



SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Tuesday, 12th October, 2021

1. The Senate met at 11:06 a.m. The President of the Senate read prayers.
2. Votes and Proceedings:
The Senate examined the Votes and Proceedings of Thursday, 7th October, 2021.
Question was put and the Votes and Proceedings were approved.
3. Petitions:
 - (a) Rising on-Order 41, Senator Patrick A. Akinyelure (*Ondo Central*) drew the attention of the Senate to five (5) petitions received from the Office of the President of the Senate as follows:
 - (i) Gabriel Oyebanji against the Nigeria-Police Force over an alleged refusal of the Force to pay his entitlement following his compulsory retirement from the Force in 1995;
 - (ii) Ayam Michael and Associates on behalf of Chief Ezekiel Eriaye of Oki-Ama Community and Chief Jame Wege of Kerneingbeke-Opuama of Southern Ijaw Local Government Area of Bayelsa State against Nigeria Agip Oil Company Limited over an alleged refusal to compensate his clients in line with the resolution of the Senate;
 - (iii) Danjuma Samuel Agbo against Zuma Steel West Africa Limited over an alleged refusal to pay his entitlements for 13 years;
 - (iv) Global Gas and Refining Limited against Shell Petroleum Development Company of Nigeria over an alleged non payment of \$280m final settlement for wasted expenditures and costs; and
 - (v) Concerned Junior Police Officers against the Nigeria Police Force and the Police Service Commission over an alleged denial of their due promotions.

He urged the Senate to look into the matters.

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

- (b) Rising on Order 41, Senator Anayo R. Okorochoa (*Imo West*) drew the attention of the Senate to a petition from 2020/2021 Interns of the University of Calabar Teaching Hospital against the Chief Medical Director, Professor Ikpeme A. Ikpeme over an alleged non payment of 11 months stipends for their internship.

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.

4. **Matter of Urgent Public Importance:**

Rising on Orders 42 and 52, Senator Gershom H. Bassey (*Cross Rivers South*) drew the attention of the Senate to Deplorable State of Nigeria's Roads and NUPENG'S Impending Nationwide Strike. He sought and obtained the leave of the Senate to present the matter forthwith:

The Senate:

notes that the 36,000 kilometers (km) Federal road network is the largest and most valuable single public infrastructure asset owned by the Federal Government of Nigeria;

further notes that the deplorable state of the Federal Roads in Nigeria have become a national shame and an unnecessary embarrassment as scores of innocent people are kidnapped by bandits, robbed, mutilated and killed daily in avoidable accidents on account of bad Federal roads;

concerned that the Petroleum Tanker Drivers (PTD) branch of the Nigerian Union of Petroleum and Natural Gas (NUPENG) workers have threatened to cripple the Nigerian economy by a nationwide strike if the bad and shameful Nigerian roads are not rehabilitated;

further concerned that in 2019, a call through a motion for an increased funding for maintenance and rehabilitation of our Federal Highways;

worried that there has not been improved funding for maintenance and rehabilitation of our Federal Highways despite several calls;

further worried that Federal Highways in Nigeria require about ₦215 billion per annum to revamp 3,500km of Federal roads for 8-10 years for a total rehabilitation to be achieved;

disturbed that from 2016 - 2020 the actual funds released to FERMA by the Federal Government for road rehabilitation and maintenance was just about 17% of the required sum; and

further disturbed that the poor funding and neglect of Nigerian roads have led to the abysmal state of our Federal roads;

The Senate accordingly resolves to:

- (i) urge the Federal Government to immediately declare a State of Emergency on Federal Roads and improve its funding; and
- (ii) mandate the Committee on Appropriation to as a matter of urgency allocate the sum of ₦500 Billion to the Federal Roads Maintenance Agency (FERMA) for speedy intervention of our Federal Highways.

