



**SENATE OF THE  
FEDERAL REPUBLIC OF NIGERIA**  
**VOTES AND PROCEEDINGS**

Tuesday, 5<sup>th</sup> ~~September~~ <sup>October</sup> 2021

1. The Senate met at 11:10 a.m. The Deputy President of the Senate read prayers.
2. Votes and Proceedings:  
The Senate examined the Votes and Proceedings of Wednesday, 29<sup>th</sup> September, 2021.  
*Question was put and the Votes and Proceedings were approved as amended.*
3. Messages from Mr. President:  
The Deputy President of the Senate announced that he had received two (2) letters from Mr. President, Commander-in-Chief of the Armed Forces of the Federation, which he read as follows:

(a) *Appointment of Chief Judge:*



**PRESIDENT  
FEDERAL REPUBLIC OF NIGERIA**

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

*29<sup>th</sup> September, 2021*

*Dear Distinguished Senate President,*

**APPOINTMENT OF CHIEF JUDGE FOR THE HIGH COURT OF  
THE FEDERAL CAPITAL TERRITORY ABUJA**

*In accordance with the provision of Section 256(1) of Constitution of the Federal Republic of Nigeria 1999 (as amended), I hereby forward for confirmation by the Senate, the appointment of Hon. Justice Husseini Baba Yusuf as the Chief Judge of the High Court of the Federal Capital Territory, Abuja.*

*While hoping that this request will receive the usual expeditious consideration of the Senate, please accept, Distinguished Senate President, the assurances of my highest regards.*

Yours sincerely,  
(Signed)  
Muhammadu Buhari

(b) Revised FGN 2022-2024 Medium-Term Fiscal Framework:



PRESIDENT  
FEDERAL REPUBLIC OF NIGERIA

2<sup>nd</sup> October, 2021

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

Dear Distinguished Senate President,

**SUBMISSION OF THE REVISED FGN 2022-2024 MEDIUM-TERM  
FISCAL FRAMEWORK**

It is with pleasure that I forward the Revised 2022-2024 Medium Term Fiscal Framework (MTFF) for the kind consideration and approval of the Distinguished Senate.

2. The revision was necessitated by the need to reflect the new fiscal terms in the Petroleum Industry Act (PIA) 2021, as well as other critical expenditures in the 2022 Budget.

3. The underlying drivers of the 2022 fiscal projections, such as oil price benchmark, oil production volume, exchange rate, GDP growth, and inflation rate reflect emergent realities and the macroeconomic outlook, and remain unchanged as in the previously approved 2022-24 MTEF & FSP.

4. The PIA establishes a progressive fiscal framework aimed at encouraging investment in the Nigerian petroleum industry. This significantly alters the Oil and Gas fiscal terms and has necessitated changes in the 2022-2024 Medium Term Fiscal Framework. The fiscal effects of PIA implementation are assumed to kick in by mid-year 2022. The revised 2022-24 Fiscal Framework is the premise on hybrid of January-June (based on current fiscal regime) and July-December (based on PIA fiscal regime), while 2023 and 2024 are now fully based on the PIA.

5. Arising from this, and other critical expenditures that should be accommodated in the 2022 Budget, the changes to the 2022 projections in the Fiscal Framework are as follows:

**Federation Account Revenue:**

- a. Gross revenue projection decreased by ₦341.57 billion, from ₦8.870 trillion to ₦8.528 trillion.
- b. Deductions for Federally-funded upstream project costs and 13% Derivation, decreased by ₦335.3 billion and ₦810.25 million, respectively.
- c. Net Oil and Gas revenue projection declined by ₦5.42 billion from ₦6.540 trillion to ₦6.535 trillion.

**FGN Retained Revenue:**

- a. A projected decline in Net Oil and Gas Revenue by ₦5.42 billion.
- b. An increase in projected FGN's Retained Revenue from ₦8.36 trillion to ₦10.13 trillion (inclusive of GOEs), largely based on:
  - i. A projected increase in the revenues of Government Owned-Enterprises (GOEs) by ₦837.76 billion;
  - ii. MDAs Internally Generated Revenue by ₦697.6 billion;
  - iii. The introduction of Education Tax of ₦306 billion and Dividend of ₦8.3 billion from the Bank of Industry as revenue lines; and
  - iv. FGN share of oil price royalty of ₦96.9 billion which is expected to be transferred to the Nigerian Sovereign Investment Authority based on the provisions of the PIA.

