



SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Tuesday, 8th June, 2021

1. The Senate met at 11:01 a.m. The President of the Senate read prayers.

2. **Closed Session:**

Closed Session — 11:05 a.m.

Open Session — 11:40 a.m.

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

3. **Votes and Proceedings:**

The Senate examined the Votes and Proceedings of Wednesday, 2nd June, 2021.

Question was put and the Votes and Proceedings were approved.

4. **Petition:**

(i) Rising on Order 41, Senator Istifanus D. Gyang (*Plateau North*) drew the attention of the Senate to a petition from his constituent, Choji, D.D. over the alleged wrongful termination of his appointment by the Nigeria Customs Service (NCS). He urged the Senate to look into the matter.

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

5. **Personal Explanation:**

Rising on Order 43, Senator Bala Ibn Na'Allah (*Kebbi South*) drew the attention of the Senate to the killings of eighty-seven (87) people by bandits in Danko/Wassagu Local Government Area of Kebbi State. He informed the Senate that the bandits operated for four hours without any intervention from the security agencies. He urged the security agencies to provide adequate security for the people.

One minute silence accordingly observed in honour of the deceased.

6. **Personal Explanation:**

Rising on Order 43, Senator Robert A. Boroffice (*Ondo North*) drew the attention of the Senate to the demise of Prophet Temitope Balogun Joshua, OFR which occurred on June 5, 2021 at the age of 57. He stated that Prophet T.B. Joshua was a philanthropist and founder of Synagogue Church of All Nations (SCOAN) and a true Nigerian with religious tolerance, welcoming to all

ethnic inclinations and believed in the unity of Nigeria. The late Prophet was renowned for his humanitarian services in key areas like community support, scholarships, disaster relief, education, sports and support for migrants and deportees. He urged the Senate to observe a minute silence in his honour.

One minute silence accordingly observed in honour of the deceased.

7. Presentation of Bills:

- (i) Health Equipment Credit Guarantee Fund (Establishment) Bill, 2021 (SB. 343) — *Read the First Time.*
- (ii) National Agency for Climate Change (Establishment) Bill, 2021 (SB. 737) — *Read the First Time.*
- (iii) Foreign Service Commission (Establishment) Bill, 2021 (SB. 738) — *Read the First Time.*
- (iv) Criminal Code Act Cap C38 LFN 2004 (Amendment) Bill, 2021 (SB. 739) — *Read the First Time.*
- (v) Hydroelectric Power Producing Areas Development Commission (HYPADEC) Act 2010 (Amendment) Bill, 2021 (SB. 742) — *Read the First Time.*

8. Committee on Public Accounts:

Report on the Annual report of the Auditor-General for the Federation on the accounts of the Federation for the year ended 31st December, 2015 (Part 1):

Motion made: That the Senate do receive the Report of the Committee on Public Accounts on the annual report of the Auditor-General for the Federation on the accounts of the Federation for the year ended 31st December, 2015 (Part 1) (*Senator Matthew A. Urhoghide — Edo South*).

Question put and agreed to.

Report Laid.

9. Committee on Communications:

Report on the Nigerian Postal Services Act Cap N127 LFN 2004 (Repeal & Re-enactment) Bill, 2021 (SB. 657):

Motion made: That the Senate do receive and consider the Report of the Committee on Communications on the Nigerian Postal Services Act Cap N127 LFN 2004 (Repeal & Re-enactment) Bill, 2021 (*Senator Oluremi S. Tinubu — Lagos Central*).

Question put and agreed to.

Report Laid and 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 REPEAL THE NIGERIAN POSTAL SERVICE ACT CAP N127 LFN 2004, AND RE-ENACT NIGERIA POSTAL COMMISSION TO MAKE COMPREHENSIVE PROVISIONS FOR THE DEVELOPMENT AND REGULATION OF POSTAL SERVICE AND FOR OTHER RELATED MATTERS, 2021

PART I — OBJECTIVES AND SCOPE

Clause 1: Objectives and Scope of Application.

- (1) The objectives of this Bill are to —
- (a) implement the National Postal Policy as may, from time to time, be modified or amended;
 - (b) establish a regulatory framework for the Nigerian postal industry and for this purpose, to create an effective, impartial and independent regulatory authority;
 - (c) promote the provision of a modern universal, efficient, reliable, affordable and easily accessible postal service with the widest range and coverage throughout Nigeria;
 - (d) encourage local and foreign investments in the Nigerian postal industry and the introduction of innovative services and practices, in accordance with international best practices and trends;
 - (e) ensure fair competition in all sectors of the Nigerian postal industry and encourage participation of Nigerians in the ownership, control and management of postal organizations;
 - (f) encourage the development of postal, manufacturing and supply sector within the Nigerian economy and promote effective research and development effort by all postal industry practitioners;
 - (g) protect the rights and interests of service providers and consumers within Nigeria;
 - (h) ensure that the needs of the disabled and elderly persons are taken into consideration in the provision of postal services;
 - (i) ensure efficient management, planning, coordination, allocation, assignment, registration, monitoring and use of national resources in the postal sub-sector while promoting and safeguarding national interest, safety and security;
 - (j) ensure greater access to basic services through the achievement of universal postal service, by providing an acceptable level of effective and regular postal services to all areas and small towns where post offices are not sustainable;
 - (k) contribute to community and rural education, through active participation in the development of the post office as an interface between Government and communities and providing a centre for community activities;
 - (l) promote small, medium and macro enterprises within the postal industry; and
 - (m) do such other things as may be incidental to the attainment of the above stated objectives.

- (2) This Bill applies to all activities within or associated with the provision and use of all postal, logistics and postal related services and networks, in whole or in part within Nigeria.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senator Oluremi S. Tinubu — Lagos Central*).

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

PART II — ESTABLISHMENT OF THE NIGERIAN POSTAL SERVICE
AND DESIGNATION AS PUBLIC POSTAL OPERATOR

Clause 2: Provision of Universal Postal Service.

- (1) There is hereby established a body to be known as the Nigerian Postal Service (hereby designated as the Public Postal Operator) which —
- (a) shall be a body corporate with perpetual succession and a common seal, and
- (b) may sue and be sued in its corporate name.
- (2) The Public Postal Operator shall be charged with the responsibility of providing Universal Postal Services in Nigeria.
- (3) In carrying out its Universal Postal Service Obligations, the provisions of any enactment, law or regulation relating to the taxation of companies, agencies or trust funds shall not apply to the Public Postal Operator save for its obligation as a collecting agent of Government.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senator Oluremi S. Tinubu — Lagos Central*).

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

Clause 3: Establishment and Membership of the Governing Board of the Public Postal Operator.

- (1) There is hereby established for the Public Postal Operator, a Governing Board which shall be known as the Nigerian Postal Service Governing Board, in this Bill referred to as ("the Board") which shall have power to —
- (a) formulate policies and adopt strategies to promote the development and maintenance of efficient, co-ordinated and economic postal services for the federation;
- (b) subject to the provisions of existing laws, establish/incorporate subsidiaries or affiliated companies for the Public Postal Operator, which subsidiaries shall be governed in line with the provisions of the Companies and Allied Matters Act; and
- (c) Promoting the development of such other ancillary services as the Board may deem fit.
- (2) The Board shall consist of a Chairman and the following other members:
- (a) the Permanent Secretary of the Ministry of Communications who shall act as the alternate Chairman;

- (b) a representative each of the following Federal Ministries, that is—
- (i) Finance;
 - (ii) Internal Affairs;

Amendment Proposed:

Immediately after roman figure “(ii), insert the words “responsible for” (*Senator Aliyu S. Abdullahi — Niger North*).

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

- (c) the Postmaster-General; and
 - (d) 2 (two) other members appointed by the President.
- (3) The appointment of Board members in subsection (2) and (2) (d) of this section who shall serve in a non-executive capacity, shall be appointed by the President subject to confirmation by the Senate.
 - (4) There shall be appointed by the Board a Secretary, who shall keep record, conduct correspondences and perform such other duties as may be required of him by the Board or the Post Master General.
 - (5) The Secretary shall be a legal officer of the public postal operator who shall have not less than 10 years post call experience.
 - (6) The supplementary provisions set out in the first schedule to this bill shall have effect with respect to the proceedings of the Board and other matters contained therein (*Senator Oluremi S. Tinubu — Lagos Central*).

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

Clause 4: Tenure of Office and Removal from Office of the Chairman, etc. of the Board.

- (1) The Chairman shall hold office for a period of 4 (four) years and may be eligible for re-appointment for a further period of 4 (four) years and no more.
- (2) Subject to this section, a member of the Board shall hold office for a period of 4 (four) years from the date of his appointment as a member and may be eligible for reappointment for a further period of 4 (four) years and no more.
- (3) The Minister may, with the approval of the President, at any time remove any member of the Board from office if the Minister is of the opinion that it is not in the interest of the Board or the Public Postal Operator for the member to continue in office and shall notify the member in writing to that effect.

Amendment Proposed:

Leave out the provision in Clause 4(3) and *insert* the following instead thereof:

"The Minister may, with the approval of the President, at any time remove any member of the Board or Public Postal Operator from office on the grounds of misconduct, conviction, infirmity or disease of the mind and they shall be notified in writing to that effect" (*Senator Ovie A. Omo-Agege — Delta Central*).

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

- (4) Where the Board is satisfied that the continued presence on the Board of any member is not in the national interest or the interest of the Board or the Public Postal Operator, it may recommend to the Minister that the member concerned be removed from office; and if the Minister, after making such inquiries as he considers necessary, approves of the recommendation, he may in writing with the approval of the President, declare the office of the member vacant (*Senator Oluremi S. Tinubu — Lagos Central*).

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

Clause 5: Appointment of the Postmaster-General

- (1) There shall be appointed for the Public Postal Operator by the President, on the recommendation of the Minister, a Postmaster General who shall be the Chief Executive and shall be responsible for the execution of the Policy of the Board relating to the Public Postal Operator and its day-to-day administration.

Amendment Proposed:

Immediately after the word "President" in line 2, *leave out* the words "on the recommendation of the Minister" (*Senator Ovie A. Omo-Agege — Delta Central*).

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

- (2) The Postmaster-General shall be a professional with recognized qualification and experience in the field of postal matters, transport and logistics management, law, accountancy, finance, social sciences or administration.
- (3) The Postmaster General shall hold office in the first instance for a period of 5 (five) years and may be eligible for re-appointment for a further term of 5 (five) years and no more.
- (4) Subject to this section, the Postmaster-General shall hold office on such term as to emolument and otherwise as may be specified in his letter of appointment (*Senator Oluremi S. Tinubu — Lagos Central*).

Amendment Proposed:

Insert a new subclause 5(5) as follows:

"The Minister may, with the approval of the President, at any time remove the Post Master General from office on the grounds of misconduct, conviction, infirmity or disease of the mind and he shall be notified in writing to that effect" (*Senator Ibikunle O. Amosun — Ogun Central*).

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

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

- Clause 6: Duties of the Postmaster-General**
- (1) Subject to the provisions of this Bill, the administration and control of the Public Postal Operator shall vest in the Postmaster-General.
 - (2) In carrying out the functions of the Public Postal Operator, the Postmaster-General may-
 - (a) establish post offices at such places as he may deem fit and may abolish any such post office;
 - (b) establish and operate facilities for the collection, despatch, delivery and distribution of domestic and international mail;
 - (c) provide and operate philatelic services within and outside Nigeria;
 - (d) negotiate and enter into agreement with any person or authority on matters relating to the Public Postal Operator;
 - (e) provide on agency, basis such miscellaneous services as may be required of him by the Federal Government;
 - (f) represent Nigeria at proceedings of international organisations and fora on matters relating to Postal Services and matters ancillary and connected thereto.
 - (g) carry on all such other activities as are necessary or expedient for the discharge of his responsibilities under this Bill.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senator Oluremi S. Tinubu — Lagos Central*).

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

Clause 7: Staff Regulations as to Conditions of Service of Employees

The Board may, with the approval of the Minister, make regulations relating generally to the conditions of service of the employees of the Public Postal Operator and without prejudice to the generality of the foregoing, such regulations may provide for-

- (a) the appointment, promotion and disciplinary control of all employees of the Public Postal Operator; and
- (b) appeals by such employees against dismissal or other disciplinary measures, and until such regulations are made, any instrument relating to the conditions of service of employees or anybody dissolved or affected by this Bill, shall continue in force and have the same effect as if made under this Bill.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senator Oluremi S. Tinubu — Lagos Central*).

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

Clause 8: Application of Pensions Act

- (1) It is hereby declared that service in the Nigerian Postal Service shall be pensionable under the extant Pensions law in Nigeria and accordingly employees of the Postal Service shall, in respect of their services in the Public Postal Operator, be entitled to pensions, and other 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 an office on terms which preclude the grant of a pension in respect of that office.
- (3) Subject to subsection (2) of this section, the Pensions Reforms Act, 2014 shall in its application by virtue of subsection (3) of this section, have effect as if the officer were in the Civil Service of the Federation within the meaning of the Constitution of the Federal Republic of Nigeria 1999 (as amended).

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senator Oluremi S. Tinubu — Lagos Central*).

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

Clause 9: Duties of Public Postal Operator

- (1) Subject to the provisions of this Bill, the Public Postal Operator designated under subsection (1) of Section 2 of this Bill shall:
 - (a) take necessary steps to implement the minimum quality objective of the Public Postal Operator as may be defined from time to time by the Board;
 - (b) offer products and services corresponding to the pricing conditions as may be defined from time to time so as to ensure access to postal service;
 - (c) expand access to collection and delivery of Postal Service products and services to geographical areas in which postal service is non-existent;
 - (d) develop products and services that meet the criteria for accessible affordable, good quality Postal Services;
 - (e) authenticate electronic and internet-based receipts;
 - (f) publish and disseminate the list of products and services provided as part of the Postal Service including their prices;
 - (g) participate in projects on Universal Postal Service costing and pricing;
 - (h) participate in Universal Postal Union and restricted Union activities;
 - (i) maintain and review the Post Office Guide from time to time;

- (j) enter into any business partnerships or collaborate with governmental agencies, corporate organizations and individuals in the discharge of its obligations;
 - (k) inspect, audit and recover monies due to the Public Postal Operator;
 - (l) appoint auditors for the purpose of determining its total revenue collections from all transactions carried out on its behalf;
 - (m) have power to borrow or raise money in such manner as it may deem fit;
 - (n) have power to conduct investigation of postal offences, and in doing so, an investigation officer or any other relevant officer of the Public Postal Operator may without warrant, enter and search a building or carrier including aircraft, vehicle or container or any other instrumentalities whatsoever, which he has reason to believe is connected with the commission of an offence;
 - (o) develop, promote and provide adequate and efficiently co-ordinated and economic postal service at fair and reasonable rates and fees;
 - (p) maintain an efficient system of collection, sorting and delivery of mail nationwide;
 - (q) provide various types of mail services to meet the needs of different categories of mail users;
 - (r) establish and maintain postal facilities of such character and in such location consistent with reasonable economics as will enable the generality of the public to have ready access to essential postal services;
 - (s) provide slogan die publicity services; and
 - (t) carry out such other activities as are necessary or expedient for the discharge of its responsibilities under this Bill, either directly or/and through its appointed agents/proxies.
- (2) The contents of the Post Office Guide shall include the following:
- (a) statement of the rates of Postage that may from time to time be fixed for postal services;
 - (b) conditions regarding the payment of compensation for loss or damage to postal articles;
 - (c) conditions for the issuance and payment of Money Orders and Postal Orders including the rates of commission thereon;
 - (d) conditions under which and the manner in which special services will be performed for the convenience of individuals;

- (e) the rules for the guidance, conduct and discipline of officers and servants of the Public Postal Operator and the performance of their several duties;
- (f) the statement of hours during which the Post Offices will be opened for the transaction of the various classes of public business;
- (g) the statement of hours for the posting of postal articles and the late fee charges for postal articles;
- (h) the list of officers who may frank postal articles sent by a public department;
- (i) stamping list for the purpose of denoting, authenticating and validating receipts, documents and other instruments;
- (j) the statement of the manner in which amendments of the Post Office Guide will be carried out and published; and
- (k) such other information as the Postmaster General may deem fit to include.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senator Oluremi S. Tinubu — Lagos Central*).

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

Clause 10: Exclusive Powers of the Public Postal Operator

- (1) The Public Postal Operator shall have and exercise power to the exclusion of any other person to:
 - (a) collect, accept, process, convey and deliver postal articles weighing up to 1 kg including such postal articles addressed to different recipients with each weight class 'not more than 1kg' whether enclosed in an envelope, sack, collector or any form of container;
 - (b) collect, accept, process, convey and deliver postal articles with tariff of less than five times the rate of postage applicable to the particular weight class or as may be revised from time to time by regulations made pursuant to this Part;
 - (c) design, print, produce, issue and retail electronic and adhesive stamps;
 - (d) at its discretion, authorise by way of a franchise or license or as may be otherwise determined, any individual or group to design, print, produce, retail and issue electronic and adhesive stamp for specified purposes;
 - (e) produce philatelic products, pre-stamped envelopes, pre-stamped postcards, aerogrammes and international reply coupons;

- (f) provide and maintain private letters boxes and bags for mail delivery, letter posting boxes, and to establish post offices throughout Nigeria and the use of post office or postal service on such boxes, equipment and offices;
- (g) authorize the use of franking meter machine to record prepaid postage charges by any person;
- (h) authenticate documents and internet mail related transaction receipts and documents;
- (i) issue and pay domestic and international postal and money orders;
- "(j) work in conjunction with any relevant government authority or agency in the naming and numbering of streets, buildings and facilities";
- (k) verify, authenticate and validate addresses nationwide;
- (l) provide and establish non postal or similar services;
- (m) issue, prescribe and approve stamp for denotation, authentication and validation of receipts, documents and other instruments required to be denoted;
- (n) review from time to time the value of threshold of receipts and other instruments required to be denoted;
- (o) determine modalities for the issuance and production of electronic stamps;
- (p) establish/incorporate subsidiaries or affiliated companies and act as a holding and parent company to oversee and supervise its established/incorporated subsidiaries or affiliated companies;
- (q) accredit digital or e-certificate signature in Nigeria for verification and authentication of electronic documents including but not limited to utility bills, e-mails, government documents, etc.
- (r) explore additional sources of postal revenue;
- (s) subject to the approval of the appropriate authority, receive, dispatch, transport, distribute and deliver electoral materials, palliatives and other relief materials and products during national emergencies and be given free access at all times during periods of restriction of movements;
- (t) provide for such miscellaneous services as may be authorized by the Federal Government;

- (2) In this section "postal articles" includes any letter, postcard, newspaper, book, document, pamphlet, pattern or sample packet, parcel or package, goods or other items whatsoever transmissible by post, courier or electronic means.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senator Oluremi S. Tinubu — Lagos Central*).

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

Clause 11: Exceptions to Powers

The exclusive powers conferred on the Public Postal Operator by subsection (1) of Section 10 of this Bill shall not extend to:

- (a) letters sent through a messenger on purposes concerning the private affairs or business of the sender or receiver;
- (b) letters concerning goods or merchandise sent by common carriers to be delivered with the goods without conferring any reward, profit or advantage for receiving or delivering of the letter;
- (c) letters from merchants, owners of vessels of merchandise or the cargo or loading therein, sent by the vessels of merchandise, or by any person employed by the owners for the carriage of the letters, according to their respective directions and delivered to the respective persons to whom they are directed without paying or receiving fees or reward, advantage or profit for the same in any way;
- (d) letters sent between individuals on private journey or travel without reward for the letters to be delivered to the party to whom they are directed; and
- (e) letters carried to the premises of a provider of electronic mail service for the purposes of transmission by electronic mail.

