inspection of such minutes.

Validity of proceedings

13. The validity of any proceedings of the Board shall not be affected by any defect in the appointment of any member or by any contravention of Clause 27 by any member.

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

SECOND SCHEDULE

AMENDMENT OF LAWS

Column A

Federal Capital Territory Act

The following section is hereby substituted for section 4 (1) (d):

"Subject to the Federal Capital Territory Transport Authority (Establishment) Act, the establishment of infrastructural services in accordance with the master-plan referred to above;"

The following section is hereby substituted for section 4 (2) (c):

"to construct and maintain such [roads, railways, bridges, sidings, tramways], reservoirs, water courses, buildings, plant and machinery and such other works as may be necessary for, or conducive to, the discharge of its functions under this Act".

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

Chairman to report Bill.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered Report of the Committee on Federal Capital Territory on the Federal Capital Territory Transport Authority (Establishment, etc.) Bill, 2017 and approved as follows:

Clauses 1- 39 — As Recommended

Schedules 1 & 2 — As Recommended

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

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

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

(d) **Report on the Federal Capital Territory Hospitals Management Board (Establishment, etc.) Bill, 2017 (HB. 441);**

Motion made: That the Senate do consider the Report of the Committee on Federal Capital Territory on the Federal Capital Territory Hospitals Management Board (Establishment, etc.) Bill, 2017 (Concurrence) (*Senator Dino Melaye — Kogi West*).

Question put and agreed to.

Report presented.

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

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE HOSPITALS MANAGEMENT BOARD OF THE FEDERAL CAPITAL TERRITORY AND FOR MATTERS CONNECTED THEREWITH, 2017

PART I — ESTABLISHMENT OF THE FEDERAL CAPITAL HOSPITALS MANAGEMENT BOARD

Clause 1: Establishment of the Hospitals Management Board.

- (1) There is hereby established for the Federal Capital Territory a Board to be known as Hospitals Management Board (in this Bill referred to as "the Board").
- (2) The Board shall —
 - (a) be a body corporate with perpetual succession and a common seal;
 - (b) have powers to sue and be sued in its corporate name; and
 - (c) be capable of holding or dispose of any property, moveable or immovable, for the purpose of the discharge of the functions conferred on it in this Bill.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senator Dino Melaye — Kogi West*).

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

Clause 2: Establishment of the Governing Board.

There is established for the Board, a Governing Board (in this Bill referred to as "the Board ")

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senator Dino Melaye — Kogi West*).

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

Clause 3: Membership of the Board.

The Board shall consist of —

- (a) a Chairman who shall serve on part time basis;
- (b) two part time members who are residents of the Federal Capital Territory to represent the public interest on rotational basis;
- (c) the Director, Medical and Diagnostics, Health and Human Services Secretariat;
- (d) the Director, Pharmaceutical Services, Health and Human Services Secretariat;
- (e) the Director Clinical and Diagnostics, Hospitals Management Board;
- (f) the Director, Nursing Services, Hospitals Management Board;
- (g) a representative of the Medical Profession in Federal Capital Territory on part time basis;
- (h) a representative of other professions in the health sector in the Federal Capital Territory on part time basis;
- (i) the Director General of the Board who shall also serve as the Secretary to the Board.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senator Dino Melaye — Kogi West*).

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

Clause 4: Schedule of Tenure.

The Chairman and other members of the Board shall each hold office —

- (a) for a term of 4 years in the first instance and may be re-appointed for one further term of 4 years and no more; and
- (b) on such terms and conditions as may be specified in their letters of appointment.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senator Dino Melaye — Kogi West*).

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

Clause 5: Cessation of Membership.