**FGN Expenditure:**

- a. The FGN Aggregate Expenditure (including GOEs and Project-tied Loans) is projected to increase by ₦2.47 trillion, from ₦13.98 trillion to ₦16.45 trillion.
- b. The increase in expenditure is due to:
  - i. ₦100 billion additional provision to INEC, to cater for 2023 General Elections;
  - ii. The provision of ₦54 billion to NASENI, which represents 1% FGN Share of Federation Account;
  - iii. Additional provision of ₦510 billion in the Service Wide Votes to cater for National Poverty Reduction with Growth Strategy (₦300 billion), Police Operations Fund (₦50 billion), Hazard Allowance for Health Workers (₦50 billion), Public Service Wage Adjustments (additional ₦80 billion), and MDAs' Electricity Bills Debt (additional ₦37 billion);
  - iv. Additional Capital provision of ₦1.70 trillion, attributed to projected increases in:
    - Capital Supplementation by ₦179.1 billion;
    - GOEs Capital by ₦222.1 billion;
    - TETFUND Expenditure by ₦290.7 billion;
    - Multi-lateral/Bi-lateral Project-tied Loans by ₦517.5 billion; and
    - MDAs Capital Expenditure by ₦390.5 billion (including ₦178.1 billion provision for population and housing census to be carried out in 2022).

**Fiscal Deficit:**

- a. The Aggregate Deficit (inclusive of GOEs and Project-tied Loans) is projected to increase by ₦692.0 billion or to 3.42% of GDP from 3.05% of GDP.
6. I herewith forward the Revised 2022-2024 MTF. As the 2022 budget of the Federal Government will be prepared based on the parameters and fiscal assumptions of the approved Revised 2022-2024 MTF, I seek the cooperation of the National Assembly for expeditious legislative action on the submission.
7. Please accept, Distinguished Senate President, the assurance of my highest consideration.

Yours sincerely,  
(Signed)  
Muhammadu Buhari

4. **Petitions:**

- (a) Rising on Order 41, Senator George T. Sekibo (*Rivers East*) drew the attention of the Senate to a petition from Hon. Jacob Iwezo Nwala against Mr. Felix Ogbebor over an alleged invasion and illegal take over of his land. 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 two (2) weeks.*

- (b) 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) Hardy Oil Nigeria Limited against the Department of Petroleum Resources (DPR), over an alleged illegal and fraudulent revocation of Atala Marginal Field (OML 46) and its re-award to Halklin Exploration and Production Limited by the DPR in breach of due process;
- (ii) Faruk Adamu and two others against the Federal Road Safety Corps (FRSC) over alleged wrongful termination of their appointments;
- (iii) Inspector Olisa Emmanuel and six others against the Nigeria Police Force over alleged refusal to promote them since their reinstatement in line with the Court judgement;
- (iv) C.A.C. Uzoegwu and Co., on behalf of Ugwuani Community, Abor Town in Udi Local Government Area of Enugu State against Mr. Okechukwu Anyogu and others from neighbouring Ozalla Community Abor in Udi Local Government Area over an alleged invasion, and destruction of farm lands and properties worth over Five Hundred Million Naira (₦500,000,000) by armed soldiers and cultists; and
- (v) Ikyoive Michael Orban and Mrs. Maureen Member Ikyoive against Union Homes Savings & Loans; and Aso Savings over an alleged denial of access to their deposits.

He urged the Senate to look into the matters.

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

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

Rising on Orders 42 and 52, Senator Oluremi S. Tinubu (*Lagos Central*) drew the attention of the Senate on the urgent need to tackle the protracted Apapa Gridlock in Lagos and embrace the newly introduced Electronic Call-up System of admitting trucks into the Terminal. She sought and obtained the leave of the Senate to present the matter forthwith:

The Senate:

*notes with great displeasure, the gridlock which has persisted on access roads to the Apapa Seaport in Lagos that has for many years been a source of heartache for individuals and businesses plying the route;*

*aware* that the gridlock has persisted due to the terrible condition of the Apapa Ports roads, the concentration of tank farms in the area, indiscriminate parking of petroleum tankers and trailers wanting to load petrol from the tank farms, and the racket created by persons benefiting from the chaotic situation;

*also aware* that the tank farms attract thousands of trucks and tanker drivers who lift petroleum products for onward supply to Nigerians, who owing to a paucity of parking lots, take up all the space on the road instead, thereby causing traffic;

*informed* that there are about thirty tank farms in the Oshodi-Apapa axis alone. This over concentration is disadvantageous because one accident could be the undoing of this very important aspect of Federal Government earning;

*also informed* that the unpalatable situation has made the area a goldmine for unscrupulous persons and security operatives, who have gone on to create a racket, profiting off the turmoil created;

*decries* the poor quality of port access roads, complex port procedures and an ineffective truck call-up system among other factors, contributing to delays, inefficiencies and gridlock in Apapa, with huge costs to Nigeria's economy;

*notes* that this gridlock has increased the cost of doing business, encouraged illegalities, and stifled port activities with its attendant negative impact on government's revenue projections;

*concerned* that roads leading to Apapa are characterised with so much traffic that people would rather walk than drive;

*worried* that this gridlock has continued to pose security threats to the lives of innocent citizens as hoodlums exploit the situation to dispossess motorists and passers-by of their valuables;

*also worried* that due to the deplorable state of the roads, other unfinished construction works, and the number of trucks and containers on the road, there have been several cases of containers falling on smaller vehicles, killing innocent citizens while goods worth millions of naira are also destroyed or stolen in these accidents;

