



SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Tuesday, 18th May, 2021

1. The Senate met at 10:46 a.m. The President of the Senate read prayers.
2. **Votes and Proceedings:**
The Senate examined the Votes and Proceedings of Thursday, 6th May, 2021.
Question was put and the Votes and Proceedings were approved.
3. **Messages from Mr. President:**
The President of the Senate announced that he had received two (2) letters from Mr. President, Commander-in-Chief of the Armed Forces of the Federation, which he read as follows:

(a) *Request for the Resolution of the National Assembly:*



PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA

6th May, 2021

*Distinguished Senator Ahmad Ibrahim Lawan,
President of the Senate,
Senate Chambers,
National Assembly Complex,
Three Arms Zone,
Abuja.*

Dear Distinguished Senate President,

REQUEST FOR THE RESOLUTION OF THE NATIONAL ASSEMBLY FOR:

THE IMPLEMENTATION OF THE NEW EXTERNAL BORROWING OF N2.343 TRILLION (ABOUT USD6.183 BILLION) IN THE 2021 APPROPRIATION ACT

The purpose of this Letter is to request for a Resolution of the National Assembly (NASS) to raise the sum of ₦2,343,387,942,848.00 (about USD 6,183,081,643.40 at the Budget Exchange Rate of USD1.00/₦379) provided as New External Borrowing in the 2021 Appropriation Act (Item No. 330) to part-finance the Budget Deficit of ₦5.602 trillion.

2. This request is in line with the provisions of Sections 21(1) and 27(1) of the Debt Management Office (Establishment, Etc.) Act, 2003 (DMO Act). Section 21(1) of the DMO states that "no external loan shall be approved or obtained by the Minister unless its terms and conditions shall have been laid before the National Assembly and approved by its 'resolution'; while Section 27(1) states that "the National Assembly may by a resolution approve, from time to time, standard terms and conditions for the negotiation and acceptance of external loans and issuance of guarantees":

Implementation of the New External Borrowing in the 2021 Appropriation Act

3. The President of the Senate may wish to recall that the 2021 Appropriation Act provides for ₦4,686,775,885,696.00 as New Borrowings (Item No. 328) to part-finance the 2021 Fiscal Deficit, of which 50% or ₦2,343,387,942,848.00 (about USD 6,183,081,643.40 at the Budget Exchange Rate of USD1.00/₦379) is specified as New External Borrowing.

4. The President of the Senate may also wish to note that the allocation of ₦2.343 trillion to New External Borrowing in the 2021 Appropriation Act is consistent with the Nigeria's Debt Management Strategy, which seeks amongst other objectives, to moderate debt service costs by accessing relatively cheaper external funds, and to free-up space in the domestic market for other borrowers.

Funding Plan

5. I wish to bring to the attention of the President of the Senate that the plan is to raise the sum of USD 6.183 billion from a combination of sources; namely: multilateral and bilateral lenders, as well as from the International Capital Market (ICM) through the issuance of Eurobonds. From recent trends in the ICM, it is now possible for Nigeria to raise funds in the ICM and this explains why we are proposing that the New External Borrowing in the 2021 Appropriation Act, should include issuing Eurobonds in the ICM. We estimate that Nigeria may be able to raise USD 3 billion or more, but not more than USD 6.183 billion (the amount provided in the 2021 Appropriation Act) in a combination of tenors between 5 - 30 years; the outcome would, however, be determined when Nigeria approaches the market.

6. The President of the Senate may further wish to note that not only is the ICM now open to issuers like Nigeria and Interest Rates lower than the levels in 2020, given the recent monetary policy stance, as well as, rising levels of inflation, the level of liquidity in the domestic market has decreased while domestic Interest Rates are beginning to rise. Therefore, accessing the ICM will be relatively cheaper thereby moderating debt service cost, and it will also contribute to the level of External Reserves. Please see Table 1 for the comparative Yields of FGN Bonds in the Domestic Securities Market and Nigeria's Eurobonds in the ICM of similar Tenors as at March 30, 2021. Also see Appendix I for all the outstanding Nigeria's Securities (Eurobonds and Diaspora Bond) and their respective Yields as at March 30, 2021.

Table 1: Comparative Yields for the Domestic Market and Eurobonds as at March 30, 2021

Tenor	Domestic Market (FGN Bonds)	ICM (Eurobonds)
5 years	10.02%	4.47%
10 years	10.72%	6.72%
15 years	11.44%	7.87%
30 years	11.67%	8.31%

Sources: FGN Bonds — FMDQ Exchange
Eurobonds — Bloomberg

Utilisation of Proceeds of New External Borrowing

7. The proceeds of the USD6.183 billion (₦2.343 trillion New External Borrowing in the 2021 Appropriation Act) will be used to fund specific Capital Projects in the Budget. This includes projects from priority sectors of the economy, namely; Power, Transportation, Agriculture and Rural Development, Education, Health, Provision of Counterpart Funding for Multilateral and Bilateral projects, Defence and Water Resources.

Summary of Indicative Terms and Conditions

8. With respect to the Terms and Conditions of the proposed External Borrowings, the President of the Senate may wish to note that the multilateral and bilateral institutions operate on standard Terms and Conditions and these are outlined in Appendix II. In the case of Eurobonds, the Final Terms and Conditions (Interest Rate and Tenors) can only be determined at the point of Issuance of the Bonds in the ICM, and will be subject to market conditions prevailing at that time. In the event that some or all of the USD 6,183,081,643.40 has to be raised through Eurobonds, the Federal Ministry of Finance, Budget and National Planning and the Debt Management Office, working with the Federal Government's appointed Transaction Advisers, will ensure that Nigeria secures the best Terms and Conditions within the context of the market. Meanwhile, the Indicative Terms and Conditions are attached as Appendix III for your information.

Required Resolutions

9. As stated in Paragraph 2, the President of the Senate may wish to note that the Resolution of the NASS in the attached format (Appendix IV) is required to implement the New External Borrowing of USD 6,183,081,643.40 in the 2021 Appropriation Act.

Prayer

10. The President of the Senate may wish to note that, in line with the provisions of Sections 21 (1) and 27 (1) of the DMO Act, a specific Resolution of the NASS is required for external borrowing as stated in Paragraphs 2 and 9. Accordingly, the Senate is invited to consider and approve a Resolution in the format outlined hereunder, which is also attached as Appendix IV as stated in Paragraph 9:

- a. The implementation of the New External Borrowing of ₦2,343,387,942,848.00 (about USD 6,183,081,643.40 at the Budget Exchange Rate of USD1.00/₦379) in the 2021 Appropriation Act and that the amount should be raised from multiple sources - Multilateral and Bilateral sources as may be available, and through the Issuance of Eurobonds in the International Capital Market; and,
 - b. The Issuance of Eurobonds in the sum of USD 3.00 billion or more, but not more than USD6.183 billion approved as New External Borrowing in-the 2021 Appropriation Act.
11. While looking forward to the timely Issuance of the Resolution by the NASS, please accept, Distinguished Senate President, the assurances of my highest consideration.

Yours sincerely,

(Signed)

Muhammadu Buhari

(b) Request for the Senate's Concurrent Approval:



PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA

Distinguished Senator Ahmad Ibrahim Lawan
President of the Senate,
Senate Chambers,
National Assembly Complex,
Three Arms Zone,
Abuja.

6th May, 2021

Dear Distinguished Senate President,

**REQUEST FOR THE SENATE'S CONCURRENT APPROVAL OF DONOR FUND
PROJECTS UNDER THE 2018-2020 FEDERAL GOVERNMENT EXTERNAL
BORROWING (ROLLING) PLAN**

It is with pleasure that I forward the list of all the Donor funded projects under the 2018 - 2020 Federal Government External Borrowing (Rolling) Plan for the consideration and concurrent approval of the Senate for same to become effective. (See Annex I).

The Projects listed under the 2018-2020 External Borrowing Plan are to be financed through sovereign loans from the World Bank, African Development Bank (AfDB), French Development Agency (AFD), Islamic Development Bank, China EXIM Bank, China Development Bank, European Investment Bank, European ECA, KfW, IPEX, AFC, India EXIM Bank and International Fund for Agricultural Development (IFAD) at a total sum of USD 30,837,281,256 plus Euro 910,000,000 and Grant Component of USD 10,000,000.

Distinguished Senate President may wish to know that the projects and programmes in the Borrowing Plan were selected based on positive, technical and economic evaluations as well as the contribution they would make to the socio-economic development of the country including employment generation and poverty reduction as well as protection of the most vulnerable and very poor segments of the Nigerian society.

Distinguished Senate President may also wish to know that all the listed projects form part of the 2018 - 2020 External Borrowing Plan and covered both the Federal and States Governments' Projects and are geared towards the realization of the Nigeria Economic Sustainability Plan that cut across key sectors such as Infrastructure, Health, Agriculture and Food Security, Energy, Education and Human Capital Development and COVID-19 Response efforts. A summary on some key projects in each of the six geo-political zones and a summary on the expected impacts on the socio-economic development of each of the six (6) geo-political zones are attached herewith as Annexes II and III.

Given the importance attached to the timely delivery of the projects listed in the proposed Borrowing Plan and the benefits both the Federal and States Governments stand to gain from the implementation of same, I hereby wish to request for the kind consideration and concurrent approval of the Senate for the 2018 - 2020 Federal Government External Borrowing (Rolling) Plan to enable the projects become effective.

Please accept, Distinguished Senate President, the assurances of my personal warm regards.

Yours sincerely,
(Signed)
Muhammadu Buhari

4. **Announcements:**

(a) **Notice of Public Hearing:**

The President of the Senate read a letter from Senator Oluremi S. Tinubu (Lagos Central) as follows:



THE SENATE
FEDERAL REPUBLIC OF NIGERIA
COMMITTEE ON COMMUNICATIONS
National Assembly Complex
Three Arms Zone, P.M.B. 1412 Garki, Abuja

17th May, 2021

His Excellency
Distinguished Senator Ahmad Ibrahim Lawan, Ph.D; CON
President of the Senate
Federal Republic of Nigeria
National Assembly
Abuja

NOTICE OF PUBLIC HEARING

Recall that the Senate of the Federal Republic of Nigeria at its Plenary Sessions on Tuesday, 23rd March, 2021 and Wednesday, 26th April, 2021 read the Nigerian Postal Service Act NI27-LFN 2004 (Repeal and Establishment) Bill, 2021 (SB. 657) and the Nationwide Toll-Free Emergency Number (Establishment) Bill, 2021 (SB. 583) respectively, and referred same to the Committee for further Legislative action.

Pursuant to these resolutions, the Committee hereby seizes this opportunity to invite distinguished Senators, stakeholders and the general public to a 1-day public hearing on the two (2) Bills, slated to hold in the Senate Conference Room 022, Senate New Building at 9:00 a.m on Monday, 24th May, 2021.

Stakeholders are enjoined to forward their memoranda to the Committee Secretariat in Room 4.4 Senate Wing (White House Building), National Assembly Complex, Abuja, on or before Thursday, 20th May, 2021.

Please do accept the renewed assurances of my kindest regards.

(Signed)
SENATOR OLUREMI S. TINUBU, OON
Chairman, Communications Committee

- (b) Notification of my interest to run for the Office of the Governor of Anambra State:
The President of the Senate read a letter from Senator Uche L. Ekwunife (Anambra Central) as follows:



Divine Mandate 2021
Senator Uche Ekwunife (IYOM)
For Governor, Anambra State

11th May, 2021

To,
Distinguished Senators of the Federal Republic of Nigeria

Through;

Senator (Dr.) Ahmed Ibrahim Lawan, CON, PhD
President of The Senate
National Assembly Complex,
Abuja.

My Distinguished Colleagues,

NOTIFICATION OF MY INTEREST TO RUN FOR THE OFFICE OF THE GOVERNOR OF ANAMBRA STATE AND APPEAL FOR YOUR SUPPORT AND PRAYERS

May I humbly use this medium to inform you of my decision to run for the office of the Governor of Anambra State. This is borne out of my desire to change the paradigm of development in Anambra State, especially in the areas of Infrastructural development, Security, Education, Health, Agriculture and general socio-economic well being of the people of Anambra State, in line with the 21st century concept of development.

Being a successful former banker, a two term member of the House of Representative and now a sitting two term senator, whose service to the nation has never been in doubt, I consider myself well prepared with the capacity to take on the challenges of the exalted office of the Governor of Anambra State.

As the primary election draws nearer, precisely on 26th June 2021, I solemnly solicit for your support and prayers to help me scale through this very important stage which you know is a prelude to the election proper, which is coming up on Saturday 6th November 2021.

While thanking you all in anticipation of your support, I promise to run an all-inclusive government that will bring us into a solid and fruitful partnership.

Please accept the assurances of my esteemed regards.

(Signed)

*Senator Uche Lilian Ekwunife, (Iyom) PhD, CNA, HCIB, NIM
(Anyanwu-Nri, Adaugo-Igbo)*

5. Petitions:

Rising on Order 41, Senator Patrick A. Akinyelure (*Ondo Central*) drew the attention of the Senate to four (4) petitions received from the Office of the President of the Senate as follows:

- (i) P.E. Idehen and M.A. Onadira Esq, against Hon. Segun E. Ogunwuyi, over alleged negligence, nonchalant attitude in handling the abduction of his driver Mr. Omotosho Sola;
- (ii) Femi Falana, against the Senate and National Human Rights Commission, over the appointment of the Members of the Governing Council of the National Human Rights Commission;
- (iii) S.A. Ayesa, Esq, against the Nigeria Police Force, over the alleged dismissal of Festus Ilegbusi from the Service; and
- (iv) Omes Ogedegbe, Esq, against the Nigeria Police Force, over the alleged killing of Chinedu Obi, a final year student of University of Port Harcourt.

He urged the Senate to look into the matters.

Petitions laid and accordingly referred to the Committee on Ethics, Privileges and Public Petitions [Order 41(3)] to report within four (4) weeks.

6. Matter of Urgent Public Importance:

Rising on Orders 42 and 52, Senator Buhari Abdulfatai (*Oyo North*) drew the attention of the Senate to the urgent need for the investigation of the recent alleged killing of civilians by men of the Nigeria Customs Service in Iseyin, breaking of shops in Ogbomoso and Ibadan and the need for men of the Nigeria Customs Service to maintain a more professional disposition in the exercise of their official duties. He sought and obtained the leave of the Senate to present the matter forthwith:

The Senate:

notes that the right to life is a qualified constitutional right in Nigeria and provides that persons living in Nigeria shall have a right to life and no one shall be deprived intentionally of his life unless in execution of the sentence of a court of a criminal offence of which he has been found guilty;

further notes that in furtherance to this right to life, Police Officers or Soldiers may not resort to lethal force such as firing live ammunition at people unless their own lives or the lives of others are in imminent danger, and less extreme measures are not available to avert the danger;

aware that officers of the Nigeria Customs Service are statutorily empowered to bear arms and are accorded all rights given to police officers in the execution of their official duties at the border post of the country;

regrets that custom officials have abused these privileges by terrorizing and harassing innocent citizens, breaking into their shops in absentia and carting away money and rice in their shops where the sum of One Million, Two Hundred Thousand Naira (₦1,200,000) with 600 bags of rice carted away in Ogbomoso as well as Four Million Naira (₦4,000,000) with lorry loads of rice from shops in Ibadan on the 1st, 2nd and 6th May, 2021 respectively;

further regrets that these rights have either been abused or mismanaged by Officers of the Nigeria Customs Service in the past and this was evident again on Thursday, 13th May, 2021 when residents of Iseyin town were subjected to frightening sounds of gunshots between the officers of the Nigeria Customs Service (NCS) and persons alleged to be smugglers in an attempt to hijack vehicles allegedly loaded with 40 bags of illegally smuggled rice;

also regrets that this incident happened on a day meant to be a day of joy as Muslims across the world marked Eid-el-Fitr celebrating the end of Ramadan, a holy month in Islam;

saddened that this incident reportedly led to the death of five people who were hit by stray bullets from the aforementioned indiscriminate shoot-out, namely: Ibrahim Mojeed, Timothy Gbadegesin, Tobiloba Opeyemi, Abdullah Azeez and an unidentified man who was selling watermelon; and

worried that such action by men of the Nigeria Customs Service continues to threaten the collective freedom of the people of Iseyin, Ibadan and Ogbomoso which has contributed to the shrinking civic space in the communities as was evident in the reaction of irate youths who burnt a Hilux car belonging to the Nigeria Customs Service in the aftermath of the incident.

The Senate accordingly resolves to:

- (i) observe a minute silence in honour of the slain victims who were caught in the cross-fire of the events of Thursday, 13th May, 2021;
- (ii) mandate Committees on Customs, Excise and Tariff; and Police Affairs to jointly interface with the hierarchy of the Nigeria Police and the Nigeria Customs Service towards ensuring that the incident is thoroughly investigated and any wrongdoers brought to book;
- (iii)
 - (a) mandate the Committee on Customs, Excise and Tariff to interface with the hierarchy of the Nigeria Customs Service towards identifying the victims of the incident and organizing proper compensation to the families of the deceased and the injured;
 - (b) mandate the Committee on Customs, Excise and Tariff to interface with the top hierarchy of the Nigeria Customs Service towards the reorientation of members of the Service to restrain the use of firearms in the course of their official engagements in line with international best practices;

- (c) mandate the Committee on Customs, Exercise and Tariff to tell Custom hierarchy to return the One Million Two Hundred Thousand Naira (₦1,200,000), 600 bags of rice taken from shops in Ogbomoso and Four Million Naira (₦4,000,000) with truckloads of rice from shops in Ibadan, respectively.

Debate:

Proposed Resolution (i):

Question: That the Senate do observe a minute silence in honor of the slain victims who were caught in the cross-fire of the events of Thursday, 13th May, 2021 — *Agreed to.*

Proposed Resolution (ii):

Question: That the Senate do mandate Committees on Customs, Excise and Tariff; and Police Affairs to jointly interface with the hierarchy of the Nigeria Police and the Nigeria Customs Service towards ensuring that the incident is thoroughly investigated and any wrongdoers brought to book — *Agreed to.*

Proposed Resolution (iii):

Question: That the Senate do

- (a) mandate the Committee on Customs, Excise and Tariff to interface with the hierarchy of the Nigeria Customs Service towards identifying the victims of the incident and organizing proper compensation to the families of the deceased and the injured;
- (b) mandate the Committee on Customs, Excise and Tariff to interface with the top hierarchy of the Nigeria Customs Service towards the reorientation of members of the Service to restrain the use of firearms in the course of their official engagements in line with international best practices; and
- (c) mandate the Committee on Customs, Exercise and Tariff to urge NCS hierarchy to return the One Million Two Hundred Thousand Naira (₦1,200,000), 600 bags of rice taken from shops in Ogbomoso and Four Million Naira (₦4,000,000) with truckloads of rice from shops in Ibadan, respectively.

Resolved:

That the Senate do:

- (i) observe a minute's silence in honor of the slain victims who were caught in the cross-fire of the events of Thursday, 13th May, 2021;
- (ii) mandate Committees on Customs, Excise and Tariff; and Police Affairs to jointly interface with the hierarchy of the Nigeria Police and the Nigeria Customs Service towards ensuring that the incident is thoroughly investigated and any wrongdoers brought to book;
- (iii) (a) mandate the Committee on Customs, Excise and Tariff to interface with the hierarchy of the Nigeria Customs Service towards identifying the victims of the incident and organizing proper compensation to the families of the deceased and the injured;

- (b) mandate the Committee on Customs, Excise and Tariff to interface with the top hierarchy of the Nigeria Customs Service towards the reorientation of members of the Service to restrain the use of firearms in the course of their official engagements in line with international best practices; and
- (c) mandate the Committee on Customs, Exercise and Tariff to urge NCS hierarchy to return the One Million Two Hundred Thousand Naira (₦1,200,000), 600 bags of rice taken from shops in Ogbomoso and Four Million Naira (₦4,000,000) with truckloads of rice from shops in Ibadan, respectively (S/Res/101/02/21).

One minute silence accordingly observed in honour of the victims.

7. Matter of Urgent Public Importance:

Rising on Orders 42 and 52, Senator Nicholas O. Tofowomo (*Ondo South*) drew the attention of the Senate to another cry to rescue Ayetoro Community in Ondo State from continuous ocean surge. He sought and obtained the leave of the Senate to present the matter forthwith:

The Senate:

notes that on the 25th day of November, 2020 I moved a motion on Ayetoro Community, Ondo State concerning a severe ocean disaster which has destroyed over 300 houses and swept away fishing tools making Ayetoro a floating city of disaster;

recalled that Three (3) resolutions were made which are as follows:

- (i) urge the Niger Delta Development Commission (NDDC) and Ondo State Government to respond and assist victims in the community as well as develop a master plan that includes building of ocean barriers to control flooding and ocean surge in the region;
- (ii) urge the Nigeria Maritime Administration and Safety Agency (NIMASA) to visit Ayetoro to ascertain the level of destruction in the community with a view to proffer solution to prevent future occurrence; and
- (iii) urge Oil Producing Companies to assist the community in re-building some of the infrastructure destroyed by the surge; and

concerned and disturbed that Ayetoro floating city has been abandoned since November, 2020 as none of the resolutions was executed.

The Senate accordingly resolves to:

urge the Federal Government to set up a rescue Committee that would include the Niger Delta Development Commission (NDDC), Ondo State Government, Nigeria Maritime Administration and Safety Agency (NIMASA), Consolidated Oil, Chevron Oil and Canvendish Oil.

Debate:

Proposed Resolution:

Question: That the Senate do urge the Federal Government to set up a rescue Committee that would include the Niger Delta Development Commission (NDDC), Ondo State Government, Nigeria Maritime Administration and Safety Agency (NIMASA), Consolidated Oil, Chevron Oil and Canvendish Oil — *Agreed to.*

Resolved:

That the Senate do urge the Federal Government to set up a rescue Committee that would include the Niger Delta Development Commission (NDDC), Ondo State Government, Nigeria Maritime Administration and Safety Agency (NIMASA), Consolidated Oil, Chevron Oil and Canvendish Oil (S/Res/102/02/21).