Debate:

Proposed Resolution (i):

Question: That the Senate do urge the Federal Government to immediately declare a State of Emergency on Federal Roads and improve its funding — *Agreed to.*

Proposed Resolution (ii):

Question: That the Senate do mandate the Committee on Appropriation to as a matter of urgency allocate the sum of ₦500 Billion to the Federal Roads Maintenance Agency (FERMA) for speedy intervention of our Federal Highways.

Amendment Proposed:

Leave out the Proposed Resolution (ii) and *insert* the following instead thereof:

“urge the Federal Ministry of Finance to immediately as a matter of urgent national importance release adequate funds to the FERMA to urgently carry out emergency repairs on all Federal Roads across the country” (*Senator Albert B. Akpan — Akwa Ibom North-East*).

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

Additional Proposed Resolution:

Insert Additional Proposed Resolution as follows:

“Urge the Federal Ministry of Works and Housing to immediately introduce weight bridges on relevant portions of all Federal highways to check overloading of trucks and tankers beyond the engineered load bearing capacity of such roads” (*Senator Ibrahim H. Hadejia — Jigawa North-East*).

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

Resolved:

That the Senate do:

- (i) urge the Federal Government to immediately declare a State of Emergency on Federal Roads and improve its funding;
- (ii) urge the Federal Ministry of Finance to immediately as a matter of urgent national importance release adequate funds to the FERMA to urgently carry out emergency repairs on all Federal Roads across the country; and
- (iii) urge the Federal Ministry of Works and Housing to immediately introduce weight and relevant portions of our Federal highways to check overloading of trucks and tankers beyond the engineered load bearing capacity of such roads (*S/Res/031/03/21*).

5. Presentation of Bills:

- (i) Defence Research and Development Bureau Bill, 2021 (HB. 1176) — *Read the First Time.*
- (ii) Federal University of Food Sciences and Technology, Agulu (Establishment) Bill, 2021 (SB. 368) — *Read the First Time.*
- (iii) National Vocational Centre Lanlin Mikang, Plateau State (Establishment) Bill, 2021 (SB.777) — *Read the First Time.*
- (iv) National Health Act 2014 (Amendment) Bill, 2021 (SB. 830) — *Read the First Time.*
- (v) National Institute for Educational Planning and Administration, Ondo State Bill, 2021 (SB.832) — *Read the First Time.*

6. Motion:

Re-Committal of some Clauses of the Electoral Act No.6, 2010 (Repeal & Re-enactment) Bill, 2021 (SB. 122) to the Committee of the Whole:

Motion made: The Senate recalls that the Electoral Act No.6, 2010 (Repeal & Re-enactment) Bill, 2021 was passed by the Senate and the House of Representatives;

observes that after critical examination of the Bill by the Senate Committee on INEC, some fundamental issues which require fresh legislative action on the following Clauses 43, 52, 63 and 87 were observed;

desirous of the need to address the observations by the Committee and make necessary amendments; and

Relying on order 1(b) and 53(6) of Senate Standing Order.

The Senate accordingly resolves to:

Rescind its decision on the affected Clauses of the Bill as passed and re-commit same to the Committee of the Whole for consideration and passage (*Senate Leader*).

Debate:

Proposed Resolution:

Question: That the Senate rescind its decision on the affected Clauses of the Bill as passed and re-commit same to the Committee of the Whole for consideration and passage — *Agreed to.*

Resolved:

That the Senate do rescind its decision on the affected Clauses of the Bill as passed and re-commit same to the Committee of the Whole for consideration and passage (*S/Res/032/03/21*).

Motion made: Pursuant to Resolution No. (*S/Res/032/03/21*), that the Senate do resolve into Committee of the Whole to consider the Bill (*Senate Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO REPEAL THE ELECTORAL ACT, NO. 6, 2010 AND ENACT THE ELECTORAL BILL, 2021

Clause 43: Ballot Boxes and Voting Devices

- (1) The Commission shall provide suitable boxes, electronic voting machine or any other voting device for the conduct of elections.
- (2) The forms to be used for the conduct of elections to the offices mentioned in this Bill shall be determined by the Commission.
- (3) The Polling Agents shall be entitled to be present at the distribution of the election materials, electronic voting machine and voting devices from the office to the polling booth.