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senator Oluremi S. Tinubu — Lagos Central*).

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

Clause 12: Mandatory Postal Services

The Public Postal Operator, subject to existing legislation shall in addition to the services exclusively reserved under section 10 of this Bill, provide:

- (a) basic postal services that include acceptance, conveyance, transportation and delivery of postal articles nationwide, including but not limited to packets, parcels and goods under terms and conditions as may be determined from time to time by regulations made by the Commission;
- (b) basic financial services, including but not limited to money transfer (acceptance and payment) travellers' cheques, savings, operation of giro account, Bank deposits and withdrawals either directly or on agency basis;
- (c) postal insurance services, electronic postal services and other information communication technology services;

- (d) such other financial services as may be determined from time to time by the Public Postal Operator.

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senator Oluremi S. Tinubu — Lagos Central*).

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

PART - III PROVISIONS AS TO DENOTATION, AUTHENTICATION AND VALIDATION OF RECEIPTS ETC

Clause 13: Denotation, Authentication and Validation of Receipts etc.

- (1) As from the commencement of this Bill, notwithstanding anything contained in any enactment whatsoever:
- (a) all receipts, documents and other instruments shall be denoted, authenticated and validated with adhesive and or electronic stamp of the Postal Service for the purpose of denoting, authenticating and validating receipts, documents and other instruments in accordance with the "Stamping Protocol";
- (b) the Public Postal Operator shall be the only competent authority to charge and collect proceeds from the sale of adhesive and or electronic stamp for the purposes of denoting, authenticating and validating receipts, documents and other instruments.
- (2) For the purposes of this Bill, the expression "receipts" includes any written, printed, or electronic notes or memorandum or notification issued or raised to evidence transactions that are not dutiable or are not subject to duty.
- (3) The expression "document" includes any written, printed or electronic notes, memorandum, or piece of matter that provides information or evidence or memorialize representation of thoughts or drafts or agreements or proofs or copies or statements or application that serves as an official record between two parties or more.
- (4) The expression "instrument" includes any written, printed or electronic matter formally attributed to its author, which records, and formally expresses a legally enforceable act, process, contract, obligation, or rights, and whether the same is or not signed with name of any person.
- (5) For the purposes of denotation, authentication and validation of receipts, documents and other instruments, the value of the adhesive and electronic postage stamp shall be the prevailing minimum postage rate.

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senator Oluremi S. Tinubu — Lagos Central*).

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

Clause 14: Cancellation and Penalties

- (1) The denotation, authentication and validation upon receipts, documents or other instruments shall be made with adhesive or electronic postage stamp which is to be cancelled by the person by whom the receipt is given before it is delivered. Every person who, being required by law

to cancel as herein provided, neglects or refuses duly and effectively to do so in the manner aforesaid, shall be guilty of an offence and liable on conviction to a fine of ₦100,000.00 (One Hundred Thousand Naira).

- (2) Where in any legal proceedings or before any arbitrator or referee a receipt, document, or other instrument is inadmissible by reason of it not being duly stamped, the officer presiding over the court, the arbitrator, or the referee may, having regard to the illiteracy and ignorance of the party tendering the receipt, document or instrument in evidence, admit the receipt upon the payment of a penalty of ₦100,000.00 (One hundred thousand Naira) and the officer presiding over the court, the arbitrator or referee, as the case may be, shall note the payment of the penalty upon the face of the receipt, document or instrument so admitted and a receipt shall be given for the same.
- (3) A receipt, document or instrument so admitted in evidence shall not be deemed to be duly stamped but shall be admissible for the purposes of the suit in which it is tendered in evidence and for that purpose only.
- (4) Where a person has been permitted under this section to tender a receipt, document or instrument not duly stamped upon payment of the penalty of ₦100,000.00 (One hundred thousand Naira), such person may recover the said sum of ₦100,000.00 (One hundred thousand Naira) from the person whose duty it was to stamp the receipt, document or instrument at the time when it was first issued.
- (5) Nothing contained in this section shall relieve any person from any other penalty incurred by him in relation to such receipt, document or Instrument.
- (6) If any person: -
 - (a) gives a receipt, document or instrument liable to be stamped and not duly stamped; or
 - (b) in any case where a receipt, document or instrument would be liable to being stamped, refuses to give a receipt, document or instrument duly stamped; such a person shall be guilty of an offence and liable on conviction to a fine of ₦100,000.00 (One hundred thousand Naira) per receipt, document or instrument.

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senator Oluremi S. Tinubu — Lagos Central*).

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

PART IV - NATIONAL POSTCODE SYSTEM AND TECHNICAL STANDARDS

Clause 15: Administration and Planning of the National Post Code System

- (1) (a) The Public Postal Operator is solely and exclusively vested with the control, planning, administration, management and assignment of the National Postcode System (hereinafter referred to as, "the Postcode System").

- (b) The Public Postal Operator shall develop a Postcode System for effective and efficient mail delivery, taking into account the modern global addressing standards.
 - (c) In developing the Post Code System, the Public Postal Operator may liaise with any relevant government authority or agency in the naming and numbering of streets and houses, and may further divide the entire Country into post code zones and areas.
 - (d) The Public Postal Operator shall maintain and manage the integrated post code database and make post code information available to the public for such a fee as it may prescribe from time to time, in a non-discriminatory manner.
 - (e) Notwithstanding the provisions of subsection (1)(b) of this section, the Public Postal Operator may subject to existing legislation enter into a Public Private Partnership arrangement or other similar arrangement to carry out any of its obligations under this section.
- 2.
- (a) Subject to the provision of subsection (2)(b) of this section, the Public Postal Operator shall specify and publish for the information of the general public, technical codes and specifications in respect of postal services.
 - (b) The technical codes and specifications prepared by the Public Postal Operator under this section shall include:
 - (i) list of prohibited or restricted postal articles ;
 - (ii) requirements for transit and delivery times ;
 - (iii) terms and conditions of carriage including liability and restriction or exemption clauses, amount and condition of payment of compensation ;
 - (iv) requirements for operational offices, infrastructure and warehouses;
 - (v) requirements for information on its products and services ;
 - (vi) provision of register of daily shipment indicating weight of each postal item, destination, acceptance and delivery terms;
 - (vii) provision for mail bags, waybills, labels, receipts, and proof of delivery;
 - (viii) requirement for safe and efficient system of custody and transportation of postal articles ; and
 - (ix) requirements for examination of postal articles before, during or after transmission.

- (c) Prior to specifying and publishing any technical code and specifications under this Bill, the Public Postal Operator shall first conduct an inquiry in the manner specified in Part XI of this Bill on the proposed code or specification, provided that such prior inquiry may not be required with regard to technical code or specifications that are mandatorily prescribed by international organizations to which Nigeria is a member such as the Universal Postal Union.
- (d) In making the technical codes and specifications, the Public Postal Operator shall take into consideration the findings of the inquiry under subsection (2)(c) of this section.

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senator Oluremi S. Tinubu —Lagos Central*).

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

PART V - OFFENCES, PENALTIES AND TRIAL OF OFFENCES

Clause 16: Postal Offences

- (1) A person who without lawful authority or with intent to defraud:
 - (a) stops, dumps, intercepts or in any way not otherwise specified in any section of this Bill, tampers or meddles with, or otherwise retards the delivery of any postal matter or electronic mail;
 - (b) stops, delays, intercepts, tampers or meddles with any postal matter or electronic mail with intent to steal or pilfer it; or
 - (c) secretes, destroys or defaces any postal matter, electronic mail or any part thereof or evidence of the existence of the postal matter, electronic mail or part thereof, whether or not the postal matter, electronic mail or part thereof so secreted, destroyed or defaced, contains money or other thing whatsoever, commits an offence under this Bill.
- (2) A person shall be deemed to commit an offence under this Bill where he:
 - (a) steals any postal matter or electronic mail;
 - (b) being charged with the delivery of any postal matter or electronic mail, without lawful authority, fraudulently, wilfully or maliciously dumps it or delivers it to person or an address other than the person or address stated on the postal matter or electronic mail;
 - (c) sells, offers for sale any stamp, postal order, money order or other postal item at an amount not approved by the Public Postal Operator;
 - (d) without lawful authority, communicates or attempts to communicate to an unauthorized person, any information relating to the movement of any mail bag or postal matter or electronic mail;

- (e) being the landlord, tenant, occupier or is concerned with the management of any premises, causes or knowingly permits the premises to be used for any purposes which constitutes an offence under this Bill;
- (f) fraudulently, or by means of a false pretence, obtains from any employee of a postal operator or any other person, any postal matter or electronic mail which is not addressed to him with intent to defraud;
- (g) falsely represents himself as an employee of a postal operator or that he is for the time being employed by a postal operator or authorized to render a service on behalf of the operator;
- (h) being an employee of a postal operator, with intent to defraud, receives, gives, delivers, transmits or is in possession of any postal matter by false pretence.
- (i) being an employee of a postal operator or any other person, aids, abets, counsels, procures, attempts or conspires with any other person to commit an offence under this Bill;
- (j) without lawful authority, prints, produces, retails and issues or otherwise deals in any stamp, whether electronic or adhesive;
- (k) prints, sells, supplies, recycles, offers for or otherwise deals in any postage stamp or any postal matters;
- (l) prints, sells, supplies, recycles, offers for sale counterfeit postage stamps, postal matter, and/or postal payment imprints;
- (m) removes cancelled stamps or makes from bonafide postage stamp or postage payment imprints for purposes of falsification or re-use;
- (n) being employee of the Public Postal Operator or any other person authorized by the Public Postal Operator to sell postage stamps or other postal items, without lawful excuse fraudulently, wilfully or maliciously, refuses to do so or fraudulently, wilfully or maliciously does any act that causes a scarcity of postage stamps or postal items;
- (o) lawfully or unlawfully obtains a postal service and then abandons or gives up the service without settling any debt or charge incurred by him on the service;
- (p) engages in any conduct designed to perpetrate postal fraud schemes;
- (q) refuses to supply or convey information where disclosure or submission is required under the provisions of this Bill or any other written law;
- (r) refuses to submit to inspection or obstructs or resists inspection activities by law enforcement agencies or the Commission;

- (s) arranges for permits or transmits banned or prohibited article or item under this Bill, subsidiary legislation or any other written law;
- (t) without lawful authority, offers or is engaged in any of the services exclusively reserved for the Public Postal Operator;
- (u) colludes with a licensed operator to undercut price, dump items and/or does not comply with the provisions of this Bill and regulations made under this Bill;
- (v) patronizes an unlicensed operator; or
- (w) being a licensed operator, partners with unlicensed operators to transact postal or express business.

Committee's Recommendation:

That the provision in Clause 16 be retained (*Senator Oluremi S. Tinubu — Lagos Central*).

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

Clause 17: Breach of official duty

A person who, being an employee of the Public Postal Operator or is for the time being under a duty to discharge any function assigned to him by the Public Postal Operator:

- (a) negligently and fraudulently fails to perform or discharge that duty;
- (b) performs that duty fraudulently, negligently, perversely or recklessly; or
- (c) commits an act or omission in breach of that duty, commits an offence under this Bill.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senator Oluremi S. Tinubu — Lagos Central*).

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

Clause 18: Penalties

- (1) A person, whether an individual or body corporate, who commits an offence under this Bill is liable on conviction, where no penalty is otherwise specified, in case of:
 - (a) an individual, to imprisonment for a term of 5 (five) years without an option of fine;
 - (b) a body corporate, to a fine of ₦5,000,000.00 (five million naira) only;
- (2) Notwithstanding the provision of subsection (1)(b) of this section, where an offence under this Bill is committed by a body corporate, firm or other association, any:
 - (a) director, manager, secretary or other similar officers of the body corporate;
 - (b) partner or officer of the firm;

- (c) person concerned in the management of the affairs of the association; or
 - (d) person who was purporting to act in any such capacity as aforesaid; shall be severally liable for the offence and shall be prosecuted and punished for the offence in like manner as if he had himself committed the offence in an individual capacity, unless he proves that the act or commission constituting the offence took place without his knowledge; consent or connivance.
- (3) In addition to the penalties specified in this Part of this Bill, any article, property, facility, equipment, vehicle or other things used in the commission of or in connection with the offence shall be forfeited to the Federal Government.

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senator Oluremi S. Tinubu — Lagos Central*).

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

Clause 19: Jurisdiction to try Offences

The Federal High Court shall have exclusive jurisdiction over all matters, suits and cases arising from this Bill or any regulations made under this Bill, and all references to 'Court' or 'Judge' in this Bill means the Federal High Court or a judge of the Federal High Court.

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senator Oluremi S. Tinubu — Lagos Central*).

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

Clause 20: Cases in Which Compensation May Be Paid by the Public Postal Operator

- (1) Subject to the provisions of this section, compensation may be paid voluntarily and as act of grace, if it is proved to the satisfaction of the Postmaster General of the Public Postal Operator that a letter or packet duly admitted by the Public Postal Operator for registration has been entirely lost whilst in his custody, except where such loss occurs as a result of tempest, shipwreck, fire outbreak, earthquake, war or such similar causes beyond the reasonable control of the Public Postal Operator.
- (2) The final decision on all questions of compensation in respect of postal articles transmitted through the post shall vest with the Postal Administration of the Country in which the loss has occurred, but no compensation shall be payable except in the loss of the entire letter or packet ; and no claim shall be admitted if made more than a year after the letter or packet was posted.
- (3) In the case of a packet posted in Nigeria and addressed to a place in Nigeria through the Public Postal Operator, the compensation paid shall not exceed the value of the article lost, and compensation may be paid for the loss of the contents of any packet if -

- (a) It is proved to the satisfaction of the Postmaster General that the loss occurred in the post and that the packet and securing of the cover were adequate; and
 - (b) In the case of the loss of Money Orders, Postal Order, Coupons, Bonds, and similar documents which are enclosed in one of the registered envelopes supplied by the Post Office, that particulars sufficient for the identification of those documents have been furnished.
- (4) No compensation shall be paid in any circumstance for the loss of a postal packet, unless the name of the payee and of the office at which payment is to be made has been filed in.
 - (5) No claim for compensation for the loss of any of the contents of a packet shall be entertained if delivery of the packet has been accepted without objection provided that such objection shall be made in writing at the nearest or delivering post office, no later than 72 hours after delivery of the postal packet.
 - (6) Compensation payable for loss or damage of an insured letter or parcel transmitted by the Public Postal Operator -
 - (a) shall not exceed the amount of the actual loss or damage ;
 - (b) shall not be paid for a packet containing a prohibited article or for a packet which has been delivered without external trace or injury and has been accepted without remark; or
 - (c) shall not be paid if arising from tempest, shipwreck, earthquake, fire outbreak, war, insurgence or other cause beyond the reasonable control of the Public Postal Operator;
 - (d) shall not be paid for delay in the delivery of such packet, letter, parcel or postal article.
 - (7) No legal liability to give compensation in respect of any packet for which an insurance fee has been paid shall attach to the Postmaster General either personally or in his official capacity or to the Public Postal Operator, member or an officer of the Public Postal Operator.
 - (8) Compensation shall not be paid for the delay, loss or damage of an uninsured parcel, packet, letter or postal article under any circumstance.
 - (9) No compensation shall be paid -
 - (a) For damage to fragile article, whether sent by letter or parcel post ;
 - (b) For damage by water in any case where a parcel was transported for any portion of its journey by carrier, runner or canoe;

- (c) In the case of accident or in respect of an article which cannot be accounted for in consequence of the destruction of official document through a cause beyond control.
- (10) The sender of the parcel, letter, packet or postal article may waive his claim for compensation in favour of the addressee.

Committee's Recommendation:

That the provision in Clause 20 be retained (*Senator Oluremi S. Tinubu — Lagos Central*).

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

PART VI - SPECIAL POWERS OF THE PUBLIC POSTAL OPERATOR

Clause 21: Power to Intercept, Detain, Etc. of Postal Articles —

The Public Postal Operator shall have the following specific powers:

- (a) to intercept, detain, open, inspect, return, deliver to or deal in such manner as may be prescribed, where postal articles:
 - (i) have been posted contrary to the provisions of this Bill or regulations made pursuant to this Bill;
 - (ii) are suspected or found to be of a fraudulent nature; or
 - (iii) contain goods in respect of which an offence is being committed or is being attempted to be committed; or
 - (iv) contain any fictitious stamp whether electronic or adhesive or bearing any stamp, on the surface of which is smeared or coated with any stamp, which has been previously used to prepay the postage in any other postal article or for the payment of any revenue, duty or tax;
- (b) to intercept, detain, open, inspect, return, deliver to an officer of the Government, a postal article or class or description of postal articles on the occurrence of public emergency or in the interest of public safety, peace or welfare; and
- (c) take all necessary preventive measures in situations in which their implementation cannot be postponed.

Committee's Recommendation:

That the provision in Clause 21 be retained (*Senator Oluremi S. Tinubu — Lagos Central*).

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

Clause 22: Power to Open Postal Articles

- (1) Where the Public Postal Operator has reason to suspect that a postal article contains anything in respect of which an offence is being committed or attempted to be committed, it shall, by notice in writing, require the attendance at the office of the postal operator where the article was received for conveyance or delivery, and the addressee or sender, as the case may be and thereafter the article shall be opened by the addressee or sender or his agent.

- (2) Where the addressee or sender or his agent fails or refuses to attend in pursuance of the notice given under subsection (1) of this section or refuses to open the article, the article shall be opened by authorized officer of the Public Postal Operator in the presence of another officer of the Public Postal Operator and of any other person named or referred to in the notice present.
- (3) In all cases where an article is opened under this section, it shall be given to the addressee or sender as the case may be unless it is otherwise required for the purpose of any proceedings under this Bill or any other enactment for the time being in force.

Committee's Recommendation:

That the provision in Clause 22 be retained (*Senator Oluremi S. Tinubu — Lagos Central*).

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

PART VII - LEGAL ACTIONS AGAINST THE PUBLIC POSTAL OPERATOR

Clause 23: Limitation of Actions Against the Public Postal Operator

- (1) Notwithstanding anything contained in any enactment whatsoever, no action shall lie or be instituted in any Court against the Public Postal Operator, a member or an officer of the Public Postal Operator for any act done in pursuance of or execution of its Universal Postal Service obligations under this Bill or any enactment or law or public duty or authority or in respect of any alleged default in the execution of its Universal Postal Service obligations, or any enactment or law or duty or authority, unless it is commenced within 3 (three) months after the act, neglect or default complained of or, in the case of a continuous damage or injury, within 3 (three) months next after the ceasing thereof.
- (2) No suit shall be commenced against the Public Postal Operator, member, Postmaster General, Secretary or any officer or employee of the Public Postal Operator before the expiration of a period of one month after a written notice of intention to commence the suit shall have been served on the Public Postal Operator by the intending Plaintiff or his agent.
- (3) Subject to the provisions of Section 160 of the Constitution of the Federal Republic of Nigeria 1999 (as amended), a law officer employed in the business of the Public Postal Operator, may conduct prosecutions in respect of offences related to and connected with the Postal Service committed under this Bill.
- (4) A law officer may with consent of the Attorney General of the Federation conduct civil proceedings under or in relation to or in connection with an enactment relating to the Public Postal Operator.