8. Matter of Urgent Public Importance:

Rising on Orders 42 and 52, Senator Ifeanyi P. Ubah (*Anambra South*) drew the attention of the Senate on the need to address the untold hardship caused by the introduction of the National Identification Number (NIN) as a compulsory requirement for JAMB registration. He sought and obtained the leave of the Senate to present the matter forthwith:

The Senate:

notes the widespread hardship young, promising and cerebral Nigerians are currently facing as a result of the decision of the Joint Admissions and Matriculations Board (JAMB) to include the National Identification Number (NIN) as a precondition for registration of UTME candidates in 2021;

observes that the action is an inconsiderate and premature decision that has further complicated the already rigorous process of both registering for JAMB examination and procuring the NIN;

recalls the attention of the Chamber to the fact that JAMB initially attempted to start the implementation of this policy in 2020 but had to postpone it owing to technical problems and irregularities bedeviling the process of obtaining NIN from the National Identity Management Company (NIMC);

worried that these technical hitches are yet to be addressed, the long queues at NIMC centers are a testimony to the fact that a well organized process is yet to be put in place to ease the stressful process of registration;

further recalls that in 2020, more than two million candidates registered for JAMB examination while presently the introduction of NIN threatens to significantly lower the number of registered candidates in 2021 because majority of these candidates are just attaining the age when they can obtain the NIN;

alarmed at the brazen infringement on the right to education of young Nigerians who may not be able to meet the deadline to obtain their NIN and register for JAMB;

considers that the idea, even though innovative in nature should be suspended until the conditions for obtaining NIN improves tremendously; and

acknowledges that JAMB already has enough logistic and technical problems to tackle, adding further complications would be counterproductive and will only serve as a hindrance to young Nigerians desirous of getting into higher institutions to further their education.

The Senate accordingly resolves to:

- (i) urge the Federal Ministry of Education, JAMB and NIMC to review the implementation of the policy with a view to extending the JAMB registration deadline or suspending this requirement until there is a seamless and well organized process for obtaining the national identity number; and
- (ii) urge the Federal Ministry of Education and NIMC to introduce/streamline a simple and decentralised NIN registration process where students would be able to obtain their NIN in their various accredited school premises.

Debate:

Proposed Resolution (i):

Question: That the Senate do urge the Federal Ministry of Education, JAMB and NIMC to review the implementation of the policy with a view to extending the JAMB registration deadline or suspending this requirement until there is a seamless and well organized process for obtaining the national identity number — *Agreed to.*

Proposed Resolution (ii):

Question: That the Senate do urge the Federal Ministry of Education and NIMC to introduce/streamline a simple and decentralised NIN registration process where students would be able to obtain their NIN in their various accredited school premises — *Agreed to.*

Resolved:

That the Senate do:

- (i) urge the Federal Ministry of Education, JAMB and NIMC to review the implementation of the policy with a view to extending the JAMB registration deadline or suspending this requirement until there is a seamless and well organized process for obtaining the national identity number; and
- (ii) urge the Federal Ministry of Education and NIMC to introduce/streamline a simple and decentralised NIN registration process where students would be able to obtain their NIN in their various accredited school premises (*S/Res/103/02/21*).

9. Presentation of Bills:

- (i) Abduction and Extraction of Reward (Prohibition) Bill, 2021 (SB. 710) — *Read the First Time.*
- (ii) National Road Maintenance Fund (Establishment) Bill, 2021 (SB. 719) — *Read the First Time.*
- (iii) Solid Minerals Development Bank (Establishment) Bill, 2021 (SB. 720) — *Read the First Time.*
- (iv) Miscellaneous Offences Act Cap M17 LFN 2004 (Amendment) Bill, 2021 (SB. 721) — *Read the First Time.*
- (v) Maritime Operations Coordinating Board Act Cap M4 LFN 2004 (Amendment) Bill, 2021 (SB. 722) — *Read the First Time.*

10. Committee on Judiciary, Human Rights and Legal Matters:

Report on the Confirmation on the Nominations for Appointment as Chairman and Members of the National Human Rights Commission (NHRC):

Motion made: That the Senate do receive and consider the Report of the Committee on Judiciary, Human Rights and Legal Matters on the confirmation of the nominations for appointment as Chairman and Members of the National Human Rights Commission (NHRC):

No.	Name	Position
1.	Dr. Salamatu Hussaini Suleiman, FIMC	Chairman
2.	Mmamel Joseph Onyemaechi	Member
3.	Ahmad Abubakar Fingilla, Esq	Member
4.	Kemi Okenyodo Asiwaju	Member
5.	Abubakar Muhammad	Member
6.	Okeowo Olufemi Adeniran	Member
7.	Mr. Sunday Etim Daniel	Member
8.	Jideani Agabaidu Chukwuemeka	Member
9.	Nella Andem-Rabana, SAN	Member
10.	Azubuike Emmanuel Nwankenta	Member
11.	Jemila Isah, Esq	Member
12.	Idayat Omolara Hassan	Member

(*Senator Micheal O. Bamidele — Ekiti Central*).

Question put and agreed to.

Report Laid and 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 the Confirmation and Nomination for appointment as Chairman and Members for the National Human Rights Commission (NHRC).

Nominees for confirmation:

(i)	Dr. Salamatu Hussaini Suleiman, FIMC	-	Chairman	— <i>Agreed to.</i>
(ii)	Mmamel Joseph Onyemaechi	-	Member	— <i>Agreed to.</i>
(iii)	Ahmad Abubakar Fingilla, Esq	-	Member	— <i>Agreed to.</i>
(iv)	Kemi Okenyodo Asiwaju	-	Member	— <i>Agreed to.</i>
(v)	Abubakar Muhammad	-	Member	— <i>Agreed to.</i>
(vi)	Okeowo Olufemi Adeniran	-	Member	— <i>Agreed to.</i>
(vii)	Mr. Sunday Etim Daniel	-	Member	— <i>Agreed to.</i>
(viii)	Jideani Agabaidu Chukwuemeka	-	Member	— <i>Agreed to.</i>
(ix)	Nella Andem-Rabana, SAN	-	Member	— <i>Agreed to.</i>
(x)	Azubuike Emmanuel Nwankenta	-	Member	— <i>Agreed to.</i>
(xi)	Jemila Isah, Esq	-	Member	— <i>Agreed to.</i>
(xii)	Idayat Omolara Hassan	-	Member	— <i>Agreed to.</i>

Chairman to report progress.

(SENATE IN PLENARY)

The President of the Senate reported that the Senate in the Committee of the Whole considered the nominations and confirmation for appointment as Chairman and Members for the National Human Rights Commission (NHRC) and approved the nominations.

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

Confirmation of nomination:

Question:

“Will the Senate confirm the nomination of Dr. Salamatu Hussaini Suleiman, FIMC for appointment as Chairman, National Human Rights Commission (NHRC)?” — *Resolved in the Affirmative.*

Nomination of Dr. Salamatu Hussaini Suleiman, FIMC for appointment as Chairman, National Human Rights Commission (NHRC) accordingly confirmed.

Question:

“Will the Senate confirm the nomination of Mmamel Joseph Onyemaechi for appointment as Member, National Human Rights Commission (NHRC)?” — *Resolved in the Affirmative.*

Nomination of Mmamel Joseph Onyemaechi for appointment as Member, National Human Rights Commission (NHRC) accordingly confirmed.

Question:

“Will the Senate confirm the nomination of Ahmad Abubakar Fingilla, Esq for appointment as Member, National Human Rights Commission (NHRC)?” — *Resolved in the Affirmative.*

Nomination of Ahmad Abubakar Fingilla, Esq for appointment as Member, National Human Rights Commission (NHRC) accordingly confirmed.

Question:

“Will the Senate confirm the nomination of Kemi Okenyodo Asiwaju for appointment as Member, National Human Rights Commission (NHRC)?” — *Resolved in the Affirmative.*

Nomination of Kemi Okenyodo Asiwaju for appointment as Member, National Human Rights Commission (NHRC) accordingly confirmed.

Question:

“Will the Senate confirm the nomination of Abubakar Muhammad for appointment as Member, National Human Rights Commission (NHRC)?” — *Resolved in the Affirmative.*

Nomination of Abubakar Muhammad for appointment as Member, National Human Rights Commission (NHRC) accordingly confirmed.

Question:

“Will the Senate confirm the nomination of Okeowo Olufemi Adeniran for appointment as Member, National Human Rights Commission (NHRC)?” — *Resolved in the Affirmative.*

Nomination of Okeowo Olufemi Adeniran for appointment as Member, National Human Rights Commission (NHRC) accordingly confirmed.

Question:

“Will the Senate confirm the nomination of Mr. Sunday Etim Daniel for appointment as Member, National Human Rights Commission (NHRC)?” — *Resolved in the Affirmative.*

Nomination of Mr. Sunday Etim Daniel for appointment as Member, National Human Rights Commission (NHRC) accordingly confirmed.

Question:

“Will the Senate confirm the nomination of Jideani Agabaidu Chukwuemeka for appointment as Member, National Human Rights Commission (NHRC)?” — *Resolved in the Affirmative.*

Nomination of Jideani Agabaidu Chukwuemeka for appointment as Member, National Human Rights Commission (NHRC) accordingly confirmed.

Question:

“Will the Senate confirm the nomination of Nella Andem-Rabana, SAN for appointment as Member, National Human Rights Commission (NHRC)?” — *Resolved in the Affirmative.*

Nomination of Nella Andem-Rabana, SAN for appointment as Member, National Human Rights Commission (NHRC) accordingly confirmed.

Question:

“Will the Senate confirm the nomination of Azubuike Emmanuel Nwankenta for appointment as Member, National Human Rights Commission (NHRC)?” — *Resolved in the Affirmative.*

Nomination of Azubuike Emmanuel Nwankenta for appointment as Member, National Human Rights Commission (NHRC) accordingly confirmed.

Question:

“Will the Senate confirm the nomination of Jemila Isah, Esq for appointment as Member, National Human Rights Commission (NHRC)?” — *Resolved in the Affirmative.*

Nomination of Jemila Isah, Esq for appointment as Member, National Human Rights Commission (NHRC) accordingly confirmed.

Question:

“Will the Senate confirm the nomination of Idayat Omolara Hassan for appointment as Member, National Human Rights Commission (NHRC)?” — *Resolved in the Affirmative.*

Nomination of Idayat Omolara Hassan for appointment as Member, National Human Rights Commission (NHRC) accordingly confirmed.

11. Committee on Health (Secondary & Tertiary):

Report on the Federal Medical Centres (Establishment) Bill, 2021 (SB. 636):

Motion made: That the Senate do consider the Report of the Committee on Health (Secondary & Tertiary) on the Federal Medical Centres (Establishment) Bill, 2021 (*Senator Yahaya I. Oloriegbe — Kwara Central*).

Question put and agreed to.

Report Presented.

Motion made: That the Senate do resolve into the Committee of 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 LEGAL FRAMEWORK TO ESTABLISH THE FEDERAL MEDICAL CENTRES AND FOR OTHER RELATED MATTERS, BILL 2021.

Clause 1: Establishment of Federal Medical Centres.

- (1) There is established the Federal Medical Centres (in this Bill referred to as "the Centres") as specified in the Second Schedule to this Bill.
- (2) The Centres —
 - (a) shall be a body corporate;
 - (b) may sue and be sued in its corporate name;
 - (c) shall have perpetual succession and a common seal.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senate Yahaya I. Oloriegbe — Kwara Central*).

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

Clause 2: Establishment of the Board of Federal Medical Centres.

There is established for the management of the Medical Centers a Board of Management (in this Bill referred to as "Board") which shall be constituted and have the functions and powers set out in this Bill.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senate Yahaya I. Oloriegbe — Kwara Central*).

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

Clause 3: Membership of the Board.

- (1) The Board shall consist of —
 - (a) a chairman;
 - (b) the Chief Medical Director of the Medical Centre;
 - (c) the Director of Clinical Services;
 - (d) the Director of Administration; who shall be the Secretary of the Board;
 - (e) one representative of the —
 - (i) Federal Ministry of Health;
 - (ii) medical profession;
 - (iii) allied health professionals; and
 - (f) one person to represent public interest.
- (2) The chairman and members of the Board, other than ex-officio members, shall be —
 - (a) appointed by the President; and
 - (b) persons of proven integrity and ability.

Schedule.

- (3) The supplementary provisions set out in the First Schedule to this Bill shall have effect with respect to the proceedings of the Board and the other matters contained therein.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senate Yahaya I. Oloriegbe — Kwara Central*).

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

Clause 4: Tenure of Office.

Subject to the provisions of section 5 of this Bill, a member of the Board, other than ex-officio members, shall each hold office —

- (a) for a term of three years in the first instance and may be re-appointed for a further term of three 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 4 be retained (*Senate Yahaya I. Oloriegbe — Kwara Central*).

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 shall cease to hold office as a member of the Board if —
 - (a) he becomes bankrupt, suspends payment principal loan with his creditors;
 - (b) he is convicted of a felony or any offence involving dishonesty or fraud;
 - (c) he becomes of unsound mind or is incapable of carrying out his duties;
 - (d) he is guilty of a serious misconduct in relation to his duties; or
 - (e) in the case of a person possessed of professional qualifications, he is disqualified or suspended, other than at his own request, from practising his profession in any part of the world by an order of a competent authority made in respect of that member; or
 - (f) he resigns his appointment by a letter addressed to the President.
- (2) If a member of the Board ceases to hold office for any reason whatsoever, before the expiration of the term for 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 President if he is satisfied that it is not in the interest of the Medical Center or the interest of the public that the member continues in office

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senate Yahaya I. Oloriegbe — Kwara Central*).

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

Clause 6: Allowances of Members.

There shall be paid to every member of the Board such allowances and expenses as the Revenue Mobilization Allocation and Fiscal Commission may, from time to time, direct.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senate Yahaya I. Oloriegbe — Kwara Central*).

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

PART II — FUNCTIONS AND POWERS OF THE BOARD, ETC.**Clause 7: Functions of the Board.**

- (1) The Board shall —
 - (a) equip, maintain and operate the Medical Center so as to provide facilities for diagnosis, curative, promotive and rehabilitative services in medical treatment;

- (b) construct, equip, maintain and operate such training schools and similar institutions as the Board considers necessary for providing the Medical Center at all times with a proper staff of the Medical Center technicians and nurses;
 - (c) construct, equip, maintain and operate such clinics, out-patient departments, laboratories, research or experimental stations and other like institutions as the Board considers necessary for the efficient functioning of the Medical Center.
- (2) The Board shall ensure that the standards of teaching provided at all establishments under its control and the standards of treatment and care provided for patients at those establishments do not fall below those usually provided by similar establishments of international repute.
 - (3) Subject to this Bill, the Board shall perform such other functions which in its opinion are calculated to facilitate the carrying out of its functions under this Bill

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senate Yahaya I. Oloriegbe — Kwara Central*).

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

Clause 8: Powers of the Board.

The Board shall have power to —

- (a) provide the general policies and guidelines relating to major expansion programmes of the Medical Center;
- (b) provide facilities for the training of medical students of associate universities;
- (c) manage and superintend the affairs of the Medical Center;
- (d) subject to the provisions of this Bill, make, alter and revoke rules and regulations for carrying on the functions of the Medical Center;
- (e) fix terms and conditions of service, including remuneration of the employees of the Medical Center subject to the approval of National Salaries Incomes and Wages Commission;
- (f) do such other things which in the opinion of the Board are necessary to ensure the efficient performance of the functions of the Medical Center.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senate Yahaya I. Oloriegbe — Kwara Central*).

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

Clause 9: Medical Director of the Medical Centre.

- (1) There shall be for the Medical Center a Chief Medical Director who shall be appointed by the President on the recommendation of Hon. Minister of Health on such terms and conditions as may be specified in his letter of appointment or as may be determined, from time to time, by the National Salaries Income and Wages Commission.
- (2) The Chief Medical Director shall —
 - (a) be the chief executive and accounting officer of the Medical Center;
 - (b) be responsible to the Board for the day-to-day administration of the Medical Center;
 - (c) be appointed for a term of four years in the first instance and may be reappointed for a further term of four years subject to satisfactory performance;
 - (d) be a person who is a medical practitioner and shall have been so qualified for a period of not less than 15 years;
 - (e) have considerable administrative experience in matters of health;
 - (f) hold a post-graduate specialist qualification obtained not less than ten years prior to the appointment as Chief Medical Director.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senate Yahaya I. Oloriegbe — Kwara Central*).

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

Clause 10: Appointment of Director of Administration and Recruitment of Other Staff of the Medical Centre.

- (1) The Board shall appoint for the Medical Center —
 - (a) a Director of Administration, who shall —
 - (i) be responsible to the Chief Medical Director for the effective functioning of all the administrative divisions of the Medical Center;
 - (ii) conduct the correspondence of the Board and keep the records of the Medical Center; and
 - (iii) perform such other functions as the Board or the Chief Medical Director, as the case may be, may, from time to time, assign to him;
 - (b) a Director of Clinical Services;
 - (c) a Director of Finance;

- (d) a Director of Maintenance.
- (2) The Directors appointed under paragraphs (b), (c) and (d) of subsection (1) of this section shall each be responsible to the Chief Medical Director for the effective running of the clinical services, the finance and accounts and the co-ordination of the maintenance of the Medical Center, as the case may be.
- (3) The Board shall appoint for the Medical Center such number of employees as may in the opinion of the Board be expedient and necessary for the proper and efficient performance of the functions of the Medical Center.
- (4) Notwithstanding the provisions of subsections (1) and (2) of this section the Board shall have power to appoint for the Medical Center either directly or on secondment from any public service in the Federation, such number of employees as may, in the opinion of the Board, be required to assist the Medical Center in the discharge of any of its functions under this Bill.
- (5) Nothing in subsection (4) of this section shall preclude the Board from appointing persons from outside the public service of the Federation or of the State whenever it deems it necessary so to do.
- (6) The terms and conditions of service (including remuneration, allowances, benefits and pensions) of the employees of the Medical Center shall be as determined by the National Salaries Income and Wages Commission.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senate Yahaya I. Oloriegbe — Kwara Central*).

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

Clause 11: Service in the Medical Centre to be Pensionable

- (1) Service in the Medical Center shall be approved service for the purposes of the Pensions Reforms Act.
- (2) The officers and other persons employed in the Medical Center shall be entitled to pensions, gratuities and other retirement benefits as are enjoyed by persons holding equivalent grades in the civil service of the Federation.
- (3) Nothing in subsections (1) and (2) of this section shall prevent the appointment of a person to any office on terms which preclude the grant of pension and gratuity in respect of that office.

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senate Yahaya I. Oloriegbe — Kwara Central*).

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

Clause 12: Establishment of the Medical Advisory Committee, etc.

- (1) There shall be for the Medical Center a Medical Advisory Committee which shall —
 - (a) consist of a chairman who shall be the Director, Clinical Services and such number of other members as may be determined from time to time;
 - (b) be responsible to the Chief Medical Director for all the clinical and training activities of the Medical Center; and
 - (c) be appointed by the Board.
- (2) Subject to this Bill, the Board shall have power to appoint either directly or on secondment and discipline consultants holding or acting in any office in the hospital; and any such appointment shall be made having due regard to the approved personnel establishment of the Medical Center.
- (3) Notwithstanding anything to the contrary, the Board may, from time to time, appoint consultants outside the hospital to perform such medical duties as the Board or the Chief Medical Director may assign to such consultants.

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senate Yahaya I. Oloriegbe — Kwara Central*).

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

PART IV — FINANCIAL PROVISIONS**Clause 13: Fund of the Medical Centre.**

There shall be established and maintained for the Medical Center a fund into which shall be paid and credited —

- (a) all subventions and budgetary allocation from the Government of the Federation;
- (b) all fees and funds accruing from the sale of drugs and other services;
- (c) all sums accruing to the Medical Center by way of gifts, endowments, bequests, grants or other contributions by persons and organisations;
- (d) foreign aid and assistance from bilateral agencies; and
- (e) all other sums which may, from time to time, accrue to the Medical Center.

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senate Yahaya I. Oloriegbe — Kwara Central*).

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

Clause 14: Expenditure of the Medical Centre.

The Medical Centre shall, from time to time, apply the funds at its disposal to

- (a) the cost of administration and maintenance of the Medical Center;
- (b) publicize and promote the activities of the Medical Center;
- (c) pay allowances, expenses and other benefits of members of the Board and committees of the Board;
- (d) pay the salaries, allowances and benefits of employees of the Medical Center;
- (e) pay other overhead allowances, benefits and other administrative costs of the Medical Center; and
- (f) undertake such other activities as are connected with all or any of the functions of the Medical Center under this Bill.

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senate Yahaya I. Oloriegbe — Kwara Central*).

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

Clause 15: Power to Accept Gifts.

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

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senate Yahaya I. Oloriegbe — Kwara Central*).

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

Clause 16: Annual Estimates and Expenditure.

- (1) The Board shall, not later than 30 September in each year, submit to the President through the Secretary to the Government of the Federation an estimate of the expenditure and income of the Medical Center during the next succeeding year.
- (2) The Board shall cause to be kept proper accounts of the Medical Center in respect of each year and proper records in relation thereto and shall cause the accounts to be audited not later than six months after the end of each year by auditors appointed from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation

Committee's Recommendation:

That the provision in Clause 16 be retained (*Senate Yahaya I. Oloriegbe — Kwara Central*).

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

Clause 17: Annual Report.

The Board shall prepare and submit to the President, not later than 30th June in each year, a report in such form as the President may direct on the activities of the Medical Center during the immediately preceding year, and shall include in the report a copy of the audited accounts of the Federal Medical Center for that year and the auditor's report thereon

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senate Yahaya I. Oloriegbe — Kwara Central*).

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

Clause 18: Power to Borrow.

- (1) The Medical Center may, from time to time, borrow by overdraft or otherwise such sums as it may require for the performance of its functions under this Bill.
- (2) The Medical Center shall not, without the approval of the President, borrow money which exceeds, at any time, the limit set by the President.
- (3) Notwithstanding subsection (1) of this section, where the sum to be borrowed is in foreign currency, the Medical Center shall not borrow the sum without the prior approval of the President.

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senate Yahaya I. Oloriegbe — Kwara Central*).

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

Clause 19: Exemption from Tax.

- (1) The Medical Center shall not pay income tax on any income derived by the Federal Medical Center under this Bill or accruing to it from any of its investments.
- (2) Accordingly, the provisions of any enactment relating to the taxation of companies or trust funds shall not apply to the Board of the Federal Medical Center.