*further notes* that only recently, following allegations of extortion by security operatives posted to the area, the Presidential Task Force handed over the reins of managing the traffic situation to the Lagos State Government which in turn set up the Apapa Special Traffic Management and Compliance Enforcement Team;

*observes* that the Nigerian Ports Authority (NPA) recently introduced an electronic Call-Up system for admitting trucks into the terminal and to control the movement of trucks in and out of Lagos seaports;

*concerned* that in spite of the well-intentioned initiative, the chaotic traffic situation still lingers as trucks and tankers still park indiscriminately on the road causing inconvenience to residents, commuters and business activities in the area;

*also concerned* that tankers have not been incorporated into the e-Call Up system, and the areas where container trucks used to be stationed have now been taken over by the tankers;

*bothered* by the seeming discord among stakeholders in the implementation of the e-call up system.

alternative packing lots have not been provided, but also because as a body, NUPENG is not subject to the authority of the implementing Agency, the Nigerian Ports Authority;

*further concerned* that the clearing agents and truck owners along the Port access road at the Tin Can Island Port Complex (TCIPC) accuse officials of the Nigerian Ports Authority (NPA), security agents, and the police personnel who were deployed to manage traffic in the area of sabotaging the smooth operation of the newly introduced scheme by colluding with "community boys", touts and miscreants who disregard official e-call-up tickets to extort truckers;

*notes* that the allegations by industry operators such as the National Association of Road Transport Owners (NARTO) that human interference in the e-call up system continues to hamper resolution of the issues and compound the problem;

*saddened* that the recurring Apapa gridlock has become an embarrassment to our nation and a sore point for maritime business along the Lagos and Tin Can Island ports corridors;

*also saddened* that this has a huge impact on the ease of doing business in Nigeria, shipping fees, and final cost of goods;

*further saddened* that the outcome is a diversion of Nigeria bound cargoes to neighbouring Countries with Seaports;

*reminded* that being the country's most valuable import and export gateway and a high-yielding revenue hub, Apapa Ports reportedly rakes in over ₦1 trillion annually into public treasury through various taxes, levies and tariffs; and

*also reminded* that as stakeholders in the success of Nigeria, we must ensure viable working systems and Institutions that benefit the populace.

*The Senate accordingly resolves to:*

- (i) commend the Federal Government for the reconstruction of Oshodi-Apapa Expressway and the completion of the Apapa Port spur line of the Lagos - Ibadan rail;
- (ii) urge the private terminal operators to explore water transport as an option in the movement of containers
- (iii) urge the Federal Government to collaborate with the Lagos State Government and other critical stakeholders to evacuate all petrol tankers and heavy-duty vehicles along the Apapa Port access roads;
- (iv) urge the Federal Government to collaborate with the Lagos State Government to ensure that tank farms are relocated to other areas;
- (v) urge the Federal Ministry of Works to commence the reconstruction and repair of all access roads to the Seaport namely: the Apapa Creek Road, Apapa/Oshodi Expressway and Tin Can Island;
- (vi) mandate its Committee on Marine Transport to investigate the implementation of the e-Call Up system and allegations of extortion by Port officials, and report back to the Senate on the way forward; and

- (vii) mandate its Committees on Marine Transport; Works; Petroleum Resources (Upstream); and Downstream Petroleum Sector to meet with the Nigerian Ports Authority, Concessionaires, Nigerian Union of Petroleum Engineers and all other stakeholders to ensure resolution of pending conflicts and ensure synergy among stakeholders.

*Debate:*

*Proposed Resolution (i):*

*Question:* That the Senate do commend the Federal Government for the reconstruction of Oshodi-Apapa Expressway and the completion of the Apapa Port spur line of the Lagos - Ibadan rail — *Agreed to.*

*Proposed Resolution (ii):*

*Question:* That the Senate do urge the private terminal operators to explore water transport as an option in the movement of containers — *Agreed to.*

*Proposed Resolution (iii):*

*Question:* That the Senate do urge the Federal Government to collaborate with the Lagos State Government and other critical stakeholders to evacuate all petrol tankers and heavy-duty vehicles along the Apapa Port access roads — *Agreed to.*

*Proposed Resolution (iv):*

*Question:* That the Senate do urge the Federal Government to collaborate with the Lagos State Government to ensure that tank farms are relocated to other areas — *Agreed to.*

*Proposed Resolution (v):*

*Question:* That the Senate do urge the Federal Ministry of Works to commence the reconstruction and repair of all access roads to the Seaport namely: the Apapa Creek Road, Apapa/Oshodi Expressway and Tin Can Island — *Agreed to.*

*Proposed Resolution (vi):*

*Question:* That the Senate do mandate its Committee on Marine Transport to investigate the implementation of the e-Call Up system and allegations of extortion by Port officials, and report back to the Senate on the way forward — *Agreed to.*