Committee's Recommendation:

That the provision in Clause 23 be retained (*Senator Oluremi S. Tinubu — Lagos Central*).

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

Clause 24: Restriction on Execution Against Property of the Public Postal Operator
Notwithstanding anything contained in any enactment whatsoever, in any action or suit against the Public Postal Operator, or a Member or an officer of the Public Postal Operator for any act done in pursuance of or execution of its Universal Postal Service obligations under this Bill, no execution or attachment of process in the nature thereof shall be issued against the Public Postal Operator or such member or officer but any sum of money which may, by the judgment of the Court, be awarded against the Public Postal Operator or such member or officer shall, subject to any directive by the Court where notice of appeal has been given by the Public Postal Operator in respect of the said judgment, be paid from the Public Postal Operator's Fund.

Committee's Recommendation:

That the provision in Clause 24 be retained (*Senator Oluremi S. Tinubu — Lagos Central*).

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

PART VIII - FUNDING OF THE PUBLIC POSTAL OPERATOR

Clause 25: Funding

- (1) The Public Postal Operator shall establish and maintain a Fund (hereinafter referred to as 'the Fund') from which all expenditures incurred by the Public Postal Operator shall be defrayed.
- (2) The Fund shall consist of:
 - (a) such monies as may be appropriated to the Postal Public Operator from time to time by the National Assembly;
 - (b) fees charged by the Public Postal operators under this Bill or regulations issued pursuant to this Bill or under any franchise issued under the provisions of this Bill;
 - (c) such monies as may be received by the Public Postal Operator by way of gifts, loans, grants, aids, etc.;
 - (d) all other assets that may, from time to time, accrue to the Public Postal Operator;
 - (f) such monies as may accrue to the Public Postal Operator from the Universal Postal Service fund for the deployment of postal services to the unserved and underserved areas; and
 - (g) all other monies which may from time to time accrue to the Public Postal Operator.
- (3) The proceeds of the Funds of the Public Postal Operator shall be applied:
 - (a) to meet the administrative and operating costs of the Public Postal Operator;
 - (b) for the payment of salaries, wages, fees, allowances, retirement benefits including pensions and any other remuneration payable to the staff of the Public Postal Operator;

- (c) for the purchase or acquisition of property or other equipment and other capital expenditure and for maintenance of any property, acquired or vested in the Public Postal Operator under this Bill or any order, rules and regulation made pursuant to this Bill;
 - (d) for purposes of investment; and
 - (e) for or in connection with all or any of the functions of the Public Postal Operator under this Bill or under any order, rule or regulations made pursuant to this Bill.
- (4) Any excess of the Public Postal Operator's revenue for any year over the approved expenditure for that year shall be remitted to the Consolidated Revenue Fund.
- (5) The provisions of any enactment relating to the taxation of companies or trust Funds shall not apply to the Public Postal Operator save for its obligation as a collecting agency.

Committee's Recommendation:

That the provision in Clause 25 be retained (*Senator Oluremi S. Tinubu — Lagos Central*).

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

Clause 26: Financial Year and Audit

- (1) The Public Postal Operator shall not later than 30th September of each financial year, prepare and present to the National Assembly through the President for approval, a statement of estimated Income and Expenditure for the following financial year.
- (2) Notwithstanding the provisions of subsection (1) of this section, the Public Postal Operator may, in any financial year, submit supplementary or adjusted statements of estimated income and expenditure to the National Assembly through the President for approval
- (3) The Public Postal Operator shall prepare and submit to the National Assembly annually, through the President, not later than 6 months after the end of its financial year, a report on its activities for the preceding financial year and shall include therein the Public Postal Operator's audited accounts for the year under review together with the auditor's report thereon.

Committee's Recommendation:

That the provision in Clause 26 be retained (*Senator Oluremi S. Tinubu — Lagos Central*).

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

PART IX - ESTABLISHMENT OF THE NIGERIAN POSTAL COMMISSION

Clause 27: Establishment of the Nigerian Postal Commission

- (1) There is hereby established a body to be known as the Nigeria Postal Commission (in this Bill, referred to as "the Commission").

- (2) The Commission:
 - (a) shall be a body corporate with perpetual succession and a common seal;
 - (b) may sue or be sued in its corporate name;
 - (c) shall do all such things as are necessary for or incidental to the carrying out of its functions and duties under this Bill; and
 - (d) shall be structured into Departments as the Commission may, from time to time, deem appropriate for the effective discharge of its functions.

Committee's Recommendation:

That the provision in Clause 27 be retained (*Senator Oluremi S. Tinubu —Lagos Central*).

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

Clause 28: Establishment and Membership of the Governing Board of the Commission

- (1) There is hereby established for the Commission a Governing Board (in this Bill referred to as "the Board").
- (2) The Board shall consist of the following:
 - (a) a part time Chairman;
 - (b) 2 (two) Executive Directors;
 - (c) 5 (five) Non-Executive Directors including:
 - (i) 1 (one) representative of the Federal Ministry of Communications
 - (ii) 1 (one) representative of the Federal Ministry of Finance;
 - (iii) 1 (one) representative of the Federal Ministry of Interior;
 - (iv) 1 (one) representative of the Public Postal Operator;
 - (v) 1 (one) representative of the courier association; and
 - (d) the Director-General of the Commission.
- (3) The Chairman and members of the Board shall be appointed by the President, on the recommendation of the Minister, from the 6 (six) geo-political zones of Nigeria.
- (4) Members of the Board shall be persons with recognized qualification and experience in the field of postal matters, transport and logistics management, law, accountancy, economics, finance, social sciences or administration.
- (5) The appointment of Board members in subsection (2)(a), (b) and(d) of this section shall be subject to confirmation by the Senate.

- (6) The supplementary provisions set out in the Second Schedule to this Bill shall have effect with respect to the proceedings of the Board and other matters contained therein.
- (7) Notwithstanding any other provision of this Bill, the President shall ensure at all times that there is a duly constituted Board and that there are a minimum of five (5) serving Directors on the Board at any and all times, made up of:
 - (a) the Director General of the Commission;
 - (b) 2 (two) Executive Directors; and
 - (c) 2 (two) Non-Executive Directors.
- (8) The Board shall have capacity to make standing orders for the regulation of its proceedings and meetings howsoever, and acts of the Board shall be deemed to be acts of the Commission.
- (9) The conflict of interest provisions contained in the Third Schedule to this Bill shall apply to the Members of the Board.

Committee's Recommendation:

That the provision in Clause 28 be retained (*Senator Oluremi S. Tinubu — Lagos Central*).

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

Clause 29: Tenure of office

Members of the Board shall be appointed for a term of 4 (four) years in the first instance and may be reappointed for another term of 4 (four) years and no more.

Committee's Recommendation:

That the provision in Clause 29 be retained (*Senator Oluremi S. Tinubu — Lagos Central*).

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

Clause 30: Allowances of Members

The remunerations and allowances, payable to the Members of the Board, including the Director General and the Executive Directors, shall at the instance of the Board be determined and reviewed from time to time by the National Salaries, Incomes and Wages Commission.

Committee's Recommendation:

That the provision in Clause 30 be retained (*Senator Oluremi S. Tinubu — Lagos Central*).

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

Clause 31: Cessation of Membership

- (1) The office of a member of the Board shall become vacant where -
 - (a) his term of office expires;
 - (b) he resigns his office by a notice in writing under his hand addressed to the President;

- (c) he is incapable of performing the functions of his office due to mental or physical illness;
 - (d) he becomes bankrupt;
 - (e) he has been convicted of a felony or any offence involving dishonesty;
 - (f) he is guilty of gross misconduct relating to his duties;
 - (g) in the case of a person who possesses professional qualification, he is disqualified or suspended from practicing his profession in Nigeria by an order of a competent authority; or
 - (h) he dies.
- (2) Notwithstanding the provisions of subsection (1) of this section, the President may remove or suspend a member of the Board if he is satisfied that it is not in the interest of the Commission or of the public for the member to continue in office.
- (3) Where a vacancy occurs in the membership of the Board, the President shall appoint a successor to hold office for the unexpired term of his predecessor and the successor shall be from the same geographical zone as that member whose exit created the vacancy.

Committee's Recommendation:

That the provision in Clause 31 be retained (*Senator Oluremi S. Tinubu — Lagos Central*).

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

PART X - FUNCTIONS AND POWERS OF THE COMMISSION

Clause 32: Functions of the Commission

The Commission:

- (a) shall have the sole and exclusive responsibility for the regulation and supervision of the postal sector which includes Postal Services, Cargo and Logistics, E-Commerce Services and Courier/Express Services;
- (b) shall consider, design determine and ensure a system which shall promote the widespread availability and usage of network of basic postal services to all segments of the population on a continuing basis with specific standard of quality at affordable prices;
- (c) shall from time to time, make regulations under this Part which shall include:
 - (i) the scope of service required to be rendered under this Part;
 - (ii) the standards of the services;
 - (iii) remuneration for services rendered;
 - (iv) bonus or dividends;

- (v) penalties as may be applicable for the provision of universal postal products and services;
 - (vi) the disposal of undeliverable postal articles ;
 - (vii) the articles that may or may not be transmitted as postal articles;
 - (viii) the classification of postal articles for postal charges; and
 - (ix) the adoption of the regulations agreed upon by the Universal Postal Union in relation to the transmission of postal matter and that same or any part or modification thereof shall be in force within Nigeria;
- (d) may also make rules, guidelines and regulations, for the implementation of the Universal Postal Service Regulations as may be agreed and ratified in accordance with the requirement of any law in force in Nigeria in respect of the transmission of postal matters;
- (e) shall facilitate investments in and entry into the Nigerian market for the provision and supply of postal services, equipment and facilities;
- (f) shall protect and promote the interests of consumers against unfair practices including but not limited to matters relating to tariffs and charges for and the availability and quality of postal services;
- (g) shall ensure that licensees implement and operate at all times the most efficient and accurate tariff system;
- (h) shall promote fair competition in the postal industry and protection of postal services and facilities providers from misuse of market power or anti-competitive and unfair practices by other service or facilities providers or equipment suppliers;
- (i) shall grant and renew postal licenses in accordance with the provisions of this Bill and monitor and enforce compliance with license terms and conditions by licensees;
- (j) shall propose and effect amendments to license conditions in accordance with the objectives and provisions of this Bill;
- (k) shall undertake general responsibility for economic and technical regulation of the postal industry;
- (l) shall ensure efficiency and effectiveness of the postal sector;
- (m) shall undertake such other activities as may be necessary or convenient for the enhanced performance of the objectives of this Bill and the functions of the Commission.

Committee's Recommendation:

That the provision in Clause 32 be retained (*Senator Oluremi S. Tinubu — Lagos Central*).

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

Clause 33: Powers of the Commission

In carrying out its functions under this Bill, the Commission shall have power to:

- (a) fix and collect fees for grant of postal licenses and for other regulatory services provided by it under this Bill;
- (b) develop and monitor performance standards and indices relating to the quality of postal services and facilities supplied to consumers in Nigeria, having regard to the best international performance indicators;
- (c) make and enforce regulations and guidelines in accordance with Part XV of this Bill as may be necessary to give effect to the objectives of this Bill;
- (d) plan and coordinate the entire postal network;
- (e) formulate and manage Nigerian inputs into the setting of international technical standards for postal services and equipment;
- (f) encourage and promote infrastructure sharing amongst licensees and provide regulatory guidelines thereon;
- (g) examine and resolve complaints, objections and disputes between licensed operators, consumers or any other person involved in the postal industry, using such dispute resolution methods as the Commission may determine from time to time, including mediation and arbitration;
- (h) prepare and implement programmes and plans that promote and ensure the development of the postal industry and the provision of postal services in Nigeria;
- (i) design, manage and implement universal postal service strategies and programme in accordance with the Federal Government's general policy and objectives thereon;
- (j) advise the Minister on the formulation of the general policies for the postal industry and generally on matters relating to the postal industry in the exercise of the Minister's functions and responsibilities under this Bill;
- (k) implement Government's general policies in the postal industry and the execution of all such other functions and responsibilities as may be conferred on the Commission under this Bill or are incidental or related thereto;
- (l) advise and assist the postal industry stakeholders and practitioners with a view to the development of the industry and attaining the objectives of this Bill and its subsidiary legislation;
- (m) represent Nigeria at proceedings of international organizations and fora on matters relating to regulation of postal services and matters ancillary and connected thereto;
- (n) conduct market research on the following and other related matters: including;

- (i) the extent of the development of Nigerian postal industry;
- (ii) Public Postal Operator needs;
- (iii) quantitative and qualitative characteristics of demand for postal service;
- (iv) economic, operational and labour related data on postal operators;
- (v) the level of technological development of postal operators;
- (vi) an analysis of the current legal framework for the postal sector, including provisions with respect to competition and consumers;
- (vii) the technical and economic viability of postal service enterprises;
- (viii) the quality of postal services rendered by the different service providers doing business in the postal market;
- (ix) universal postal service standards;
- (x) the scope of universal postal services rendered by the Public Postal Operator;
- (xi) supply and demand for universal services;
- (xii) standards of quality and prices in the postal market;
- (xiii) the level of investment in the postal sector;
- (xiv) development plans and the level of investment by the universal service operator; and
- (xv) publishing the result of the market study;
- (o) establish and administer an appropriate pricing system for service offerings on the postal market including:
 - (i) Universal Postal Services provided by the Public Postal Operator, and
 - (ii) service open to competition provided by all postal operators including the Public Postal Operator.
- (p) define, delimit and design the content and scope of measures and activities required for the provision of Universal Postal Services;
- (q) participate in Universal Postal Union activities and projects aimed at developing Universal Postal Service costing and pricing methodologies;
- (r) sanction any inappropriate postal practices by postal operators in the industry contrary to the provisions of this Bill; and
- (s) Conduct and investigate into postal offences in the postal industry.

Committee's Recommendation:

That the provision in Clause 33 be retained (*Senator Oluremi S. Tinubu — Lagos Central*).

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

Clause 34: Transparency.

The Commission shall at all times carry out its functions and duties and exercise its powers under this Bill efficiently, effectively and in a non-discriminatory and transparent manner and in a way that is best calculated to ensure that they are provided throughout Nigeria, subject to the regulatory controls as specified in this Bill, all forms of postal services, facilities and equipment on such terms and subject to such conditions as the Commission may, from time to time specify.

Committee's Recommendation:

That the provision in Clause 34 be retained (*Senator Oluremi S. Tinubu — Lagos Central*).

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

Clause 35: Appointment of the Director-General.

(1) There shall be appointed for the Commission by the President on the recommendation of the Minister, subject to confirmation by the Senate, a Director-General, who shall —

(a) be the Chief Executive and Accounting officer of the Commission;

(b) be responsible for the execution of the policies and decisions of the Commission;

(c) be responsible for the day-to-day management and supervision of the activities of the Commission; and

(d) hold office —

(i) for a term of 4 (four) years in the first instance and may be re-appointed for another term of 4 (four) years and no more; and

(ii) on such terms and conditions as may be specified in his letter of appointment.

(2) The Director-General shall be a professional with recognized qualification and experience in the field of postal matters, transport and logistics management, law, accountancy, finance, social sciences or administration (*Senator Oluremi S. Tinubu — Lagos Central*).

Amendment Proposed:

Insert a new subclause 35(3) as follows:

"The Minister may, with the approval of the President, at any time remove the Director General from office on the grounds of misconduct, conviction, infirmity or disease of the mind and he shall be notified in writing to that effect" (*Senator Ibikunle O. Amosun — Ogun Central*).

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

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

Clause 36: Appointment of Executive Directors.

- (1) There shall be for the Commission, two Executive Directors to be appointed by the President on the recommendation of the Minister, subject to confirmation by the Senate.
- (2) The Executive Directors shall —
 - (a) be professionals with recognized qualification and experience in the field of postal matters, transport and logistics management, law, accountancy, finance, social sciences or administration;
 - (b) perform such duties as the Commission or Director-General may from time to time assign to them; and
 - (c) hold office —
 - (i) for a term of 4 (four) years in the first instance and may be re-appointed for another term of 4 (four) years and no more; and
 - (ii) on such terms and conditions as maybe specified in their letters of appointment (*Senator Oluremi S. Tinubu — Lagos Central*).

Amendment Proposed:

Insert a new subclause 36(3) as follows:

*“The Minister may, with the approval of the President, at any time remove the Executive Directors from office on the grounds of misconduct, conviction, infirmity or disease of the mind and they shall be notified in writing to that effect” (*Senator Ibikunle O. Amosun — Ogun Central*).*

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

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

Clause 37: Appointment of Secretary.

- (1) There shall be for the Commission, a Secretary to be appointed by the Board of the Commission.
- (2) The Secretary shall —
 - (a) be a legal practitioner with at least 10 (ten) years post call experience;
 - (b) keep the corporate records of the Commission;
 - (c) conduct the correspondence of the Commission; and
 - (d) perform such other duties as the Chairman or the Commission may from time to time assign to him (*Senator Oluremi S. Tinubu — Lagos Central*).

Amendment Proposed:

Insert a new subclause 37(3) as follows:

*“The Minister may, with the approval of the President, at any time remove the Secretary from office on the grounds of misconduct, conviction, infirmity or disease of the mind and he shall be notified in writing to that effect” (*Senator Ibikunle O. Amosun — Ogun Central*).*

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

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

Clause 38: Other Staff of the Commission.

- (1) The Commission may appoint either directly, on secondment or transfer, such number of employees as it considers expedient for the carrying out of its functions.
- (2) The members of staff of the Commission 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 38 be retained (*Senator Oluremi S. Tinubu — Lagos Central*).

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

Clause 39: Conditions of Service and Pension.

- (1) The Commission may make regulations relating generally to the conditions of service of the employees of the Commission. Such regulations may provide for the appointment, promotion, termination, dismissal and discipline of the employees of the Commission.
- (2) The Commission shall in consultation with the National Salaries, Incomes and Wages Commission determine and review from time to time, the remunerations and allowances, payable to the staff of the Commission.
- (3) The Conflict-of-Interest provisions contained in the Third Schedule to this Bill shall apply to all employees of the Commission.
- (4) Service in the Commission shall be approved service for the purposes of the extant Pension law in Nigeria and accordingly, officers and other persons employed in the Commission shall in respect of their services in the Commission, be entitled to pensions and other retirement benefits as are enjoyed by persons holding equivalent grades in the Civil Service of the Federation.
- (5) Nothing in this Bill 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.
- (6) For the purposes of the application of the Pensions Reform Act, any power exercisable there under by a Minister or other Authority of the Federal Government, other than the power to make regulations under section 51 thereof, is hereby vested in and shall be exercisable by the Commission and not by any other person or authority.

Committee's Recommendation:

That the provision in Clause 39 be retained (*Senator Oluremi S. Tinubu — Lagos Central*).

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

PART XII — FINANCIAL PROVISIONS

Clause 40: Fund of the Commission.