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senate Yahaya I. Oloriegbe — Kwara Central*).

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

Clause 20: Exemption from Customs Duties, etc.

The Medical Center shall not pay customs duty on or be restricted or prohibited from importing any equipment, material, supply and any other thing required by the Medical Center for the purposes of this Bill:

Provided that nothing in this section shall be construed as preventing the Nigeria Customs Service from inspecting any equipment, or material imported by the Center.

Committee's Recommendation:

That the provision in Clause 20 be retained (*Senate Yahaya I. Oloriegbe — Kwara Central*).

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

PART V — GENERAL

Clause 21: Discipline of Students.

- (1) Notwithstanding anything to the contrary contained in any other enactment, where it appears to the Board that any student of the Medical Centre has been guilty of misconduct, the Board may, without prejudice to any other disciplinary powers conferred on it by regulations, direct that —
 - (a) the student shall not, during such period as may be specified in the direction, participate in such activities of the Medical Centre, or make use of such facilities of the Medical Centre as may be so specified;
 - (b) the activities of the student shall, during such period as may be specified in the direction, be restricted in such manner as may be so specified;
 - (c) the student be rusticated for such period as may be specified in the direction; or
 - (d) the student be expelled from the Medical Centre.
- (2) The fact that an appeal from a direction is brought in pursuance of subsection (1) of this section shall not affect the operation of the direction while the appeal is pending.
- (3) The Board may delegate its powers under this section to a disciplinary committee consisting of such members of the Medical Center as the Board may nominate.
- (4) Nothing in this section shall be construed as preventing the restriction or termination of student's activities at the Medical Center otherwise than on the ground of misconduct.
- (5) A direction issued under subsection (1) (a) of this section may be combined with a direction issued under subsection (1) (b) of this section.
- (6) Nothing in this Bill shall affect the provisions of any enactment relating to the discipline of medical practitioners, pharmacists, midwives, nurses or members of any other profession or calling.

Committee's Recommendation:

That the provision in Clause 21 be retained (*Senate Yahaya I. Oloriegbe — Kwara Central*).

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

Clause 22: Removal and Discipline of Clinical, Administrative and Technical Staff.

- (1) If it appears to the Board that there are reasons for believing that any person employed as a member of the clinical, administrative or technical staff of the Medical Center, other than the Chief Medical Director, should be removed from his office or employment, the Board shall require the Director of Administration to —
 - (a) give notice of those reasons to the person in question;
 - (b) afford him an opportunity of making representations in person on the matter to the Board; and
 - (c) if the person in question so requests within a period of 1 month beginning with the date of the notice, make arrangements for—
 - (i) a committee to investigate the matter and report on it to the Board; and
 - (ii) the person in question to be afforded an opportunity of appearing before and being heard by an investigating committee set up with respect to the matter, and if the Board, after considering the report of the investigating committee, is satisfied that the person in question should be removed as aforesaid, the Board may so remove him by a letter signed on the direction of the Board.
- (2) The Chief Medical Director may, in a case of misconduct by a member of the staff which in the opinion of the Chief Medical Director is prejudicial to the interest of the Medical Center, suspend any such member and any such suspension shall forthwith be reported to the Board.
- (3) For good cause, any member of staff may be suspended from his duties or his appointment may be terminated or he may be dismissed by the Board and for the purposes of this section, "good cause" means —
 - (a) a conviction for any offence which the Board considers to be such as to render the person concerned unfit for the discharge of the functions of his office;
 - (b) any physical or mental incapacity which the Board, after obtaining medical advice, considers to be such as to render the person concerned unfit to continue to hold his office;
 - (c) conduct of a scandalous or other disgraceful nature which the Board considers to be such as to render the person concerned unfit to continue to hold his office; or
 - (d) conduct which the Board considers to be such as to constitute a failure or inability of the person concerned to discharge the functions of his office or to comply with the terms and conditions of his service.
- (4) Any person suspended shall, subject to subsections (2) and (3) of this section be on half pay and the Board shall before the expiration of a period of three months after the date of such suspension consider the case against that person and come to a decision as to —

- (a) whether to continue the person's suspension and if so, on what terms (including the proportion of his emoluments to be paid to him);
 - (b) whether to reinstate the person, in which case the Board shall restore his full emoluments to him with effect from the date of suspension;
 - (c) whether to terminate the appointment of the person concerned, in which case he shall not be entitled to the proportion of his emoluments withheld during the period of suspension; or
 - (d) whether to take such lesser disciplinary action against the person (including the restoration of his emoluments that might have been withheld), as the Board may determine, and in any case where the Board, pursuant to this section, decides to continue a person's suspension or decides to take further disciplinary action against a person, the Board shall before the expiration of a period of three months from such decision come to a final determination in respect of the case concerning any such person.
- (5) It shall be the duty of the person by whom a letter of removal is signed in pursuance of subsection (1) of this section to use his best endeavours to cause a copy of the letter to be served as soon as reasonably practicable on the person to whom it relates.
 - (6) Nothing in the foregoing provisions of this section shall preclude the Board from making such regulations not inconsistent with the provisions of this Bill for the discipline of students and all other categories of employees of the hospital as the Board may prescribe.
 - (7) Regulations made under subsection (6) of this section need not be published in the Gazette but the Board shall cause them to be brought to the notice of all affected persons in such manner as it may, from time to time, determine.

Committee's Recommendation:

That the provision in Clause 22 be retained (*Senate Yahaya I. Oloriegbe — Kwara Central*).

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

Clause 23: Discipline of Junior Staff.

- (1) If any junior staff is accused of misconduct or inefficiency, the Chief Medical Director may suspend him for not more than a period of 3 months and shall direct a committee to —
 - (a) consider the case; and
 - (b) make recommendations as to the appropriate action to be taken by the Chief Medical Director.
- (2) In all cases under this section of this Bill, the officer shall be informed of the charge against him and given a reasonable opportunity to defend himself.

- (3) The Chief Medical Director may, after considering the recommendation made pursuant to subsection (1) (b) of this section, dismiss, or take such other disciplinary action against the officer concerned.
- (4) Any person aggrieved by a decision of the Chief Medical Director made under subsection (3) of this section may, within a period of 21 days from the date of the letter communicating the decision to him, address a petition to the Board to reconsider his case.

Committee's Recommendation:

That the provision in Clause 23 be retained (*Senate Yahaya I. Oloriegbe — Kwara Central*).

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

PART VI — MISCELLANEOUS

Clause 24: Regulations.

- (1) The Board may, with the approval of the President, make regulations
 - (a) as to the access of members of the public either generally or of a particular class, to premises under the control of the Board and as to the orderly conduct of members of the public on those premises; and
 - (b) for safeguarding any property belonging to or controlled by the Board from damage by members of the public.
- (2) Bye-laws under this section shall not come into force until they are confirmed (with or without modification) by the National Assembly and published in such manner as he may direct.

Committee's Recommendation:

That the provision in Clause 24 be retained (*Senate Yahaya I. Oloriegbe — Kwara Central*).

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

Clause 25: Power to Give Directives.

The Minister may give to the Board directions of a general character or relating generally to particular matters (but not to any individual person or case) with regard to the exercise by the Board of its functions under this Bill, and it shall be the duty of the Board to comply with the directions; but no direction shall be given which is inconsistent with the duties of the Board under this Bill.

Committee's Recommendation:

That the provision in Clause 25 be retained (*Senate Yahaya I. Oloriegbe — Kwara Central*).

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

Clause 26: Transition and Savings Provision.

- (1) On the commencement of this Bill, any person employed by or serving in, the Medical Center shall be deemed to have been employed or serving in the Medical Center established under this Bill.
- (2) All Assets or liabilities belonging to the Medical Center shall be deemed to belong to the Medical Center established under this Bill.

Committee's Recommendation:

That the provision in Clause 26 be retained (*Senate Yahaya I. Oloriegbe — Kwara Central*).

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

Clause 27: Interpretation.

The definition of the Federal Medical Center shall be amended to mean all the Federal Medical Centers specified under the Second Schedule to this Bill:

"associate universities" means the universities whose medical students receive aspects of their training from the Medical Center;

"Board" means the Board of Management of the Medical Center;

"chairman" means the chairman of the Board;

"functions" include powers and duties;

"junior staff" means staff of such grade as may be determined, from time to time, by the Board;

"medical student" means a student whose course of instruction is:

- (a) designed (either alone or in conjunction with other courses) to enable him to qualify as a medical practitioner; or
- (b) designed for the further training of medical practitioners;

"Minister" means the Minister charged with responsibility for matters relating to health and

"Ministry" shall be construed accordingly;

"student" means a person enrolled at an institution controlled by the Board for the purpose of pursuing a course of instruction at the institution.

Committee's Recommendation:

That the provision in Clause 27 be retained (*Senate Yahaya I. Oloriegbe — Kwara Central*).

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

Clause 28: Short Title.

This Bill may be cited as the Federal Medical Centres (Establishment) Bill, 2021.

Committee's Recommendation:

That the provision in Clause 28 be retained (*Senate Yahaya I. Oloriegbe — Kwara Central*).

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

FIRST SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

[Section 3 (3)]

Proceedings of the Board.

1. (1) Subject to this Bill and section 27 of the Interpretation Act, the Board may make standing orders regulating its proceedings or those of any of its committees.
- (2) The quorum of the Board shall be the chairman or the person presiding at the meeting and 5 other members of the Board, 2 of whom shall be ex-officio members, and the quorum of any Committee of the Board shall be as determined by the Board.
2. (1) The Board shall meet whenever it is summoned by the chairman and if the chairman is required to do so by notice given to him by not less than 8 other members, he shall summon a meeting of the Board to be held within 14 days from the date on which the notice is given.
- (2) At any meeting of the Board, the chairman shall preside but if he is absent, the members present at the meeting shall appoint one of their members to preside at the meeting.
- (3) 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 in attendance by virtue of this "sub-section" shall not be entitled to vote at any meeting of the Board and shall not count towards a quorum.

Committees.

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

Miscellaneous.

4. (1) The fixing of the seal of the Medical Center shall be authenticated by the signatures of the Chairman, the Chief Medical Director or any person generally or specifically authorized by the Board to act for that purpose.
- (2) Any contract or instrument which, if made or executed 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 Medical Center by the Chief Medical Director or any person generally or specifically authorized by the Board to act for that purpose.
- (3) A document purporting to be a document duly executed under the seal of the Medical Center shall be received in evidence and shall, unless and until the contrary is proved, be presumed to be so executed.
5. The validity of any proceedings of the Board or of a committee shall not be adversely affected by —
 - (a) a vacancy in the membership of the Board or committee;
 - (b) a defect in the appointment of a member of the Board or committee; or

- (c) reason that a person not entitled to do so took part in the proceedings of the Board or committee.

Question that the provision in the First schedule stand part of the bill, put and agreed to.

SECOND SCHEDULE

Federal Medical Centres.

[Section 1 (1)]

1. Federal Medical Centre, Abeokuta
2. Federal Medical Centre, Abuja
3. Federal Medical Centre, Asaba
4. Federal Medical Centre, Azare
5. Federal Medical Centre, Bida
6. Federal Medical Center, Birni-Kebbi
7. Federal Medical Centre, Birni-Kudu
8. Federal Medical Centre, Ebute-Meta
9. Federal Medical Centre, Gusau
10. Federal Medical Centre Jalingo
11. Federal Medical Centre, Katsina
12. Federal Medical Centre, Keffi
13. Federal Medical Centre, Lokoja
14. Federal Medical Centre, Makurdi
15. Federal Medical Centre, Mubi
16. Federal Medical Centre, Nguru
17. Federal Medical Centre, Owerri
18. Federal Medical Centre, Owo
19. Federal Medical Centre, Umuahia
20. Federal Medical Centre, Yenagoa
21. Federal Medical Centre, Yola

Question that the provision in the First schedule stand part of the bill, put and agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The President of the Senate reported that the Senate in the Committee of the Whole considered the Report of the Committee on Health (Secondary & Tertiary) on a Bill for an Act to Provide the Legal Framework to Establish the Federal Medical Centres and for Other Related Matters Bill, 2021 and approved as follows:

Clauses 1-28 — 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.

12. Committee on Health (Secondary & Tertiary):

Report on the National Dermatology Specialist Hospital, Garkida, Adamawa State (Establishment) Bill, 2021 (SB. 631):

Motion made: That the Senate do consider the Report of the Committee on Health (Secondary & Tertiary) on the National Dermatology Specialist Hospital, Garkida, Adamawa State (Establishment) Bill, 2021 (*Senator Yahaya I. Oloriegbe — Kwara Central*).

Question put and agreed to.

Report Presented.

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

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO PROVIDE FOR A SPECIALISED NATIONAL DERMATOLOGY HOSPITAL (ESTABLISHMENT) BILL, AND A MANAGEMENT BOARD FOR THE HOSPITAL FOR THE PURPOSE OF PROVIDING DERMATOLOGICAL TREATMENT, RESEARCH AND TRAINING AND FOR OTHER RELATED MATTERS 2021

Amendment Proposed:

Leave out the word "Specialised" in the name of the Hospital wherever it appears (*Senator Chimaroke O. Nnamani — Enugu East*).

Question put and agreed to.

Clause 1: Establishment of the Specialised National Dermatology Hospital.

- (1) There is hereby established at Garkida, a Hospital by the name of Specialised National Dermatology Hospital (in this Bill referred to as "the Hospital").
- (2) The hospital:
 - (a) shall be a body corporate;

- (b) may sue and be sued in its corporate name;
 - (c) shall have perpetual succession and a common seal.
- (3) The Hospital shall be a national hospital, specialising in dermatology, with facilities for the training of dermatology personnel at all levels.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*).

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

Clause 2: Functions of the Hospital.

- (1) The functions of the Hospital shall be to provide as part of the hospital and specialist services, services in connection with the diagnosis and treatment of diseases or defects of the skin, supply of appliances and other supplementary dermatological services.
- (2) The Hospital shall have power to:—
 - (a) provide diagnostic, curative, promotive and rehabilitative dermatological services;
 - (b) provide cosmetic dermatology, allergy service, all skin and hair treatment, employing the services of dermatologist and other medical practitioners;
 - (c) provide facilities for the clinical training of dermatologist;
 - (d) provide facilities for the training of dermatologist for the care and treatment of the skin, hair, nails and mucous membrane, cosmetic dermatology, and allergy service.
 - (e) create facilities for research into all aspects of a wide range of dermatology treatments, including: Scalpel Surgery, Electrosurgery, Injections, Chemical Peels, and Pharmacovigilance.
 - (f) develop new diagnostic and therapeutic dermatologic instruments and appliances better suited to the practice of dermatology in Nigeria.
- (3) For the purposes of the discharge of its functions under the foregoing provisions of this section, the Hospital may:—
 - (a) arrange periodic conferences, seminars, study groups and like activities in dermatology;
 - (b) advise the Government of the Federation or of a State on all matters relating to defects and prevention of diseases of the skin.
 - (c) offer such assistance to hospitals or units in various parts of the Federation, as the Board may deem necessary;
 - (d) do anything in connection with or incidental to the functions conferred on it by this Act.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*).

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

Clause 3: Constituent parts of the Hospital.

The Hospital shall be constituted as follows—

- (a) management board;
- (b) an education committee;
- (c) the clinical and other departments of the Centre;
- (d) all members of the administrative, clinical and technical staff; and
- (e) all students of the Hospital.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*).

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

Clause 4: The Management.

- (1) There is hereby established for the Hospital, a board to be known as Specialized National Dermatology Hospital Board (in this Bill referred to as "the Board"), which shall have general responsibility for the government of the Centre and shall consist of:—
 - (a) the Chairman;
 - (b) the Director of Administration;
 - (c) four persons, broadly representative of the whole Federation and representing a variety of interest, who shall be appointed by the President;
 - (d) two persons appointed by the consultant staff of the hospital from among their number;
 - (e) Representative of Medical practitioners;
 - (f) Representative of the Federal Ministry of Health not below the rank of a Director;
 - (g) Representative of Dermatologists Association; and
 - (h) Representatives of Allied Health Professionals.
- (2) The Chairman and other members who are not ex officio shall be appointed by the President.
- (3) The Chairman shall be a person of proven integrity, coupled with experience and outstanding ability in administration and professional or technical education.
- (4) The members specified in paragraphs (b), (d), (e) and (f) of subsection (1) of this section, are hereafter referred to as "ex-officio members".

- (5) The supplementary provisions in the Schedule to this Act, shall have effect with respect to the constitution and proceedings of the Board and the education committee and the other matters therein mentioned.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*).

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

Clause 5: Tenure of office of the Chairman and members of the Board.

- (1) The Chairman and any other member of the Board (not being an ex-officio member), shall hold office for a period of three years and shall be eligible for re-appointment for a further period of three years:

Provided that members of the Board appointed under paragraph (d) of section 4 (1) of this Act, shall hold office for two years and shall not be eligible for re-appointment.

- (2) A member of the Board, other than an ex-officio member, shall be paid out of monies at the disposal of the Board such remuneration and allowances in accordance with scales approved from time to time by the President.

- (3) In the event of the death or incapacity of the Chairman of the Board, or if for any reason other than effluxion of time, the office of the Chairman is vacant, the President shall, on the recommendation of the Minister, appoint another person as chairman for the residue of the term of the Chairman of the Board.

- (4) The office of a member of the Board shall become vacant if:-
- (a) he previously resigns his office by notice in writing given to the Minister;
 - (b) the period of his appointment has expired; or
 - (c) there is passed by the Board, a resolution declaring:—
 - (i) that he has become unfit for membership of the Board, by reason of the fact that he has become incapable by reason of mental or bodily infirmity of discharging his duties; or
 - (ii) that he has been absent from three consecutive meetings of the Board without leave of the Board; or
 - (iii) he has been convicted of an offence which involves moral turpitude.

- (5) Soon after the office of a member becomes vacant, the authority by which he was appointed shall appoint another person in his place in accordance with the provisions of this Act.

- (6) Any member of the Board other than an ex-officio member may, by notice to the Board, resign his appointment.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*).

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

Clause 6: General duty of the Board.

- (1) The Board shall be the governing body of the Hospital and shall be charged with the general control and superintendence of the policy, finances and property of the Hospital, including its public relations.
- (2) Without prejudice to the generality of the foregoing, it shall be the duty of the Board to:—
 - (a) construct, equip, maintain and operate the hospital, which is to provide comprehensive services, teaching and clinical research in dermatology;
 - (b) construct, equip, maintain and operate such training schools and similar institutions as the Board considers necessary, for providing the Hospital at all times with adequate and sufficiently qualified staff, including dermatologist, dermatological technicians, nurses and members of other allied professions and calling, relevant to the practice of dermatology;
 - (c) construct, equip, maintain and operate such clinics, units, out-patient departments, laboratories, research or experimental stations and other like institutions, as the Board may consider necessary for the efficient functioning of the Hospital.
- (3) The duty of running the Hospital imposed by the foregoing subsection shall include, without prejudice to the extent of that duty apart from this subsection, the duty of providing proper courses of instruction for students; but the Board shall not have power to award degrees, however the Board shall not be prevented from arranging for students to attend courses at or take higher qualifications awarded by other institutions not controlled by the Board.
- (4) The Board shall ensure that the standards of treatment and care for patients provided at all establishments controlled by the Board and the standards of training at those establishments, do not fall below those usually provided by similar establishments of internationally high repute.
- (5) Subject to this Act, the Board shall have power to do anything, which in its opinion, is calculated to facilitate the carrying out of its functions under this Act.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*).

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

Clause 7: Powers of the Board in relation to management, etc., of the Hospital staff
The Board shall be responsible for laying down general policies and guidelines relating to the management of the affairs of the Hospital, including the management of the hospital and the provision of facilities relating to the training of all categories of dermatology personnel and it shall be the duty of the Director to execute such policies and to keep within such guidelines.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*).

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

Clause 8: The Director Staff.

- (1) Subject to the provisions of this section, the Director shall be appointed or removed from his office by the President.
- (2) The Director shall hold office for four years in the first instance and shall be eligible for reappointment for terms not exceeding three years, on each occasion.
- (3) Subject to this section, the Director shall hold office on such terms as to emoluments and otherwise as may be specified in his letter of appointment.
- (4) The Director shall, in relation to the Board, take precedence before all other members of the Hospital, except the Chairman of the Board and any person for the time being acting as Chairman of the Board.
- (5) Subject to this section, the Director shall be the chief executive officer of the Hospital and in addition to any other function conferred on him by this Act, have the general function of directing the day-to-day activities of the Hospital.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*).

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

Clause 9: Appointment, etc., of other staff.

- (1) The senior members of the clinical, administrative and technical staff of the Hospital shall be appointed by the Board on the recommendation of a committee, to be known as the Appointments and Promotions Committee, set up under the provisions of paragraph 4 (3) of the Schedule to this Act.
- (2) The Board shall from among the officers appointed pursuant to subsection (1) of this section select, on the recommendation of the Director, a person to act both as the secretary to the Board and to the education committee.
- (3) The power to appoint all other categories of staff to hold or act in offices in the Hospital (including power to make appointments on promotion and transfer and to confirm, dismiss or exercise other disciplinary control over persons holding or acting in such offices), shall be exercised by the Director acting on the recommendation of the Junior Staff Appointments and Promotions Committee, constituted under paragraph 4 (4) of the Schedule to this Act.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*).

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

Clause 10: Composition of the education committee.

The education committee shall consist of:—

- (a) the Director, who shall be the chairman;
- (b) the heads of the departments of the Hospital, responsible for training; and
- (c) the persons for the time being holding such offices in the Hospital, as the Director may specify.

Committee's Recommendation:

Leave out the provision in Clause 10 (*Senator Yahaya I. Oloriegbe — Kwara Central*)— *Agreed to.*

Clause 11: Functions of the education committee.

The education committee shall have responsibility for the running of the academic affairs of the Hospital including:—

- (a) the organisation and control of courses of study at the Hospital and of the examinations held in connection with those courses;
- (b) determining the requisite qualifications for admission into any of the courses offered by the Hospital;
- (c) determining the duration of the training period; and
- (d) effecting the affiliation of the Hospital with universities and institutions, for the award of degrees, diplomas or fellowship to students, on the successful completion of the relevant courses.