- (1) Notwithstanding the provisions of section 4 of this Bill, a person ceases to hold office as a member of the Board if the person —
 - (a) becomes bankrupt;
 - (b) is convicted of a felony or offence involving dishonesty or fraud;

- (c) becomes of unsound mind, or incapable of carrying out his duties;
 - (d) is guilty of a serious misconduct in relation to his or her duties;
 - (e) in the case of a person holding professional qualifications, he is disqualified or suspended from practicing his profession in any part of the world by an order of a competent authority made in respect of that member; or
 - (f) resigns his or her appointment by a letter addressed to the Minister.
- (2) If a member of the Board ceases to hold office for any reason whatsoever, before the expiration of the term which he is appointed, another person representing the same interest as that member shall be appointed to the Board for the unexpired term.
- (3) A member of the Board may be removed by the Minister, if the Board is satisfied that it is not in the interest of the Board or the public that the member continues in office.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senator Dino Melaye — Kogi West*).

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

Clause 6: Emoluments, etc. of Members of the Board.

There shall be paid to the Members of the Board such remuneration as the Minister may from time to time determine.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senator Dino Melaye — Kogi West*).

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

PART II — POWERS AND FUNCTIONS OF THE BOARD

Clause 7: Powers of the Board.

The Board shall have the powers to —

- (a) consider plans and budgetary proposals of the hospitals and submit recommendations thereon to the Minister.
- (b) provide the general policy guidelines relating to the functions of the Board; and
- (c) award contracts for procurement of goods and services not more than N50,000,000.00 (Fifty Million Naira) only; or such threshold as prescribed by the Public Procurement Act.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senator Dino Melaye — Kogi West*).

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

Clause 8: Functions of the Board.

- (1) The functions of the Board shall be to —
 - (a) administer, control and manage all secondary health care facilities in the Federal Capital Territory;
 - (b) ensure that the standards of curative and after care treatment provided for the public and patients at all Health institutions under the Board are of high standards;
 - (c) provide information and advice to Health and Human Services Secretariat of the Federal Capital Territory in order to facilitate the formulation of realistic health policies;
 - (d) provide proper training courses for staff including clinical institutions within or outside Nigeria to ensure competence in operations and adequate opportunities for advancement;
 - (e) implement the policies of Health and Human Services Secretariat;
 - (f) carry out such health functions and general directions as may be passed on to it in writing by the Minister, Federal Capital Territory;
 - (g) recruit Employees of the Board;
 - (h) promote, post, transfer and discipline staff of the Board;
 - (i) maintain comprehensive data base for all grades of its employees; and
 - (j) handle pension matters of all employees of the Board.
- (2) The Board shall enter into contracts for —
 - (a) procurement of equipment, drugs, surgical consumables, reagents, furniture and general goods;
 - (b) procurement of services, including specialized services; and
 - (c) maintenance of medical equipment, infrastructural facilities, vehicles, plant and machinery.
- (3) Without prejudice to the provisions of subsection (1) of this section, the Board may enter into such contracts or do any such things necessary or expedient for due performance of any of its duties under this Bill.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senator Dino Melaye — Kogi West*).

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

PART III — APPOINTMENT OF DIRECTOR-GENERAL AND
OTHER STAFF OF THE BOARD

Clause 9: Appointment of the Director-General.

There shall be for the Board a Director General —

- (a) who shall be appointed by the Minister after a competitive selection process;
- (b) who shall be the Chief Executive and Accounting Officer of the Board; and
- (c) who shall be responsible for the day to day management and administration of the Board.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senator Dino Melaye — Kogi West*).

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

Clause 10: Qualification of the Director-General.

The Director General shall be —

- (a) a qualified medical Doctor or Allied Medical Practitioner registered with relevant professional bodies for a period of not less than 18 years, with considerable administrative experience in matters of health; and holds
- (b) a post-graduate medical fellowship qualification obtained not less than 8 years prior to his appointment as Director-General.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senator Dino Melaye — Kogi West*).

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

Clause 11: Tenure.

The Director-General of the Board is to hold office —

- (a) for a term of 4 years in the first instance and may be re-appointed for a further term of 4 years and no more; and
- (b) on such terms and conditions as may be specified in his letter of appointment.

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senator Dino Melaye — Kogi West*).

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

Clause 12: Appointment of Other Staff of the Board.