- (1) The Commission shall establish and maintain a Consolidated Revenue Fund (hereinafter referred to as 'the Fund') from which all expenditures incurred by the Commission shall be defrayed.
- (2) The Fund shall consist of —
 - (a) such monies as may be appropriated to the Commission from time to time by the National Assembly;
 - (b) fees charged by the Commission under this Bill or regulations issued pursuant to this Bill or under any license issued under the provisions of this Bill;
 - (c) such monies as may be received by the Commission by way of gifts, loans, grants, aids, etc.;
 - (d) all other assets that may, from time to time, accrue to the Commission;
 - (e) fines and administrative charges; and
 - (f) all other monies which may from time to time accrue to the Commission.
- (3) The proceeds of the Funds of the Commission shall be applied —
 - (a) to meet the administrative and operating costs of the Commission;
 - (b) for the payment of salaries, wages, fees, allowances, retirement benefits including pensions and any other remuneration payable to the Commissioners and staff of the Commission;
 - (c) for the purchase or acquisition of property or other equipment and other capital expenditure and for maintenance of any property, acquired or vested in the Commission under this Bill or any order, rules and regulation made pursuant to this Bill;
 - (d) for purposes of investment; and

Amendment Proposed:

Leave out the provision in subclause 40(3)(d) and *insert* the following instead thereof:
 "For the purposes of investment in short term, financial instruments issued by the Federal Government of Nigeria" (*Senator Yusuf A. Yusuf — Taraba Central*).

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

- (e) for or in connection with all or any of the functions of the Commission under this Bill or under any order, rule or regulations made pursuant to this Bill.
- (4) Any excess of the Commission's revenue for any year over the approved expenditure for that year shall be remitted to the Consolidated Revenue Fund.

- (5) The Commission shall pay all monies accruing from sale of licenses into the Consolidated Revenue Fund (*Senator Oluremi S. Tinubu — Lagos Central*).

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

Clause 41: Power to Borrow and Accept Gifts.

- (1) The Commission may, with the approval of the Minister, borrow by way of loan or over draft such monies as the Commission may require in the exercise of its functions.
- (2) The Commission may accept gifts or grants of money or aids or other property from national, bilateral and multi-lateral organizations and upon such terms and conditions, if any, as may be agreed upon between the donor and the Commission provided that such gifts are not inconsistent with the objectives and functions of the Commission under this Bill.

Committee's Recommendation:

That the provision in Clause 41 be retained (*Senator Oluremi S. Tinubu — Lagos Central*).

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

Clause 42: Budget and Expenditure.

- (1) The Commission shall not later than 30th September of each financial year, prepare and present to the National Assembly through the President for approval, a statement of estimated Income and Expenditure for the following financial year.
- (2) Notwithstanding the provisions of subsection (1) of this section, the Commission may, in any financial year, submit supplementary or adjusted statements of estimated income and expenditure to the National Assembly through the President for approval.
- (3) The Commission shall prepare and submit to the National Assembly annually, through the President, not later than 6 months after the end of its financial year, a report on the activities of the Commission for the preceding financial year and shall include therein the Commission's audited accounts for the year under review together with the auditor's report thereon.

Committee's Recommendation:

That the provision in Clause 42 be retained (*Senator Oluremi S. Tinubu — Lagos Central*).

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

Clause 43: Financial Year and Audit of the Commission's Account.

- (1) The financial year of the Commission shall commence on 1st January of each year and end on 31st December of the same year.
- (2) The Commission shall keep proper records of its accounts for each year and shall cause its accounts to be audited within 6 (six) months from the end of each financial year by auditors whose appointment shall be approved by the Commission and are on the list of auditors approved from time to time by the Auditor-General of the Federation.

Committee's Recommendation:

That the provision in Clause 43 be retained (*Senator Oluremi S. Tinubu — Lagos Central*).

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

Clause 44: Exemption from Taxation.

The provisions of any enactment relating to the taxation of companies or trust Funds shall not apply to the Commission save for its obligations as a collecting agency of government taxes.

Committee's Recommendation:

That the provision in Clause 44 be retained (*Senator Oluremi S. Tinubu — Lagos Central*).

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

PART XIII — LICENCES

Clause 45: Power to Grant License.

Subject to the provisions of this Bill, the Commission shall be responsible for granting licenses for the carrying on of postal services, cargo, E-commerce, courier express services and logistics under this Bill and for the period specified in the licenses.

Committee's Recommendation:

That the provision in Clause 45 be retained (*Senator Oluremi S. Tinubu — Lagos Central*).

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

Clause 46: Operation of Postal Services.

- (1) A person other than the Public Postal Operator shall not —
 - (a) operate a postal system or facility; or
 - (b) provide and/or operate postal service, cargo, E-commerce, express/courier service and/or logistics in Nigeria; unless it is registered as a company and holds a license under this Bill.
- (2) Notwithstanding the provisions of subsection (1) of this section, a company operating a postal service, cargo, E-commerce, express/courier service and/or logistics may apply to the Commission within 6 (six) months of the commencement of this Bill to be licensed under the provisions of this Part.

Committee's Recommendation:

That the provision in Clause 46 be retained (*Senator Oluremi S. Tinubu — Lagos Central*).

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

Clause 47: Assignment of Licenses and Compliance with License Conditions.

- (1) The grant of a license shall be personal to the licensee and a license shall not be operated, assigned, charged, sub-licensed or transferred to any other person without the prior written approval of the Commission.
- (2) A licensee shall at all times comply with the terms and conditions of the license and the provisions of this Bill or regulations made under this Bill.

Committee's Recommendation:

That the provision in Clause 47 be retained (*Senator Oluremi S. Tinubu — Lagos Central*).

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

PART XIV — RENEWAL AND REVOCATION

Clause 48: Processing of Applications.

The Commission shall, within 90 (ninety) days of receiving an application for a license under this Bill, inform the applicant by written notice —

- (a) whether or not the license has been granted;
- (b) in the event of a grant, of any special or additional conditions that apply to the license; and
- (c) in the event that the application has been refused, the reasons for the refusal.

Committee's Recommendation:

That the provision in Clause 48 be retained (*Senator Oluremi S. Tinubu — Lagos Central*).

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

Clause 49: Renewal of License.

- (1) The licensee may apply for the renewal of a license at least 6 (six) months prior to its expiration and the renewal fee, to be determined by the Commission, shall be payable upon approval of the application.
- (2) The Commission may refuse an application for the renewal of a license if the licensee has failed to comply with —
 - (a) the terms and conditions of the license;
 - (b) the provisions of this Bill or regulations made pursuant to this Bill; or
 - (c) any instrument issued, made or given by the Commission in connection with the license, its terms and conditions.
- (3) Where the Commission has no intention of renewing the license, the Commission shall —
 - (a) inform the licensee by notice in writing not later than 3 (three) months from the date of receipt of the application for renewal of the license of its intention not to renew the license; and
 - (b) publish such intention at least 30 (thirty) days before the expiry of the license.
- (4) The Commission shall give the affected licensee a reasonable opportunity to make written submissions to it within the time period specified in the notice and such time period shall not be less than 14 (fourteen) days from the date of receipt of notice.
- (5) The affected licensee may within the time period specified in the notice forward a written submission to the Commission for consideration.

Committee's Recommendation:

That the provision in Clause 49 be retained (*Senator Oluremi S. Tinubu — Lagos Central*).

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

Clause 50: Surrender of License.

- (1) A licensee may, by a written notice, surrender his license to the Commission at any time in accordance with the requirements set out in the individual license.
- (2) The surrender shall take effect on the date the Commission receives the license under subsection (1) of this section, or where a later date is specified in the notice, on the date specified in the notice.
- (3) The surrender of a license shall be irrevocable unless it is expressed to take effect on a later date and before that date the Commission, by notice in writing to the licensee, allows the surrender to be withdrawn.

Committee's Recommendation:

That the provision in Clause 50 be retained (*Senator Oluremi S. Tinubu — Lagos Central*).

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

Clause 51: Suspension or Revocation of License.

- (1) The Commission may, by declaration suspend or revoke a license granted under this Bill where the —
 - (a) Licensee has failed to pay any amount or fine required by or imposed on the licensee under this Bill;
 - (b) Licensee has failed to comply with the provisions of this Bill or regulations made pursuant to this Bill or the terms and conditions of the license;
 - (c) Licensee has contravened the provisions of any other law relevant to the postal industry;
 - (d) Licensee has failed to comply with any instrument issued, made or given by the Commission;
 - (e) Licensee has ceased to be a person qualified to hold the license;
 - (f) Licensee is adjudged to have committed fraud or intentional misrepresentation at the time of applying for the license;
 - (g) suspension or revocation is in the public interest.
- (2) Notwithstanding any other provisions contained in this Bill, a license may be suspended or revoked under subsection (1) of this section only after:—
 - (a) the Commission has, by written notice, informed the licensee of the breach of the provision of subsection (1) of this section and demanded that the breach be rectified, if it is capable of rectification, within 60 (sixty) days from the date of the notice; and

- (b) the licensee has failed to rectify the breach within the time frame stipulated in paragraph (a) of this subsection.
- (3) Prior to the suspension or revocation of a license under subsection (1) of this section, the Commission shall inform the licensee by written notice, as soon as practicable, of its intention to suspend or revoke the license and the Commission shall give reasons for the decision taken in this respect.
- (4) The Licensee concerned shall be given reasonable opportunity to make written submission to the Commission within a time period specified in the notice, and such time period shall not be less than 14 (fourteen) days from the date of the notice.
- (5) The affected licensee may, within the time period specified in the notice, forward a written submission and the Commission shall consider the submission in making its final determination and declaration on the suspension or revocation of the license.
- (6) Subject to subsections (4) and (5) of this section, the suspension or revocation of the license shall take effect upon the expiration of 30 (thirty) days from the date on which the notice of the Commission's declaration under subsection (3) of this section in respect of the suspension or revocation is served on the licensee.
- (7) Where the suspension or revocation of a license has taken effect, the Commission shall, as soon as practicable, cause the suspension or revocation to be published in at least 2 (two) widely circulated national daily newspapers.
- (8) Any delay or failure to publish the notice of suspension or revocation shall not in any manner affect the validity of the suspension or revocation.
- (9) (1) A Licensee shall have the right of appeal to the Minister within thirty (30) days of notice of the Commission's declaration under subsection (3) of this section in respect of the suspension or revocation of the License.
- (2) The Minister's decision on this issue shall be final.

Committee's Recommendation:

That the provision in Clause 51 be retained (*Senator Oluremi S. Tinubu — Lagos Central*).

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

PART XV — REGULATIONS, GUIDELINES BY COMMISSION

Clause 52: Regulations, Guidelines etc. by the Commission.

- (1) The Commission shall in consultation with the postal operators, issue and publish regulations covering all or any of the following matters —
- (a) written authorizations, permits, assignments and licenses granted or issued under this Bill; -

- (b) fees, charges, rates or fines to be imposed under this Act or regulations issued pursuant to this Bill;
 - (c) quality of service;
 - (d) postal related offences and penalties;
 - (e) any matter for which this Bill makes express provision; and
 - (f) such other matters as are necessary for giving full effect to the provisions of this Bill and for its due administration.
- (2) The Commission may make and publish guidelines on any matter for which this Bill makes express provision and such other matters as are necessary for giving full effect to the provisions of this Bill and for their due administration.

Committee's Recommendation:

That the provision in Clause 52 be retained (*Senator Oluremi S. Tinubu — Lagos Central*).

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

PART XVI MONITORING AND REPORTING

Clause 53: Monitoring and Reporting.

- (1) The Commission shall monitor all matters relating to the performance of all licensees and publish annual reports thereon at the end of each financial year.
- (2) In performing its functions under subsection (1) of this section, the Commission shall have regard to the established industry performance indicators as the Commission considers appropriate.
- (3) Matters upon which the Commission shall monitor and report include
 - (a) the operation and administration of this Bill and rules and regulations made under this Bill;
 - (b) the efficiency with which licensees provide facilities and services;
 - (c) the quality of services;
 - (d) industry statistics generally, including but not limited to the provision of services, traffic patterns or industry operators;
 - (e) the tariff rate and charges paid by consumers for services;
 - (f) the development of industry self-regulation;
 - (g) the adequacy and availability of postal services in all parts of Nigeria;
 - (h) any deficiencies in the scope or operation of this Bill and regulations made under this Bill;

- (i) other matters as deemed appropriate by the Commission.
- (4) The Commission shall publish reports under this section in a manner it deems appropriate.

PART XVII — GENERAL COMPETITION PRACTICES

Clause 54: Power of the Commission to Regulate Competition Practice in the Postal Sector.

The Commission shall have the power to determine, pronounce upon, administer, monitor and enforce compliance by all persons with competition laws and regulations, whether of a general or specific nature, as it relates to Nigerian postal industry.

Committee's Recommendation:

That the provision in Clause 54 be retained (*Senator Oluremi S. Tinubu — Lagos Central*).

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

Clause 55: Anti-competition Practices.

- (1) A licensee shall not engage in any conduct which has the purpose or effect of substantially lessening competition in any aspect of the Nigerian postal industry.
- (2) A licensee shall not enter into any understanding, agreement or arrangement whether legally enforceable or not, which has the tendency of limiting competition and which provides for —
 - (a) rate fixing;
 - (b) market sharing;
 - (c) boycotting of another competitor;
 - (d) boycotting of a supplier of apparatus or equipment; or
 - (e) boycotting of any other licensee.
- (3) Where the Commission finds that a licensee is engaged, has been engaged or is likely to engage in any anti-competitive activity, the Commission shall have the power to issue a direction requiring such licensee to desist from such practices or methods of competition.
- (4) Failure to comply with a direction issued pursuant to subsection (2) of this section shall constitute an offence punishable in the case of a —
 - (a) first offender, by a fine not exceeding N2, 000, 000.00 (Two Million Naira);
 - (b) second time offender, by a fine not exceeding 10% (ten percent) of the annual turnover of the Licensee; and
 - (c) third time offender, by the revocation of the relevant license.
- (5) A direction shall not be issued nor a penalty imposed where the licensee is able to demonstrate to the satisfaction of the Commission that it has not engaged or has not been engaged or is not likely to be engaged in any anti- competitive activity.

- (6) For the purpose of paragraph (b) of subsection 4 of this section, "annual turnover" shall mean the annual turnover for the financial year of the licensee preceding the year in which the offence was committed.

Committee's Recommendation:

That the provision in Clause 55 be retained (*Senator Oluremi S. Tinubu — Lagos Central*).

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

PART XVIII — TARIFF RATE REGULATION

Clause 56: Approval of Tariffs and Charges by the Commission.

- (1) A licensee shall not impose any tariff or charges for the provision of any service under this Bill until the Commission has approved such tariff rates and charges except as otherwise provided in this Part.
- (2) The Commission shall review and fix minimum tariff for competitive products, cost coverage plus a reasonable contribution to overhead costs, from time to time in the interest of efficient and reliable service.
- (3) The Licensees referred to in subsection (1) of this section shall provide services at the tariff rates and charges as approved by the Commission and shall not depart from the approved tariff rates and charges without prior written approval of the Commission.
- (4) The tariff established by a licensee referred to in subsection (1) of this section shall be on the basis of such principles as the Commission may, from time to time, stipulate in its guide lines or regulations.
- (5) The principles referred to in subsection (4) of this section include those requiring that —
- (a) tariff rates shall be fair and, for similarly situated persons, not discriminatory;
 - (b) tariff rates shall be cost-oriented and, in general, cross subsidisation shall be eliminated;
 - (c) tariff rate shall not contain discounts that unreasonably prejudice the competitive opportunities of other providers;
 - (d) tariff rates shall be structured and levels set to attract investments in to the postal industry; and
 - (e) tariff rates shall take account of the regulations and recommendations of the international organizations of which Nigeria is a member.

Committee's Recommendation:

That the provision in Clause 56 be retained (*Senator Oluremi S. Tinubu — Lagos Central*).

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

Clause 57: Commission's Intervention in the Setting of Tariff Rates.
Notwithstanding the provisions of this Bill, the Commission may intervene in such manner as it deems appropriate in determining and setting the tariff rates for any non-competitive services provided by a provider mentioned in this Bill as the public interest may require.

Committee's Recommendation:

That the provision in Clause 57 be retained (*Senator Oluremi S. Tinubu — Lagos Central*).

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

Clause 58: Penalty for Operating Unapproved Tariff, Charges Etc.
Notwithstanding any other provision of this Bill, the Commission shall prescribe and enforce appropriate financial penalties upon any licensee that exceeds the tariff rates duly approved by the Commission for the provision of its services.

Committee's Recommendation:

That the provision in Clause 58 be retained (*Senator Oluremi S. Tinubu — Lagos Central*).

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

PART XIX — OFFENCES

Clause 59: Offences Relating to Licenses.

- (1) Subject to such exemptions as are contained in this Bill, or as may be determined by the Commission from time to time, a person who operates a postal service —
 - (a) without a licence issued under this Bill;
 - (b) outside the terms and conditions of the licence; or
 - (c) in contravention of the provisions of this Bill or regulation or guidelines made pursuant to this Bill; commits an offence.
- (2) A person who for the purpose of securing a licence under this Bill, makes a statement or provides information which he knows to be false or does not have reason to believe to be true, commits an offence.

Committee's Recommendation:

That the provision in Clause 59 be retained (*Senator Oluremi S. Tinubu — Lagos Central*).

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

PART XX — LEGAL ACTIONS AGAINST THE COMMISSION

Clause 60 Limitation of Suits Against the Commission.

- (1) Subject to the provisions of this Bill, the provisions of the Public Officers Protection Act shall apply in relation to any suit instituted against an Official or employee of the Commission.
- (2) Notwithstanding anything contained in any other law or enactment, no suit shall lie against a Commissioner, the Secretary or any other official or employee of the Commission for any act done under this Bill or any other law or enactment or in respect of any public duty or authority or any alleged neglect or default in the execution of this Bill or any other law or enactment, duty or authority, or be instituted in any court unless it is commenced —

- (a) within 3 (three) months after the act, neglect or default complained of; or
 - (b) in the case of continuation of damage or injury, within 6 (six) months next after the ceasing thereof.
- (3) No suit shall be commenced against a member of the Commission, the Secretary or any official or employee of the Commission before the expiration of a period of 1 (one) month after written notice of the intention to commence the suit shall have been served on the Commission by the intending plaintiff or his agent.
 - (4) The notice referred to in subsection (3) of this section shall clearly and explicitly state the cause of action, the particulars of the claim, the name and place of abode of the intending plaintiff and the relief sought.

Committee's Recommendation:

That the provision in Clause 60 be retained (*Senator Oluremi S. Tinubu — Lagos Central*).

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

Clause 61: Service of Court Processes on the Commission.

A notice, summons or other documents required or authorized to be served on the Commission under the provisions of this Bill or any other law or enactment, may be served by delivering it to the Commission or by sending it via registered post addressed to the Director General of the Commission at the principal office of the Commission.

Committee's Recommendation:

That the provision in Clause 61 be retained (*Senator Oluremi S. Tinubu — Lagos Central*).

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

Clause 62: Restriction on Execution Against the Commission's Property.

- (1) In any action against the Commission, no execution or attachment of any nature thereof shall be issued against the Commission unless at least 3 (three) months' notice of the intention to execute or attach the Commission's property has been given to the Commission.
- (2) Any sum of money which may by judgment of any Court be awarded against the Commission shall, subject to any direction given by the Court where notice of appeal against the judgment has been given, be paid from the Commission's Fund.

Committee's Recommendation:

That the provision in Clause 62 be retained (*Senator Oluremi S. Tinubu — Lagos Central*).

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

Clause 63: Indemnity of the Commission's Officials.

A member of the Commission or any official or employee of the Commission shall be indemnified out of the assets of the Commission against any liability incurred by him in defending any proceeding, whether civil or criminal, if the proceeding is brought against him in his capacity as a member of the Commission, Officer or employee of the Commission.

Committee's Recommendation:

That the provision in Clause 63 be retained (*Senator Oluremi S. Tinubu — Lagos Central*).