- (4) Polling Agents who are in attendance at a polling unit, may be entitled, before the commencement of the election, to have originals of electoral materials to be used by the Commission for the election inspected, and this process may be recorded as evidence in writing, on video or by other means by any Polling Agent, accredited observer or official of the Commission.
- (5) A Polling Agent who is in attendance at a polling unit, may observe originals of the electoral materials and this may be recorded as evidence.
- (6) The Commission shall, before the commencement of voting in each election, provide all election materials for the conduct of such election at the polling unit.

Committee's Recommendation:

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

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

Clause 52: Conduct of Poll by Open Secret Ballot

- (1) Voting at an election under this Bill shall be by open secret ballot.
- (2) Subject to section 63 of this Bill, voting at an election and transmission of results under this Bill shall be in accordance with the procedure determined by the Commission, which may include electronic voting—

Amendment Proposed:

Immediately after the word "Commission" in line 3, leave out the words "which may include electronic voting" (Senator Ike Ekweremadu — Enugu East).

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

- (3) All ballots at an election under this Bill at any polling station shall be deposited in the ballot box in the open view of the public (*Senate Leader*).

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

Clause 63: Counting of Votes and Forms

- (1) The Presiding Officer shall, after counting the votes at the polling unit, enter the votes scored by each candidate in a form to be prescribed by the Commission as the case may be.
- (2) The form shall be signed and stamped by the Presiding Officer and counter signed by the candidates or their polling agents where available at the Polling unit.
- (3) The Presiding Officer shall give to the Polling Agents and the police officer where available a copy each of the completed Forms after it has been duly signed as provided in subsection (2).
- (4) The Presiding Officer shall count and announce the result at the Polling unit.

- (5) The Presiding officer shall transfer the results including total number of accredited voters and the results of the ballot in a manner as prescribed by the Commission.
- (6) A Presiding Officer who wilfully contravenes any provision of this section commits an offence and is liable on conviction to a fine not more than ₦500,000.00 or imprisonment for a term of at least six months.

Committee's Recommendation:

That the provision in Clause 63 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 87: Nomination of candidates by parties

- (1) "A political party seeking to nominate candidates for elections under this Bill shall hold direct primaries for aspirants to all elective positions, which shall be monitored by the Commission".
- (2) The procedure for the nomination of candidates by political parties for the various elective positions by direct primaries shall ensure that all aspirants are given equal opportunity of being voted for by members of the party and given opportunity to have agents for the purpose of monitoring the primaries.
- (3) The procedure adopted for the direct primaries shall be spelt out in a guideline to be issued by the political party and filed with the Commission at least 14 days before the primary election.
- (4) A political party shall maintain register of its members and provide in the guideline for the conduct of the primaries that the register of its members shall be used for accreditation for the primaries.
- (5) The Commission shall deploy personnel to monitor the primaries in all the centers where the direct primaries are held.
- (6) Every aspirant cleared by the party to contest at the primary shall, be entitled to a copy of the guideline for the conduct of the primaries in which he or she is participating.

Amendment Proposed:

Immediately after the word "shall," in line 1, insert the words "not later than 14 days" (Senator Michael O. Bamidele — Ekiti Central).

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

- (7) Notwithstanding the provisions of this Bill or rules of a political party, an aspirant who complains that any of the provisions of this Bill and the guidelines of his political party has not been complied with in the selection or nomination of a candidate of the political party for election, may apply for redress to the Federal High Court.

- (8) Nothing in this section shall empower the courts to stop the holding of primaries or general election or the processes thereof under this Bill pending the determination of the suit (*Senate Leader*).

Question that Clause 87 as amended do stand part of the Bill, put and agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The President of the Senate reported that the Senate in the Committee of the Whole considered a Bill for an Act to Repeal the Electoral Act, No. 6, 2010 and Enact the Electoral Bill, 2021 and approved as follows:

Clause 43	—	As Recommended
Clause 52	—	As Amended
Clause 63	—	As Recommended
Clause 87	—	As Amended

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.