Committee's Recommendation:

Leave out the provision in Clause 11 (*Senator Yahaya I. Oloriegbe — Kwara Central*)— *Agreed to.*

Clause 12: Candidacy for admission.

Where a candidate offers himself for admission as a postgraduate medical student under this Act, he shall satisfy the Board that he is a registered medical practitioner or that he is on the temporary or provisional register of medical practitioners of the Nigeria Medical Council.

Committee's Recommendation:

Leave out the provision in Clause 12 (*Senator Yahaya I. Oloriegbe — Kwara Central*)— *Agreed to.*

Clause 13: Power of the Minister to give directions.

The Minister may give to the Board directions of a general character or relating generally to particular matters (but not to any individual person or case), with regard to the exercise by the Board of its functions under this Act, and it shall be the duty of the Board to comply with the directions, but no direction shall be given which is inconsistent with the duties of the Board under this Act.

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*).

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

Clause 14: Financial provisions.

- (1) The Board shall establish a fund into which it shall pay:—
 - (a) such sums as may be provided, from time to time, by the Government of the Federation or of a State for the Hospital; and
 - (b) all sums accruing to the Hospital by way of fees, gifts, testamentary disposition, contributions from philanthropic persons or organisations or otherwise howsoever.
- (2) Except with the approval of the Minister, the Hospital shall not have power to borrow money.
- (3) The Board shall prepare and submit to the Minister, not later than 31 December in each financial year, an estimate of the income and expenditure of the Hospital during the next succeeding financial year.
- (4) The Hospital shall keep proper accounts in respect of each financial year and proper records in relation to those accounts and shall cause its accounts to be audited as soon as may be, after the end of the financial year to which the accounts relate by a firm of auditors appointed, as respects that year, by the Board from the list and in accordance with the guidelines supplied by the Auditor-General of the Federation.

Committee's Recommendation: -

That the provision in Clause 14 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*).

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

Clause 15: Fees for services.

The Board may, with the approval of the Minister, prescribe the scale of fees chargeable for services provided by the Hospital.

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*).

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

Clause 16: Power to accept gifts.

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

Committee's Recommendation:

That the provision in Clause 16 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*).

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

Clause 17: Discipline of students.

- (1) Subject to the provisions of this section, where it appears to the Director that any student of the Hospital has been guilty of misconduct, the Director may, without prejudice to any other disciplinary powers conferred on him by regulations, direct:—
 - (a) that, the student shall not, during such period as may be specified in the direction, participate in such activities of the Hospital or make use of such facilities of the Hospital as may be so specified; or
 - (b) that the activities of the student shall, during such period as may be specified in the direction, be restricted in such manner as may be so specified; or
 - (c) that the student be rusticated for such period as may be specified in the direction; or
 - (d) that the student be expelled from the Hospital.
- (2) Where a direction is given under subsection (1) (c) or (d) of this section in respect of any student, the student may, within the prescribed period and in the prescribed manner, appeal from the direction to the Board; and where such an appeal is brought, the Board shall, after causing inquiry to be made in the matter as the Board considers appropriate, either confirm or set aside the direction or modify it in such manner as the Board thinks fit.
- (3) The fact that an appeal from a direction is brought in pursuance of the last foregoing subsection, shall not affect the operation of the direction while the appeal is pending.
- (4) The Director may delegate his powers under this section to a disciplinary committee consisting of such members of the Hospital as he may nominate.
- (5) Nothing in this section shall be construed as preventing the restriction or termination of a student's activities at the Hospital otherwise than on the ground of misconduct.
- (6) It is hereby declared that a direction under subsection (1) (a) of this section may be combined with a direction under subsection (1) (b) of this section.
- (7) Nothing in this section shall affect the provisions of any enactment relating to the discipline of medical practitioners, pharmacists, nurses or members of any other profession or calling.

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*).

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

Clause 18: Removal and discipline of clinical, administrative and technical staff.

- (1) If it appears to the Board that there are reasons for believing that any person employed as a member of the clinical, administrative or technical staff of the Hospital, other than the Director, should be removed from his office or employment, the Board shall require the Director to:—
 - (a) give notice of those reasons to the person in question;
 - (b) afford him an opportunity of making representations in person on the matter to the Board; and
 - (c) if the person in question so requests within the period of one month beginning with the date of the notice, make arrangements:—
 - (i) for a committee to investigate the matter and to report on it to the Board.
 - (ii) for the person in question to be afforded an opportunity of appearing before and being heard by the investigating committee with respect to the matter, and if the Board, after considering the report of the investigating committee, is satisfied that the person in question should be removed as aforesaid, the Board may so remove him by a letter signed on the direction of the Board.
- (2) The Director may, in a case of misconduct by a member of staff, which in the opinion of the Director is prejudicial to the interest of the Hospital, suspend any such member and any such suspension shall forthwith be reported to the Board.
- (3) For good cause, any member of the staff may be suspended from his duties or his appointment may be terminated by the Board; and for the purposes of this section, "good cause" means:—
 - (a) a conviction for any offence which the Board considers to be such as to render the person concerned unfit for the discharge of the functions of his office; or
 - (b) any physical or mental incapacity which the Board, after obtaining medical advice, considers to be such as to render the person concerned unfit to continue to hold his office; or
 - (c) conduct of a scandalous or other disgraceful nature which the Board considers to be such as to render the person concerned unfit to continue to hold his office; or
 - (d) conduct which the Board considers to be such as to constitute failure or inability of the person concerned to discharge the functions of his office or to comply with the terms and conditions of his service.
- (4) Any person suspended shall, subject to subsections (2) and (3) of this section, be on half pay and the Board shall before the expiration of a period of three months after the date of such suspension, consider the case against that person and come to a decision as to:—

- (a) whether to continue such person's suspension and if so, on what terms (including the proportion of his emoluments to be paid to him); or
- (b) whether to reinstate such person, in which case the Board shall restore his full emoluments to him with effect from the date of suspension; or
- (c) whether to terminate the appointment of the person concerned, in which case such person will not be entitled to the proportion of his emoluments withheld during the period of suspension; or
- (d) whether to take such lesser disciplinary action against such person (including the restoration of his emoluments that might have been withheld), as the Board may determine, and in any case where the Board, pursuant to this section, decides to continue a person's

suspension or decides to take further disciplinary action against a person, the Board shall, before the expiration of a period of three months from such decision, come to a final determination in respect of the case concerning any such person.

- (5) It shall be the duty of the person by whom a letter of removal is signed in pursuance of subsection (1) of this section, to use his best endeavours to cause a copy of the letter to be served as soon as reasonably practicable on the person to whom it relates.
- (6) Nothing in the foregoing provisions of this section shall prevent the Board from making regulations for the discipline of students and all other categories of employees of the Hospital, as the Board may prescribe.
- (7) Regulations made under subsection (6) of this section, need not be published in the Federal Gazette, but the Board shall bring them to the notice of all affected persons in such manner as it may, from time to time, determine.

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*).

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

Clause 19: Discipline of junior staff.

- (1) If any junior staff is accused of misconduct or inefficiency, the Director may suspend him for not more than three months and forthwith shall direct the Junior Staff Appointments and Promotion Committee appointed under the provisions of paragraph 3 (b) of the Schedule to this Act:—

[Schedule.]

- (a) to consider the case; and
- (b) to make recommendations as to the appropriate action to be taken by the Director.

- (2) In all cases under this section the officer shall be informed of the charge against him and shall be given reasonable opportunity to defend himself.
- (3) The Director may, after considering the recommendation made pursuant to subsection (1) (b) of this section, dismiss, terminate, retire or downgrade the officer concerned.
- (4) Any person aggrieved by the Director's decision under subsection (3) of this section may, within a period of 21 days from the date of the letter communicating the decision to him, address a petition to the Board to reconsider his case, and the Board's decision thereon shall be final.

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*).

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

Clause 20: Exclusion of discrimination on account of religion, race, etc.

No person shall be required to satisfy requirements as to any of the following matters, that is to say, race (including ethnic grouping), sex, place of birth or of family origin, or religious or political persuasion, as a condition to becoming or continuing to be a student at the Hospital, the holder of any appointment or employment at the Hospital or a member of anybody established by virtue of this Act; and no person shall be subjected to any disadvantage or accorded any advantage in relation to the Hospital, by reference to any of those matters:—

Provided that nothing in this section shall be construed as preventing the Hospital from imposing any disability or restriction on any of the aforementioned persons, where such person wilfully refuses or fails, on grounds of religious belief to undertake any duty generally and uniformly imposed on all such persons or any group of them which duty, having regard to its nature and the special circumstances pertaining thereto, is in the opinion of the Hospital reasonably justifiable in the national interest.

Committee's Recommendation:

That the provision in Clause 20 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*).

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 President, through the Minister, not later than 30 June in 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 Hospital for that year and of the auditors' report thereon.

Committee's Recommendation:

That the provision in Clause 21 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*).

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

Clause 22: Interpretation

In this Act, unless the context otherwise requires:—

"the Board" means the governing Board for the Hospital, appointed under section 4 (1) of this Act;

"the Hospital" means the Specialized National Dermatology Hospital., established under section 1 of this Act;

"functions" includes powers and duties;

"the Minister" means the Minister charged with responsibility for health;

"student" means a person enrolled at an institution controlled by the Board, for the purpose of pursuing a course of instruction at the institution.

Committee's Recommendation:

That the provision in Clause 22 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*).

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

Clause 23: Short title

This Bill may be cited as the Specialised National Dermatology Hospital Bill 2021.

Committee's Recommendation:

That the provision in Clause 23 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*).

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

SCHEDULE

SECTION 4 (5)

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, THE EDUCATION COMMITTEE. ETC. PROCEEDINGS OF THE BOARD.

1. Subject to the provisions of this Act the Board may make standing orders regulating the proceedings of the Board or any committee thereof.
2. The quorum of the Board shall be five, which shall include the Chairman and at least one other member, who is not an ex-officio member; and the quorum of any committee of the Board shall be determined by the Board.
3. (1) Subject to the provisions of any standing orders of the Board, the Board shall meet whenever it is summoned by the Chairman; and if the Chairman is required so to do by notice given to him by not less than five other members, he shall summon a meeting of the Board to be held within fourteen days of the date of the receipt by him of the notice.
 - (2) At any meeting of the Board, the Chairman of the Board shall preside and if the Chairman is absent, the members present shall elect one of their number to preside at the meeting.
 - (3) Where the Board desires to obtain the advice of any person on any particular matter, the Board may co-opt him as a member for such period as it thinks fit; but a person who is a member by virtue of this sub-paragraph, shall not be entitled to vote and shall not count towards a quorum.

- (4) Notwithstanding anything in the foregoing provisions of this paragraph, the first meeting of the Board shall be summoned by the Minister, who may give such directions as he thinks fit as to the procedure which shall be followed at that meeting.
4. (1) The Board may appoint one or more committees to carry out on behalf of the Board such of its functions as the Board may determine, but a decision of a committee shall be of no effect until it is confirmed by the Board.
- (2) The education committee may appoint one or more committees to carry out on behalf of the education committee such of its functions as the education committee may determine, but a decision of a committee shall be of no effect until it is confirmed by the education committee.
- (3) Without prejudice to the generality of sub-paragraphs (1) and (2) of this Schedule, the Board shall appoint the following committees, that is:—
- (a) the Appointments and Promotions Committee, which shall:—
- (i) consist of not less than five members, including the Director, who shall be the chairman of the Committee;
- (ii) be charged with the responsibility for making recommendations to the Board on the appointment and promotion of the clinical, administrative and technical staff of the Hospital and have a quorum of three members;
- (b) the Junior Staff Appointments and Promotions Committee, which shall have the powers set out in section 19 of this Act.

Employees of the Centre.

5. Subject to this Act, the Board shall have power:—
- (a) to pay the employees of the Hospital such remuneration and allowances as the Board may with the approval of the Minister determine;
- (b) to pay any person appointed to a committee of the Board such remuneration (whether by way of fees or otherwise), in respect of the performance of his functions under this Act and such travelling and subsistence allowances while on the business of the Board, as the Board may determine;
- (c) to establish for the employees of the Hospital such superannuation scheme (whether contributory or not), as the Board may determine; and
- (d) to give loans to its employees for purposes approved by the Board.

Miscellaneous.

6. (1) The fixing of the seal of the Board shall be authenticated by the signature of the Chairman or of some other member, authorised generally or specially by the Board for that purpose.
- (2) Any contract or instrument which, if made or executed 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 Hospital by any person generally or specially authorised to act for that purpose by the Board or a committee of the Board.
- (3) Any document purporting to be a document duly executed under the seal of the Hospital shall be received in evidence and shall, unless the contrary is proved, be presumed to be so executed.

7. The validity of any proceedings of the Board or a committee thereof, shall not be affected by any vacancy in the membership of the Board or committee, or by any defect in the appointment of a member of the Board or of any other person on the committee.
8. Any member, and any person holding office on a committee of the Board, who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Board, shall forthwith disclose his interest to the Board and shall not vote on any question relating to the contract or arrangement.

Education Committee.

9. The provisions of this Schedule shall apply mutatis mutandis to the education committee; so that in relation to the quorum thereof, it shall be as may be determined by the education committee.

Question that the provision in this Schedule stands part of the Bill. — Agreed to:

Chairman to report Bill.

(SENATE IN PLENARY)

The President of the Senate reported that the Senate in the Committee of the Whole considered the Report of the Committee on Health (Secondary & Tertiary) on a Bill for an Act to provide for a Specialised National Dermatology Hospital (Establishment) Bill, and a Management Board for the Hospital for the purpose of providing dermatological treatment, research and training and for Other Related Matters 2021 and approved as follows:

Clauses 1-22	—	As Recommended
Clause 23	—	As Amended
Long Title	—	As Amended
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.

13. Motions:

- (a) *Urgent call for a stop to the communal crises between Oka Akoko and Supare Communities in Ondo North Senatorial District and the need for the National Emergency Management Agency (NEMA) to provide relief materials to displaced persons:*

The Senate:

aware that under the Land Use Act 1978 enacted by the National Assembly, Land is held by Government in trust for the People;

notes that the Akokos are a predominantly agrarian community and they depend largely on communal land as a veritable tool to ply their trade as farmers and farming represents the biggest contribution to food supply chain in Ondo North Senatorial District;

further observes that in most rural areas in Nigeria, land is still largely under the control of the communities and their Heads and as such most communal land allocations are not documented leading to unresolvable disputes between communities, land owners and the farming community;

concerned that these disputes usually degenerate to fatal communal clashes with wanton destruction and loss of precious lives;

further notes that Oka Akoko and Supare communities are in the same local government area, Akoko South West and both communities share a history of peaceful co-existence,

however, communal disputes occurred between Supare and Oka Akoko with its attendant destruction of properties and loss of lives sometimes in the year 2020, when farmers from Oka and surrounding areas working on farmlands located in Supare community, saw people surveying land within the confines of their farm lands;

observes that on 27th December, 2020 two white men and five others came to the farm settlement with bulldozers in an attempt to open up the farming areas populated by the Oka people, the people immediately reported the matter at Supare Police Station, the Police intervened and stopped the planned unlawful and forceful takeover of the farmland;

further concerned that on 15th February, 2021 some indigenes of Supare Community descended heavily on Oka, Akungba, Ikare and Epinmi people, living and farming in Supare and visited them with violence, whereupon several people were wounded with dangerous weapons, farms were set ablaze, houses and vehicles were destroyed in the process;

notes also that after the destruction, farmers were displaced, without access to their homes, farms and livelihood;

aware that traditional rulers, community leaders and political leaders have launched peace building initiatives to douse tension in the affected areas;

informed that Ondo State Government has set up a fact-finding committee to unearth the immediate and remote causes of the communal crises in order to settle the communal dispute; and

disturbed that even though the Ondo State Government is making necessary efforts to settle the dispute, a lot of sufferings and homelessness still pervade the area.

The Senate accordingly resolves to:

- (i) condemn in strongest terms the various attacks that have resulted in destruction of farm settlements and properties;
- (ii) urge the National Emergency Management Agency (NEMA) to provide adequate relief materials to all displaced victims of the communities involved in communal crises in Akoko South West local government area of Ondo State; and
- (iii) urge the Nigeria Police and other security agencies to maintain peace and put in place appropriate measures to forestall further crisis (*Senator Robert A. Boroffice — Ondo North*).

Debate:

Proposed Resolution (i):

Question: That the Senate do condemn in strongest terms the various attacks that have resulted in destruction of farm settlements and properties — *Agreed to.*

Proposed Resolution (ii):

Question: That the Senate do urge the National Emergency Management Agency (NEMA) to provide adequate relief materials to all displaced victims of the communities involved in communal crises in Akoko South West local government area of Ondo State — *Agreed to.*

Proposed Resolution (iii):

Question: That the Senate do urge the Nigeria Police and other security agencies to maintain peace and put in place appropriate measures to forestall further crisis — *Agreed to.*

Resolved:

That the Senate do:

- (i) condemn in strongest terms the various attacks that have resulted in destruction of farm settlements and properties;
- (ii) urge the National Emergency Management Agency (NEMA) to provide adequate relief materials to all displaced victims of the communities involved in communal crises in Akoko South West local government area of Ondo State; and
- (ii) urge the Nigeria Police and other security agencies to maintain peace and put in place appropriate measures to forestall further crisis (*S/Res/104/02/21*).

(b) *Urgent need for the construction of Federal Roads linking Communities and Local Government Areas in Cross River North Senatorial District to other Communities and Local Government Areas in Benue and Ebonyi States:*

The Senate notes that Ogoja is the only Province in the country which failed to achieve the status of a State and the extreme poverty of its people and untapped natural resources despite the yearly contribution of the agrarian rural dwellers to the agricultural and economic needs of the nation from the expansive cultivated areas of land;

notes also that in order to tackle the developmental challenges of the people of the Niger Delta region which Cross River North Senatorial District forms part of, the Niger Delta Development Commission and the Ministry of Nigeria Delta Affairs were established by the Federal Government of Nigeria to execute this mandate;

further notes that Cross River North Senatorial District shares vast boundaries with several Local Government Areas and communities in Ebonyi and Benue States;

observes that these communities and Local Government Areas of Cross River North Senatorial District as well as those of Ebonyi and Benue States are linked through long stretched roads without noticeable demarcations;

concerned that these agrarian communities and all Local Government Areas of Cross River North Senatorial District as well as those of Ebonyi and Benue States undergo unimaginable hardship and difficulties in evacuating their agricultural produce to the markets in Ebonyi and Benue States of Nigeria owing to bad and impassable roads worsened by recurring flooding and other ecological challenges;

aware that these roads, to wit:

- Okuku - Echumoga - Alifokpa - Yache - Benue Border Communities Road;
- Yahe - Ebo - Wanokom - Wanikade - Wanihem - Benue Border Communities Road; and
- Okuku-Imaje - Abuochiche - Akpakpa - Gakem Road represent long stretches identified and verified as covering Cross River North senatorial District of Cross River State, Ebonyi and Benue States of the Federal Republic of Nigeria;

further aware that the Federal Government of Nigeria as well as the State Governments of Cross River, Ebonyi and Benue are commendably committed to the "food sufficiency policy" designed and promoted through agriculture;

worried that the level of disrepair and dilapidation in the listed federal roads contradicts the celebrated commitment of the various Governments, especially the Federal Government of Nigeria to the food sufficiency policy as massive agricultural produce by the farmers across the Communities and Local Governments of Cross River North Senatorial District, Ebonyi and Benue States are wasted as farmers cannot conveniently and promptly evacuate them to the nearest or available markets; and

also concerned that with the present level of insecurity in our forests and rural settlement which no less a personality than the immediate past Chief of Army Staff has, before the present Senate Committee on Foreign Affairs, partly attributed to the inaccessibility of our rural settlements by the security Agencies owing to the deplorable state of our rural roads as a result of failure of successive Governments of Nigeria to invest in the construction of roads to link up rural areas with towns and cities.

The Senate accordingly resolves to:

- (i) urge the Federal Ministry of Works to undertake the design of these designated Federal Roads for construction;
- (ii) urge the Federal Ministry of Works to prioritize these designated Federal Roads for emergency attention pending the submission of the 2022 Appropriation Bill;
- (iii) urge the Ministry of Niger Delta Affairs and Niger Delta Development Commission to design, and prioritize the sections of the roads within the Cross River North Senatorial District for emergency works or full construction; and
- (iv) urge the Federal Ministry of Environment through the Ecological Fund Office to, as emergency, address the flooding challenges on the designated Federal Roads (*Senator Stephen A. Odey — Cross River North*).

Debate:

Proposed Resolution (i):

Question: That the Senate do urge the Federal Ministry of Works to undertake the design of these designated Federal Roads for construction — *Agreed to.*

Proposed Resolution (ii):

Question: That the Senate do urge the Federal Ministry of Works to prioritize these designated Federal Roads for emergency attention pending the submission of the 2022 Appropriation Bill — *Agreed to.*

Proposed Resolution (iii):

Question: That the Senate do urge the Ministry of Niger Delta Affairs and Niger Delta Development Commission to design, and prioritize the sections of the roads within the Cross River North Senatorial District for emergency works or full construction — *Agreed to.*

Proposed Resolution (iv):

Question: That the Senate do urge the Federal Ministry of Environment through the Ecological Fund Office to, as emergency, address the flooding challenges on the designated Federal Roads — *Agreed to.*

Resolved:

That the Senate do:

- (i) urge the Federal Ministry of Works to undertake the design of these designated Federal Roads for construction;
- (ii) urge the Federal Ministry of Works to prioritize these designated Federal Roads for emergency attention pending the submission of the 2022 Appropriation Bill;

- (iii) urge the Ministry of Niger Delta Affairs and Niger Delta Development Commission to design, and prioritize the sections of the roads within the Cross River North Senatorial District for emergency works or full construction; and
- (iv) urge the Federal Ministry of Environment through the Ecological Fund Office to, as emergency, address the flooding challenges on the designated Federal Roads (S/Res/105/02/21).

14. National Institute for Hospitality and Tourism (Establishment) Bill, 2021 (HB. 45) — Concurrence:

Motion made: That a Bill for an Act to Establish the National Institute for Hospitality and Tourism Bill, 2021 (HB. 45) be read the Second Time (*Senate Leader*).

Debate:

Question put and agreed to.