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

PART XXI — RESPONSIBILITIES OF THE MINISTER

Clause 64: Responsibilities of the Minister.

The Minister shall —

- (a) formulate, determine and monitor the general policy of the postal sector in Nigeria to ensure, amongst other things, the utilization of the sector as a platform for the economic and social development of Nigeria;
- (b) be responsible for the negotiation and execution of international postal treaties and agreements, on behalf of Nigeria, between sovereign countries and international organizations and bodies;
- (c) represent Nigeria, in conjunction with the Commission and the designated postal operator at proceedings of international organizations and fora on matters relating to postal industry;
- (d) establish the broad policy framework for universal service with respect to basic and advanced postal services;
- (e) formulate and review broad structural and institutional frameworks for the postal industry;
- (f) support the applications by postal sector operators seeking for exemption from the use of any Form which exemption is allowed and Risk Assessment Report (RAR) and other similar requirements from the appropriate institution to expedite the timely delivery of express cargo or courier items; and
- (g) upon being satisfied that express or courier items have been inspected by relevant law enforcement agencies at designated sheds, bonded warehouses and other such inspection centres, support the application by postal sector operators to the appropriate authorities from inspection by law enforcement agencies, State and Local Government operators.

Committee's Recommendation:

That the provision in Clause 64 be retained (*Senator Oluremi S. Tinubu — Lagos Central*).

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

PART XXII — REVIEW OF DECISIONS

Clause 65: Order/decision of the Commission.

- (1) A person or postal operator who is aggrieved or whose interest is adversely affected by any decision of the Commission made pursuant to the exercise of the powers and functions under this Bill or its subsidiary legislation ("aggrieved person") may request in writing to the Commission for a statement of the reasons for the decision.
- (2) The Commission shall, upon such written request by an aggrieved person, provide a copy of a statement of reasons for the decision and any relevant information taken into account in making the decision.

- (3) In this part, "decision" includes any action, order, report, direction.

Committee's Recommendation:

That the provision in Clause 65 be retained (*Senator Oluremi S. Tinubu — Lagos Central*).

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

Clause 66: Review of Commission's Decision.

- (1) An aggrieved person may at any time within but not later than 30 days after the date of receipt of the Commission's statement of reasons specified in section 65(2) of this Bill request the Commission in writing for a review of the Commission's decision and specify therein the reasons and basis for his request.
- (2) upon receipt of the aggrieved person's written submissions, the Commission shall meet to review its decision, taking into consideration the submissions of the aggrieved person under subsection (1) of this section.
- (3) The Commission may, in carrying out the review of its decision under this Part, use and exercise any of its powers.
- (4) The Commission shall not later than 60 days from the date of receipt of the aggrieved person's written submissions, conclude its review of the decision and inform the aggrieved person in writing of its final decision thereon and the reasons therefor.

Committee's Recommendation:

That the provision in Clause 66 be retained (*Senator Oluremi S. Tinubu — Lagos Central*).

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

Clause 67: Judicial Review of Commission's Decision.

- (1) Subject to section 66 of this Bill and subsections (2) and (3) of this section, an aggrieved person may appeal to the Court for a judicial review of the Commission's decision or other action.
- (2) The decision or direction of the Commission that is the subject matter of an application for judicial review shall subsist and remain binding and valid until it is expressly reversed in a final judgement or order of the Court.
- (3) A person shall not apply to the Court for a judicial review unless that person has first exhausted all other remedies provided under this Act.

Committee's Recommendation:

That the provision in Clause 67 be retained (*Senator Oluremi S. Tinubu — Lagos Central*).

Question that Clause 67 do stand part of the Bill, put and agreed to.

PART XXIII — ESTABLISHMENT OF THE UNIVERSAL POSTAL SERVICE FUND AND UNIVERSAL POSTAL SERVICE FUND BOARD

Clause 68: Universal Postal Service Fund.

- (1) There is established under this Part, a Universal Postal Service Fund in this Bill referred to as "the UPS Fund" which shall be controlled and managed in accordance with the provisions of this Part.

- (2) The UPS Fund established pursuant to subsection (1) of this section shall consist of —
 - (a) monies as may be specifically made available to the UPS Fund, from time to time, through the annual budgetary process appropriate by the National Assembly;
 - (b) contributions to the fund by the licensees which shall be two percent (2%) of their annual turnover as their annual levies.
 - (c) gifts, loans, aids and assistance from donor agencies; and
 - (d) such other monies which may from time to time accrue to the UPS Fund.
- (3) The proceeds of the UPS Fund shall be applied —
 - (a) to the payment of compensation and incentives to the Public Postal Operator;
 - (b) to the cost of administration of the UPS Fund Board; and
 - (c) for the deployment of Postal Services to the unserved and underserved areas by the Public Postal Operator.

Committee's Recommendation:

That the provision in Clause 68 be retained (*Senator Oluremi S. Tinubu — Lagos Central*).

Question that Clause 68 do stand part of the Bill, put and agreed to.

Clause 69: Establishment of the Universal Postal Service Fund Board.

- (1) There is established for the UPS Fund, a Board (in this Bill referred to as "the UPS Fund Board").
- (2) The UPS Fund Board established under subsection (1) of this section shall —
 - (a) supervise and provide broad policy direction for the management of the UPS Fund;
 - (b) apply the fund to the provision of compensation and incentives for the Universal Postal Service provider where such services are not commercially viable;
 - (c) make appropriate recommendations to the Federal Government and its Agencies on Universal Service Development Policy.

Committee's Recommendation:

That the provision in Clause 69 be retained (*Senator Oluremi S. Tinubu — Lagos Central*).

Question that Clause 69 do stand part of the Bill, put and agreed to.

Clause 70 Membership of the UPS Fund Board.

- (1) The UPS Fund Board shall consist of —
 - (a) the Minister, who shall be the Chairman;
 - (b) the Chairman of the Commission, who shall be the Vice Chairman;

- (c) the Director General of the Commission;
 - (d) a representative of the Federal Ministry of Communications and Digital Economy;
 - (e) a representative of the Federal Ministry of Finance not below the directorate cadre;
 - (f) a representative of the National Planning Commission not below the directorate cadre;
 - (h) a representative of the private sector; and
 - (i) the Chief Executive Officer of the Public Postal Operator.
- (2) A member of the UPS Fund Board shall be appointed on such terms and conditions as may be indicated in his letter of appointment.
- (3) The organizations that are represented on the UPS Fund Board may at any time, at their discretion or at the instance of the UPS Fund Board, replace any member who is representing their organizations with another person.

Committee's Recommendation:

That the provision in Clause 70 be retained (*Senator Oluremi S. Tinubu — Lagos Central*).

Question that Clause 70 do stand part of the Bill, put and agreed to.

Clause 71: Proceeding of the UPS Fund Board.

- (1) The UPS Fund Board shall make standing orders for the regulation of its meetings and proceedings and may establish standing or ad-hoc Committees to assist it in exercising its functions under this Bill.
- (2) The UPS Fund Board may establish Committees and co-opt other persons including representatives of organizations that are in the UPS Fund Board's opinion, capable of assisting the Commission and the UPS Fund Board in the discharge of the functions under this Bill, provided that such Committees shall, at all times, be chaired by a member of the UPS Fund Board.
- (3) Decisions of any Committee established by the UPS Fund Board shall not be binding and valid until ratified by the UPS Fund Board.

Committee's Recommendation:

That the provision in Clause 71 be retained (*Senator Oluremi S. Tinubu — Lagos Central*).

Question that Clause 71 do stand part of the Bill, put and agreed to.

Clause 72: Secretariat of the Universal Postal Service Fund.

- (1) There shall be for the UPS Fund, a Secretariat responsible for the day-to-day administration of the UPS Fund established pursuant to Section 64 of this Bill.
- (2) The functions of the Secretariat shall include —
 - (a) evaluation of project performance and effecting such actions as may be necessary to ensure that the Fund meets the objectives for postal expansion and provision or service;

- (b) enforcing standards for quality of service set by the Board in rural and underserved areas;
 - (c) evaluation of the effectiveness of the Universal Postal Service in meeting policy goals as set by the Federal Government and the UPS Fund Board;
 - (d) liaising with the UPS Fund Board and the Universal Service Fund Managers appointed pursuant to the provision of Section 69 of this Bill.
- (3) There shall be for the UPS Fund, a Head of the Secretariat, known as the Secretary, UPSF to be appointed by the UPS Fund Board.
- (4) The UPS Fund Board shall ensure that the Secretariat is staffed with suitably qualified and experienced personnel.

Committee's Recommendation:

That the provision in Clause 72 be retained (*Senator Oluremi S. Tinubu — Lagos Central*).

Question that Clause 72 do stand part of the Bill, put and agreed to.

Clause 73: Universal Postal Service Fund Managers.

- (1) The UPS Fund Board shall appoint an independent and competent investment management firm as Universal Postal Service Fund Manager (in this Bill referred to as the UPS Fund Manager) whose responsibilities are to —
- (a) maintain the UPS Fund financial accounts and records;
 - (b) estimate the amount needed annually to sustain the rate of network expansion determined by the Commission as appropriate to meet policy objectives;
 - (c) determine, in consultation with the Commission, the amount of annual revenue required to ensure that the UPS Fund remains fiscally sound and calculation of the corresponding rate of assessment;
 - (d) disburse monies upon approval by the UPS Fund Board;
 - (e) prudently investing monies in the UPS Fund or cash reserves under directions from the UPS Fund Board and establishing cash management procedures to ensure maximum return on investments while meeting short-term cash requirements for disbursements;
 - (f) regularly report to the UPS Fund Board on the financial performance of the Fund.
- (2) The UPS Fund Board shall determine the terms of engagement and the remuneration package for the UPS Fund Managers.

Committee's Recommendation:

That the provision in Clause 73 be retained (*Senator Oluremi S. Tinubu — Lagos Central*).

Question that Clause 73 do stand part of the Bill, put and agreed to.

Clause 74: Regulations on Contributions to the UPS Fund.

The UPS Fund Board may make regulations on matters related to or incidental to the UPS Fund and operation of the UPS Fund.

Committee's Recommendation:

That the provision in Clause 74 be retained (*Senator Oluremi S. Tinubu — Lagos Central*).

Question that Clause 74 do stand part of the Bill, put and agreed to.

Clause 75: Repeal of CAP N127 LFN 2004.

- (1) The Nigerian Postal Service Act, Cap N127 Laws of the Federation of Nigeria, 2004 is hereby repealed.
- (2) Without prejudice to the provisions of the Interpretation Act, nothing in this Bill shall invalidate or otherwise prejudicially affect anything done or purported to be done under the repealed Act.
- (3) Notwithstanding the repeal of the Nigerian Postal Service Act Cap N127 LFN 2004, there shall be vested in the Public Postal Operator from the commencement of this Bill and without any further assurance, all assets, funds, resources and other movable or immovable property which immediately before the commencement of this Bill were vested in the Nigerian Postal Service.

Committee's Recommendation:

That the provision in Clause 75 be retained (*Senator Oluremi S. Tinubu — Lagos Central*).

Question that Clause 75 do stand part of the Bill, put and agreed to.

Clause 76: Interpretation.

In this Bill —

"access" means making available postal facilities and services from one licensee to another for the purposes of providing services and access to physical infrastructure, including but not limited to buildings;

"Agreement" means an agreement, whether formal or informal, oral or written, express or implied;

"annual levies" means 2% of the annual turnover of the licensees;

"cargo" means any goods transported by air, sea etc. and in this Bill "express cargo or courier items" refer to time sensitive goods conveyed by means of transportation, including road, sea, air;

"category of licence" means a licence for any person to operate specified postal services and may include conditions to which the conduct of the service shall be subject;

"Commission" means the Nigerian Postal Commission established under section 26 of this Bill;

"consumer" means any person who uses a postal service; courier/express service, cargo, logistics or E-commerce service

"courier service" means door-to-door, time-sensitive and secured service;

"cross subsidization" means the practice of using surplus revenues generated from one product or service to support another service which is priced at a rate that is less than full compensation;

"e-certificate/digital certificate" refers to electronic credentials that bind the identity of the certificate owner to a pair of electronic encryption keys (one public and one private) that can be used to encrypt and sign information digitally. It ensures that the public key contained in the certificate belongs to the entity to which a person is who he or she claims to be and then provide the message receiver with the means to encode a reply back to the sender. It includes electronic or digital signature.

"e-commerce" means business transactions conducted over the internet

"equipment" means any equipment or apparatus used or intended to be used for postal purposes and that is part of, connected to or comprises postal system;

"false pretence" has the meaning assigned to it under the Administration of Criminal Justice Act 2015;

"fictitious or counterfeit stamp" means any facsimile or imitation or representation whether on paper or otherwise, of any stamp or stamped impression, for denoting any rate of postage, duty, authentication, validation of any receipt, document or instrument in any part of Nigeria;

"intercept"/"interception" means the acquisition of the contents of any postal article by the Commission, Public Postal Operator or any person;

"lawful authority" means the official procedure as it relates to dealing in postal services;

"letter" means a communication in writing which is directed to a specific person or address or relates to the personal, private or business affairs of an individual or any employer and includes a packet containing such communication and electronic mail;

"license" means an authorization granted by the Commission to an operator for the provision of postal services;

"Licensee" means a person who holds a licence granted under this Bill;

"logistic services" means services which include haulage, conveyance, dispatch or delivery of items or goods weighing not less than 50kg;

'Mandatory Postal Services' means postal services that are required to be provided by the Public Postal Operator under Section 12 of this Bill;

"Minister" means the Minister for the time being charged with the responsibility for the postal industry;

"Ministry" means the Federal Ministry for the time being charged with the responsibility for the postal industry

"monitoring" refers to the function of comprehensive and continuous review of the operations and adequacy of postal networks, facilities and service and the reasonableness of charges imposed for services;

"operator" means a person that operates postal/cargo/logistics/e-commerce/courier/express services or a postal services provider in accordance with this Bill;

"person" includes natural and artificial person such as a body corporate or partnership and where an individual is required to represent a corporate body or partnership in any circumstance pursuant to this Bill or any subsidiary legislation, it shall be sufficient if in the case of —

- (a) corporate body, it is represented by its competent officer; and
- (b) Partnership, it is represented by a partner in the partnership or a competent employee of the partnership."

"postal articles" include any letter, postcard, newspaper, book, document, pamphlet, patent or sample packet, parcel or package or other article whatsoever transmissible through postal operators;

"postal facilities" include a house, building, premises, room, vehicles, vessel carriage or place used for the purpose of providing postal service and every letter box, post office provided by the public postal operator for the receipt of postal articles;

"postal industry" means the sector of the economy where postal/courier/express services, cargo, logistics and E-commerce services are being carried out;

"postal matter" includes a letter, stamp, postal order, money order, mail bag, seal or any other postal item;

"Post Office Guide" means a guide issued by the Public Postal Operator to ensure safe, reliable and efficient operation of the post offices;

"Postal Sector" means operators in the Postal Industry providing either or and both postal and courier/express services;

"Postal Services" include conveying all mail, letters, items, goods, articles and like materials through the post from one place to another and performing all incidental services of receiving, collecting, sending, dispatching and delivering written and printed matters, parcel, goods and like material from one place to another.

"PPP" means Public Private Partnership;

"Private Postal Operator" means any postal operator other than the Public Postal Operator;

"Public Postal Operator" means the Nigerian Postal Service designated for the provision of universal service under Section 2(1) of this Bill;

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

"Reserved Postal Service" means postal services within the exclusive power of the public postal operator under section 10 of this Bill;

"Stamp" means any label, stamp or stamp impression for denoting any rate of postage payable in respect of postal articles and includes adhesive stamps,

electronic stamps and stamps printed, embossed, or otherwise indicated on any envelope, wrapper, postcard, documents, receipts or other articles whether such stamp is issued by the public postal operator or by the Government of any foreign country. It also includes stamps issued by the Public Postal Operator for denoting and authenticating documents, activities of members of different professional bodies such as but not limited to receipts, agreements, bank notes, etc. at the prevailing minimum postage rates;

"stamping protocol" means the entire process of implementing and enforcing the denoting, authenticating and validating of receipts, documents, instruments, forms, deeds, agreements, and relevant written documents with electronic or adhesive stamp, or internet generated stamps as well as the act of cancelling out same by signing across using a stamp impression or seal to cancel same;

"Universal Postal Service" refers to the obligations by the Public Postal Operator for the deployment of affordable postal services to the unserved and underserved areas including rural areas;

"Unlicensed Postal Operator" means a person who operates a postal service without being licensed under this Bill.

"UPS Fund Board" means the Board established under section 65 of this Bill;

"UPS Fund" means Universal Postal Service Fund;

"UPU" means the Universal Postal Union;

Committee's Recommendation:

That the provision in Clause 76 be retained (*Senator Oluremi S. Tinubu — Lagos Central*).

Question that Clause 76 do stand part of the Bill, put and agreed to.

Clause 77: Short Title.

This Bill may be cited as the Nigeria Postal Services Bill, 2021.

Committee's Recommendation:

That the provision in Clause 77 be retained (*Senator Oluremi S. Tinubu — Lagos Central*).

Question that Clause 77 do stand part of the Bill, put and agreed to.

FIRST SCHEDULE

Section 3(5)

SUPPLEMENTARY PROVISIONS RELATING TO
THE PUBLIC POSTAL OPERATOR

1. **Proceedings of the Board of the Public Postal Operator.**
 - (1) The Board shall meet for the conduct of its business at such time, place and on such day as the chairman may appoint, but shall meet not more than 4 (four) times in a year.
 - (2) The chairman may, at any time and shall, at the request in writing of not less than 5 (five) members summon a meeting of the Board.
 - (3) Particulars of the business to be transacted at any meeting shall be circulated to members, with the notice of the meeting of the Board.

- (4) Every question put before the Board at a meeting shall be decided by a majority of the votes of the members present and voting.
- (5) 4 (four) members of the Board shall form a quorum at any meeting of the Board.
- (6) The chairman shall preside at all meetings of the Board and in the absence of the Chairman; the alternate Chairman shall preside at that meeting.
- (7) The chairman shall at any meeting, have a vote and in the case of an equality of votes, may exercise a casting vote.
- (8) Subject to the provisions of this Bill, the Board may make standing orders with respect to the holding of meetings, the nature of notice to be given, the proceedings thereto, the keeping of minutes of such proceedings and the custody and

Committees.

2. (1) The Board may appoint 1 (one) or more committees to advise it on the exercise and performance of its functions under this Bill.
- (2) Every committee shall consist of —
 - (a) a chairman, who shall be appointed by the Board from among the members of the Board;
 - (b) not more than 5 (five) persons (who may or may not be members of the Board), so however that any non-member of the Board co-opted to serve on any committee shall enjoy all the rights and privileges of a member except the right to vote and be counted towards a quorum.
- (3) In this paragraph, "chairman" means the chairman of a committee.

Miscellaneous.

3. (1) Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not be required to be under seal, may be entered into or executed on behalf of the Board by any person generally or specifically authorized in that behalf by the Board.
 - (2) 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 a committee thereof, shall forthwith disclose his interest to the Board or the Committee, as the case may be, and shall not vote on any question relating to such contract or arrangement.
4. (1) The common seal of the Board shall not be used or affixed to any document, except in pursuance of a resolution duly passed at a properly constituted meeting of the Board and recorded in the minutes of the meeting.
 - (2) The fixing of the seal of the Board shall be authenticated by the signature of the chairman or some other members authorized generally or specifically by the Board, to act for that purpose.
 - (3) A document purporting to be a document duly executed under the seal of the Board shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

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

SECOND SCHEDULE

Section 28(5)

SUPPLEMENTARY PROVISIONS RELATING TO THE COMMISSION

Proceedings of the Commission.