- (1) The Board may appoint such other staff as it considers necessary for carrying out its functions under this Bill and may determine the wages, salaries, and conditions of service, of such staff with the approval of the Minister.
- (2) The staff of the Board shall be —
 - (a) public servants as defined in the Constitution of the Federal Republic of Nigeria 1999; and
 - (b) governed by the civil service rules and regulations of the Federal Republic of Nigeria.

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senator Dino Melaye — Kogi West*).

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

Clause 13: Pensions.

Service in the Board shall be approved service for the purposes of the pensions Reform Act; and accordingly employees of the Board are entitled to pensions, and other retirement benefits as are prescribed under the Pension Reform Act.

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senator Dino Melaye — Kogi West*).

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

Clause 14: Staff Regulations.

- (1) Subject to the provisions of this Bill, the Board shall make staff regulations relating generally to the conditions of service of the staff, and in particular, such regulations may provide for —
 - (a) the appointment, promotion, termination, dismissal and disciplinary control of staff or employees of the Board; and
 - (b) appeals by staff or employees against dismissal or other disciplinary measures, and until such regulations are made, any instrument relating to the conditions of service in the public service of the Federation are to be applicable with such modifications as may be necessary, to the employees of the Board.
- (2) The staff regulations made under subsection (1) of this section shall not have effect until published in the Federal Government official Gazette, but the Board shall cause a notice of the staff regulations to be issued to all affected staff in such manner as the service may from time to time determine.
- (3) Any officer aggrieved by any decision of the Board in respect of discipline, dismissal or termination of appointment may appeal to the Minister for redress.

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senator Dino Melaye — Kogi West*).

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

Clause 15: Staff Transfer.

- (1) Subject to subsection (2) of this section, relevant officers of the Health and Human Services Secretariat working in the secondary Health facilities immediately before the coming into force of this Bill shall be deemed to have been transferred to the Board.
- (2) Notwithstanding section (1) of this section Health and Human Services Secretariat may retain any officer or servant whose services in its opinion are for the time being required by the Secretariat.

- (3) During the period of transition the existing schemes of service, regulations and standing orders for the various grades of serving officers in the Health and Human Services Secretariat shall remain in force until the Board makes appropriate regulations and rules.

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senator Dino Melaye — Kogi West*).

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

PART IV — ESTABLISHMENT OF HOSPITAL MANAGEMENT COMMITTEES

Clause 16: Establishment of Committees.

The Board shall appoint a Committee for each hospital in the Federal Capital Territory to be known as Hospital Management Committee.

Committee's Recommendation:

That the provision in Clause 16 be retained (*Senator Dino Melaye — Kogi West*).

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

Clause 17: Composition of the Committee.

- (1) The Committee shall consist of —
- (a) the Medical Director of the Hospital, who shall be the head and accounting officer of the hospital;
 - (b) all heads of major clinical departments and units in the hospital including but not limited to the following Departments —
 - (i) Paediatrics;
 - (ii) Obstetrics and Gynecology;
 - (iii) Surgery;
 - (iv) Medicine;
 - (v) Nursing;
 - (vi) Pharmacy;
 - (vii) Medical Records;
 - (viii) Dental;
 - (ix) Laboratory;
 - (x) Radiology;
 - (xi) Cardiovascular; and
 - (xii) Orthopaedic.
 - (c) a representative of the local community to be nominated by the Councilor for Health in the Area Council; and

- (d) the hospital Secretary shall be the Secretary to the Committee.

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senator Dino Melaye — Kogi West*).

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

Clause 18: Functions of the Committee.

- (1) Subject to the provisions of this Bill, the functions of the Committee are to —
- (a) control and manage health services provided within a Hospital;
 - (b) identify community health care needs and provisions of services thereto;
 - (c) provide the Board with a full annual and performance reports as may be required by the Board;
 - (d) receive and investigate any complaints from the public against the services provided in the Hospital.
- (2) The Committee is to be responsible to the Board for —
- (a) the hospital's day to day administration and services;
 - (b) the hospital's revenue and expenditure through their Drugs and Services Revolving Fund (DSRF) scheme, regular running cost and Health Insurance fees;
 - (c) limited maintenance of buildings and equipment as well as environmental sanitation in hospitals;
 - (d) purchase of stationeries, furniture, drugs, consumables, reagents and sundry items;
 - (e) processing of preliminary disciplinary matters that may be forward to the Board further action; and
 - (f) supervising any health facility affiliated to the hospital.