*Proposed Resolution (vii):*

*Question:* That the Senate do mandate its Committees on Marine Transport; Works; Petroleum Resources (Upstream); and Downstream Petroleum Sector to meet with the Nigerian Ports Authority, Concessionaires, Nigerian Union of Petroleum Engineers and all other stakeholders to ensure resolution of pending conflicts and ensure synergy among stakeholders — *Agreed to.*

*Resolved:*

That the Senate do:

- (i) commend the Federal Government for the reconstruction of Oshodi-Apapa Expressway and the completion of the Apapa Port spur line of the Lagos - Ibadan rail;
- (ii) urge the private terminal operators to explore water transport as an option in the movement of containers;
- (iii) urge the Federal Government to collaborate with the Lagos State Government and other critical stakeholders to evacuate all petrol tankers and heavy-duty vehicles along the Apapa Port access roads:

- (iv) urge the Federal Government to collaborate with the Lagos State Government to ensure that tank farms are relocated to other areas;
- (v) urge the Federal Ministry of Works to commence the reconstruction and repair of all access roads to the Seaport namely: the Apapa Creek Road, Apapa/Oshodi Expressway and Tin Can Island;
- (vi) mandate its Committee on Marine Transport to investigate the implementation of the e-Call Up system and allegations of extortion by Port officials, and report back to the Senate on the way forward; and
- (vii) mandate its Committees on Marine Transport; Works; Petroleum Resources (Upstream); and Downstream Petroleum Sector to meet with the Nigerian Ports Authority, Concessionaires, Nigerian Union of Petroleum Engineers and all other stakeholders to ensure resolution of pending conflicts and ensure synergy among stakeholders (S/Res/027/03/21).

**6. Executive Communication:**

***Submission of Revised FGN 2022-2024 Medium-Term Fiscal Framework:***

*Motion made:* Pursuant to Order 1(b), that the Senate do consider the request of Mr. President, Commander in Chief of the Armed Forces of the Federation on the Revised FGN 2022-2024 Medium-Term Fiscal Framework (*Senate Leader*).

*Question put and agreed to.*

*Request accordingly referred to the Committee on Finance to report on Wednesday, 6<sup>th</sup> October, 2021.*

**7. Presentation of Bills:**

- (i) Health Education Practitioners Board of Nigeria (Registration, etc) Bill, 2021 (SB. 299) — *Read the First Time.*
- (ii) National Veterinary Research Institute, Gombe (Establishment) Bill, 2021 (SB. 782) — *Read the First Time.*
- (iii) Institute of Culture and Tourism Oke-Igbo, Ondo State (Establishment) Bill, 2021 (SB. 819) — *Read the First Time.*
- (iv) Legal Education (Consolidation) Act Cap L10, LFN 2004 (Amendment) Bill, 2021 (SB. 820) — *Read the First Time.*
- (v) Central Bank of Nigeria (CBN) Act No.7, 2007 (Amendment) Bill, 2021 (SB. 821) — *Read the First Time.*

**8. Committee on Anti-Corruption and Financial Crimes:**

***Report on the Confirmation of the Nominations for Appointment as Secretary and Members of the Economic and Financial Crimes Commission (EFCC):***

*Motion made:* That the Senate do receive and consider the Report of the Committee on Anti-Corruption and Financial Crimes on the confirmation of the nomination of the following persons for appointment as Secretary and Members of the Economic and Financial Crimes Commission (EFCC):



<u>S/No.</u>	<u>Name</u>	<u>Position</u>	<u>State of Origin</u>
1.	George Abang Ekpungu	Secretary of the Commission	Cross River
2.	Luqman Muhammed	Board Member	Edo
3.	Anumba Adaeze	Board Member	Enugu
4.	Alh. Kola Raheem Adesina	Board Member	Kwara
5.	Alh. Yahaya Muhammad	Board Member	Yobe

(Senator Suleiman A. Kwari — Kaduna North).

*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 COMMITTEE OF THE WHOLE)

Consideration of the Report of the Committee on Anti-Corruption and Financial Crimes on the confirmation of the nominations for appointment as Secretary and Members of the Economic and Financial Crimes Commission (EFCC).

#### **Nominees recommended for confirmation:**

- |    |   |              |
|----|---|--------------|
| 1. | George Abang Ekpungu ( <i>Cross River</i> ) | — Agreed to. |
| 2. | Luqman Muhammed ( <i>Edo</i> )              | — Agreed to. |
| 3. | Anumba Adaeze ( <i>Enugu</i> )              | — Agreed to. |
| 4. | Alh. Kola Raheem Adesina ( <i>Kwara</i> )   | — Agreed to. |
| 5. | Alh. Yahaya Muhammad ( <i>Yobe</i> )        | — Agreed to. |

Chairman to report progress.

#### (SENATE IN PLENARY)

The Deputy President of the Senate reported that the Senate in the Committee of the Whole considered the Report of the Committee on Anti-Corruption and Financial Crimes on the confirmation of the nominations for appointment as Secretary and Members of the Economic and Financial Crimes Commission (EFCC) and approved the nominations.