1. (1) Subject to the provisions of this Bill, the Board may make standing orders regulating its proceedings or that of any of its Committees.
- (2) The Chairman shall preside at every meeting of the Board and in his absence, the Director General shall preside at the meeting and in the absence of the Chairman and Director General, the members present at that meeting shall appoint one of their members to preside at the meeting.
- (3) The quorum for any meeting of the Board shall be a simple majority of the members for the meantime constituting the Board.
- (4) The Board shall meet to transact its business pursuant to this Bill whenever it is summoned by the Chairman and if so required by notice given to him by not less than four other members of the Board specifying, amongst others, an agenda for the meeting, the Chairman shall summon a meeting of the Board that shall be held within fourteen days from the date on which the notice is served on him to discuss the items specified in the notice; provided that the Board shall for the purposes of this Bill meet not less than four times in each calendar year.
- (5) A member of the Board who directly or indirectly has an interest of a personal nature (including but not limited to financial interests in any matter being deliberated upon by the Board, or is personally interested in any contract made or proposed to be made by the Commission, shall so soon after the facts of the matter of his interests have come to his knowledge disclose his interest and the nature thereof at a meeting of the Board.
- (6) A disclosure under sub-paragraph 5 of this paragraph shall be recorded in the minutes of meetings of the Board and the member concerned —
 - (a) shall not, after the disclosure, take part in any deliberation or decision of the Board or vote on the matter; and
 - (b) shall be excluded for the purpose of constituting a quorum at any meeting of the Board for any deliberation or decision, with regard to the subject matter in respect of which his interest is so disclosed.

Committees.

2. (1) Subject to its standing orders, the Board may appoint such number of standing or ad hoc Committees as it thinks fit to consider and or on any matter with which the Commission is concerned.
- (2) A Committee appointed under subparagraph (1) of this paragraph shall consist of such number of persons, who may not necessarily be members of the Board, provided that the appointment of a non-Board member as a Committee member shall be subject to such terms and conditions as the Board may determine.
- (3) The quorum of any Committee set up by the Board shall be as may be determined from time to time by the Board.

- (4) A decision of a Committee of the Board shall be of no effect until it is confirmed by the Board.

Miscellaneous.

3. (1) The fixing of the seal of the Commission shall be authenticated by the signature of the Secretary and that of the Chairman or any other member of the Board generally or specifically authorized by the Board to act for that purpose.
- (2) 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 any person generally or specially authorized by the Board to act for that purpose.
- (3) Any document purporting to be a contract, instrument or other document duly signed or sealed on behalf of the Commission shall be received in evidence and shall, unless the contrary is proved, be presumed without further proof to have been so signed or sealed.
- (4) Subject to the provisions of this Bill, the validity of any proceedings of the Board or of any of its Committees shall not be affected by —
- (a) any vacancy in the membership of the Board or Committee;
 - (b) any defect in the appointment of a member of the Board or Committee;
or
 - (c) reason that any person not entitled to do so took part in the proceedings of the Board or Committee.
- (5) A member of the Board or Board's Committee shall not be personally liable for any act or omission done or made in good faith while engaged on the business of the Commission.

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

THIRD SCHEDULE

Sections 28(8)

CONFLICT OF INTEREST

1. Subject to the provisions of this Schedule, a member of the Board or staff of the Commission shall not have a direct or indirect financial interest or investment in any Nigerian postal company throughout the tenure of his office or his employment with the Commission.
2. Subject to paragraphs 3 and 4 of this Schedule, a member of the Board or staff of the Commission shall annually, present a written declaration affirming the non-existence of any such interest as is specified in paragraph 1 of the Schedule and shall pledge to disclose and inform the Board of any such relationship or interest that arises or is likely to arise during his tenure or employment with the Commission.
3. Members of the Board and staff of the Commission as at the commencement date of this Bill shall be entitled to a maximum of 6 (six) months from the said commencement date within which to divest themselves of their direct or indirect financial interests or investment in any Nigerian postal company, if any.

4. All newly appointed members of the Board and staff of the Commission shall after the commencement of this Bill be entitled to a maximum of 6 (six) months from their respective dates of appointments within which they may divest themselves of their direct or indirect financial interests or investments in any Nigerian postal company, if any.
5. Each member of the Board and staff of the Commission shall declare on appointment or at the commencement of employment and annually thereafter, for as long as he serves the Commission, any interest or investment that he —
 - (a) knowingly has; or
 - (b) knows any member of his immediate family to have in any aspect of the Nigerian postal industry.
6. If any member of the Board or staff of the Commission contravenes the provisions of paragraphs 1 and 2 of this Schedule, or gives false information under paragraphs 5 of this Schedule, he shall on conviction be liable to a fine not exceeding N100,000.00 (One Hundred Thousand Naira) or imprisonment not exceeding 1 (one) year or both.
7. Subject to paragraph 8 of this Schedule, the Board may, from time to time, waive the application of the provisions specified in paragraphs 1 and 2 of this Schedule in respect of any member of the Board or staff of the Commission if the Board determines that the financial interest of the member of the Board or staff of the Commission is not of a material nature or is minimal.
8. The Board, in determining whether or not the interest of a member of the Board or staff of the Commission is not of a material nature will consider factors including but not limited to the following —
 - (a) the revenues, investments, profits and managerial efforts of the company or other entity in regard to its postal activities compared with other aspects of the company's or such entity's businesses;
 - (b) the extent to which the Commission regulates and oversees the activity of such company or entity;
 - (c) the degree to which the economic interests of such company or other entity may be affected by an action of the Commission; and
 - (d) the perceptions held or likely to be held by the public regarding the relevant holding or interest and issues at stake.
9. The Board may at any time review and reverse its determination under paragraph 7 of this Schedule and direct the application of the prohibitions contained in these provisions.
10. In any case in which the Board exercises the waiver authority or the review thereof as specified in paragraphs 7 and 8 of this Schedule, the Board shall so soon thereafter publish the details thereof and such publication shall include information regarding the identity of the person who has been granted the waiver or whose waiver grant has been reviewed, the position held by such person and the nature of the financial interest which is the subject of the waiver or the review thereof.
11. For the purposes of this Schedule —
 - (a) "Company" includes partnerships;
 - (b) "Immediate family" means a person's spouse and children who are under the age of 18 years.

Question that the provision in this 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 the Report of the Committee on Communications on a Bill for an Act to Repeal the Nigerian Postal Service Act Cap N127 LFN 2004, and Re-enact the Nigeria Postal Commission to Make Comprehensive Provisions for the Development and Regulation of Postal Service and for Other Related Matters, 2021 and approved as follows:

Clauses 1-2	--	As Recommended
Clauses 3-5	--	As Amended
Clauses 6-34	--	As Recommended
Clauses 35-37	--	As Amended
Clauses 38-77	--	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.

10. Committee on Health (Secondary & Tertiary):

Report of the Committee on Health (Secondary & Tertiary) on the Medical and Dental Practitioners Act Cap M8 LFN 2004 (Repeal & Re-enactment) Bill, 2021 (SB. 480):

Motion made: That the Senate do consider the Report of the Committee on Health (Secondary & Tertiary) on the Medical and Dental Practitioners Act Cap M8 LFN 2004 (Repeal & Re-enactment) 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 REPEAL THE MEDICAL AND DENTAL PRACTITIONERS ACT, CAP. M8, LAWS OF THE FEDERATION OF NIGERIA, 2004; AND RE-ENACT THE MEDICAL AND DENTAL PRACTITIONERS' BILL, FOR THE REGULATION AND CONTROL OF MEDICAL AND DENTAL PROFESSIONS IN NIGERIA; AND FOR RELATED MATTERS, 2021

PART I - PRELIMINARY

Application.

The provisions of this Bill apply to the profession of medicine and dentistry and all persons who are authorised to practise as medical practitioners or dental surgeons under this Bill.

PART II: ADMINISTRATIVE

Clause 1: Establishment of the Council.

- (1) There is established the Medical and Dental Council of Nigeria (in this Bill referred to as "the Council").
- (2) The Council:
 - (a) is a body corporate with perpetual succession and a common seal;
 - (b) may sue and be sued in its corporate name; and
 - (c) may acquire, hold, or dispose of any property, movable or immovable, for the purpose of performing any of its functions under this Bill.
- (3) The head office of the Council shall be in the Federal Capital Territory.
- (4) The Council may establish offices in each State of the Federation and the Federal Capital Territory.

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 Council.

Notwithstanding the provision of any other Act to the contrary, the Council shall, to the exclusion of any other person or body:

- (a) determine the standard of knowledge and skills to be attained by a person seeking to become a member of the medical or dental profession;
- (b) review, from time to time as the Council deems fit, the standard of knowledge and skills determined by the Council;
- (c) subject to the provisions of this Bill, establish and maintain a register of persons entitled to practice as members of the medical or dental profession in Nigeria;
- (d) make rules with respect to the types of, and the keeping of the register of, persons and the making of entries therein;
- (e) specify, from time to time, the fees to be paid by a person who possesses the qualifications and has applied to be registered;
- (f) publish, from time to time with such modification as necessary, the register maintained by the Council under paragraph (c) of this subsection;

- (g) prepare and issue, from time to time, a code of conduct and ethics, which the Council considers desirable for the profession of medicine and dentistry in Nigeria;
- (h) supervise, regulate, and control the practice of homeopathy and other forms of alternative medicine;
- (i) make regulations for the operation of clinical laboratory practice in the field of pathology which includes histopathology, forensic pathology, autopsy and cytology, clinical cytogenetics, haematology, medical micro-biology and medical parasitology, clinical chemistry, immunology, medical virology, and any other branch of pathology as may be determined from time to time by the Council;
- (j) supervise and control the training, certification and practice of assisted reproductive technology including, but not limited to surrogacy, embryo transfer, embryo manipulation and related practices; and
- (k) perform any other function that is necessary to give effect to the provisions of this Bill.

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: Composition of the Council.

The Council shall consist of:

- (a) a Chairman;
- (b) a Vice Chairman to be elected from amongst members;
- (c) two representatives of the Federal Ministry of Health who are registered medical practitioners or dental surgeons, one of which shall be the Director of Hospital Services;
- (d) the Chief Medical Officer (however designated) of each State of the Federation and the Federal Capital Territory;
- (e) a representative of the:
 - (i) Armed Forces Medical Services, and
 - (ii) National Medical College of Nigeria;
- (f) two representatives of:
 - (i) Colleges of Medicine and Health Sciences in the Country to be appointed by the Minister in rotation of two of years each, from among the Provosts of such Colleges, but no two of such persons shall be from the same University or State, and
 - (ii) tertiary hospitals where training of medical or dental students, postgraduate medical or dental training is conducted to be appointed by the Minister in rotation of two years each, from among the chairmen of medical advisory committee or equivalent position, but no two of such persons shall be from the same State;

- (g) two representatives of private practitioners of medicine and dentistry nominated by the Association of General Medical and Private Practitioners of Nigeria;
- (h) ten representatives nominated by the Nigerian Medical Association but at least two shall be private medical practitioners;
- (i) three representatives nominated by the Nigerian Dental Association;
- (j) a representative of alternative medicine practitioners appointed by the Minister; and
- (k) a pathologist and a radiologist to be appointed by National Medical College of Nigeria.

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: Appointment and Tenure.

- (1) The appointment of the Chairman and members of the Council, other than ex-officio members shall be made by the President.
- (2) The Vice Chairman of the Council shall be elected from among the members by all members by a simple majority vote at the first meeting of the Council after its inauguration.
- (3) The Chairman shall reserve the casting vote and shall not participate in the election of the Vice Chairman other than to conduct it.
- (4) The Chairman and members of the Council shall, subject to the provisions of this Bill:
 - (a) hold office for a term of four years in the first instance; and
 - (b) may be reappointed for another term of four years and no more.

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: Resignation and Removal.

- (1) The Chairman or a member of the Council, other than an ex-officio member, may, by notice duly signed and addressed to the Registrar, resign from the Council.
- (2) The Vice Chairman elected under section 6 (2) may resign or be removed from the position by a simple majority of members of the Council.
- (3) The removal of the Vice Chairman shall be in accordance with the procedure as may be provided in the Standing Orders and Rules of the Council:

Provided that the resignation or the removal shall not affect the membership of such person from the Council.

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: Filling of Vacancy.

- (1) Where the Chairman ceases to be Chairman of Council, by any reason other than as provided in section 5 of this Bill, the President shall, in accordance with the provisions of this Bill, appoint another person to complete the tenure of the Chairman.
- (2) Where a person other than the Chairman ceases to be a member of the Council, by any reason other than as provided under section 5, the body or person responsible for the nomination or appointment of such person shall nominate another person, in accordance with section 6 of this Bill, to complete the tenure.
- (3) The President may remove from office the Chairman or any member of the Council other than ex-officio members if he is satisfied that it is in the interest of the public to do so and the perpetuity of the Council shall be maintained.

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: Requirements as to Practice.

A person shall not be a member of the Council unless that person:

- (a) is registered as a medical practitioner or dental surgeon by the Council;
and
- (b) has no impairment as to fitness to practise at the point of appointment.

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: Appointment of Registrar of the Council.

- (1) There shall be a Registrar of the Council who is responsible for the day-to-day management of the human, financial and material resources of the Council in accordance with this Bill.
- (2) The Registrar shall be appointed by the Council.

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: Qualifications of Registrar.

- (1) A person is qualified to be appointed as Registrar if the person:

- (a) is fully registered as a medical practitioner or dental surgeon of at least 15 years post registration; and
 - (b) possesses reasonable cognate administrative experience in human resources and health matters.
- (2) The Registrar shall hold office for a term of four years renewable, subject to satisfactory performance, for another term of four years and no more.
- (3) The Registrar shall be paid such emoluments as may be determined by the Council provided that such emoluments shall not be less than those payable to the heads of agencies of the Government of the Federation.

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: Duties of the Registrar.

In addition to any other duty conferred by any provision of this Bill, the Registrar shall:

- (a) establish and maintain such number of registers of medical practitioners and dental surgeons in accordance with the rules made by the Council;
- (b) record the names, gender, age, address of practice, qualifications and such other particulars of all persons qualified to practise as medical practitioners or dental surgeons, as the Council may direct in accordance with the provisions of this Bill;
- (c) on the directive of the Council:
 - (i) make corrections or alterations with respect to the record of any person whose name is in the relevant register, or
 - (ii) remove from the relevant register the name of any person whose name and particulars are in any of the registers being maintained in accordance with provision of this Bill,
 - (iii) transfer the name of a person from one register to another,
- (d) cause the registers of medical practitioners and dental surgeons to be printed, published and put on sale to members of the public and displayed at the appropriate electronic platforms at all times with such modifications, corrections, and alterations to the registers in accordance with the provisions of this Bill; and
- (e) cause a print of each edition of the registers to be kept at the head office, State offices of the Council and any other office as may be directed by the Council.

Committee's Recommendation:

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

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

Clause 11: Other Staff of the Council.

- (1) The Council may appoint, from time to time, such other staff as may be required for the purposes of the efficient performance of its functions under this Bill.
- (2) The Council has power to promote and discipline all staff of the Council.
- (3) The Council shall pay remuneration (including pensions), allowances or expenses to any member and staff of the Council or any other person in accordance with scales determined by the Council.

Committee's Recommendation:

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

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

PART III - FINANCIAL PROVISIONS**Clause 12: General Fund of the Council.**

There is established the Medical and Dental Council of Nigeria General Fund (in this Bill referred to as "the Fund") for the day-to-day administration of the Council and into which shall be paid:

- (a) funds appropriated annually by the National Assembly; and
- (b) such funds as the Council may receive as grants, gifts, fees or otherwise in accordance with provisions of this Bill or any other law.

Committee's Recommendation:

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

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

Clause 13: Annual Account and Audit.

- (1) The Council shall prepare and submit to the Minister, not later than 31st day of August of the year, an estimate of its expenditure and income during the next succeeding year as may be directed by extant circulars of the Federal Government.
- (2) The Council shall keep proper records of accounts in respect of each financial year and shall cause its accounts to be audited not later than 31st day of May of the next succeeding year to which the accounts relate by a firm of auditors approved, with respect to that year, by the Council.
- (3) The auditors to be approved by the Council shall be in accordance with the provision of section 85 (3) of the Constitution of the Federal Republic of Nigeria.

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: Power to Borrow Money.

The Council may borrow money, acquire or dispose of any property in accordance with the provisions of this Bill or any other law for the time being in force with respect to borrowing power of government agencies.

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: Power to Accept Gift.

(1) The Council 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 Council shall not accept any gift if the conditions attached by the person or organisation making the gift are inconsistent with the functions of the Council.

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.

PART IV: SUBSTANTIVE PROVISIONS**Clause 16: Registers.**

(1) The Council shall maintain separate registers for medical practitioners and dental surgeons in accordance with provisions of this section.

(2) The registers to be maintained by the Council are:

(i) Provisional Register.

(ii) Full Register.

(iii) Specialist Register.

(iv) Limited or Temporary Register; and

(v) Exit Register.

(vi) Suspension Register.

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: Regulations with Respect to Register.

The Council may, from time to time, make regulations specifying the qualifications, fees to be paid and mode of application to be made for the entry of a person's name into any of the registers maintained by the Council.

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 of a Name from the Register.

- (1) Subject to the provisions of this Bill and direction of the Council, the Registrar shall cause the name of any person to be removed from the register if:
- (a) the person is dead.
 - (b) the person is registered for a limited time and the time has elapsed; or
 - (c) the person is provisionally registered and has qualified or failed to qualify for full registration.
- (2) Nothing in subsection (1) of this section shall preclude the Registrar from removing the name of any person from any of the registers in compliance with an order of the tribunal.
- (3) Where the Registrar sends a correspondence either by registered post, email or any other form of correspondence to a registered person with respect to any thing concerning the registration of such person, the person shall, within 30 days of postage or sending of such correspondence:
- (a) respond to the issues raised in the correspondence; and
 - (b) where no response is received within the specified time under subsection (3) of this section, the Registrar shall remove the name of such person from the register if no response is received within 14 days after similar correspondence is sent by the Registrar for the second time.
- (4) The Registrar shall, by the direction of the Council, restore the name of any person removed from the Register pursuant to the provisions of this Bill.
- (5) The Registrar shall give notice in writing by registered post email or any other form of correspondence to any medical practitioner or dental surgeon concerned with respect to the removal of the person's name from any of the registers under this section.

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: Registration of Medical Practitioners and Dental Surgeon.

Subject to the provisions of this Bill and any other rule made by the Council, a person is entitled to be fully registered as a medical practitioner or as a dental surgeon if the person:

- (a) has attended a course of training approved by the Council in one or more approved institutions with respect to either medical or dental profession and obtained an approved qualification; and
- (b) holds a certificate of experience issued under Section 33 of this Bill.

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: Provisional Registration.

- (1) A person, who has obtained an approved medical or dental qualification and satisfies the Registrar that the person is of good character and is about to be employed for the purpose of obtaining certificate of experience under this Bill, shall, subject to the rules made by the Council, be entitled to be provisionally registered as a medical practitioner or dental surgeon.
- (2) A person who is provisionally registered shall, for the purposes of employment at any recognised institution with a view to obtaining a certificate of experience, but not for any other purpose, be deemed to be fully registered.