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

Motion made: Pursuant to Rule 81, that the Senate do resolve into the Committee of the Whole to consider a Bill for An Act to Establish the National Institute for Hospitality and Tourism for Training, Certification and Registration of Hospitality, Travel and Tourism Personnel in Nigeria and for Related Matters, 2021.

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO ESTABLISH THE NATIONAL INSTITUTE FOR HOSPITALITY AND TOURISM FOR TRAINING, CERTIFICATION AND REGISTRATION OF HOSPITALITY, TRAVEL AND TOURISM PERSONNEL IN NIGERIA; AND FOR RELATED MATTERS, 2021

PART I — OBJECTIVES AND APPLICATION

Clause 1: Objectives of the Institute.

The objects of the Institute shall be to:—

- (a) educate, train, certify and register personnel in the field of hospitality, travel, tourism and equip practitioners in the industry to cope with the dynamics in the field of tourism;
- (b) develop basic intermediate and advanced skills to upgrade personnel in the field of the hospitality, travel and tourism industry;
- (c) maximise the gains of the industry to the economy of Nigeria and develop a human resource base for Nigeria, Africa and the world; and
- (d) certify and register qualified personnel in the hospitality, travel and tourism sector in an approved register.

Committee's Recommendation:

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

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

Clause 2: Application.

This Bill applies throughout the Federal Republic of Nigeria.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senate Leader*).

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

PART II — NATIONAL INSTITUTE FOR HOSPITALITY AND TOURISM

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

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

Committee's Recommendation:

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

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

Clause 4: Functions of the Institute.

The Institute shall:—

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

- (g) cooperate with relevant bodies in developing and updating the national training curriculum for all levels of personnel in the hospitality, travel and tourism industry by:—
 - (i) organising and facilitating staff development programmes and supervisors in approved educational institutions and the hospitality, travel and tourism industry such as study courses, conferences, lectures, workshops, seminars in the industry; and
 - (ii) issuing certificates of merit and attendance to successful participants in the courses and training;
- (h) provide consultancy services in hospitality, travel and tourism industry and accept national and international reputable consultants to the Institute;
- (i) provide training for trainers in the hospitality, travel and tourism industry;
- (j) award certificates and diplomas as appropriate;
- (k) establish and maintain a library for research on hospitality, travel and tourism and matters connected with the industry;
- (l) undertake and provide for the publication of journals, research papers, books and magazines on hospitality, travel and tourism;
- (m) provide a forum at which representatives of both public and organised private practitioners and proprietors of institutions in the hospitality and tourism industry meet to exchange ideas and information on developments in the hospitality and tourism industry;
- (n) organise seminars and workshops on tourism, hospitality and travel trade practices for the purpose of quality control;
- (o) ensure that all practitioners in the hospitality, travel and tourism sub-sectors are certified by the Institute in order to ensure a common standard;
- (p) affiliate with any university or tertiary institution to offer programmes in hospitality, travel and tourism;
- (q) source for funds and technical assistance to carry out its functions, activities and programmes as provided in this Bill;
- (r) in conjunction with any professional body, government or organisation, carry out its functions, activities and programmes as provided in this Bill;
- (s) enter into such contracts as may be necessary and expedient for carrying into effect the provisions of this Bill;
- (t) acquire and hold such movable and immovable property as may be necessary or expedient for carrying into effect the provisions of this Bill and, for the same purpose, sell, lease, mortgage, allocate or dispose of any property;
- (u) establish such faculties, institutes, schools, extra-mural departments and other teaching and research units throughout Nigeria as may be necessary, subject to the approval of the Board, for effective education, training and administrative convenience of the Institute; and

- (v) carry out such activities as are necessary or expedient for the performance of its functions under this Bill.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senate Leader*).

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

Clause 5: Powers of the Institute.

- (1) The Institute may, in addition to any other power contained in this Bill:—
- (a) set conditions and standards for institutions or organisations offering courses in hospitality, travel and tourism management or skill in Nigeria;
 - (b) approve programmes or courses of training for institutions or organisations offering courses in hospitality, travel and tourism management or skill in Nigeria;
 - (c) assess and grade personnel and quality of services rendered by a practitioner or organisation in the hospitality, travel and tourism industry in Nigeria;
 - (d) impose subscriptions, fees, levies, penalties and other charges for services rendered to private individuals, corporate bodies, institutions, organisations and groups;
 - (e) assess relevant records, documents and training equipment or materials of any institution, tourism or hospitality personnel to which this Bill applies for the purpose of inspection or investigation and grading;
 - (f) require a person in apparent control of any hospitality, travel, tourism and training school to furnish the Institute with such information on any aspect of the school's operation as may appear necessary to enable the Institute perform its functions under this Bill;
 - (g) establish and maintain subsidiaries either by itself or in collaboration with other organisations, government or persons to enhance the attainment of the functions of the Institute;
 - (h) regulate travel, tourism and hospitality personnel and services of the institutions and establishments specified in the Second Schedule of this Bill; and
 - (i) do such other things as are necessary for the efficient performance of the Institute.
- (2) The Institute may award diplomas and certificates in accordance with the relevant academic standards as may be prescribed by the Board.
- (3) For the purposes of carrying out the objects listed under section 1 of this Bill, the Institute shall:—
- (a) institute lectureship or other posts, establish offices and make appointments as may be considered appropriate;
 - (b) institute and award fellowships, scholarships, exhibitions, bursaries, medals, prizes, distinctions, awards and other forms of recognition or title;

- (c) be responsible for the discipline and welfare of members of the Institute under the Public Service Rules, 2008;
- (d) conduct examinations, award diplomas, certificates and other distinctions to persons pursuing courses of studies that have been approved and have satisfied the requirements prescribed by the Institute;
- (e) conduct research in relevant fields of learning and other human endeavours;
- (f) determine the standard of knowledge including content and skill to be attained by persons seeking to become members of the profession and review such standards, from time to time;
- (g) determine course content for the courses in hospitality, travel and tourism in the Institute;
- (h) formulate, publish and review the code of conduct, ethics and practice in the Institute;
- (i) erect, provide, equip and maintain libraries, laboratories, lecture halls, halls of residence, refectories, sports grounds, playing fields and other buildings as are necessary for the carrying out of the objects of the Institute;
- (j) train, certify and register all personnel engaged in hospitality, travel and tourism training in the Institute; and
- (k) set mandatory registration fees and collection of fees by the Institute or its agents.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senate Leader*).

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

PART III — ESTABLISHMENT OF THE GOVERNING BOARD OF THE INSTITUTE

Clause 6: Establishment of the Governing Board.

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

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senate Leader*).

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

Clause 7: Membership of the Board.

The Board shall consist of:—

- (a) a chairman who shall be at least a first degree holder or equivalent in hospitality and a tourism practitioner with at least 15 years post experience;
- (b) a representative each not below the rank of a Director or its equivalent from the:—
 - (i) Federal Ministry of Culture and Tourism;
 - (ii) Federal Ministry of Education;

- (iii) National Board for Technical Education; and
- (iv) National Directorate of Employment;
- (c) a representative of the:—
 - (i) Center for Management Development;
 - (ii) Tertiary Education Trust Fund;
 - (iii) Hotel and Personal Services Employers Association of Nigeria;
 - (iv) Federation of Tourism Association of Nigeria;
- (d) the Director-General of the Institute; and
- (e) the Director-General, Nigerian Tourism Development Corporation (NTDC).

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senate Leader*):

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

Clause 8: Appointment and tenure of members of the Board.

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

- (f) in the case of an ex-officio member, he ceases to hold the office on the basis of which he became a member of the Board.
- (4) Where a vacancy occurs in the membership of the Board, the President shall appoint a successor to hold office for the remainder of the term of office of his predecessor, and the successor shall represent the same interest as that member whose exit created the vacancy.
- (5) The Board may invite any person to attend and participate at any of its meetings provided that a person so invited will only be in attendance and shall not count towards the quorum or vote at the meeting.

First Schedule.

- (6) The provisions of the First Schedule shall have effect with respect to the proceedings of the Board and other matters mentioned in the Schedule.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senate Leader*).

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

Clause 9: Functions and powers of the Board.

The Board shall:—

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

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senate Leader*).

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

Clause 10: Delegation of powers of the Board.

- (1) The Board may, subject to such conditions as it may deem fit, delegate any of the powers conferred on it to any of its committees or the Director-General of the Institute.

- (2) Nothing in this section prevents a committee of the Board or the Director-General from exercising any of the powers so delegated within reasonable limits except where reversed by the Board.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senate Leader*).

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

Clause 11: Remuneration.

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

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senate Leader*).

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

PART IV — DIRECTOR-GENERAL AND OTHER STAFF OF THE INSTITUTE

Clause 12: Appointment, tenure and duties of Director-General.

- (1) There shall be a Director-General for the Institute who is appointed by the President on the recommendation of the Minister.
- (2) The Director-General shall:—
- (a) be a person of proven ability and integrity;
 - (b) possess at least a B.sc Degree, HND or its equivalent; and
 - (c) possess at least 12 years post qualification experience in the relevant industry.
- (3) The Director-General shall hold office:—
- (a) for a term of four years in the first instance;
 - (b) may be re-appointed for a further term of four years and no more; and
 - (c) on such other terms and conditions as may be specified in his appointment.
- (4) The Director-General is the Chief Executive and Accounting Officer of the Institute and is responsible for the:—
- (a) day-to-day management and administration of the Institute;
 - (b) execution of the policies and programmes of the Institute;
 - (c) organisation, control and management of the affairs of the Institute;
 - (d) implementation of the functions of the Institute and ensuring that it achieves its goal;
 - (e) direction, supervision and control of employees of the Institute;
 - (f) promotion of research within the Institute;

- (g) maintenance of accounting records in accordance with applicable laws governing statutory bodies and generally accepted international and accounting standards; and
 - (h) performance of such other functions and duties as may be directed by the Board.
- (5) The Director-General shall supervise the keeping and maintaining of register of hospitality and tourism practitioners under this Bill.
- (6) The office of the Director-General becomes vacant where:—
- (a) his term of office expires;
 - (b) he resigns his appointment as Director-General by a notice in writing signed by him and addressed to the President; or
 - (c) he dies.
- (7) The President may, on the recommendation of the Minister, remove the Director-General from office where:—
- (a) he has been absent from the meetings of the Board for four consecutive times without permission;
 - (b) he is incapable of discharging his duties due to mental or physical infirmity;
 - (c) he has been declared bankrupt or he makes compromise with his creditors;
 - (d) he has been convicted of a felony or any offence involving fraud or dishonesty;
 - (e) he is guilty of gross misconduct relating to his duties; or
 - (f) the President is satisfied that it is not in the interest of the Board or public for the person to continue in office.

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senate Leader*).

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

Clause 13: Legal Adviser to the Institute.

- (1) There shall be for the Institute a Legal Adviser who is appointed by the Board.
- (2) The Legal Adviser shall:—
 - (a) be a Legal Practitioner and a staff of the Institute and has been so qualified for a period of at least 10 years;
 - (b) be the Secretary to the Board and the Legal Adviser to the Institute;
 - (c) conduct the correspondence of the Board and arrange the meetings of the Board; and
 - (d) perform any other function as the Board or Director-General, may assign to him.

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senate Leader*).

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

Clause 14: Other staff of the Institute.

- (1) The Institute shall, with the approval of the Board, appoint, designate or cause to be deployed, directly or on secondment from any public or private body, such number and category of staff as it may require to assist it in the effective discharge of its duties and functions under this Bill.
- (2) The Board shall be responsible for determining the job description, title, terms and qualifications of staff.
- (3) Salaries, including allowances of the employees of the Institute shall be determined by the National Income, Salaries and Wages Commission.
- (4) The Board shall make rules relating generally to the conditions of service of staff of the Institute, including rules providing for the appointment, promotion, advancement, determination of appointment, and disciplinary control of those employees.

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senate Leader*).

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

Clause 15: Departments, special units and committees.

- (1) The Institute may set up departments, special units, technical committees, four working groups and task forces to assist it in the performance of its functions under this Bill and may make changes to its structure, with the approval of the Board.
- (2) There shall be appointed for each of the departments and special units, a principal officer who shall be known by such designation as the Institute may determine.

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senate Leader*).

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

Clause 16: Service in the Institute is pensionable. Act No. 4, 2014.

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

Committee's Recommendation:

That the provision in Clause 16 be retained (*Senate Leader*).

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

Clause 17: Campuses of the Institute.

The Institute may establish campuses in any part of Nigeria, subject to the approval of the Board, for the performance of its functions under this Bill.

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senate Leader*).

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

Clause 18: Co-operation with other bodies.

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

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senate Leader*).

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

Clause 19: Appointment of experts.

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

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senate Leader*).

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

PART V — FINANCIAL PROVISIONS**Clause 20: Funds of the Institute.**

(1) There is established for the Institute a fund ("the Fund") which shall consist of:—

- (a) budgetary allocations, grants and annual subventions received from the Government of the Federation;
- (b) all money held immediately before the commencement of this Bill by the National Institute for Hospitality and Tourism;
- (c) all money raised for the Institute by way of gifts, loans, endowment, grants-in-aids, testamentary disposition, bequest or other voluntary contributions from philanthropic organisations or persons, if the terms and conditions attached are not inconsistent with the functions of the Institute;
- (d) charges, fees and other sums collected or received for services rendered by the Institute; and
- (e) all other funds which may accrue to the Institute.

- (2) Subject to the provisions of the Constitution of the Federal Republic of Nigeria, 1999, the Fund of the Institute shall be managed in accordance with Financial Regulations applicable in the Public Service of the Federation.
- (3) The Institute may apply the Fund:—
- (a) to pay the costs of administration, charges and expenses of the Institute;
 - (b) to discharge the cost of maintaining the Head Office and other campuses of the Institute and for the development and maintenance of any property vested in or owned by the Institute;
 - (c) for the payment of allowances and other benefits of members of the Board or any committee set up by it;
 - (d) for the payment of emoluments, allowances, benefits and other entitlements of the Director-General and other staff of the Institute;
 - (e) for the payment for all purchases made by the Institute and the training of members of its staff, including the provision of scholarships, bursaries and awards for specialised training of members of staff of the Institute;
 - (f) for the payments required to publicise and promote the activities of the Institute;
 - (g) for the payment to various stakeholders involved in the activities of the Institute;
 - (h) for counterpart payments, annual and other subscriptions and contributions for the support of national and international professional organisations, including international exchange programmes;
 - (i) for maintaining general financial reserves subject to general or specific directives that may be given by the Minister;
 - (j) for the payment of all consultancies, legal fees, judgment debts and costs of contracts awarded by the Board; and
 - (k) for any other expenditure, as may be approved by the Board in connection with all or any of its functions and powers under this Bill.

Committee's Recommendation:

That the provision in Clause 20 be retained (*Senate Leader*).

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

Clause 21: Investment of the Fund of the Institute.

- (1) The Institute may invest any or all money in its Fund, not immediately required for its current expenditure, in:—
- (a) any security created or issued by or on behalf of the Federal Government, as may be approved by the Board;
 - (b) the purchase or improvement of any land in any part of the Federation; or

- (c) any venture in Nigeria as may be approved by Minister, including investment in stocks quoted at the Nigerian Stock Exchange.
- (2) In the exercise of its powers of investment of its fund under subsection (1), the Institute may vary such investments in line with extant Government Regulations.

Committee's Recommendation:

That the provision in Clause 21 be retained (*Senate Leader*).

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

Clause 22: Establishment of housing scheme.

The Institute may, with the approval of the Minister, engage in the establishment of Staff Housing Scheme.

Committee's Recommendation:

That the provision in Clause 22 be retained (*Senate Leader*).

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

Clause 23: Annual estimate of income and expenditure.

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

Committee's Recommendation:

That the provision in Clause 23 be retained (*Senate Leader*).

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

Clause 24: Accounts, records and audit.

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

- (4) The remuneration of the auditor shall be paid out of the Fund of the Institute.

Committee's Recommendation:

That the provision in Clause 24 be retained (*Senate Leader*).

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

Clause 25: Annual reports.

The Institute shall —

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

Committee's Recommendation:

That the provision in Clause 25 be retained (*Senate Leader*).

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

Clause 26: Borrowing power.

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

Committee's Recommendation:

That the provision in Clause 26 be retained (*Senate Leader*).

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

Clause 27: Power to accept gifts.

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

Committee's Recommendation:

That the provision in Clause 27 be retained (*Senate Leader*).

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

Part vi — Registration of Hospitality, Travel and Tourism Personnel

Clause 28: Registration of hospitality, travel and tourism personnel.

- (1) A person shall not hold any appointment or practise as a hospitality, travel and tourism personnel in Nigeria unless he is registered with the Institute under this Bill.
- (2) A registered hospitality, travel and tourism personnel is entitled to practise in any part of Nigeria provided he is licensed to practise.

- (3) Subject to the relevant provisions of this Bill, a person is entitled to be enrolled or registered as a certified registered travel, tourism or hospitality personnel where he:—
- (a) passes the qualifying examination for membership conducted by the Institute and other similar institutes both within and outside Nigeria and completes the prescribed practical training;
 - (b) holds a qualification granted outside Nigeria and, for the time being, accepted by the Institute;
 - (c) has paid the prescribed registration fees; or
 - (d) satisfies the Board that he has had sufficient practical experience as a travel, tourism or hospitality practitioner, if the Board so requires.
- (4) An applicant for registration shall, in addition to evidence of qualification, satisfy the Institute and the Board that he:—
- (a) is of good character; and
 - (b) has attained the age of 21 years.
- (5) The Institute may, in its discretion, provisionally accept a qualification produced in respect of an application for registration under this section, or direct that the application be renewed within such period as may be specified in the direction.
- (6) Any entry directed to be made in the register under subsection (3) shall show that registration is provisional, and no entry so made shall be converted to full registration without the written consent of the Board.
- (7) The Institute shall, subject to the approval of the Board, publish, in the Federal Government Gazette, particulars of qualifications for the time being acceptable for registration as hospitality, travel and tourism personnel.

Committee's Recommendation:

That the provision in Clause 28 be retained (*Senate Leader*).

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

Clause 29: Registration of provisional member or member.

- (1) A person admitted to membership of the profession in Nigeria under the provisions of this Bill may be registered as:—
- (a) a provisional member; or
 - (b) a member.
- (2) A person is entitled to be enrolled as a provisional member where he:—
- (a) has submitted a written application in the form prescribed by the Institute and has paid the prescribed registration fee;
 - (b) has completed a minimum of equivalent of National Vocational Qualification (NVQ) level one;
 - (c) has sworn to the hospitality and tourism oath;
 - (d) is of good character;
 - (e) has not been convicted in Nigeria or elsewhere of any criminal offence involving fraud or dishonesty; and

- (f) meets any other requirement for registration as a provisional member of the profession as may be prescribed by the Institute.
- (3) A person is entitled to be registered as a member of the profession where, in addition to holding the qualifications and satisfying all the conditions set out in subsection (2), he:—
- (a) has submitted a written application in the form prescribed by the Institute and paid the prescribed fee for his registration;
- (b) has a minimum of equivalent of National Vocational Qualification (NVQ) level three;
- (c) has completed the statutory continuous internship training for one year in an institution approved by the Institute and has obtained from the approved institution a certificate of experience in that regard; and
- (d) meets any other requirement for registration as a member of the profession as may be prescribed by the Institute.

Committee's Recommendation:

That the provision in Clause 29 be retained (*Senate Leader*).

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

Clause 30: Registration of Nigerian citizen who is qualified outside Nigeria.

A Nigerian citizen who qualifies as hospitality, travel and tourism practitioner in an approved institution outside Nigeria shall be registered under this Bill, where he:—

- (a) holds a qualification in a recognised field in hospitality, travel and tourism awarded by an approved or recognised institution outside Nigeria which qualification, for the time being, is acceptable to the Board for the purposes of this Bill;
- (b) holds a certificate of registration as a practitioner acceptable to the Board;
- (c) has completed, in Nigeria, the statutory internship course of training and obtained certificate specified in section 29 (2) (b) (where applicable);
- (d) is of good character;
- (e) has not been convicted in Nigeria or elsewhere of any criminal offence involving fraud or dishonesty;
- (f) submits a duly completed application in writing in the prescribed form and paid the prescribed fee for his registration; and
- (g) meets any other requirement for registration as a member of the profession as may be prescribed by the Board.

Committee's Recommendation:

That the provision in Clause 30 be retained (*Senate Leader*).

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

Clause 31: Registration of non-Nigerian practitioners.

- (1) A person who is not a citizen of Nigeria may be registered as a practitioner under this Bill where the country of which he is a citizen grants reciprocal registration facility to Nigerian citizens and where he:—
 - (a) holds a requisite qualification recognised by the Institute;
 - (b) has passed the Institute's examination and such other examinations as the Institute may prescribe;
 - (c) has acquired the requisite experience in accordance with section 29 (3) (b);
 - (d) has been resident in Nigeria for at least 12 calendar months immediately preceding the date of his application for registration; and
 - (e) meets all other requirement for registration as may be prescribed by the Institute.
- (2) An applicant applying for registration under this section shall, in addition to evidence of qualification, satisfy the Institute that he:—
 - (a) is of good character;
 - (b) has not been convicted in Nigeria or elsewhere of any criminal offence involving fraud or dishonesty;
 - (c) submits a duly completed application in writing in the prescribed form; and
 - (d) has paid the prescribed fee for registration.

Committee's Recommendation:

That the provision in Clause 31 be retained (*Senate Leader*).

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

Clause 32: Rules for keeping and maintaining register.

- (1) Subject to the provisions of this Bill, the Institute shall make rules with respect to the form, contents, parts and procedures for keeping and making of entries in the register of hospitality and tourism practitioners under this Part.
- (2) The rules made under subsection (1) shall, in particular, make provision for:—
 - (a) regulating the making and processing of applications for enrolment of provisional members or registration of full members;
 - (b) providing for the notification to the Director-General of any change in those particulars by the person to whom the registered particulars relate;
 - (c) providing for the procedure for the acceptance and registration of additional qualification to the earlier qualification held which is in relation to the profession;
 - (d) specifying the fees, including any annual subscription to be paid to the Institute in respect of:—
 - (i) entry of names in the register of hospitality, travel and tourism practitioners; and

- (ii) payment of annual practising fee;
- (e) authorising the Director-General to refuse to enter a name in the register until the fees specified for the entry have been paid in compliance with the requirements of this Bill or rules made on that behalf which are for the time being in force; and
- (f) specifying any other thing not mentioned under this section which the Institute considers necessary or expedient.