7. Committee on Judiciary, Human Rights & Legal Matters:

Report on the Confirmation of the Nomination of Hon. Justice Hussein Baba Yusuf for Appointment as Chief Judge of the High Court of the Federal Capital Territory:

Motion made: That the Senate do receive and consider the Report of the Committee on Judiciary, Human Rights & Legal Matters on the confirmation of the nomination of Hon. Justice Hussein Baba Yusuf for appointment as Chief Judge of the High Court of the Federal Capital Territory (*Senator Micheal O. Bamidele — Ekiti Central*).

Question put and agreed to.

Report Laid and presented.

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

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF THE CONFIRMATION AND NOMINATION OF HONOURABLE JUSTICE HUSSEINI BABA YUSUF FOR APPOINTMENT AS CHIEF JUDGE OF THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY.

Nominee recommended for confirmation:

Honourable Justice Husseini Baba Yusuf

—

Agreed to.

Chairman to report progress.

(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 Judiciary, Human Rights and Legal Matters on the confirmation of the nomination of Honourable Justice Husseini Baba Yusuf for appointment as Chief Judge of the High Court of the Federal Capital Territory and approved the nomination.

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

Confirmation of nomination:*Question:*

“Will the Senate confirm the nomination of Honourable Justice Husseini Baba Yusuf for appointment as Chief Judge of the High Court of the Federal Capital Territory?” — *Resolved in the Affirmative.*

Nomination of Honourable Justice Husseini Baba Yusuf for appointment as Chief Judge of the High Court of the Federal Capital Territory accordingly confirmed.

8. 2022 Appropriation Bill, 2021 (SB. 828):

Motion made: That a Bill for an Act to authorize the issuance from the Consolidated Revenue Fund of the Federation the total sum of ₦16,391,023,917,692 (Sixteen Trillion, Three Hundred and Ninety-One Billion, Twenty Three Million, Nine Hundred and Seventeen Thousand, Six Hundred and Ninety-Two Naira) only, of which ₦768,276,616,043 (Seven Hundred and Sixty-Eight Billion, Two Hundred and Seventy-Six Million, Six Hundred and Sixteen Thousand, Forty-Three Naira) only is for Statutory Transfers, ₦3,901,952,981,550 (Three Trillion, Nine Hundred and One Billion, Nine Hundred and Fifty Two Million, Nine Hundred and Eighty-One Thousand, Five Hundred and Fifty Naira) only is for Debt Service, ₦6,829,015,483,446 (Six Trillion, Eight Hundred and Twenty-Nine Billion, Fifteen Million, Four Hundred and Eighty-Three Thousand, Four Hundred and Forty-Six Naira) only is for Recurrent (Non-Debt) Expenditure while the sum of ₦4,891,778,836,654 (Four Trillion, Eight Hundred and Ninety-One Billion, Seven Hundred and Seventy-Eight Million, Eight Hundred and Thirty-Six Thousand, Six Hundred and Fifty-Four Naira) only for contribution to the Development Fund for Capital Expenditure for the year ending on the 31st day of December, 2022 and for other matters connected thereto, 2021 be read the Second Time (*1st Allotted Day*) (*Senate Leader*).

Debate:

The following Senators made contributions:

- (i) Senator Yahaya A. Abdullahi
- (ii) Senator Enyinnaya H. Abaribe
- (iii) Senator Mohammad A. Adamu
- (iv) Senator Aliyu M. Wamakko
- (v) Senator Chimaroke O. Nnamani
- (vi) Senator Ibikunle O. Amosun
- (vii) Senator Emmanuel Bwacha

Further debate deferred to the next Legislative Day.

9. **Adjournment:**

Motion made: That the Senate do now adjourn till Wednesday, 13th October, 2021 at 10.00 a.m.
(*Senate Leader*).

Question put and agreed to.

Adjourned accordingly at 1:15 p.m.

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