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

#### **Confirmation of nominations:**

*Question:*

“Will the Senate confirm the nomination of George Abang Ekpungu (*Cross River*) for Appointment as Secretary to the Economic and Financial Crimes Commission?” — *Resolved in the Affirmative.*

*Nomination of George Abang Ekpungu for Appointment as Secretary to the Economic and Financial Crimes Commission accordingly confirmed.*

*Question:*

"Will the Senate confirm the nomination of Luqman Muhammed (*Edo*) for Appointment as Board Member of the Economic and Financial Crimes Commission ?" — *Resolved in the Affirmative.*

*Nomination of Luqman Muhammed for Appointment as Board Member of the Economic and Financial Crimes Commission accordingly confirmed.*

*Question:*

"Will the Senate confirm the nomination of Anumba Adaeze (*Enugu*) for Appointment as Board Member of the Economic and Financial Crimes Commission ?" — *Resolved in the Affirmative.*

*Nomination of Anumba Adaeze for Appointment as Board Member of the Economic and Financial Crimes Commission accordingly confirmed.*

*Question:*

"Will the Senate confirm the nomination of Alh. Kola Raheem Adesina (*Kwara*) for Appointment as Board Member of the Economic and Financial Crimes Commission ?" — *Resolved in the Affirmative.*

*Nomination of Alh. Kola Raheem Adesina for Appointment as Board Member of the Economic and Financial Crimes Commission accordingly confirmed.*

*Question:*

"Will the Senate confirm the nomination of Alh. Yahaya Muhammad (*Yobe*) for Appointment as Board Member of the Economic and Financial Crimes Commission ?" — *Resolved in the Affirmative.*

*Nomination of Alh. Yahaya Muhammad for Appointment as Board Member of the Economic and Financial Crimes Commission accordingly confirmed.*

9. **Committee on Health (Secondary & Tertiary):**

*Report on the Tertiary Hospital Development Fund (Establishment) Bill, 2021 (SB. 136):*

*Motion made:* That the Senate do consider the Report of the Committee on Health (Secondary & Tertiary) on the Tertiary Hospital Development Fund for the Rehabilitation, Restoration, Improvement of Tertiary Health Care Delivery in Nigeria; and for Related Matters, 2021 (*Senator Yahaya I. Oloriegbe — Kwara Central*).

*Question put and agreed to.*

*Report Presented.*

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

*Question put and agreed to.*

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO ESTABLISH THE TERTIARY HOSPITALS DEVELOPMENT FUND FOR THE REHABILITATION, RESTORATION, IMPROVEMENT OF TERTIARY HEALTH CARE DELIVERY IN NIGERIA; AND FOR RELATED MATTERS, 2021 (SB. 371 AND SB. 136 CONSOLIDATED)

PART I — ESTABLISHMENT OF THE TERTIARY HOSPITALS  
DEVELOPMENT FUND BILL, 2021

**Clause 1: Establishment of Tertiary Healthcare Development Fund.**

- (1) There is established the Tertiary Hospitals Development Fund (in this Bill referred to as "the Fund) for the rehabilitation, restoration and consolidation of Tertiary Healthcare in Nigeria.
- (2) The Fund —
  - (a) is a body corporate with perpetual succession and a common seal;
  - (b) may sue and be sued in its corporate name; and
  - (c) hold and dispose its property, whether movable or immovable.

***Committee's Recommendation:***

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

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

**Clause 2: Establishment of Governing Board.**

- (1) There is established for the Fund the Governing Board (in this Bill referred to as "the Board").
- (2) The Board shall consist of —
  - (a) a chairman who shall —
    - (i) be a person with good knowledge in healthcare administration and management matters,
    - (ii) have qualifications and experiences as are required to perform the functions of that office under this Bill;
  - (b) one representative each, not be below the rank of a Director, of the —
    - (i) Federal Ministry of Health,
    - (ii) Federal Ministry of Finance,
    - (iii) Federal Ministry of Education,
    - (iv) Federal Inland Revenue Service, and
    - (v) Pharmaceutical Society of Nigeria.
  - (c) one representative each from the six geopolitical zones,
  - (d) three representatives of Committee of Medical Directors of Tertiary Hospitals and Federal Medical Centres (including Teaching Hospitals, and Specialist Hospitals), and

- (e) Executive Secretary of the Fund who shall be the Secretary of the Board.
- (3) The President shall, on the recommendation of the Minister, appoint the Chairman and members of the Board.
- (4) The members shall be persons with considerable experience relating to the functions of the Board.
- (5) The performance of the functions or exercise of the powers of the Board is not affected by reason of a vacancy in the membership of the Board.
- (6) The supplementary provisions set out in the Schedule to this Bill shall have effect with respect to the proceedings of the Board and other matters contained therein.