Committee's Recommendation:

That the provision in Clause 32 be retained (*Senate Leader*).

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

Clause 33: Publication of register.

- (1) The Institute shall, under the supervision of the Director-General, cause the register of hospitality, travel and tourism practitioners to be published and put on sale, not later than two years from the commencement of this Bill.
- (2) In each year after the register is first published under subsection (1), the Institute shall update and cause the updated version of the register to be published showing alterations made in the register since it was last printed and a current update version of the Register shall be reviewed every month and then made available on-line and on the Institute website.
- (3) The Institute shall: —
 - (a) cause a reprint of each edition of the register and of each list of corrections to be deposited at the principal offices of the Institute and the Institute; and
 - (b) keep the register and lists of corrections so deposited available at all reasonable times for inspection by members of the public.
- (4) A document purporting to be a print of an edition of the register published under this section by the authority of the Institute, or documents purporting to be prints of an edition of the register and of a list of corrections to that edition so published is, without prejudice to any other mode of proof, admissible in any proceeding as evidence that person specified in the document or the documents read together, as being registered was so registered at the date of the edition or of the list of corrections, as the case may be, and that a person not so specified was not so registered.
- (5) Where in accordance with subsection (4), a person is, in any proceedings shown to have been or not to have been registered at a particular date, he shall, unless the contrary is proved, be taken for the purposes of those proceedings as having at all material times continued to be or not be so registered.

Committee's Recommendation:

That the provision in Clause 33 be retained (*Senate Leader*).

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

Clause 34: Correction of entries in the register.

The Institute shall, under the supervision of the Director-General:—

- (a) correct any entry in the register in accordance with the Board's directions or order of the court;

- (b) make or update any necessary alteration in the register as may be necessary or expedient; and
- (c) remove from the register any registered person who is dead or who has ceased to be so registered.

Committee's Recommendation:

That the provision in Clause 34 be retained (*Senate Leader*).

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

Clause 35: Removal of names from the register.

- (1) Where, the Institute:—
 - (a) sends by registered post, e-mail or other recognised means of communication to any person, a letter addressed to him at the address on the register of personnel enquiring whether the registered particulars relating to him are correct and the Institute receives no reply to the letter within a period of six months from the date of posting or sending it;
 - (b) considers it necessary upon the expiration of that period of six months, sends, in the like manner to the person in question, a second similar letter and receives no reply within three months from the date of posting or sending it;
 - (c) is satisfied that a member has been convicted for any criminal offence involving fraud or dishonesty; or
 - (d) dismissed a member for professional misconduct, the Institute may, remove the name and particulars of that person from register.
- (2) The Board may direct the Institute to restore to the register any name or particulars removed from the register under subsection (1).

Committee's Recommendation:

That the provision in Clause 35 be retained (*Senate Leader*).

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

Clause 36: Re-entry of names into the register after removal.

Where a:—

- (a) person provides proof to clarify section 35 (a) and (b) and the Institute is satisfied with such proof;
- (b) criminal convict is granted a ministerial pardon on the recommendation of the Board;
- (c) person was found guilty of misconduct that led to his dismissal on the recommendation of the Board; and
- (d) person is convicted for a second criminal conviction, his name shall:—
 - (i) in the case of paragraphs (a) and (b), be re-entered;
 - (ii) in the case of paragraphs (c) and (d), not be re-entered, into the register.

Committee's Recommendation:

That the provision in Clause 36 be retained (*Senate Leader*).

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

Clause 37: Payment of membership and practising fees

- (1) No person shall practise in any year unless he has paid to the Institute the appropriate practising fees prescribed by the Board which shall be due in January of each year.
- (2) A Person with at least 35 years post registration experience or who has attained the age of 70 years is exempted from the payment of practising fees.
- (3) A registered personnel who fails to pay the prescribed practising fee by 31st day of March of every year shall, in addition to the fee, pay a fine of a sum which is equivalent to 10 per cent of the applicable fee within the year.
- (4) A registered personnel who has paid his practising fee in any year as prescribed in subsection (1) or who is exempted from payment of practising fee under subsection (2), is entitled to a practising licence for that year authorising him, subject to any enactment or regulation in force applicable to him, to carry on any legitimate business relating to hospitality, travel and tourism.
- (5) The Institute may vary the practising fees prescribed in subsection (1) provided that the variation of the practising fee does not come into force unless it is approved by the Board.
- (6) A member who, in respect of any year, practices the profession without paying his annual practicing fee commits a misconduct and is liable:—
 - (a) in the case of a first offender, to a fine of twice the prescribed practicing fee;
 - (b) in the case of a second or subsequent offender, to a fine of not less than 10 times the prescribed practising fees; and
 - (c) where he is in the employment of any person, the employer commits an offence and is liable in like manner as the member where it is proved that failure to pay the prescribed fees was with the knowledge, consent or connivance of the employer.

Committee's Recommendation:

That the provision in Clause 37 be retained (*Senate Leader*).

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

Clause 38: Rules as to membership and practising fees for personnel.

- (1) The Institute shall make rules:—
 - (a) prescribing the amount and due date for payment of the practicing fees;
 - (b) prescribing the different amounts to be paid either as a fellow, provisional member or a registered hospitality, travel and tourism practitioner;
 - (c) prescribing the form of licence to practise to be issued annually or, if the Board considers fit, by endorsement on an existing licence; or
 - (d) restricting the right to practise as a member in default of payment of the amount of the annual subscription where the default continues for longer than such period as may be prescribed by the rules; and

- (e) prescribing the period of practical training in the office of a hospitality, travel and tourism personnel in practice to be completed before a person qualifies for enrolment or a license to practice as a hospitality, travel and tourism personnel.
- (2) Rules made under this section shall be published in the Federal Government Gazette.

Committee's Recommendation:

That the provision in Clause 38 be retained (*Senate Leader*).

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

PART VII — PROFESSIONAL DISCIPLINE

Clause 39: Establishment of Investigating Panel.

- (1) There is established the Hospitality, Travel and Tourism Investigating Panel (in this Bill referred to as "the Panel") charged with:—
 - (a) the duty of conducting a preliminary investigation into any case where it is alleged that a member has misbehaved in his capacity as a professional hospitality, travel and tourism practitioner or should, for any other reason, be subject of proceedings before the Tribunal; and
 - (b) deciding whether the case should be referred to the Tribunal or not.
- (2) The Panel shall be appointed by the Institute and shall consist of one member of the Board, two director carder staff of the Institute appointed by the Director-General and two members of the profession who are not members of the Board with a legal practitioner from the Institute as Secretary to the Penal.

Third Schedule.

- (3) The provisions of the Third Schedule shall, as far as applicable to the Tribunal and Panel respectively, have effect with respect to those bodies.
- (4) The outcome of investigation on any serious case of infraction handled by the Panel shall be reported to the Minister.

Committee's Recommendation:

That the provision in Clause 39 be retained (*Senate Leader*).

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

Clause 40: Establishment of Disciplinary Tribunal.

- (1) There is established a Hospitality, Travel and Tourism Practitioners Disciplinary Tribunal (in this Bill referred to as "the Tribunal"), charged with the responsibility of considering and determining any case referred to it by the Panel and any other case of which the Tribunal has cognisance under the provisions of this Bill.
- (2) The Tribunal shall consist of the Chairman, the Director-General of the Institute, one Board member and two members from the hospitality, travel and tourism practitioners as may be appointed by the Board.

Committee's Recommendation:

That the provision in Clause 40 be retained (*Senate Leader*).

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

Clause 41: Meaning of professional misconduct or infamous conduct.

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

- (a) divulging or revealing to unauthorised persons, a client or another practitioner's information or the nature of professional services rendered, without the client's express consent, or without order or direction of a court;
- (b) engaging in conduct likely to deceive, defraud or harm the client or the public or demonstrating a wilful or careless disregard for the health, welfare or safety of a client or the public or engaging in conduct which substantially departs from the standards of care ordinarily exercised by a hospitality and tourism practitioner; or
- (c) obtaining any money by fraud, misrepresentation or deception.

Committee's Recommendation:

That the provision in Clause 41 be retained (*Senate Leader*).

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

Clause 42: Penalties for unprofessional conduct.

- (1) Where the Tribunal is satisfied that the name of any person has been fraudulently registered, the Tribunal may, if it considers fit, give a direction:—
 - (a) reprimanding that person;
 - (b) ordering the Institute to strike out his name off the register; or
 - (c) pay a fine of not less than ?200,000.00 as may be specified in the direction.
- (2) The Tribunal may, if it considers fit, defer its decision as to the giving of a direction under subsection (1) until a subsequent meeting of the Tribunal, provided that:—
 - (a) no decision shall be deferred under this subsection for periods exceeding six months in the aggregate; and
 - (b) a person shall not be a member of the Tribunal for the purposes of reaching a decision which has been deferred unless he was present as a member of the Tribunal when the decision to defer the Tribunal's decision was taken.
- (3) When the Tribunal gives a direction under subsection (1), the Tribunal shall cause notice of the direction to be served on the person to whom it relates.
- (4) A person to whom a direction under subsection (1) relates may, at any time within 30 days from the date of service on him of the notice of direction, appeal against the direction to the Tribunal.
- (5) The Tribunal shall set-up a new sitting to determine the appeal and give a direction and the direction is final and cannot be appealed.
- (6) A direction of the Tribunal under subsection (1) shall take effect, where:—

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

Committee's Recommendation:

That the provision in Clause 42 be retained (*Senate Leader*).

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

Clause 43: When a person is treated as convicted.

For the purposes of section 45, a person is not treated as convicted unless:—

- (a) as at the time the conviction is subsisting, no appeal is pending in an appellate court; or
- (b) when an appeal or further appeal is brought in connection with the conviction, the appellate court upheld the conviction, provided that such notice of appeal is brought within 60 days after the date of conviction.

Committee's Recommendation:

That the provision in Clause 43 be retained (*Senate Leader*).

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

Clause 44: The jurisdiction of the tribunal.

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

Committee's Recommendation:

That the provision in Clause 44 be retained (*Senate Leader*).

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

PART VIII — OFFENCES AND PENALTIES

Clause 45: General offences, penalties and legal proceedings.

- (1) Any person who knowingly makes a false statement for the purpose of procuring enrolment, registration or admission into the Institute, commits an offence.
- (2) A person who is not a registered hospitality, travel and tourism practitioner under this Bill but practises as such or holds himself out as being so registered and entitled to practise in that capacity whether for reward or not, or takes or uses any name, title, addition or description implying that he is so registered and authorised by law to so practise, commits an offence under this Bill.
- (3) A person who commits an offence under this section is liable on conviction, in the case of:—
 - (a) subsection (1), to a fine of not less than ₦200,000.00 or to a term of imprisonment not exceeding one year or both; or

- (b) subsection (2), to a fine of not less than ₦500,000.00 or to a term of imprisonment not exceeding two years or both.
- (4) Where any contribution or payment as required under the provision of this Bill is not paid within the time specified for that purpose, a sum equal to 5% of the amount unpaid shall be added for each month or part of the month after the date which payment should have been made and for the purpose of this subsection "contribution or payment", includes any interest or penalty payable or imposed for non-payment or for late payment, as the case may be.
- (5) Notwithstanding any other provision of this Bill, a contribution or payment is recoverable by action as a debt owed to the Institute at any time from the date when the contribution or payment became due.
- (6) Any person who contravenes any provision of this Bill for which no specific penalty was provided, commits an offence and is liable on conviction to a fine not exceeding ₦200,000.00 or imprisonment for a term not exceeding one year or both.
- (7) Subject to section 174 of the Constitution of the Federal Republic of Nigeria, 1999 any employee of the Institute authorised in that behalf by the Board, and who is a legal practitioner, may, before any court of competent jurisdiction, conduct or defend any complaint or other proceeding arising under this Bill.

Committee's Recommendation:

That the provision in Clause 45 be retained (*Senate Leader*).

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

PART IX — MISCELLANEOUS

Clause 46: Jurisdiction.

- (1) The Federal High Court shall have the jurisdiction to hear and determine criminal and civil matters including appeals under this Bill.
- (2) Appeals from the Tribunal shall be heard and determined by the Federal High Court.

Committee's Recommendation:

That the provision in Clause 46 be retained (*Senate Leader*).

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

Clause 47: Regulations, rules and guidelines.

- (1) The Institute may, with the approval of the Minister, make regulations, rules and guidelines as may be required to give effect to the provisions of this Bill.
- (2) Any regulation, rule or guideline made under this Bill shall be published in the Federal Government Gazette.
- (3) The contravention of any regulation, rule or guideline issued pursuant to any of the provisions of this Bill constitutes an offence and is punishable as prescribed in the particular regulations, rules or guidelines.

Committee's Recommendation:

That the provision in Clause 47 be retained (*Senate Leader*).

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

Clause 48: Power of Minister to give directives.

The Minister may give directive to the Institute or through the Board, of a general character with respect to the performance of the functions of the Institute under this Bill and the Institute shall comply with the directives.

Committee's Recommendation:

That the provision in Clause 48 be retained (*Senate Leader*).

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

Clause 49: Compulsory acquisition of land. Cap. L5, LFN, 2004.

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

Committee's Recommendation:

That the provision in Clause 49 be retained (*Senate Leader*).

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

Clause 50: Pre-action notice. Cap. P41, LFN, 2004.

- (1) Subject to the provisions of this Bill, the provisions of the Public Officers Protection Act is apply to any suit instituted against the Institute, a member of the Board, Director-General, academic staff, officer or employee of the Institute.
- (2) A suit shall not commence against the Institute before the expiration of a period of one month after a written notice of intention to commence the suit had been served on the Institute by the intending plaintiff or his agent and the notice shall clearly state the:—
 - (a) cause of action;
 - (b) particulars of the claim;
 - (c) name and place of abode of the intending plaintiff; and
 - (d) relief which the plaintiff claims.
- (3) The notice referred to in subsection (1) and any summons, notice or other document required or authorised to be served on the Institute under this Bill or any other law may be served by:—
 - (a) delivering it to the Director-General of the Institute; or
 - (b) sending it by registered post addressed to the Director-General of the Institute at the Head Office of the Institute.

Committee's Recommendation:

That the provision in Clause 50 be retained (*Senate Leader*).

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

Clause 51: Indemnity of officers of the Institute.

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

Committee's Recommendation:

That the provision in Clause 51 be retained (*Senate Leader*).

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

Clause 52: Meetings of the Board.

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

Committee's Recommendation:

That the provision in Clause 52 be retained (*Senate Leader*).

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

Clause 53: Transitional provisions.

- (1) Any lawful act done or purported to have been done by the National Institute for Hospitality and Tourism existing immediately before the commencement of this Bill (in this Bill referred to as the "Executing Agency") is validated under this Bill.
- (2) Any act lawfully done or purported to have been done by any person however designated or appointed before the commencement of this Bill for and on behalf of the Institute, including the acquisition of landed properties or erection of buildings, rentals, supervision or control of the Institute, is validated.
- (3) Any agreement to which the Executing Agency under this Bill was a party, whether or not made in writing and whether or not of such a nature that the rights, liabilities and obligations under the agreement may be assigned by the Executing Agency shall, unless its terms or subject matter make it impossible that it should have effect so far as it relates to property as if the Institute was a party to the agreement and:
 - (a) reference (however worded and whether express or implied) to the Executing Agency, in respect of anything not done shall be a reference to the Institute; and
 - (b) any document which refers, whether specifically or generally, to the Executing Agency shall be construed as referring to the Institute.
- (4) Without prejudice to the generality of the provisions of this section, any right, liability or obligation which the Executing Agency had before the commencement of this Bill shall vest in the Institute.
- (5) Any application, liability or obligation, legal proceeding or enforcement of rights pending against the Executing Agency may be continued against the Institute.
- (6) Notwithstanding the provisions of subsections (1) - (5):—
 - (a) existing regulations or rules made or guidelines issued by the Executing Agency before the commencement of this Bill are deemed to have been made or issued under the relevant sections of this Bill;

- (b) any register kept by the Executing Agency is deemed to be part of the register kept under this Bill;
 - (c) any direction, order and appointment lawfully given, made or other acts done by the Executing Agency and in force immediately before the commencement of this Bill, shall be deemed to have been given, made or done under this Bill and shall have effect accordingly; and
 - (d) all property held by or on behalf of the Executing Agency immediately before the commencement of this Bill shall, on the commencement of this Bill, deemed to have been vested in the Institute.
- (7) Subject to the provisions of this Bill, the Director-General of the Executing Agency is deemed to have been transferred to the Institute under the same conditions as Director-General.
- (8) Any person who, immediately before the commencement of this Bill, held appointment as an employee of the Institute is, on the commencement of this Bill, deemed to have been appointed under this Bill for purposes of pension.
- (9) As from the commencement of this Bill, any disciplinary proceeding pending or existing against any employee of the Executing Agency shall be continued and completed by the Institute.

Committee's Recommendation:

That the provision in Clause 53 be retained (*Senate Leader*).

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

Clause 54: Interpretation.

In this Bill:—

"Academic staff" means a member of staff of the Institute whose sole and primary responsibility is teaching, research and assessment of students;

"Chairman" means the Chairman of the Board;

"Board" means the Governing Board of the Institute established under Section 7 (1) of this Bill;

"Director-General" means the Director-General of the Institute appointed under section;

"enrolled" in relation to a member, means a registered under this Bill;

"Executing Agency" means the National Institute for Hospitality and Tourism established that existed immediately before the commencement of this Bill;

"fees" includes annual subscription;

"functions" includes powers and duties;

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

"hospitality, travel and tourism" includes the activities enumerated under the Second Schedule to this Bill;

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

"Establishment or Enterprise" means the activities enumerated under the Second Schedule;

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

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

"register" means the register of hospitality, travel and tourism practitioners maintained under this Bill;

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

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

Committee's Recommendation:

That the provision in Clause 54 be retained (*Senate Leader*).

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

Clause 55: Citation.

This Bill may be cited as the National Institute for Hospitality and Tourism (Establishment) Bill, 2021.

Committee's Recommendation:

That the provision in Clause 55 be retained (*Senate Leader*).

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

SCHEDULES

FIRST SCHEDULE

Section 8 (6)

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

PROCEEDINGS OF THE BOARD

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

Meetings of the Board

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

- (3) The Board shall meet a minimum of four times a year: one meeting each quarter.

Committees

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

Seal of the Institute

4. (1) The fixing of the seal of the Institute shall be authenticated by the signatures of the Chairman or any other member of the Board generally, or specifically authorised by the Board to act for that purpose and the Director-General.
- (2) A contract or an instrument, which is made or executed by any person not being a body corporate would not be required to be under seal, may be made or executed on behalf of the Institute by the Director-General or by any person generally or specifically authorised to act for that purpose by the Director-General.
- (3) A document purporting to be a contract, an instrument or other document signed or sealed on behalf of the Institute, shall be received in evidence and, unless the contrary is proved, be presented, without further proof, to have been properly signed or sealed.

Miscellaneous

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

Question that the Provision in the First Schedule Stands Part of the Bill — Agreed to

SECOND SCHEDULE

Section 5 (1) (h)

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

Class "H"

1. Enterprises.
2. Tourism and Hospitality Institutions.

Question that the Provision in the Second Schedule Stands Part of the Bill — Agreed to

THIRD SCHEDULE

Section 39 (3)

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

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

The Panel

4. The quorum of the Panel is three.
5. The Panel may, at any meeting of the Panel attended by all the members of the Panel, make standing orders with respect to the Panel.
6. Subject to the provisions of any standing order, the Panel may regulate its own procedure.

Miscellaneous

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

Question that the Provision in the Third Schedule Stands Part of the Bill — Agreed to

Chairman to report Bill.

(SENATE IN PLENARY)

The President of the Senate reported that the Senate in the Committee of the Whole considered a Bill for An Act to Establish the National Institute for Hospitality and Tourism for Training, Certification and Registration of Hospitality, Travel and Tourism Personnel in Nigeria and for Related Matters, 2021 and approved as follows:

Clauses 1-25 — As Recommended

Schedules 1-3 — As Recommended

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

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

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

15. **National Blood Service Commission (Establishment) Bill, 2021 (HB.181) — Concurrence:**
Motion made: That a Bill for an Act to Establish the National Blood Service Commission Bill, 2021 (HB.181) be read the Second Time (*Senate Leader*).

Debate:

Question put and agreed to.

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

Motion made: Pursuant to Rule 81, that the Senate do resolve into the Committee of the Whole to consider a Bill for An Act to Establish the National Blood Service Commission Bill, 2021 to Coordinate, Regulate and Ensure the Provision of Quality Blood and Blood Products and for Related Matters, 2021.

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO ESTABLISH THE NATIONAL BLOOD SERVICE COMMISSION TO COORDINATE, REGULATE AND ENSURE THE PROVISION OF QUALITY BLOOD AND BLOOD PRODUCTS AND FOR RELATED MATTERS, 2021 (HB. 181)

PART I - ESTABLISHMENT OF THE NATIONAL BLOOD SERVICE COMMISSION

Clause 1: Establishment of the National Blood Service Commission.

- (1) There is established a body to be known as the National Blood 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, may sue and be sued in its corporate name and acquire, hold and dispose of any property for the purpose of carrying out its functions under this Bill.
- (3) The Commission shall have its National Headquarters located at the Federal Capital Territory, Abuja with Zonal offices in each of the six geopolitical zones, made up of -
 - (a) South East Zone with headquarters at Owerri, comprising Abia, Anambra, Ebonyi, Enugu and Imo States;

- (b) South South Zone with headquarters at Benin, comprising Akwa Ibom, Bayelsa, Cross River, Delta, Edo and Rivers States;
 - (c) South West Zone with headquarters at Ibadan, comprising Ekiti, Ogun, Ondo, Osun, Lagos and Oyo States;
 - (d) North East Zone with headquarters at Maiduguri, comprising Adamawa, Bauchi, Borno, Gombe, Taraba and Yobe States;
 - (e) North West Zone with headquarters at Kaduna, comprising Jigawa, Kaduna, Kano, Katsina, Kebbi, Sokoto and Zamfara States; and
 - (f) North Central with headquarters at Jos, comprising Benue, Kogi, Kwara, Nasarawa, FCT, Niger and Plateau States.
- (4) The zonal centers shall serve as linkage and reference centers for the States and other blood transfusion services within the zone.