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: Limited Registration.

- (1) Where a person other than a Nigerian satisfies the Council that the person:
 - (a) is a registered medical practitioner or dental surgeon in any country other than Nigeria,
 - (b) has been selected for employment for a specified period in an approved hospital or in an approved institution in Nigeria in the capacity of a medical practitioner or dental surgeon,
 - (c) intends to be in Nigeria for a limited period for the purposes of the employment in question,
 - (d) has passed the assessment examination, of the Council, if any, or
 - (e) has submitted all his relevant training and working documents, where applicable, and reference letter from the head of his current or last employer, as the case may be,

the Council may, if it deems fit, give a direction that the person shall be registered for a limited period as a medical practitioner or as a dental surgeon.
- (2) The registration of a person for a limited period shall:
 - (a) continue only while the person is in such employment for the purpose of which the limited registration is granted; and
 - (b) cease on the termination of the employment or the period specified by the Council, whichever is earlier.

- (3) Nothing in subsection (2) of this section shall preclude the Council from giving a further extension of the limited registration under subsection (1) of this section in respect of the expiration of a specified period and whose commencement coincides with the expiration of another such period.
- (4) A person registered in accordance with the provisions of this section shall, in relation to the employment for the purpose of which the limited registration is granted, and to things done or omitted to be done in the course of that employment, be deemed to be fully registered, but in relation to all other matters shall be treated as not so registered.
- (5) No person or group of persons with limited registration shall be allowed to manage any health institution independently.
- (6) In the case of doubt as to whether a person's employment has been terminated, the decision of the Council shall be conclusive for the purposes of this section.
- (7) In case of dental emergency, in the absence of a qualified and registered dental surgeon, a medical practitioner may stabilize a dental patient before referral to the nearest available dental surgeon.

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: Practising License.

- (1) Every registered medical practitioner or dental surgeon shall obtain a practising license for each year after paying to the Council, the prescribed fees as may be determined from time to time by the Council.
- (2) Every medical practitioner or dental surgeon that has been issued with a practising license as provided under subsection (1) shall obtain a practising seal from the Medical and Dental Council of Nigeria.
- (3) The Council shall share the aggregate amount collected as practising fee during the year as follows:
 - (a) 70% to the Nigerian Medical Association; and
 - (b) 30% to the Council.

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: Exemption.

A registered medical practitioner or dental surgeon is exempted from payment of practising fee where the person is:

- (a) fully registered and has attained the age of 70 years; or
- (b) undergoing the mandatory National Service under the National Youth Service Corps Scheme.

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.

Clause 24: Default in Payment of Practising Fees.

- (1) Where a registered medical practitioner or dental surgeon defaults in the payment of practising fees prescribed by the Council, and practises within that period, the person shall:
 - (a) pay the outstanding practising fee to the Council;
 - (b) in the case of default, be levied an amount twice the prescribed practising fee for every year of default.
- (2) A registered medical practitioner or dental surgeon who contravenes sections 23 (1) of this Bill and is in the employment of a person, the employer is also liable to pay to the Council an amount not less than five times the prescribed practising fees for every year of default.

Committee's Recommendation:

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

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

Clause 25: Approval of Institutions.

Subject to the provisions of this Bill, the Council may give approval to any institution in Nigeria which it considers properly organised and equipped, for conducting the whole or any part of a course of training approved by the Council under this Bill.

Committee's Recommendation:

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

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

Clause 26: Approval of Courses and Qualification.

The Council, for the purpose of this Bill, has power to:

- (a) approve any course of training intended for persons who are seeking to become, or are already members of the medical or dental profession, and which the Council considers is designed to confer on the persons sufficient or additional knowledge and skill for the practice of the profession or for practice of a specialized branch of the profession;
- (b) approve any qualification which, as a result of an examination taken in conjunction with a course of training approved by the Council under this section is granted to candidates reaching a standard at the examination indicating, in the opinion of the Council that they have sufficient knowledge and skill to practice medicine or dentistry or to practice as members of a specialized branch of the professions; and
- (c) determine the minimum qualifications for persons engaged or to be engaged in the training of persons seeking to become medical practitioners or dental surgeons.

Committee's Recommendation:

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

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

Clause 27: Designation of Qualification.

- (1) The Council shall not, in pursuance of section 25 of this Bill, approve a qualification granted by an institution in Nigeria with respect to persons seeking to be members of the medical or dental profession unless the qualification bears:
 - (a) Bachelor of Medicine and Surgery; or
 - (b) Bachelor of Dental Surgery.
- (2) The Council shall, in pursuance to section 27 of this Bill, not approve a qualification granted by an institution in Nigeria with respect to medical practitioners or dental surgeons seeking to become members of a specialised branch of medicine or dentistry unless the qualification bears:
 - (a) a Fellowship of a Postgraduate Medical College of Nigeria or its equivalent recognized by the Council; and
 - (b) any other appellation as may be determined by the Council from time to time.
- (3) Nothing in this subsection precludes the Council from approving qualifications specifying specialisation by medical practitioners or dental surgeons in the clinical, or basic medical and dental sciences.

Committee's Recommendation:

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

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

Clause 28: Assessment of Examination for Registration.

- (1) The Council may institute an assessment examination for holders of foreign medical or dental qualifications recognised by the government of the countries from where such qualifications were obtained before granting registration to the holders of such qualification to practice medicine or dentistry in Nigeria.
- (2) The holders of foreign medical or dental qualifications may be required to show evidence of at least provisional registration to practice in the country of training, and/or clinical attachment for not less than one year in a Nigerian teaching hospital or similar institution in Nigeria, before sitting for the assessment examination.
- (3) The Council shall determine from time to time foreign graduates who shall be required to undergo the clinical attachment referred to in subsection (2) of this section.

Committee's Recommendation:

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

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

- Clause 29: Withdrawal of Approval for Institution, Course or Qualification.**
- (1) The Council may, if it deems fit, withdraw any approval given under this Bill in respect of any institution, course, or qualification.
 - (2) the Council shall, before exercising the powers conferred on it by this section:
 - (a) give notice that it proposes to do so to each person by whom the course is conducted, or the qualification is granted, or the institution is controlled, as the case may be;
 - (b) afford each such person an opportunity of making to the Council presentations regarding the proposal; and
 - (c) take into consideration any presentations made with respect to the proposal in pursuance of paragraph (b) of this subsection.
 - (3) Where the Council, pursuant to the provisions of this section, withdraws the approval of an institution, course or qualification, such withdrawal shall not prejudice the registration or eligibility for registration of any person who by virtue of the prior approval was registered or eligible for registration (either unconditionally or subject to the obtaining a certificate of experience) immediately before the approval was withdrawn.
 - (4) The giving or withdrawal of any approval under this section shall have effect on such date, either before or after the execution of the instrument signifying the giving or withdrawal of approval, as the Council may specify in the instrument and the Council shall publish a copy of every such instrument in the Federal Government Gazette.

Committee's Recommendation:

That the provision in Clause 29 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*).

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

- Clause 30: Supervision of Institutions and Examinations.**
- (1) The Council has a supervisory role on all approved institutions in Nigeria established for the:
 - (a) training of persons seeking to become medical practitioners or dental surgeons; or
 - (b) training of medical practitioners or dental surgeons seeking to become members of a specialized branch of either profession.
 - (2) The Council shall supervise the examinations conducted in such institutions.
 - (3) Every approved institution shall keep the Council informed of the nature of:
 - (a) the instructions given to persons attending approved courses of training; and
 - (b) the examinations through which the approved qualifications are granted.

- (4) The Council may appoint, either from among its members or other persons, visitors to visit approved institutions or to observe such examinations at least once in three years.

Committee's Recommendation:

That the provision in Clause 30 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*).

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

Clause 31: Visitation Report.

It is the duty of a visitor or visitors appointed under section 32 of this Bill to report to the Council on —

- (a) the sufficiency of the instructions given to persons attending approved courses of training at institutions;
- (b) the sufficiency of the examinations observed;
- (c) any other matter relating to the institutions or examinations on which the Council may, either generally or in a particular case request the Visitor(s) to report and;
- (d) Notwithstanding the provision of this section, no visitor shall interfere with the giving of any instruction or the holding of any examination.

Committee's Recommendation:

That the provision in Clause 31 be retained (*Senate Yahaya I. Oloriegbe — Kwara Central*).

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

Clause 32: Right of Response for the Visitation Report.

- (1) Upon receipt of report made under section 33 of this Bill, the Council shall, as soon as practicable, send a copy of the report to the person in charge of the institution to which the report relates, requesting such person to make observations with respect to the report within a time specified by the council:

Provided that the time given by the Council under subsection (1) of this section, shall not be less than 30 days beginning with the date of the request.

Committee's Recommendation:

That the provision in Clause 32 be retained (*Senate Yahaya I. Oloriegbe — Kwara Central*).

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

Clause 33: Certificate of Response.

- (1) A person who, after obtaining an approved medical or dental qualification, satisfies the conditions specified in subsection (2) of this section is entitled to receive free of charge a certificate of experience in the prescribed form.
- (2) The conditions which a person must satisfy under subsection (1) of this section are —
- (a) employment for the prescribed period at a recognised institution in Nigeria with a view to obtaining a certificate of experience;

- (b) residence throughout that period either in the institution or near to it in accordance with requirements in that behalf specified in the terms of his employment;
 - (c) acquisition of practical experience during employment under the personal supervision and guidance of one or more fully registered medical practitioner or dental surgeon as the case may be, in the practice of surgery, obstetrics and gynaecology, paediatrics and medicine or dental surgery, as the case may be, for such periods as may be prescribed in relation to each of those subjects respectively; and
 - (d) the manner in which the person carried out the duties of the employment and the person's conduct during the period of the employment must have been satisfactory.
- (2) It is the duty of the person in charge of a recognised institution at which a person is employed with a view to obtaining a certificate of experience to ensure that the person is afforded proper opportunities of acquiring the practical experience required for the purposes of subsection (2) of this section.
- (3) The Council shall make regulations to provide for the certification of certificate of experience issued by institutions outside Nigeria.
- (4) In this section, "recognized" means approved for the time being for the purposes of this section by Order of the Council.

Committee's Recommendation:

That the provision in Clause 33 be retained (*Senate Yahaya I. Oloriegbe — Kwara Central*).

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

Clause 34: Denial of Certificate.

- (1) Where after having been employed as mentioned for the purpose of section 33 of this Bill at any institution, a person is refused a certificate of experience he is entitled to —
- (a) receive from the person in charge of the institution particulars in writing of the grounds of the refusal; and
 - (b) appeal against the refusal to a Committee of the Council in accordance with rules made by the Council in that behalf (including Rules as to the time within which appeals are to be brought).
- (2) After duly considering any such appeal the committee shall either dismiss the appeal or issue the certificate of experience in question or give such other directive in the matter as it considers just.

Committee's Recommendation:

That the provision in Clause 34 be retained (*Senate Yahaya I. Oloriegbe — Kwara Central*).

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

Clause 35: Establishment, Appointment and Tenure of Investigation Panel.

- (1) There is established the Medical and Dental Practitioners Investigation Panel (in this Bill referred to as "the Panel").
- (2) The Panel shall consist of 15 members appointed by the Council, at least three of whom shall be dental surgeons.

Duties of the Panel

- (3) The Panel established under subsection (1) of this section shall be charged with the duties of —
 - (a) conducting a preliminary investigation into any case where it is alleged that a registered person has misbehaved in his capacity as a medical practitioner or dental surgeon or for any other reason, be subject of proceedings before the Disciplinary Tribunal;

Amendment Proposed

Immediately after the word "has" *leave out* the word "misbehaved" in line two (2) and *insert* the words "committed gross professional misconduct" instead thereof (*Señator Ovie A. Omo-Agege — Delta Central*).

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

- (b) compel the appearance of any person by subpoena to give evidence before it;
 - (c) decide whether or not to refer any registered person to the Tribunal;
 - (d) deciding, if satisfied that to do so is necessary for the protection of members of the public, make an order of interim suspension of a registered practitioner whose case they have decided to refer for adjudication, and the case to be given accelerated hearing by the Disciplinary Tribunal within three months;
 - (e) make an Order for Conditional Registration of a registered person if satisfied that such an Order is necessary for the protection of the public or is in the person's interest; and
 - (f) an Order of Conditional Registration shall specify the conditions upon which compliance the person's registration is conditioned and specify the period of such conditions not exceeding 18 months;
- (4) A person on whom an Order of interim suspension has been invoked shall remain suspended until the matter is determined by the Tribunal as provided in paragraph (d) of this subsection.
 - (5) The outcome of the disciplinary proceedings and action(s) or sanctions of the Nigerian Medical Association against her members shall lay to the Panel.
 - (6) Members of the Panel shall hold office for a term of four years and may be eligible for reappointment.
 - (7) The provisions of the Second Schedule to this Bill shall be applicable to the Panel with respect to its proceedings (*Senate Yahaya I. Oloriegbe — Kwara Central*).

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

Clause 36: Establishment of Disciplinary Tribunal.

- (1) There is established the Medical and Dental Practitioners Disciplinary Tribunal (in this Bill referred to as "the Disciplinary Tribunal") charged with the duty of considering and determining any —
- (a) case referred to it by the Panel established under this Bill; and
 - (b) other case of which the Disciplinary Tribunal has cognizance under the provisions of this Bill.
- (2) The Disciplinary Tribunal shall consist of —
- (a) the Chairman of the Council or an appointee of the Chairman of the Council who is a member of the Council;
 - (b) 10 other persons who shall include three Council members, at least two persons who are fully registered dental surgeons, four persons from among the past Disciplinary Tribunal members.
- (3) The Disciplinary Tribunal shall remain in force and continue to sit and exercise jurisdiction over matters referred to it by the Panel, notwithstanding any expiration of the tenure of the Council.
- (4) If any person willfully —
- (a) gives false evidence on oath before the Tribunal during the course of any proceedings, or
 - (b) makes a false statement in any affidavit sworn for the purpose of any such proceedings,
- the Tribunal may refer the matter to the Attorney General of the Federation for prosecution.

Committee's Recommendation:

That the provision in Clause 36 be retained (*Senate Yahaya I. Oloriegbe — Kwara Central*).

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

Clause 37: Penalties for Misconduct.

- (1) Where the Tribunal finds a registered person under this Bill to —
- (a) be guilty of professional misconduct,
 - (b) have been convicted by any court of law or tribunal in Nigeria or elsewhere for an offence (whether or not an offence punishable with imprisonment) which, in the opinion of the Tribunal, is incompatible with the status of a registered person under this Bill,
 - (c) have been fraudulently registered in any of the registers maintained by the Council under this Bill,
- the Disciplinary Tribunal shall give any of the directions specified in subsection (2) of this section.
- (2) The directions which the Disciplinary Tribunal shall give under this section are —
- (a) ordering the Registrar to erase the person's name from the relevant register;

- (b) suspend the person from the profession for at least six months and not exceeding 18 months as may be specified in the direction; or
 - (c) admonishing that person.
- (3) When the Tribunal gives a direction under this section, the Tribunal shall cause a notice of the direction to be served on the person to whom it relates.

Committee's Recommendation:

That the provision in Clause 37 be retained (*Senate Yahaya I. Oloriegbe — Kwara Central*).

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

Clause 38: Right of Appeal.

- (1) An appeal on the decision of the Tribunal shall lie as of right to the Court of Appeal within 28 days of issuance of the direction pursuant under this Bill.
- (2) There shall be no interlocutory appeal in respect of any direction or order made by the Disciplinary Tribunal.
- (3) There shall be no stay of proceeding in respect of any matter pending before the Panel or Disciplinary Tribunal.

Committee's Recommendation:

That the provision in Clause 38 be retained (*Senate Yahaya I. Oloriegbe — Kwara Central*).

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

Clause 39: Power of the Tribunal to Register Person Again.

- (1) A person whose name is erased from a register in pursuance of a direction of the Tribunal under this Bill is not entitled to be registered in that register again except in accordance with the direction of the Tribunal.
- (2) The Tribunal, pursuant to subsection (1) of this section, may upon an application by the person, direct the Registrar to register that person again, on such terms it may deem fit.

Committee's Recommendation:

That the provision in Clause 39 be retained (*Senate Yahaya I. Oloriegbe — Kwara Central*).

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

Clause 40: Offences and Penalties.

- (1) Subject to subsection (4) of this section, no person other than a registered medical practitioner shall —
 - (a) for or in expectation of reward, practise or hold himself out to practise as a medical practitioner;
 - (b) take or use the title of physician, surgeon, doctor or licentiate of medicine, medical practitioner; or

- (c) without reasonable excuse, take or use any name, title, addition or description implying that he is authorised by law to practise as a medical practitioner.
- (2) Subject to subsections (4) of this section, no person other than a registered dental surgeon shall —
- (a) for or in expectation of reward, practise or hold himself out to practice as a dental surgeon.
- (b) take or use the title of dental surgeon, doctor, dentist, dental officer, or dental practitioner, or
- (c) without reasonable excuse take or use any name, title, addition, or description implying that he is authorised by law to practise as a dentist.
- (3) A person who contravenes subsections (1) or (2) of this section commits an offence and is liable on conviction to a punishment under this Bill.
- (4) Where any person is acknowledged by the generality of members of the community to which he belongs as having been trained in the system of therapeutic medicine traditionally in use in that community, nothing in subsections (1) (a) and (2) (a) of this subsection shall be construed as making it an offence for that person to practise or to hold himself out to practise that system.
- (5) The provision of subsection (4) of this section does not extend to any activity involving an incision in human tissue or to administering, supplying or recommending the use of any dangerous drug within the meaning of Part V of the Dangerous Drugs Act Cap. D1, Laws of the Federation of Nigeria, 2004.

Committee's Recommendation:

That the provision in Clause 40 be retained (*Senate Yahaya I. Oloriegbe — Kwara Central*).

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

Clause 41: False Statement.

- (1) Any person who, for the purpose of procuring the registration of any name, qualification or other matter under this Bill, makes a statement which turns out to be false in a material particular commits an offence.
- (2) Any person employed by the Council who makes any falsification in any matter relating to the registers established under this Bill commits an offence.
- (3) A person who contravenes the provisions of this section commits an offence and is liable, on conviction, to punishment under this Bill.

Committee's Recommendation:

That the provision in Clause 41 be retained (*Senate Yahaya I. Oloriegbe — Kwara Central*).

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

Clause 42: Vicarious Liability of Corporate Body and its Officer.

- (1) A person who is guilty of an offence under sections 40 and 41 of this Bill, is liable —
 - (a) on summary conviction, to a fine of at least ₦500,000.00 or imprisonment for a term of at least two years; and
 - (b) on conviction after trial, to a fine of at least ₦1,000,000.00 or imprisonment for a term of at least five years;
 - (c) on conviction of a corporate body, its principal officers shall be fined not less than ₦2,500,000.00.
- (2) Nothing in section 40 of this Bill shall be construed as making it an offence for a person employed as a medical practitioner or dental surgeon on any ship, other than a Nigerian ship within the meaning of the Merchant Shipping Act Cap. M11 Laws of the Federation Nigeria, 2004 to act as a medical practitioner or dental surgeon in relation to the master, crew and passengers of that ship.
- (3) Where an offence, under sections 40 and 41 has been committed by a person and it is proved to have been committed with the consent or connivance of, or to be attributable to any negligence on the part of any Chief Medical Director, Manager, Secretary or other principal officers of a body corporate, the officer and the body corporate are also deemed to be guilty jointly and severally of the same offence and shall be liable to be prosecuted and punished accordingly.
- (4) Where a person knowingly employs an unregistered medical practitioner or dental surgeon, he commits an offence and is liable on conviction to—
 - (a) a fine of ₦1,000, 000;
 - (b) a term of imprisonment for one year; or
 - (c) both fine and imprisonment.