***Committee's Recommendation:***

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

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

**Clause 3: Tenure of Members.**

- (1) A member other than ex-officio —
  - (a) shall hold office for a term of four years that may be renewable for another term of four years and no more; and
  - (b) may hold office on terms and conditions as may be specified in his letter of appointment.
- (2) A member may at any time be removed from office by the President —
  - (a) for inability to perform the functions of his office (whether arising from infirmity of mind or body); or
  - (b) if the President considers that it is not in the interest of the Fund or public for such member to continue in office.

***Committee's Recommendation:***

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

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

**Clause 4: Cessation of Membership.**

- (1) A member ceases to hold office if he —
  - (a) is, without permission of the Board, absent —
    - (i) for more than three consecutive meetings for the Board without such permission, or
    - (ii) from the Country for a period exceeding one year;

- (b) in case of a professional, is disqualified or suspended (other than at his own request) from practising his profession in any part of Nigeria by the order of any competent authority;
  - (c) becomes bankrupt or makes a compromise with his creditors;
  - (d) becomes bankrupt;
  - (e) is guilty of —
    - (i) serious misconduct in relation to his duties, or
    - (ii) an immorality or corrupt conduct;
  - (f) is convicted of a felony or any offence involving dishonesty.
- (2) A member may at any time resign his membership —
- (a) by giving notice in writing through the Minister to the President and the resignation becomes effective from the date specified in the notice; and
  - (b) if no date is specified, from the date of the receipt of the notice by the president.
- (3) Where a member ceases to hold office for any reason whatsoever before the expiration of his term of office, the President, after consulting the Minister, may appoint another person for the unexpired term.

***Committee's Recommendation:***

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

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

**Clause 5: Allowances of Members.**

Members shall be paid such allowances as the Revenue Mobilization, Allocation and Fiscal Commission may direct.

***Committee's Recommendation:***

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

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

**PART II — FUNCTIONS OF THE FUND AND POWERS OF THE BOARD**

**Clause 6: Functions of the Fund.**

The Fund shall —

- (a) provide and maintain —
  - (i) infrastructure essential for tertiary healthcare service delivery,
  - (ii) health research and publications, and

- (iii) clinical staff training and development; and
- (b) monitor and ensure collection of the tax by the Service and ensure transfer of same to the Fund;
- (c) manage and disburse the tax imposed by this Bill;
- (d) liaise with the appropriate ministries or bodies responsible for collection or safe keeping of the tax;
- (e) receive requests and approve appropriate projects after due consideration;
- (f) ensure disbursement of funds to various Tertiary Teaching Hospitals in Nigeria;
- (g) monitor and evaluate execution of the projects in relation to funds releases;
- (h) invest funds in appropriate and safe securities;
- (i) update the Federal Government on its activities and progress through annual and audited reports not later than six month after the preceding year;
- (j) review progress and suggest improvements within the provisions of this Bill;
- (k) make and issue guidelines, from time to time, to all beneficiaries on disbursement from the Fund on the use of monies received from the Fund;
- (l) generally regulate the administration, application and disbursement of monies from the Fund under this Bill.
- (m) do such other things as are —
  - (i) necessary or incidental to the objects of the Fund under this Bill or as may be assigned by the Federal Government, and
  - (ii) in the opinion of the Board, critical and essential for the improvement of quality and maintenance of standards in the Tertiary Hospitals.

***Committee's Recommendation:***

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

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

**Clause 7: Powers of the Board.**

The Board has powers to —

- (a) make regulations for the management of the Fund with the approval of the President through the Minister for health on the basis of —
  - (i) funding of all Tertiary Hospitals,

- (ii) equality among the States of the Federation, in the case of regular intervention projects, and
- (iii) equality among the six geopolitical zones of the Federation, in the case of special intervention projects;
- (b) approve the annual budget of the Fund;
- (c) approve all grants for healthcare research, training and development;
- (d) approve loan for healthcare investment subject to section 8 (b) of this Bill;
- (e) review and monitor the activities of the Fund;
- (f) approve payment to persons employed by the Fund of such remuneration and allowances;
- (g) give report on all activities of the Fund on quarterly basis through the Minister to the President
- (h) specify the manner in which assets of the Fund are to be held, and regulate payment into and out of the Fund.
- (i) specify the manner for timely disbursement and recovery (where necessary) of loans;
- (j) require the keeping of proper accounts and records for the purposes of the Fund in such form as may be specified in the rules;
- (k) require the accounts of the Fund to be audited periodically by the Auditor-General of the Federation;
- (l) ensure that the copies of the accounts and the auditor's report thereon are submitted to the Federal Executive Council through Minister;
- (m) monitor the execution of projects; and
- (n) carry out such other activities as may be incidental to the performance of its functions under this Bill.

***Committee's Recommendation:***

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

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

**Clause 8: Management and Administration of the Fund.**

- (1) The Board shall administer the tax imposed under this Bill and disburse the amount in the Fund to Tertiary Hospitals specifically for the provision or maintenance of —
  - (a) essential physical infrastructure for teaching, learning, research and service.