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senator Dino Melaye — Kogi West*).

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

Clause 19: Complaints against the Committee.

Any person aggrieved by any act of the Committee may appeal to the Board for redress.

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senator Dino Melaye — Kogi West*).

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

Clause 20: Delegation of Powers.

The Minister may by notice delegate to any person or body all or any of the powers conferred upon him by this Bill.

Committee's Recommendation:

That the provision in Clause 20 be retained (*Senator Dino Melaye — Kogi West*).

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

Clause 21: Funds of the Board.

- (1) The Funds and resources of the Board shall consist of all —
 - (a) monies as may from time to time be allocated to the Board by way of budgets by the Federal Capital Territory Administration;
 - (b) legacies, grants, endowments, donations and other gifts received by the Board;
 - (c) all monies earned in respect of any service or services provided by the Hospitals and institutions under this Bill;
 - (d) any investment or other property acquired by or vested in the Board including money arising from the investment or property;
 - (e) all monies received by the Board in respect of any loan made by the Board or interest payable in respect of the loan;
 - (f) all other monies which may lawfully accrue to the Board from any other source.
- (2) The Board shall operate its own account(s) but may delegate powers to the Hospital Management Committees to collect and disburse revenue on its behalf.

Committee's Recommendation:

That the provision in Clause 21 be retained (*Senator Dino Melaye — Kogi West*).

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

PART VI- ACCOUNTS, AUDIT AND REPORTS**Clause 22: Annual Reports.**

The Board shall not later than 30th June in each year, submit to the appropriate authority, a report of its activities covering its performance against agreed set target during the immediate preceding year, and shall include in that report an audited account of the Board.

Committee's Recommendation:

That the provision in Clause 22 be retained (*Senator Dino Melaye — Kogi West*).

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

Clause 23: Estimates.

The Board must prepare and submit to the appropriate authority not later than the 30th day of September in each financial year an estimate of its income and expenditure for the succeeding year.

Committee's Recommendation:

That the provision in Clause 23 be retained (*Senator Dino Melaye — Kogi West*).

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

Clause 24: Accounts and Audits.

The Board must keep proper accounts and records to be audited by an auditor or auditor's approved by the Federal Capital Territory Administration.

Committee's Recommendation:

That the provision in Clause 24 be retained (*Senator Dino Melaye — Kogi West*).

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

Clause 25: Submission of Reports.

A copy of the annual report, the financial statement and the audited accounts of the Board must be submitted to the Minister.

Committee's Recommendation:

That the provision in Clause 25 be retained (*Senator Dino Melaye — Kogi West*).

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

Clause 26: General Directives.

The Minister may give to the Board directives of a specific or general nature with regard to the exercise of its functions under this Bill.

Committee's Recommendation:

That the provision in Clause 26 be retained (*Senator Dino Melaye — Kogi West*).

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

PART VII — MISCELLANEOUS

Clause 27: Power to make Regulations.

The Board shall with the approval of the Minister make regulations for —

- (a) prohibiting or restricting the access of members of the public to any premises vested in or under the control of the Board or to any portion of such premises;
- (b) ensuring the maintenance of good order and discipline amongst members of the public at all time upon any such premises;
- (c) prevent the unauthorized or improper use of any property under the control of the Board; and
- (d) prescribing the fees payable in respect of any services provided by Hospitals under the Board.

Committee's Recommendation:

That the provision in Clause 27 be retained (*Senator Dino Melaye — Kogi West*).

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

Clause 28: Commencement date and regulations.

Regulations made under the provisions of this section are operational and effective only upon their gazetting.

Committee's Recommendation:

That the provision in Clause 28 be retained (*Senator Dino Melaye — Kogi West*).