Committee's Recommendation:

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

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

Clause 2: Objectives of the Commission.

The Commission shall -

- (a) co-ordinate and control blood transfusion services on a country wide basis within the national health plan;
- (b) ensure the delivery of blood, blood components and blood derivatives which are safe for transfusion and other medical therapies;
- (c) be the sole regulatory authority for all blood related services nationwide;
- (d) accredit blood transfusion service facilities throughout the country;
- (e) establish a National Strategic Blood Reserve which can be called up for national emergencies in any part of Nigeria when needed. The reserve will be ware housed at the National Blood Service Commission in the six Zonal Centers, Headquarters, as well as Lagos, Kano and Port Harcourt;
- (f) coordinate mandatorily all blood banks within the country (both public and private) to deliver 5% of their safe blood collections (both whole blood and blood products) to the NBSC Zonal centres and replenish same from time to time; and
- (g) create public awareness for blood donation.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senate Leader*).

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

Clause 3: Establishment and Composition of the Governing Board of the Commission.

- (1) There is established for the Commission a Governing Board (in this Bill referred to as "the Board") which shall provide the general policy guidelines for the Commission.

- (2) The Board shall consist of -
- (a) a Chairman who shall be a qualified Health Professional of proven integrity with a minimum of 15 years post qualification experience;
 - (b) a Representative of the Federal Ministry of Health;
 - (c) a representative of the Nigerian Society of Haematology and Blood Transfusion;
 - (d) a representative of the Association of Medical Laboratory Scientists of Nigeria;
 - (e) a representative of the Medical Services of the Armed Forces of Nigeria;
 - (f) a representative of the National Agency for Food, Drug Administration and Control (NAFDAC);
 - (g) a representative of the Nigerian Red Cross Society;
 - (h) a representative of non-governmental organisations involved in blood safety;
 - (i) a representative of the Nigerian Medical Association (NMA)
 - (j) the Director General of the Commission who shall serve as the Secretary to the Board.
- (3) The Chairman and members of the Board, other than those whose membership is by virtue of their offices, shall be appointed by the President on the recommendation of the Minister.
- (4) The members of the Board, other than the Director-General shall serve on part-time basis.
- (5) The supplementary provisions set out in the First Schedule to this Bill, shall apply with regard to the proceedings of the Board and other matters mentioned therein.

Committee's Recommendation:

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

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

Clause 4: Functions of the Board.

- (1) The Board shall -
- (a) formulate and provide policy guidelines for the discharge of the functions of the Commission;
 - (b) monitor and ensure the implementation of the policies and programmes of the Commission;
 - (c) be responsible for the appointment, promotion and discipline of senior staff of the Commission;
 - (d) carry out such other functions as are necessary and expedient to ensure the efficient performance of its functions under this Bill.

- (2) The Board shall have power to -
- (a) approve rules and regulations in accordance with the Public Service Rules (PSR) and Financial Regulations relating to the appointment, promotion and discipline of staff of the Commission;
 - (b) set up committees and bodies of experts to carry out specific functions or tasks on its behalf; and
 - (c) regulate its proceedings and make standing orders with respect to the holding of its meetings, notice to be given, the keeping of minutes of its proceedings and such other matters as the Board may from time to time determine.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senate Leader*).

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

Clause 5: Tenure of Office, Vacancy, Resignation and Removal of Members, Etc.

- (1) The Chairman and other members of the Board other than statutory members shall hold office for a term of four years renewable for another term of four years and no more.
- (2) Subject to any other provisions of this Bill, a member of the Board shall hold office on such terms and conditions as may be specified in his letter of appointment.
- (3) Notwithstanding the provisions of Section 5 (1) and Section 8(2) of this Bill, a member of the Board shall cease to hold office as a member of the Board if -
 - (a) his term of office expires;
 - (b) he dies;
 - (c) he becomes bankrupt or makes a compromise with his creditors;
 - (d) he is convicted of a felony or any offence involving fraud or dishonesty;
 - (e) he is guilty of serious misconduct;
 - (f) he becomes incapable of carrying out the functions of his office either arising from an infirmity of mind and body;
 - (g) in the case of a statutory member, he ceases to hold the office on the basis of which he became a member of the Board; or
 - (h) the president is satisfied that it is not in the interest of the Commission or public for the person to continue in office and notifies the member in writing to that effect.
- (4) Any member of the Board other than a statutory member may resign his office by giving one month notice in writing or such other period as may be specified in his letter of appointment to the Minister and the resignation shall have effect from the date of its acceptance.
- (5) Where a vacancy occurs in the Board's composition at any time, the Chairman of the Board shall formally notify the President through the Minister.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senate Leader*).

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

Clause 6: Allowances.

Members of the Board under this Bill shall be paid such allowances as the Government may approve.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senate Leader*).

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

Clause 7: Functions of the Commission.

The Commission shall -

- (a) establish, coordinate, regulate and control blood transfusion services on a country-wide basis within the national health plan;
- (b) produce and ensure proper compliance with the National Blood Transfusion Guidelines and Standards;
- (c) employ suitable persons to work with the National Blood Service Commission as staff or consultants;
- (d) appoint, promote and discipline staff of the Commission;
- (e) maintain a system of quality assurance at all levels of service;
- (f) encourage research in all aspects of blood transfusion;
- (g) promote the rational use of blood, blood products and alternatives to blood where appropriate;
- (h) collaborate with international organisations and other stakeholders in the field of blood transfusion and safety;
- (i) collaborate and partner with relevant Ministries, Departments, Agencies and Intergovernmental agencies in carrying out the activities of the Commission;
- (j) consider such matters as the Minister responsible for health may, from time to time refer to it and making recommendations thereon;
- (k) produce blood products, plasma and other blood products in collaboration with relevant agencies for National use and export;
- (l) promote health education on rational usage of blood and promotion of voluntary blood donation;
- (m) establish a register for voluntary blood donors and rare blood group donors;
- (n) encourage State Governments to establish State Blood Service Commissions; and
- (o) do such other things necessary or expedient to the performance of its functions under this Bill.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senate Leader*).

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

PART II - MANAGEMENT AND STAFF OF THE COMMISSION

Clause 8: Appointment of the Director-General.

- (1) There shall be appointed by the president, on the recommendation of the Minister, a Director-General for the National Blood Service Commission who shall be -
 - (a) the chief executive officer and the accounting officer of the Commission;
 - (b) responsible for the execution of the policies of the Commission and its day-to-day administration;
 - (c) a qualified medical or health practitioner with not less than 15 years post qualification experience in blood transfusion and administration.
- (2) The Director General shall hold office for a term of 4 years and may be reappointed for another term of 4 years and no more.
- (3) The office of the Director-General shall become vacant if -
 - (a) he resigns his office; or
 - (b) the President is satisfied that it is not in the interest of the Commission or the public for him to continue in office as a Director-General.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senate Leader*).

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

Clause 9: Other Staff of the Commission.

- (1) The Commission may employ such other staff as employees of the Commission as it may consider necessary to assist the Director-General in the exercise of its functions under this Bill.
- (2) Notwithstanding the provisions of subsection (1) of this section, employees of the Commission may be appointed by way of transfer of service or secondment from the Public Service of the Federation.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senate Leader*).

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

Clause 10: Conditions of Service.

The terms and conditions of service including those as to remuneration, allowances, retirement and other benefits of officers and other employees of the Commission shall be as determined by the Board in consultation with the National Salaries Income and Wages Commission, subject to extant Government Rules.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senate Leader*).

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

Clause 11: Pensions.

- (1) Service in the Commission shall be Pensionable under the Pension Reform Act 2014 and accordingly employees of the Commission shall, in respect of their services, be entitled to such pension and retirement benefits as are prescribed there under
- (2) Notwithstanding the provisions of subsection (1) of this section, nothing in this Bill shall prevent the appointment of a person to any office on terms which preclude the grant of pension in respect of that office.

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senate Leader*).

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

PART III - STRUCTURE OF THE COMMISSION**Clause 12: Structure of the Commission.**

The Commission shall consist of:

- (a) Blood Services Department;
- (b) Laboratory Services and Quality Department;
- (c) Finance and Accounts Department;
- (d) Administration Department;
- (e) Planning, Research and Statistics Department;
- (f) Regulatory Department;
- (g) such other departments as may be required for the proper performance of the functions of the Commission.

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senate Leader*).

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

Clause 13: Relationship with Health Establishments.

- (1) All health establishments involved in blood transfusion practice shall continue to carry out their activities provided that they comply with:
 - (a) all the guidelines issued by the Commission;
 - (b) the facilities are inspected and certified in conjunction with the State Blood Service by the Commission in order to operate;
 - (c) all relevant data of their activities are made available on demand to the zonal centre in the prescribed manner; and
 - (d) they co-ordinate their activities with those of the State Blood Centres particularly in the area of donor recruitment, blood collection and distribution.
- (2) The Commission shall have a robust hospital linkage with health institutions, assist them to form their hospital transfusion committees and ensure they attain best practices.

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senate Leader*).

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

Clause 14: The Armed Forces and Paramilitary Blood Transfusion Centres.

- (1) The Armed Forces and Paramilitary blood transfusion centres shall operate their blood transfusion activities in accordance with operational guidelines and the provisions of this Bill.
- (2) The functions of the Armed Forces and Paramilitary Blood Transfusion centres shall be to:
 - (a) pool resources particularly in donor recruitment and blood collection in conjunction with the zonal and state blood transfusion services;
 - (b) maintain blood services centres among the Armed forces and Paramilitary health facilities;
 - (c) liaise with the Commission in order to utilize training opportunities available to its staff; and
 - (d) provide blood safety data to the Commission on a regular basis.

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senate Leader*).

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

PART IV - FINANCIAL PROVISIONS**Clause 15: Fund of the Commission.**

- (1) The Commission shall establish and maintain a Fund ("the Fund"), which shall consist of -
 - (a) such sums as may be appropriated to the Commission by the Federal Government;
 - (b) grants, gifts or donations from international organizations and donor agencies;
 - (c) fees, fines and charges for services rendered by the Commission;
 - (d) publications made by the Commission;
 - (e) all other sums of money accruing to the Commission by way of gift or testamentary disposition and endowments; and
 - (f) other funds which may from time to time accrue to the Commission.
- (2) The Commission shall from time to time apply the Fund -
 - (a) to the cost of the administration of the Commission;
 - (b) the maintenance of any property acquired or vested in the Commission;

- (c) for reimbursing members of the Board or any committee of the Board for such expenses authorized by the Board or the Commission and for allowances in accordance with the rates approved by the Government;
- (d) to the payment of salaries; fees, other remunerations or allowances payable to members of the Board and employees of the Commission; and
- (e) for advocacy to stakeholders and assessment visits to health facilities and zonal offices, For research and development into blood component production and other aspects of Blood transfusion in medical practice;
- (f) to any other payment incidental to the foregoing provisions or in connection with or incidental to any other functions of the Commission under this Bill.

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senate Leader*).

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

Clause 16: Annual Estimates.

The Commission shall, not later than the 30th day of September in each year submit to the Minister, an estimate of its income and expenditure for the next succeeding year.

Committee's Recommendation:

That the provision in Clause 16 be retained (*Senate Leader*).

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

Clause 17: Audit of Accounts.

The Commission shall keep proper accounts 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 qualified auditors appointed from the list of auditors in accordance with the guidelines supplied by the Auditor-General for the Federation.

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senate Leader*).

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

PART V - OFFENCES AND PENALTIES

Clause 18: Offences and penalties.

- (1) Any person who:
 - (a) without the supervision of a registered and trained medical or health practitioner collects or arranges to bleed a blood donor for the purpose of transfusion; or
 - (b) administers blood components to a patient without an order from a registered medical practitioner, commits an offence and shall be liable on conviction to imprisonment for a term of not less than six months or to a fine of not less than five hundred thousand Naira or both.

- (2) Any person or group of persons who operates a blood bank commits an offence, if such person or persons -
- (a) processes blood for the purpose of obtaining blood products without the approval of the commission; or
 - (b) fails to comply with the guidelines and standards issued by the Commission from time to time; or
 - (c) aids another person to commit any of the offences mentioned in this section shall be liable on conviction to imprisonment for a term of not less than six months or to a fine of not less than five hundred thousand Naira or both.
- (3) Any person who -
- (a) transfuses blood not properly screened for hepatitis B & C virus, HIV I & II, Syphilis and other transmissible agents as specified by the Commission from time to time;
 - (b) transfuses blood not typed for ABO and RH (D) factor;
 - (c) supplies for transfusion blood not screened except in life-threatening situation;
 - (d) labels blood or blood products in a manner as to mislead others about the status of the blood products;
 - (e) supplies expired blood for transfusion into a human being;
 - (f) bleeds a child, except for therapeutic purposes with parental consent; or
 - (g) engages in practices that can compromise blood safety;
- commits an offence and shall be liable on conviction to imprisonment for a term of not less than one year or to a fine of not less than one million naira or both.
- (4) Any person who knowingly interferes with or tampers-or obstructs in whatsoever manner, the proper donation, collection, screening, banking, processing, distribution, transfusion of blood and blood products, inspection of records and premises where blood is processed for transfusion commits an offence and shall be liable on conviction to imprisonment for a term of not less than six months or to a fine of not less than five hundred thousand Naira or to both.
- (5) Any person who, for the purpose of procuring blood or blood products from the Blood Service Commission:
- (a) makes a statement which he believes to be false in a material particular; or
 - (b) recklessly makes a statement, which is false in a material particular, commits an offence and shall be liable on conviction to imprisonment for a term of not less than six months or to a fine of not less than five hundred thousand Naira or to both.
- (6) A body corporate that commits an offence under this Bill shall be liable on conviction to a fine of not less than One Million Naira (₦1,000,000.00) and any person who at the time of the commission of the offence was a chief executive officer, director, secretary, manager or other similar officer of the body corporate or was purporting to act in any such capacity shall be liable on conviction to imprisonment for a term of not less than 6 months or a fine of not less than Five Hundred Thousand Naira (₦500,000.00) or to both;

- (7) Nothing in this Part shall preclude:
- (a) the proper expression of appreciation to the donor of blood by way of tokens or gestures other than financial reward; or
 - (b) the charging of appropriate fees as determined by the commission to cover the cost of preparation of blood components for transfusion or the proper performance of autologous blood transfusion.

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senate Leader*).

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

PART VI - MISCELLANEOUS

Clause 19: Directives of the Minister.

Subject to this Bill, the Minister shall give to the Commission directives of a general nature or specific directives relating generally to a particular matter with regard to the carrying out of the functions of the Commission under this Bill and it shall be the duty of the Commission to comply with such directives.

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senate Leader*).

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

Clause 20: Power to Obtain Information.

- (1) For the purpose of carrying out the functions conferred on the Commission under this Bill, the Director-General or any other officer of the Commission authorised in that behalf:
 - (a) shall have a right of access to all the records of any institution or authority to which this Bill applies; and
 - (b) shall, by notice in writing serve on any person in charge of any institution or authority responsible for blood transfusion service, require that person to furnish or cause to be furnished, information on such matter as may be specified in the notice.
- (2) It shall be the duty of any person required to furnish information pursuant to subsection (1) of this section to comply with the notice within a reasonable period of time or within the time stated in the notice.

Committee's Recommendation:

That the provision in Clause 20 be retained (*Senate Leader*).

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

Clause 21: Power of the Commission to Make Regulations.

- (1) The Commission may, with the approval of the Minister, make regulations generally for the purposes of carrying into effect the provisions of this Bill.
- (2) Regulations when made, shall be published in the Federal Official Gazette and in such manner as the Commission may prescribe.

Committee's Recommendation:

That the provision in Clause 21 be retained (*Senate Leader*).

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

Clause 22: Legal proceedings.

- (1) No Civil action shall be commenced against the Commission or its authorised officers before the expiration of a period of 30 days after written notice of intention to commence the suit shall have been served on the Commission by intending plaintiff or his agent, and the notice shall clearly and explicitly state the:
- (a) cause of action;
 - (b) particulars of the claim;
 - (c) name and place of abode of the intending plaintiff; and
 - (d) relief sought.
- (2) The notice referred to in Subsection (1) of this section and any summons, or other documents required or authorised to be served on the Commission under this Bill or any other enactment or law, may be served by:
- (a) delivering it to the Commission; or
 - (b) sending it by registered mail to the postal address of the Commission;
 - (c) any other mode of service as allowed by the Evidence Bill.

Committee's Recommendation:

That the provision in Clause 22 be retained (*Senate Leader*).

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

Clause 23: Indemnity of Officers of the Commission.

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

Committee's Recommendation:

That the provision in Clause 23 be retained (*Senate Leader*).

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

Clause 24: Interpretation.

In this Bill, unless the context otherwise requires:

"Board" means the Governing Board of the National Blood Service Commission;

"Chairman" means the Chairman of the Board;

"Commission" means National Blood Service Commission;

"Director General" means the Director General of the Commission appointed pursuant to section 8 of the Bill;

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

"Minister" means the Minister charged with responsibility for matters relating to health matters;

"NGO" means Non-Governmental Organisation.

Committee's Recommendation:

That the provision in Clause 24 be retained (*Senate Leader*).

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

Clause 25: Short Title.

This Bill may be cited as the National Blood Service Commission Bill, 2021.

Committee's Recommendation:

That the provision in Clause 25 be retained (*Senate Leader*).

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

SCHEDULE

Section 3 (6)

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD**Proceedings of the Board**

1. Subject to this Bill and section 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 Board may make standing orders regulating the proceedings of the Board and any Committee thereof.
2. The Board shall meet not less than four times in each year and, subject thereto, the Board shall meet whenever it is summoned by the Chairman, and if the Chairman is required to do so by notice given to him by not less than seven other members, he shall summon a meeting of the Board to be held within fourteen days from the date on which the notice was given.
3. Every meeting of the Board shall be presided over by the Chairman or 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. The quorum at a meeting of the Board shall consist of the Chairman (or, in an appropriate case, the person presiding at the meeting pursuant to paragraph 3 of this Schedule) and six other members.
5. The quorum of any committee of the Board shall be as determined by the Board.
6. Where upon any special occasion the Board desires to obtain the advice of any person on a particular matter, the Board may co-opt him as a member for such period as it thinks fit; provided that a person who is a member by virtue of this sub-paragraph shall not be entitled to vote at any meeting of the Board and shall not count towards the quorum.

Committee

7. (1) Subject to its standing orders, the Board may appoint such number of standing ad-hoc committees, as it thinks fit to consider and report on any matter which the Board is concerned.
- (2) Every committee appointed under the provisions of sub-paragraph (1) of this Paragraph, shall be presided over by a member of the Board and shall be made up of such number of persons, not necessarily members of the Board, as the Board may determine in each case. The decision of a Committee shall be of no effect, until it is confirmed by the Board.

Miscellaneous

8. The fixing of the seal of the Commission shall be authenticated by the signature of the Director General and of any other member authorised generally or specially by the Board to act for that purpose.

9. 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 Commission by the Director General or any person authorised generally or specially by the Board to act for that purpose.
10. A document purporting to be a contract, an 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 properly signed or sealed.
11. Members of the Board who are not public officers shall be paid out of monies at the disposal of the Commission such remuneration; fee or allowances in accordance with such scales as may be approved, from time to time, by the Minister.
12. The validity of any proceedings of the Board or of a committee thereof, shall not be adversely affected by:
 - (i) a vacancy in the membership of the Board;
 - (ii) any defect in the appointment of a member of the Board or Committee; or
 - (iii) reason that a person not entitled to do so, took part in the proceedings.
13. Any member of the Board or of a committee thereof, who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Board or the committee shall forthwith disclose his interest to the Board or committee, and shall not vote on any question relating to the contract or arrangement.

Question that the provision in the Schedule stand part of the bill, put and agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The President of the Senate reported that the Senate in the Committee of the Whole considered a Bill for An Act to Establish the National Blood Service Commission Bill, 2021 to Coordinate, Regulate and Ensure the Provision of Quality Blood and Blood Products and for Related Matters, 2021 and approved as follows:

Clauses 1-25 — 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.

16. **Federal College of Education (Special) Birnin-kudu (Establishment) Bill, 2021 (HB. 169) — Concurrence:**

Consideration of Bill deferred to another Legislative Day.

17. **National Primary Health Care Development Agency Act Cap N69 LFN 2004 (Repeal and Enactment) Bill, 2021 (HB. 39) — Concurrence:**

Motion made: That a Bill for an Act to Repeal and Enact the National Primary Health Care Development Agency Act Cap N69 LFN 2004 Bill, 2021 be read the Second Time (*Senate Leader*).

Debate:

Question put and agreed to.

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

Motion made: Pursuant to Rule 81, that the Senate do resolve into the Committee of the Whole to consider a Bill for an Act to Repeal the National Primary Health care Development Agency Act, CAP. N69, Laws of the Federation of Nigeria, 2004 and Enact the National Primary Health Care Development Agency to Provide for Definitions and Components of Primary Health Care in Nigeria and for Other Related Matters, 2021.

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO REPEAL THE NATIONAL PRIMARY HEALTH CARE DEVELOPMENT AGENCY ACT, CAP. N69, LAWS OF THE FEDERATION OF NIGERIA, 2004 AND ENACT THE NATIONAL PRIMARY HEALTH CARE DEVELOPMENT AGENCY TO PROVIDE FOR DEFINITIONS AND COMPONENTS OF PRIMARY HEALTH CARE IN NIGERIA AND FOR OTHER RELATED MATTERS, 2021 (HB.39).

PART 1 — ESTABLISHMENT OF THE NATIONAL PRIMARY HEALTH CARE DEVELOPMENT AGENCY AND ITS GOVERNING BOARD, ETC.

Clause 1: Establishment of the National Primary Health Care Development Agency.

- (1) There is hereby established a body to be known as the National Primary Health Care Development Agency (in this Bill referred to as "the Agency") which shall be supervised by the Federal Ministry of Health.
- (2) The Agency —
 - (a) shall be a body corporate with perpetual succession and a common seal; and
 - (b) may sue and be sued in its corporate name.