Committee's Recommendation:

That the provision in Clause 42 be retained (*Senate Yahaya I. Oloriegbe — Kwara Central*).

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

PART V — MISCELLANEOUS

- Clause 43:**
- (1) A person shall not hold an appointment or practise as a medical practitioner or dental surgeon in Nigeria unless the person is registered by the Council under this Bill.
 - (2) A registered medical practitioner or dental surgeon is entitled to practise as a medical practitioner or dental surgeon, throughout Nigeria.
 - (3) No person shall issue a prescription, medical report, medical certificate of fitness, sick report or any other related document except the person is a fully registered medical practitioner.

- (4) No person shall issue a prescription or report on the oral health of a person, dental report, sick report, or any other related documents except the person is a fully registered dental surgeon.
- (5) A registered medical practitioner or dental surgeon shall not issue a prescription for a medicine except it is written on the prescription form approved by the Council.
- (6) Pursuant to subsections (3) and (4) of this section, the documents therein shall have the practise seal of the medical practitioner or dental surgeon duly affixed as appropriate.
- (7) No person other than a fully registered medical practitioner or dental surgeon is entitled to bring any proceeding in any court of law for the purpose of recovering any fee or other consideration payable in respect of services rendered or facilities or things supplied by the person when purporting to act as a medical practitioner or as a dental surgeon.
- (8) It is the duty of the person in charge of the medical school, postgraduate medical colleges, or similar institution in Nigeria at which there is held a course of training intended for: —
 - (a) persons seeking to become members of the medical or dental profession, or
 - (b) medical or dental practitioners seeking to become specialists in a field of medicine or dentistry, to furnish to the Registrar, a list of successful candidates immediately after the publication of the pass list.
- (9) The successful candidates referred to in subsection 12 (a) of this section shall be posted by the Council to approved hospitals for the purpose of acquiring the Certificate of Experience pursuant to section 24 of this Bill.
- (10) No person shall hold the post of medical or dental officer of Health unless the person is registered as a medical or dental practitioner, as the case may be.

Committee's Recommendation:

That the provision in Clause 43 be retained (*Senate Yahaya I. Oloriegbe — Kwara Central*).

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

Clause 44: Power to Make Regulations, Rules or Orders.

Any power to make regulations, rules or orders conferred by this Bill includes the power to —

- (a) make provisions for such incidental and supplementary matters as the Council considers expedient; and
- (b) make different provisions for different circumstances.

Committee's Recommendation:

That the provision in Clause 44 be retained (*Senate Yahaya I. Oloriegbe — Kwara Central*).

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

Clause 45: Interpretation.
In this Bill —

"alternative medicine" means homeopathy, naturopathy, acupuncture, and osteopathy as defined in the Code of Conduct issued by the Council for Alternative Medicine Practice;

"approved medical or dental qualification" under section 24 of this Bill means a qualification which is approved in respect of the medical or dental profession;

"Certificate of experience" means a certificate granted in pursuance of section 33 of this Bill;

"Chairman" means the Chairman of the Council appointed under section 6 of this Bill;

"Clinical or Medical Laboratory" means laboratory for the practice of Pathology;

"Council" means the Medical and Dental Council of Nigeria established under section 4 of this Bill;

"Chief Medical Officer" means the Director of Medical or Hospital Services (or however designated) in the State's Ministry of Health and the Federal Capital Territory other than the Permanent Secretaries or Commissioners for health;

"Dentistry" in relation to its practice includes the prevention and management of diseases and malformations of the teeth, gums, oral cavity, and related structures;

"A registered Dental Surgeon" means a person who gives all dental related treatments, which includes but not limited to routine extractions and oral surgery procedures, all forms of tooth restorations, fitting of dentures and dental appliances and other maxillofacial surgery operation"

"Gazette" means the Gazette of the Federal Government of Nigeria.

"Incision" means a deliberate cut, or a wound made by a sharp instrument on a human being.

"Impairment to fitness to practise" means conviction for misconduct in a professional respect or interim suspension pending disciplinary proceeding; deficient professional performance; a conviction or caution for a criminal offence; adverse physical or mental health; or a determination by a Tribunal or Court in Nigeria or elsewhere that fitness to practise is impaired.

"laboratory" means a room, building or institution either as a stand alone or in a health facility equipped for scientific research, experimentation, investigation, analysis, and diagnosis of a disease (illness) or health related problem.

"medically qualified" means a person registered fully as a medical practitioner or dental surgeon by the Council.

"Minister" means the Minister of the Government of the Federation charged with responsibility for matters relating to Health.

'Panel' means Medical and Dental Practitioners' Investigation Panel established under this Bill.

"Pathology" means the branch of medicine that deals with the clinical and laboratory examination and processing of samples of body tissues, cells, excretions and fluids for the diagnosis, treatment, and monitoring of response to treatment of disease; and analysis and provision of forensic evidence;

"Pathologist" means a medical practitioner that specialized in pathology and registered as such by the council;

'Practitioner' means a person registered by council to practice medicine or dentistry.

"Radiology" means the branch of medicine that deals with the use of radioactive substances and equipment for scientific research, experimentation, investigation, diagnosis, treatment, analysis, and provision of forensic evidence, and monitoring of response to treatment of disease;

"Register" means a register maintained under this Bill;

"Registrar" means the officer appointed pursuant to section 11 of this Bill;

"Regulations" means rules, orders, directives, and other such instruments made by the Council for the control of the medical and dental professions in Nigeria including accreditation of practitioners' practice premises;

"Tissue" means any part of the human body or fluid or blood that has multiple cells; and

'Tribunal' means Medical and Dental Practitioners' Disciplinary Tribunal established under this Bill.

Committee's Recommendation:

That the provision in Clause 45 be retained (*Senate Yahaya I. Oloriegbe — Kwara Central*).

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

Clause 46: Citation.

This Bill may be cited as the Medical and Dental Practitioners (Repeal and Re-Enactment) Bill, 2021.

Committee's Recommendation:

That the provision in Clause 46 be retained (*Senate Yahaya I. Oloriegbe — Kwara Central*).

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

Clause 47: Repeals and Savings.

(1) The Medical and Dental Practitioners Act Cap. M8, Laws of the Federation of Nigeria is repealed.

(2) Notwithstanding subsection (1) of this section —

(a) Any person whose name was immediately before the coming to force of this Bill, included in any of the Registers maintained under the repealed Enactment shall, without further application

- or payment of any other fee, be deemed to be registered under the appropriate provision of this Bill.
- (b) Any Register kept in pursuance of the repealed Act shall be deemed to be part of the Register to be kept under this Bill.
 - (c) Any document referring to a provision of the repealed Act shall be construed as a reference to the corresponding provision of this Bill.
 - (d) Where any offence, being an offence for the continuance of which a penalty was provided, has been committed under the repealed Act, proceedings may be taken under this Bill in respect of the continuance of the offence after the commencement of this Bill, in the same manner as if the offence had been committed under the corresponding provisions of this Bill.
- (3) All Assets, funds, resources and other movable or immovable property which immediately before the commencement of this Bill were vested in the body established by the repealed Act shall by virtue of this Bill be vested in the Council.
- (4) As from the commencement of this Bill —
- (a) the rights, interests, obligations and liabilities of the body referred to in subsection (3) of this section existing immediately before the commencement of this Bill under any contract or instruction or at law or in equity are hereby assigned to and vested in the Council; and
 - (b) any such contract or instrument shall be of the same force and effect against or in favour of the Council and shall be enforceable as fully and effectively as if instead of the body mentioned in the repealed Act, the Council has been named therein or had been a party thereto.
- (5) Any proceeding or cause of action pending or existing immediately before the commencement of this Bill by or against the body mentioned in the repealed Enactment in respect of any rights, interest, obligation or liability of the body aforesaid may be continued or, as the case may be, commenced and any determination of a court of law, tribunal or other authority or person may be enforced by or against the Council to the same extent that any such proceeding, cause of action or determination could have been continued, commenced or enforced by or against the body aforesaid if this Bill had not been made.
- (6) Notwithstanding the repeal of Act referred to in this section, if the Council deems it expedient that any vacancy in the Council should be filled by a person holding office at the commencement of this Bill in the body dissolved by this section it may employ such person by way of transfer to the Council and the previous service in the dissolved body by such person shall count as service for the purposes of any pension subsequently payable by the Council.

Committee's Recommendation:

That the provision in Clause 47 be retained (*Senate Yahaya I. Oloriegbe — Kwara Central*).

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

FIRST SCHEDULE

Supplementary Provisions Relating to the Council.

1. At any time while the office of Chairman is vacant, or the Chairman is, in the opinion of the Council, permanently or temporarily unable to perform the functions of his office, the Vice-Chairman shall perform those functions and reference in this Schedule to the Chairman shall be construed accordingly.
2. A Vice-Chairman who ceases to be a member of Council shall cease to be Vice-Chairman.
3. The Registrar shall serve as the Secretary to the Council and to the Disciplinary Tribunal.
4. Subject to the provisions of this Bill and of section 27 of the Interpretation Act, the Council may make standing orders regulating the proceedings of the Council or any committee thereof.
5. The quorum of the Council shall be one third of membership and the quorum of any committee of the Council shall be determined by the Council.
6. Subject to the provisions of any standing orders of the Council, the Council shall meet whenever it is summoned by the Chairman and if the chairman is required to do so by notice given to him by one-third of members, he shall summon a meeting of the Council to be held within fourteen days from the date on which the notice is given.
7. At any meeting of the Council the Chairman or, in his absence, the Vice Chairman shall preside, but if both are absent the members present at the meeting shall elect from amongst themselves one person to preside at that meeting.
8. Where the Council desires to obtain the advice of any person on a particular matter, the Council may co-opt that person as a member for such period as it deems fit but a person who is a member by virtue of this sub-paragraph shall not be entitled to vote or be voted at any meeting of the Council and shall not be counted for the purposes of reckoning a quorum.
9. Notwithstanding anything in the foregoing provisions of this schedule, the vacancies created in the membership of the Council by the coming to effect of this Bill shall be filled as provided in section 6 of this Bill.
10. The Council may appoint one or more committees to carry out, on its behalf, such of its functions as the Council may determine.
11. A committee appointed pursuant to paragraph 10 of this schedule, shall consist of the number of persons determined by the Council, and not more than one-third of those persons may be non-members of the Council; and a person other than a member of the Council shall hold office on the committee in accordance with the terms of the letter by which he is appointed.
12. A decision of a committee of the Council (other than the committee mentioned in Section 37 of this Bill) shall be of no effect until it is confirmed by the Council.

13. The fixing of the seal of the Council shall be authenticated by the signature of the Chairman and of Secretary to the Council.
14. 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 Council by any person generally or specially authorized to act for that purpose by the Council.
15. Any document duly executed under the seal of the Council shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.
16. The validity of any proceedings of the Council or a committee thereof shall not be affected by any vacancy in the membership of the Council or committee, or any defect in the appointment of a member of the Council, or of a person to serve on the committee, or by reason that a person not entitled to do so took part in the proceedings.
17. Any member of the Council, and any person holding office in a committee of a Council, who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Council or a committee thereof shall forthwith disclose his interest to the Council or committee and shall not vote on any question relating to that contract or arrangement.
18. A person shall not, by reason of his membership of the Council only, be treated as holding an office in the Public Service of the Federation.

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

SECOND SCHEDULE.

SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY TRIBUNAL AND INVESTIGATION PANEL.

The Disciplinary Tribunal.

1. The quorum of the Disciplinary Tribunal shall be the Chairman and four (4) other members of whom —
 - (a) all shall be fully registered medical practitioners in a case relating to a registered medical practitioner; and
 - (b) one at least shall be a registered dental surgeon in a case relating to a registered dental surgeon.
2. The Chief Justice of Nigeria shall make rules for the purposes of any proceedings and as to the procedure to be followed and the rules of evidence to be observed in proceedings before the Disciplinary Tribunal.
3. The rules shall in particular provide —
 - (a) for 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) for securing that any party to the proceedings shall, if he so requires, be entitled to be heard by the Tribunal;
 - (c) for enabling any party to the proceedings to be represented by a legal practitioner;

- (d) as to the costs of proceedings before the Disciplinary Tribunal;
 - (e) for requiring, in a case where it is alleged that the person who is the subject of proceedings is guilty of professional misconduct, that where the Disciplinary Tribunal adjudges that the allegation has not been proved it shall record a finding that the person is not guilty of such conduct in respect of the matter to which the allegation relates;
 - (f) for publishing in the Federal Gazette, notice of any direction of the Disciplinary Tribunal which has taken effect, providing that a person's name shall be erased from a register.
4. For the purpose of any proceedings before the Disciplinary Tribunal, any member of the Disciplinary Tribunal may administer oaths and any party to the proceedings may issue out of the registry of the Court of Appeal writs of subpoena ad testificandum et duces tecum, but no person appearing before the Disciplinary Tribunal shall be compelled to—
- (a) make any statement before the Disciplinary Tribunal tending to incriminate himself; or
 - (b) produce any document under such a writ which he could not be compelled to produce at the trial of an action.
5. For the purpose of advising the Disciplinary Tribunal on questions of law arising in proceedings before it, there shall be appointed by Council in all such proceedings, legal practitioners or a firm of legal practitioners of not less than 10 years at the bar recommended by the Chief Justice of Nigeria, one of which shall participate in the proceedings of the Tribunal.
6. The Chief Justice of Nigeria shall make rules as to functions of assessors appointed under this paragraph, and in particular such rules shall contain provisions for securing that —
- (a) where an assessor advises the Disciplinary Tribunal on any question of law as to evidence, procedure or any other matters specified by the rules, he shall do so in the presence of every party or person representing a party to the proceedings who appears thereat or, if the advice is tendered while the Disciplinary Tribunal is deliberating in private, that every such party or persons aforesaid shall be informed what advice the assessor has tendered; and
 - (b) every such party or person as aforesaid shall be informed if in any case the Disciplinary Tribunal does not accept the advice of the assessor on such a question.
7. A law firm to serve as assessors may be appointed under this paragraph either generally or for any particular proceedings or class of proceedings and shall continue and cease to be appointed in accordance with the terms of the letter by which the firm is appointed.

The Panel.

8. The quorum of the Panel shall be five who —
- (a) all shall be fully registered medical practitioners in a case relating to a registered medical practitioner; and
 - (b) one at least shall be a fully registered dental surgeon in a case relating to a registered dental surgeon.
9. The Panel may, at any meeting attended by not less than five members, including not less than one registered dental surgeon, make standing orders with respect to the Panel.

10. Subject to the provisions of any such standing orders, the Panel may regulate its own procedure.
11. A person ceasing to be a member of the Disciplinary Tribunal or the Panel shall be eligible for reappointment as a member of that body.
12. A person may, if otherwise eligible, be a member of both the Disciplinary 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 Disciplinary Tribunal with respect to that case.
13. The Disciplinary Tribunal or the Panel may act notwithstanding any vacancy in its membership; and the proceedings of either body shall not be invalidated by any irregularity in the appointment of a member of that body, or subject to section 38 of this Bill, by reason of the fact that any person who was not entitled to do so took part in the proceedings of that body.
14. The Disciplinary Tribunal and the Panel may each sit in two or more divisions.
15. The Chairman of Council or his appointee shall serve as Chairman of any of the divisions of the Tribunal.
16. Any document authorised or required by virtue of this Bill to be served on the Disciplinary Tribunal or the Panel shall be served on the Secretary of the body concerned.
17. Any expenses of the Disciplinary Tribunal or the Panel shall be defrayed by the Council.
18. A person shall not, by reason only of being a legal assessor to the Disciplinary Tribunal or as a member of the Panel, be treated as holding an office in the public service of the Federation.

Question that the provision in the Second 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 and Tertiary) on a Bill for an Act to Repeal the Medical and Dental Practitioners Act, Cap. M8, Laws of the Federation of Nigeria, 2004; and Re-Enact the Medical and Dental Practitioners' Bill, 2021 for the Regulation and Control of Medical and Dental Professions in Nigeria; and for Related Matters and approved as follows:

Clauses 1-34	—	As Recommended
Clause 35	—	As Amended
Clauses 36-47	—	As Recommended
Schedules 1-3	—	As Recommended

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

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

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

11. **Federal University of Agriculture and Technology Aboh (Establishment) Bill, 2021 (SB.733):**

Motion made: That a Bill for an Act to provide for the Establishment of the Federal University of Agriculture and Technology Aboh and for Other Related Matters Thereof, 2021 be read the Second Time (*Senator Peter O. Nwaoboshi — Delta North*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee on Tertiary Institutions and TETFUND to report within four (4) weeks.

12. **Copyright Act Cap C28 LFN 2004 (Repeal and Re-enactment) Bill, 2021 (SB. 688):**

Motion made: That a Bill for an Act to Repeal the Copyright Act Cap C28 LFN 2004 and to Re-enact the Copyright Act 2021 and for Matters Connected Therewith, 2021 be read the Second Time (*Senator Mukhail A. Abiru — Lagos East*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committees on Trade and Investment; and Judiciary, Human Rights and Legal Matters to report within four (4) weeks.

13. **Federal University of Agriculture, Araromi Obu, Ondo State (Establishment) Bill, 2021 (SB. 646):**

Motion made: That a Bill for an Act to Establish the Federal University of Agriculture, Araromi Obu, Ondo State to make comprehensive provisions for its due management and administration and for Other Related Matters, 2021 be read the Second Time (*Senator Nicholas O. Tofowomo — Ondo South*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee on Tertiary Institutions and TETFUND to report within four (4) weeks.

14. **Public Complaints Commission Act Cap P37 LFN 2004 (Amendment) Bill, 2021 (SB. 692):**

Motion made: That a Bill for an Act to Amend the Public Complaints Commission Act Cap P37 LFN 2004 and for Other Related Matters, 2021 be read the Second Time (*Senator Albert B. Akpan — Akwa-Ibom North East*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee on Ethics, Privileges and Public Petitions to report within four (4) weeks.

15. **Motions:**

- (a) *Urgent need to construct the Power Transmission Substation in Okigwe LGA for rapid industrial growth:*

Consideration of Motion deferred to another Legislative Day.

- (b) *The need to critically assess the performance of the Economic Recovery and Growth Plan (ERGP) 2017- 2020.*

Consideration of Motion deferred to another Legislative Day.

16. **Raw Materials Research and Development Council Act Cap R3 LFN 2004 (Repeal & Re-enactment) Bill, 2021 (HB. 47) — Concurrence:**

Consideration of Bill deferred to another Legislative Day.

17. **Chartered Institute of Public Administration of Nigeria (Establishment) Bill, 2021 (HB. 329) — Concurrence:**

Consideration of Bill deferred to another Legislative Day.

18. **Nigerian Film Commission Bill, 2021 (HB. 324) — Concurrence:**

Consideration of Bill deferred to another Legislative Day.

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

Consideration of Bill deferred to another Legislative Day.

20. **Adjournment:**

Motion made: That the Senate do now adjourn till Wednesday, 9th June, 2021 at 10.00 a.m. (*Senate Leader*).

Question put and agreed to.

Adjourned accordingly at 2:00 p.m.

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