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

Clause 29: Appointment of Special Committees.

(1) The Minister may, by notice and on the advice of the Board appoint a Committee to be known as a Special Committee with responsibilities for hospitals in the said notice.

(2) The notice shall specify the constitution of the Special Committee and its functions.

Committee's Recommendation:

That the provision in Clause 29 be retained (*Senator Dino Melaye — Kogi West*).

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

Clause 30: Interpretation.

In this Bill, unless the context otherwise requires —

"appointed or appropriate authority" means the Federal Government representative responsible for the administration of Federal Capital Territory;

Question: That the words "appointed appropriate authority" defined in the Interpretation to this Act, put and agreed to.

"Board" means the Federal Capital Territory Hospitals Management Board established under section 1 of this Bill;

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

"Chairman" means and includes Hospital Management Committee established under this Bill;

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

"Commencement date" means the effective date the Act comes into operation;

Question: That the words "Commencement date" defined in the Interpretation to this Act, put and agreed to.

"Director-General" means the Chief Executive Officer of the Board;

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

"Employee" means any person employed in any capacity by the Board pursuant to the provisions of this Bill;

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

"FCT" means the Federal Capital Territory, Abuja;

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

"hospital" means any hospital, convalescent home, clinic or nursing home with associated institutions and specialist services maintained or controlled by the Government, used or intended to be used for the reception and treatment of persons suffering from any sickness, injury, bodily or mental infirmity and for the reception of women in childbirth immediately after childbirth for the purposes of providing such person with nursing, medical or surgical attention;

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

"member of the Committee" means a member of the Committee appointed by the authority under this Bill and includes the Chairman of the Committee;

Question: That the words " member of the Committee" defined in the Interpretation to this Act, put and agreed to.

"member of the Board" means a member of the Governing Board appointed by the Minister, and includes the Chairman of the Board;

Question: That the words " member of the Board" defined in the Interpretation to this Act, put and agreed to.

"Medical Director" means Medical Officer in charge of Hospital under the Federal Capital Territory Administration;

Question: That the words " Medical Director" defined in the Interpretation to this Act, put and agreed to.

"Minister" means Minister of the Federal Capital Territory or any person appointed or elected for the time being, responsible for the administration of the Federal Capital Territory.

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

Committee's Recommendation:

That the provision in Clause 30 be retained (*Senator Dino Melaye — Kogi West*).

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

Clause 31: Citation.

This Bill may be cited as the Federal Capital Territory Hospitals Management Board (Establishment, etc.) Bill, 2017.

Committee's Recommendation:

That the provision in Clause 31 be retained (*Senator Dino Melaye — Kogi West*).

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

SCHEDULE

SUPPLEMENTARY SCHEDULE RELATING TO THE BOARD, ETC.

Proceedings of the Board

1. The Board shall meet no less than quarterly, and more often as required, at a time and place determined by and upon reasonable notice to all members from the Chairman to —
 - (a) address all matters related to implementation of its operational or strategic health plans at all levels;
 - (b) coordinate and oversee all matters related to every Hospital Management Committee; and
 - (c) discharge its functions in terms of this law.
2. Every meeting of the Board shall be presided over by the Chairman and in his absence the members present at the meeting shall appoint one of their members to preside at the meeting.
3. The quorum at a meeting of the Board shall be not less than one-third of the total number of members of the Board at the date of the meeting and the quorum of a Committee of the Board shall be as determined by the Board.
4. The Board shall for the purposes of this Bill, meet every quarter and not less than three times in each year and subject, thereto, the Board shall meet whenever it is convened by the Chairman, and if the Chairman is requested to do so, by notice given to him by not less than 5 other members, he shall convene a meeting of the Board to be held within 14 days from the date on which the notice was given.
5. Where the Board desires to obtain the advice of any person on a particular matter, the Board may co-opt him to the Board for such period as it deems fit, but a person who is a member by virtue of this paragraph shall not be entitled to vote at any meeting of the Board and shall not count towards a quorum.
6. A member of the Board who is directly or indirectly interested in any matter being deliberated on by the Board, or is interested in any contract made or proposed to be made by the Board shall —
 - (a) as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Board and such disclosure shall be recorded in the minutes of the meeting of the Board;
 - (b) not, take part in any deliberation or decision of the Board;
 - (c) be excluded for the purpose of constituting a quorum of any meeting of the Board for any deliberation or decision, with regard to the subject matter in respect of which his interest is so disclosed,
 - (d) not vote on any question relating to the contract or arrangement.