Committee's Recommendation:

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

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

Clause 2: Establishment and composition of the Governing Board of the Agency.

- (1) There is hereby established for the Agency a Governing Board in this Bill (referred to as the Board) which shall consist of:—
 - (a) a Chairman, who shall be a highly respected public health practitioner with at least not less than 10 years' experience in primary health care,
 - (b) a representative of the Minister in charge of Health of at least not below the rank of Director in the Federal Ministry of Health;
 - (c) one person each to represent the following, that is:—
 - (i) the Principals/Provosts of Schools/Colleges of Health Technology;
 - (ii) the Provosts of Colleges of Medicine;
 - (iii) the Principals of Community Health Officers Training institutions;

- (iv) the Community Health Practitioners Association of Nigeria;
 - (v) the Nigerian Medical Association; and
 - (vi) the National Association of Nigerian Nurses and Midwives;
 - (vii) Pharmaceutical Society of Nigeria;
- (d) one person to represent a State Ministry of Health from each Primary Health Care Zone, to be nominated by the National Council of Health;
 - (e) one person to represent Association of Local Government of Nigeria (ALGON) from each of the six geopolitical zones to be rotated among the States in each zone;
 - (f) one person to represent non-Governmental associations working in the field of primary health care;
 - (g) one person to represent the National Planning Commission;
 - (h) one person to represent the Directorate for Social Mobilisation;
 - (i) one person to represent the Directorate of Food, Roads and Rural Infrastructures;
 - (j) one person to represent the Ministry of Women Affairs;
 - (k) one person to represent the Civil Society Organizations; and
 - (l) the Director General of the Agency who shall be the Secretary to the Board.
- (2) The President shall appoint the Chairman of the Board, and the Minister shall appoint the other members of the Board, on the recommendation of the bodies concerned, if any.
- (3) A member of the Board appointed otherwise than by office shall hold office for a period of four years, and subject to the provisions of subsection (4) of this section, shall be eligible for re-appointment for only one further period of four years except the representatives of ALGON.
- (4) The office of a member of the Board shall become vacant if:—
- (a) he resigns as a member of the Board by notice in writing under his hand addressed to the Minister;
 - (b) the Minister is satisfied that it is not in the interest of the Board for the member to continue in office and notices the member in writing to that effect;
 - (c) he ceases to be a member of the body which he represents on the board; or
 - (d) becomes incapacitated and is unable to perform the duties of his office due to ill health or otherwise.

Schedule.

- (5) The supplementary provisions set out 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 (*Senate Leader*).

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

PART 11 — DEFINITION AND COMPONENTS OF PRIMARY HEALTH CARE

Clause 3: Definition of primary health care.

- (1) Primary Health Care:—
- (a) is essential health care based on practical, scientifically sound and socially acceptable methods and technology made universally accessible to individuals and families in community through their full participation and at a cost that the community and country can afford to maintain at every stage of their development in the spirit of their self-reliance and self-determination;
 - (b) forms an integral part of the country's health system, of which it is the central function and main focus of the overall social and economic development of the community;
 - (c) is the first level of contact of individuals, the family and the community with national health system, bringing health care as close as possible to where people live and work and constitutes the first element of a continuing health care process; and
 - (d) the principles are inter-sectoral, community participation, use of affordable appropriate technology, equity and social justice.
- (2) Primary Health Care forms an integral part and nucleus of the social and economic development of the communities in Nigeria and Nigeria's health system.

Committee's Recommendation:

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

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

Clause 4: Primary Health Care shall include:—

- (a) health education concerning prevailing health problems;
- (b) promotion of food supply and proper nutrition;
- (c) adequate supply of safe water and basic sanitation;
- (d) maternal and child health care including family planning;
- (e) immunization against major infectious diseases;
- (f) prevention and control of locally endemic diseases;
- (g) appropriate treatment for common ailments and injuries;
- (h) supply of essential drugs;
- (i) primary eye care;

- (j) care of the elderly;
- (k) oral health;
- (l) mental health;
- (m) constant supply of electricity;
- (n) additional components approved by the National Council on Health from time to time; and
- (o) for the purpose of (e) in this subsection, the Agency is:—
 - (i) to effectively prevent, through immunization and provision of potent vaccines, the occurrence of vaccine preventable diseases;
 - (ii) to support States and local governments in their immunization programme by procuring and supplying them with bundled vaccines.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senate Leader*).

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

PART III — FUNCTIONS AND POWERS OF THE AGENCY

Clause 5: Functions of the Agency.

The functions of the Agency shall be:—

- (a) to provide support for the development and implementation of the National Health Policy by:—
 - (i) reviewing existing health policies particularly as to their relevance to the development of primary health care and to the integrated development of health services and health manpower and propose changes when necessary;
 - (ii) preparing alternative proposals for decision makers at all levels based on scientific analysis, including proposals for health legislation; and
 - (iii) assisting the translation of policies into relevant and feasible strategies, based on research evidence, wherever appropriate;
- (b) through an Established Technical Support Programme (TSP), provide technical support for the planning, management and implementation of primary health care by:—
 - (i) stimulating and assisting States and Local Government Areas through State Primary Health Care Boards to initiate or accelerate primary health care development where none is taking place or is at very slow pace, and specifically, by supporting the development of capabilities at State and Local Government Area levels in the planning, reviewing and re-planning of their health programmes;
 - (ii) promoting the participation of women at all levels of primary health care planning, management and implementation particularly at the Local Government Area level;
 - (iii) conducting studies on health plans for primary health care at various levels to see whether they are relevant to the National Health Policy, feasible and multi-sectoral;

- (iv) promoting the monitoring of plan implementation at various levels;
 - (v) stimulating the technical development of primary health care on an equitable basis in all Local Government Areas; and
 - (vi) providing technical support on cutting edge innovations and strategies in the implementation of primary health care;
- (c) to mobilise resources, nationally and internationally, for the development of primary health care in support of the programmes of the Agency and to conduct or commission studies on resource mobilisation for health and on issues of cost and financing on equitable basis;
- (d) to provide support to the monitoring and evaluation of the National Health Policy by:—
- (i) monitoring the development and implementation of primary health care programmes to ensure that it keeps as much as possible within the guidelines set out in the National Health Policy;
 - (ii) developing guidelines and designing frameworks for periodic evaluation of primary health care at the various levels;
 - (iii) checking the monitoring and evaluation process nationally, with particular respect to the developing of capabilities to analyse and make use of monitoring and evaluation data for management decision-making at all levels;
- (e) to provide guidelines and protocols for the management and provision of Reproductive, Maternal, Newborn, Child, Adolescent Health Plus Nutrition (RMNCAH+N) services at primary healthcare and community levels;
- (f) to promote health manpower development by:—
- (i) providing technical support to the preparation of health manpower policy, including manpower projections to enhance development of primary health care manpower plan;
 - (ii) providing advocacy and support for the orientation of medical under-graduate education and the education of other health professionals towards primary health care;
 - (iii) identifying the orientation and continuing education needs of primary health care manpower, including medical manpower and by organising programmes to meet those needs;
 - (iv) supporting directly the strengthening of the Schools of Health Technology;
- (g) to provide support to the ward health system by:—
- (i) paying special attention and providing maximum support to the training, development, logistic support and supervision of the community-based health workers and to the relationship between those workers and their communities and the mechanisms which link those workers to the other levels of the health system; and
 - (ii) paying special attention to the involvement of women and grassroots women's organisations in the ward health system;

- (h) to promote health systems research by:—
 - (i) promoting and supporting problem-oriented health systems research as a tool for finding better ways for the provision of essential care as a component of health for all and by introducing health systems research in the Primary health care system;
 - (ii) undertaking or commissioning health systems and operations research into primary health care Programmes; and
 - (iii) responding to requests from Government and other agencies in organising special studies and mobilising experts who will respond rapidly and in-depth to guide legislative and administrative actions;
- (i) to promote technical collaboration by:—
 - (i) stimulating tertiary institutions, non-Governmental organisations and international agencies to work with State Primary Health Care Boards and Local Government Areas in nurturing their capacity for problem solving;
 - (ii) encouraging States and Local Government Areas to seek technical collaboration from other local Government Areas and other bodies in developing and implementing their primary health care programmes;
 - (iii) promoting collaborations with other sectors for primary health care development and implementation at all levels;
 - (iv) monitoring the collaboration of primary health care between the international agencies and Governments at all levels;
 - (v) promoting and organizing the sharing of experience of the Agency locally and globally through publications, reports, conferences and other means and the collection of all relevant information from other countries and international organisations and disseminating such information to all interested parties; and
 - (vi) promoting maximum support for all its efforts by networking and creating formal and informal collaboration with relevant Nigerian and international institutions;
- (j) to promote primary health care by:—
 - (i) advocacy to leaders at the national and state levels, to non-Governmental organisations, donors, private sector, other stakeholders and through the mass media, to promote primary health care and by making efforts to ensure that elected and party officials are continually oriented towards primary health care and universal health coverage;
 - (ii) re-orientating other health professional towards primary health care by means of conferences, seminars and other meetings;
 - (iii) supporting the documentation of best practices in primary health care through commissioning of case-studies, reviews, books, articles, newsletters and other media productions, as appropriate;
 - (iv) establishing resource centres to serve as national and zonal depositories of information on primary health care implementation;

- (v) organising seminars, reviews and other meetings to promote primary health care and share experience in implementation with a view to strengthening the primary health care system;
 - (vi) collaborating with Environmental Health Practitioners for waste management and disposal; and
 - (vii) providing annual reports which are widely disseminated on the status of primary health care implementation nation-wide;
- (k) to promote accountability for the primary health care system by:—
- (i) undertaking annual reviews of the performance of the State Primary Health Care Boards (SPHCBs) and publishing reports on their progress;
 - (ii) developing and implementing a reward and sanction framework for performance of State Primary Health Care Board (SPHCBs) and Local Government Area Health Authorities;
 - (iii) providing or withdrawing of License for provision of primary health care services in line with defined standards for functionality;
 - (iv) obtaining and publishing an annual report of funding of health facilities from States and Local Government Areas;
- (l) to develop and enforce the use of protocols, standards and guidelines for effective implementation of primary health care at all levels;
- (m) to set up a well-structured Primary Health Care Institute:—
- (i) for training and capacity building of mid-level officers; and
 - (ii) for conducting research in Primary Health Care systems development and implementation;
- (n) to collaborate with other stakeholders in reactivating the existing Primary Health Care training institutes in the country and establishing new ones as the need arises;
- (o) to plan, procure, administer and recommend appropriate vaccines into the national immunization schedule for eligible children, women of childbearing age and other targeted populations;
- (p) to promote local production of human vaccines working in collaboration with other relevant Agencies of Government and Non-Governmental Organizations by:—
- (i) providing guidance and standards in the business of production, sale and distribution of quality vaccines (and any other preparation used to confer immunity to a disease or the prevention, amelioration and treatment of diseases) and allied healthcare products;
 - (ii) supporting Research and Development for candidate vaccines and biologicals to prevent communicable diseases;
 - (iii) building capacity for local production of vaccines in order to facilitate the transfer of technology to the country;
 - (iv) participating in all other activities as may be necessary for the execution of the Joint venture agreement towards local vaccine production;

- (q) to collaborate with other stakeholders in the establishment of a Primary Healthcare Institute as a core component of the technical support programme;
- (r) to perform such other functions as may, from time to time, be assigned to it.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senate Leader*).

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

PART IV— STAFF OF THE AGENCY

Clause 6: Appointment of the Director General and other staff of the Agency.

- (1) There shall be appointed for the Agency by the President, a Director General:—
 - (a) who shall be a health professional with at least 15 years post graduate experience in relevant field of medicine or public health;
 - (b) whose rank upon appointment, shall be equivalent to that of a permanent secretary in the Federal Civil Service;
- (2) The Director General shall be the head of the secretariat of the Agency and head the team responsible for guiding the development of the primary health care system;
- (3) The Director General shall be responsible for the day-to-day administration of the Agency, keep the books and records of the Agency and be subject to the supervision of the Chairman and the Board.
- (4) The Board may, from time to time, appoint for the Agency such other staff, as it may deem necessary, to assist the Director General in the performance of his functions under this Bill.
- (5) The members of staff of the Agency appointed under subsection (4) of this section shall be appointed on such terms and conditions of service as the Board may, after consultation with the Federal Civil Service Commission, determine.
- (6) The staff of the Agency shall be public officers as defined in the Constitution of the Federal Republic of Nigeria 1999 as amended.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senate Leader*).

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

Clause 7: Pensions.

- (1) Service in the Agency shall be approved service for the purpose of the Pensions Act and accordingly, officers and other persons employed in the Agency shall be entitled to pensions, gratuities and other benefits as are prescribed there under.
- (2) Notwithstanding subsection (1) of this section, the Agency may appoint a person to any office on terms which preclude the grant of a pension, gratuity or other retirement benefits in respect of that office.

- (3) For the purpose of the application of the provisions of the Pensions Act, any power exercisable thereunder by a Minister or other authority of the Government of the Federation, other than the power to make regulations under section 23 thereof, is hereby vested in and shall be exercisable by the Agency and not by any other person or authority.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senate Leader*).

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

PART V— ESTABLISHMENT OF SUB-NATIONAL STRUCTURES

Clause 8: Primary health care zones.

- (1) For the purpose of effectively discharging its functions under this Bill, the Agency shall decentralize its field activities and for that purpose align its activities with the six (6) geopolitical zones made up of:—
- (a) South-East Zone with headquarters at Enugu, comprising Abia, Anambra, Ebonyi, Enugu and Imo States;
 - (b) South-South Zone with headquarters at Benin, comprising Akwa-Ibom, Bayelsa, Cross River, Delta, Edo and Rivers States;
 - (c) South-West Zone with headquarters at Ikeja, comprising Ekiti, Ogun, Ondo, Osun, Lagos and Oyo States;
 - (d) North-East Zone with headquarters at Bauchi, comprising Adamawa, Bauchi, Borno, Gombe, Taraba and Yobe States;
 - (e) North-West Zone with headquarters at Kano, comprising Jigawa, Kaduna, Kano, Katsina, Kebbi, Sokoto and Zamfara States; and
 - (f) North Central with headquarters at Minna, comprising Benue, Kogi, Kwara, Nasarawa, FCT, Niger and Plateau States.
- (2) The Agency shall have offices in all the States of the Federation.
- (3) State Primary Health Care Boards shall be established by States to coordinate the implementation of Primary Health Care at the state level.
- (4) The Agency may have a representative that serves as a statutory member of State Primary Health Care Boards.
- (5) In fulfilment of its oversight roles on the State Primary Health Care Boards, the Agency may:—
- (a) provide guidance and support to States towards the selection of public health experts to manage SPHCB;
 - (b) provide guidance and support to States in the constitution of the Governing Board of SPHCB; and
 - (c) work with relevant stakeholders in performance management functions that enhances the quality of primary healthcare in States.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senate Leader*).

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

PART VI — FINANCIAL PROVISIONS

Clause 9: Fund of the Agency.

- (1) The Agency shall establish and maintain a fund from which shall be defrayed all expenditure incurred by the Agency.
- (2) There shall be paid and credited to the fund established in pursuance of subsection (1) of this section:—
 - (a) such payments as may be made to it by the Federal Government for the running expenses of the Agency;
 - (b) allocation from the Basic Health Care Provision Fund as provided for in the National Health Act, Cap. 8, 2014;
 - (c) all sums accruing to the Agency by way of gifts, endowments, bequests, credits, grants or other contributions by persons and organizations;
 - (d) foreign aid and assistance from bilateral and multilateral agencies; and
 - (e) all other assets accruing, from time to time.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senate Leader*).

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

Clause 10: Expenditure of the Agency

The Agency may, from time to time, apply the proceeds of the fund established in pursuance of section 9 of this Bill:—

- (a) to the cost of administration of the Agency;
- (b) for reimbursing members of the Board or of any committee set up by the Board for such expenses as may be expressly authorised by the Board in accordance with the rates approved by the President;
- (c) to the payment of salaries, fees or other remuneration, allowances, pensions and gratuities payable to the officers and servants of the Agency;
- (d) for the maintenance of any property vested in the Agency;
- (e) for and in connection with all its functions under this Bill; and
- (f) disbursement to States and Local Governments benefitting from the Basic Health Care Provision Fund as provided for in the National Health Act, Cap. 8, 2014.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senate Leader*).

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

Clause 11: Annual estimates and accounts.

- (1) The Board shall, not later than 30th of September in each year, submit to the Minister an estimate of the expenditure and income of the Agency during the following year.

- (2) The Board shall keep proper accounts of the Agency in respect of each year and proper records in relation thereto and shall cause the accounts to be audited not later than six months after the end of each year by auditors appointed from the list and in accordance with guidelines supplied by the Auditor-General of the Federation.

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senate Leader*).

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

Clause 12: Provision of bundled vaccines.

- (1) For the provisions of Part II, section 4 (4), the funds for the procurement of bundled vaccines for States and local government areas shall be a first line charge from the Federation Account
- (2) This shall be based on annual computed vaccines requirement provided by the Agency.

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senate Leader*).

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

PART VII — TRANSFER OF THE FUNCTIONS OF NATIONAL
PROGRAMME ON IMMUNIZATION TO THE AGENCY

Clause 13: Transfer of the functions of national programme on immunization to the agency.

By this Amendment the functions, duties and powers of the defunct National Programme on Immunization contained in Act No. 12 of 1997 are hereby transferred to the National Primary Health Care Development Agency.

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senate Leader*).

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

PART VIII — MISCELLANEOUS

Clause 14: Annual reports.

The Board shall prepare and submit to the President through the Minister, not later than 30th June in each year, a report in such form as he may direct on the activities of the Agency during the immediately preceding year, and shall include in the report a copy of the audited accounts of the Agency for that year and the auditor's report thereon.

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senate Leader*).

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

Clause 15: Access to records, etc.

- (1) For the purpose of carrying out the functions of the Agency under this Bill, the Director General or any other officer of the Agency authorised in that behalf shall:—
- (a) have a right of access to all the records of any health institution or authority engaged in primary health care;

(b) by notice in writing served on a person in charge of any health institution or authority require that person or authority to furnish information on such matters as may be specified in the notice.

(2) It shall be the duty of any person or authority required to furnish information pursuant to subsection (1) of this section to comply with the notice within a reasonable period.

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senate Leader*).

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

Clause 16: Power of Minister to give directives.

The Minister shall give directives of a general or special character to the Agency relating to the performance by the Agency of any or all its functions under this Bill, and it shall be the duty of the Agency to comply and give effect to the directives.

Committee's Recommendation:

That the provision in Clause 16 be retained (*Senate Leader*).

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

Clause 17: Regulations.

The Minister shall make regulations for carrying into effect the provisions of this Bill;

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senate Leader*).

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

Clause 18: Interpretation.

In this Bill, unless the context otherwise requires:—

"Agency" means the National Primary Health Care Development Agency established by section 1 of this Bill;

"functions" includes duties and powers;

"Minister" means the Minister charged with responsibility for matters relating to health;

"primary health care" includes care designed to prevent disease and promote health and out-patient care, including general medical care, maternal and child health care, domiciliary health care and rehabilitation and nursing care, including home visit;

"Community based Health Workers" include Community Health Influencers, Promoters and Services (CHIPS) Agents, the Community health worker and traditional birth assistant;

"Bundled vaccines" refer to the availability of vaccines with full complement of devices, injection materials and diluent in the case of lyophilized vaccine.

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senate Leader*).

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

Clause 19: Citation.

This Bill may be cited as the National Primary Health Care Development Agency Act (Amendment) Bill, 2021.

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senate Leader*).

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

SCHEDULE

SECTION 2 (5)

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD AND THE AGENCY
PROCEEDINGS OF THE BOARD.

1. Subject to this Bill and section 27 of the Interpretation Act, the Board may make standing orders regulating the proceedings of the Board and any committee thereof.
2. Every meeting of the Board shall be presided over by the Chairman and if the Chairman is unable to attend a meeting, the members present at the meeting shall elect one of their number to preside at the meeting.
3. The quorum at a meeting of the Board shall consist of the Chairman (or in an appropriate case, the person presiding at the meeting pursuant to paragraph 2 of this Schedule) and eight other members.
4. Upon any special occasion, the Board may co-opt any 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 he shall not be entitled to vote or count towards a quorum.
5. The board shall hold not more than four meetings in a year, except for emergency meetings which may be called as the need arises.

Committees

6. (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 Agency is concerned.
(2) Every committee appointed under the provisions of sub-paragraph (1) of this paragraph shall be presided over by a member of the Board and shall be made up of such number of persons, not necessarily members of the Board, as the Board may determine in each case.
7. The decision of a committee shall be of no effect until it is confirmed by the Board of the Agency.

Miscellaneous

8. The fixing of the seal of the Agency shall be authenticated by the signature of the Chairman and of the Director General of the Agency or such other member authorized generally or specially by the Board to act for that purpose.
9. 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 Agency by the Director General or by any other person generally or specifically authorized by the Board to act for that purpose.
10. Any document purporting to be a contract, an instrument or other document signed or sealed on behalf of the Agency 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 a proceeding of the Board or a committee thereof shall not be adversely affected:—
- (a) by any vacancy in the membership of the Board; or
 - (b) by any defect in the appointment of a member of the Board or committee; or
 - (c) by reason that a person not entitled to do so took part in the proceeding.
12. A member of the Board or committee who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Board or committee shall not vote on any question relating to the contract or arrangement.

Question that the provision in this Schedule stands part of the Bill. — Agreed to:

Chairman to report Bill.

(SENATE IN PLENARY)

The President of the Senate reported that the Senate in the Committee of the Whole considered a Bill for an Act to Repeal the National Primary Health care Development Agency Act, CAP. N69, Laws of the Federation of Nigeria, 2004 and Enact the National Primary Health Care Development Agency to Provide for Definitions and Components of Primary Health Care in Nigeria and approved as follows:

Clauses 1-19 — As Recommended

Schedule — As Recommended

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

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

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

18. Adjournment:

Motion made: That the Senate do now adjourn till Wednesday, 19th May, 2021 at 10:00 a.m. (*Senate Leader*).

Adjourned accordingly at 1:38 p.m.

Ahmad Ibrahim Lawan, Ph.D, CON
President,
Senate of the Federal Republic of Nigeria.