- (b) instructional , medical and other services equipment;
  - (c) research and publication;
  - (d) staff training and development; and
  - (e) any other need which, in the opinion of the Board of Management, is critical and essential for the improvement of quality and maintenance of standards in the Tertiary hospitals.
- (2) The Board shall remit in whole or in part a sum added to the unpaid tax under subsection (1) of this section.
  - (3) The Board may give due consideration to the peculiarities of each geo-political zone in the disbursement and management of the tax imposed under this Bill between the various Tertiary Hospitals.
  - (4) The Minister shall, on the recommendation of the Board of Management and subject to approval by the President, make guidelines for disbursement of funds under this Bill.

***Committee's Recommendation:***

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

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

PART III — APPOINTMENT OF THE EXECUTIVE  
 SECRETARY AND OTHER STAFF

**Clause 9: Appointment of the Executive Secretary and Other Staff**

- (1) The President shall, appoint for the Fund an Executive Secretary.
- (2) The Executive Secretary shall be a person who, has acquired cognate experience of not less than 15 years in —
  - (a) medicine; and
  - (b) management and administration.
- (3) The Executive Secretary is —
  - (a) the chief executive and accounting officer of the Fund; and
  - (b) responsible for —
    - (i) the day-to-day management and administration of the Fund, subject to the general directions of the Board,
    - (ii) keeping the proper books and records of the proceedings of the Board,
    - (iii) the administration of the Secretariat of the Board of Management, and



- (iv) the general direction and control of all other employees of the Fund.
- (4) The Executive Secretary shall —
- (a) hold office for a term of five years and no more; or
  - (b) on such terms and conditions as are specified in his letter of appointment.
- (5) Notwithstanding, the provisions of subsections (4) of this section, the Executive Secretary may be removed from office by the President —
- (a) for inability to perform the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misconduct, or
  - (b) if President is satisfied that it is not in the interest of the service or public for him to continue in office.
- (6) The Executive Secretary may resign his appointment by a letter to the President through the Minister.
- (7) The Board may deploy or appoint for the Fund other employees upon such terms and conditions as may be determined by the Board.
- (8) Service in the Fund shall be approved service for the purpose of the Pension Reform Act.

***Committee's Recommendation:***

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

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

**PART IV — FINANCIAL PROVISIONS**

**Clause 10: Account.**

- (1) The Fund shall establish and maintain an account from which shall be defrayed all expenditure incurred by the Fund.
- (2) There shall be paid into the account established in subsection (1) of this section —
  - (a) take off grant provided by the Federal Government;
  - (b) money appropriated by the National Assembly;
  - (c) 1% of petroleum companies tax paid on total barrels of crude oil produced yearly;
  - (d) 1% of mobile phone service providers tax paid on airtime and data sold yearly;

- (e) 1% of beverages and breweries companies tax paid on profit yearly declared;
- (f) 1% of cement companies on profit yearly declared;
- (g) 1% of paint and chemical manufacturing companies tax paid on profit yearly declared; and
- (h) 1% of tobacco companies tax paid on profit yearly declared.

***Committee's Recommendation:***

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

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

**Clause 11: Assessment and Collection of Tax.**

- (1) The Federal Inland Revenue Service (in this Bill referred to as "the FIRS") shall —
  - (a) assess and collect the taxes imposed under this Bill; and
  - (b) when assessing a company for companies income tax for an accounting period of the company, also assess the company for the tax due under this Bill;
- (2) The tax imposed under this Bill shall be due and payable within 90 days.

***Committee's Recommendation:***

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

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

**Clause 12: Expenditure.**

- (1) The Federal Inland Revenue Service shall pay the tax collected under this Bill into the Fund and shall, when doing so, submit to the Fund in such form as the Board shall approve, showing —
  - (a) the name of the company making the payment;
  - (b) the amount collected;
  - (c) the assessable profit of the company for the accounting period; and
  - (d) such other information as may be required by the Fund for the proper administration of the tax.
- (2) The Fund shall, before disbursement of the amount in the Fund, set aside in each year, an amount not exceeding 10% of the total money accruing to the Fund in the preceding year which shall be applied —
  - (a) for the cost of administration and management of the Fund;

- (b) for the development or maintenance of any property acquired by or vested in the Fund and generally to pay for any service rendered to the Fund;
  - (c) for project monitoring;
  - (d) to meet all the needs of the Fund necessary for the due administration and implementation of the purpose of this Bill;
  - (e) for the payment of allowances and benefits of members and for reimbursing members of any committee set up by the Board for such expenses as may be expressly authorised by the Board; and
  - (f) for the payment of salaries, remuneration or allowances, pensions and other benefits payable to the officers and other employees of the Fund.
- (3) No payment of any kind under subsection (2) (f) (except such as may be expressly authorised by the Board) shall be made to any person who is in receipt of emolument from the Federal or State Government.