Voting and Casting

7. An issue to be decided by the Board, vote shall be determined by a simple majority of members present and voting and the Chairman or other person presiding over the meeting shall have a casting vote wherever necessary to avoid an equality of votes.

- (1) The Director General shall provide secretarial services and shall take and retain minutes of all board meetings for proper custody.
- (2) Minutes of a Board meeting shall be reviewed, revised as required and approved at the next Board meeting.
- (3) The Chairman shall direct that minutes approved in terms of subsection (2) shall be time ously submitted to the Members.
- (4) The minutes of the Board shall at all reasonable times be open for inspection by any person, who shall be entitled to obtain a copy or extract, upon the payment of the prescribed fee.

Vacancy

8. The proceedings of the Board shall not be invalidated by reason of a vacancy among its members or by any defect in the nomination, appointment or qualification of a member.

Committees

9. (1) Subject to its standing orders, the Board may appoint such number of standing and ad-hoc Committees as it thinks fit to consider and report on any matter with which the Board is concerned.
- (2) A Committee appointed under this paragraph shall be presided over by a member of the Board and consists of such number of persons, (not necessarily all members of the Board as may be determined by the Board), and a member, other than a member of the Board shall hold office on the Committee in accordance with the terms of his appointment.
- (3) The quorum of any Committee set up by the Board shall be as may be determined by the Board.
- (4) A decision of a Committee of the Board shall be of no effect until it is confirmed by the Board.

Miscellaneous

10. The fixing of the seal of the Board shall be authenticated by the signature of the Chairman and the Director-General of the Board.
11. Any contract or instrument which, if made by a person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the Board by the Secretary or by any other person generally or specially authorize by the Board to act for that purpose.
12. Any document purporting to be a contract, instrument or other document duly signed or sealed on behalf of the Board shall be received in evidence and shall, unless the contrary is proved, be presumed without further proof to have been properly signed or sealed.
13. The validity of any proceedings of the Board or any of its Committees shall not be affected by —
 - (a) any vacancy in the membership of the Board, or Committees;
 - (b) any defect in the appointment of a member of the Board or Committee; or

- (c) reason that any person not entitled to do so took part in the proceedings of the Board or Committee.
14. A member of a Committee who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Committee shall forthwith disclose his interest to the Committee and shall not vote on any question relating to the contract or arrangement.
15. No member of the Board shall be personally liable for any act or omission done or made in good faith while engaging in the business of the Board.

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

Chairman to report Bill.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered Report of the Committee on Federal Capital Territory on the Federal Capital Territory Hospitals Management Board (Establishment, etc.) Bill, 2017 and approved as follows:

Clauses 1- 31 — As Recommended

Schedule — As Recommended

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

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

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

13. **Committee on Foreign Affairs:**
Report on the Extortion of Pilgrims by the National Hajj Commission of Nigeria (NAHCON):
Consideration of Report deferred to another Legislative Day.
14. **Non-Governmental Organization Regulation Bill, 2017 (SB.111):**
Consideration of Bill deferred to another Legislative Day.
15. **Federal Capital Territory Act CAP F6 LFN (Amendment) Bill, 2017 (SB. 115):**
Consideration of Bill deferred to another Legislative Day.
16. **National Fertilizer Quality Control Bill, 2017 (SB. 338):**
Consideration of Bill deferred to another Legislative Day.
17. **Correction, Reformation and Reintegration Centre (Establishment, etc.) Bill, 2017 (SB.308):**
Consideration of Bill deferred to another Legislative Day.