*Committee's Recommendation:*

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

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

**Clause 13: Annual Accounts and Estimates.**

- (1) The Fund shall keep accounts in respect of each year and proper records in relation to those accounts and shall cause to be prepared in each year a statement —
- (a) showing the income and expenditure of the Fund for the preceding year; and
  - (b) of all assets and liabilities of the Fund as at the last day of the preceding year.
- (2) The Fund shall cause every statement prepared under this section to be audited within six months after the end of the year to which the statement relates by auditors from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation.
- (3) The Fund shall submit to the Minister, not later than 31st August in each year, as estimate of its expenditure and income during the next succeeding year.

*Committee's Recommendation:*

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

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

**Clause 14: Annual Report, Audited Accounts and Auditor's Report.**

- (1) The fund shall —
  - (a) prepare and submit to the Minister, not later than six months after the end of the year, a report, in such form as the Minister may direct, on the activities of the Fund during the immediate preceding year; and
  - (b) include in the report a copy of the audited accounts of the Fund for that year and auditor's report thereon.
- (2) The Minister shall submit a copy of each report made to him under this section to the Federal Executive Council.

***Committee's Recommendation:***

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

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

**Clause 15: Power to Accept Gifts.**

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

***Committee's Recommendation:***

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

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

**Clause 16: Power to Borrow.**

- (1) The Fund may, from time to time, borrow, by way of overdraft or otherwise, such sums as it may require for the performance of its functions under this Bill.
- (2) The Fund shall not, without the approval of the Minister, borrow money which exceeds, at any time, the amount set by the Government as the limit of the authority of the Fund.
- (3) Where the sum to be borrowed is in foreign currency, the Fund shall seek and obtain the approval of the Minister through the Board.

***Committee's Recommendation:***

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

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

## PART V — OFFENCES AND PENALTIES

**Clause 17: Offences and Penalties.**

- (1) A person who contravenes or fails to comply with the provisions of this Bill commits an offence and is liable on conviction to a fine not exceeding ₦2,000,000 or imprisonment for a term of two years or both.
- (2) Where an offence under this Bill is committed by a body corporate or firm or other association of individuals, every —
  - (a) director, manager, secretary or other similar officer 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 that capacity, is severally guilty of that offence and liable to be proceeded against and punished for the offence in like manner as if he had himself committed the offence, unless he proves that the act or omission constituting the offence took place without his knowledge, consent or connivance.

***Committee's Recommendation:***

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

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

## PART VI — LEGAL PROCEEDINGS

**Clause 18: Limitation Against Suit.**

- (1) No suit shall be instituted in any court against the Fund or its employee unless it is commenced —
  - (a) within three months next after the act, neglect or default complained of; and
  - (b) in the case of continuation of damage or injury, within three months next after the ceasing thereof.
- (2) No suit shall commence against the Fund before the expiration of a period of one month after written notice of the intention to commence the suit shall have been served on the Fund by the intending plaintiff or his agent and the notice shall clearly state —
  - (a) cause of action;
  - (b) particulars of claim;
  - (c) the name and place of abode of the intending plaintiff; and
  - (d) the relief which he claims.

**Committee's Recommendation:**

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

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

**Clause 19: Service of Documents.**

A notice, summons or other documents required or authorised to be served upon the Fund under the provisions of this Bill or any other law or enactment may be served by —

- (a) delivering it to the office of the Executive Secretary; or
- (b) sending it by registered post addressed to the Executive Secretary or the principal office of the Fund.

**Committee's Recommendation:**

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

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

**Clause 20: Restriction on Execution.**

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

**Committee's Recommendation:**

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

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

**Clause 21: Indemnity.**

A member, the Executive Secretary or any employee of the Fund shall be indemnified out of the asset of the Fund against any liability incurred by him in defending any proceeding, whether civil or criminal, if any such proceeding is brought against him in his capacity as a member, Executive Secretary or employee of the Fund.

**Committee's Recommendation:**

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

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

**Clause 22: Directives.**

Subject to the provisions of this Bill, the President may give to the Fund directives of a general nature or relating generally to matters of policy with regard to the performance by the Fund of its functions and it is the duty of the Fund to comply.

**Committee's Recommendation:**

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

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

**Clause 23: Direction by the Minister.**

Subject to the provision of this Bill, the Minister may give to the Board directions of general nature relating to matters of policy with regard to the exercise by the Board of its powers and the Board shall comply with such directions.

**Committee's Recommendation:**

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

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

**Clause 24: Power to make Regulations.**

The Minister may make regulations generally for the purpose of giving full effect to this Bill.

**Committee's Recommendation:**

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

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

**Clause 25: Fixing of Seal.**

The fixing of the seal of the Fund shall be authenticated by the signature of the Executive Secretary.

**Committee's Recommendation:**

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

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

**Clause 26: Interpretation.**

In this Bill —

"Board" means the Governing Board of the Fund established by section 2 of this Act;

"Chairman" means the Chairman of the Board;

"Functions" includes power and duty;

"Fund" means the Fund established by section 1 (1);

"Executive Secretary" is the Chief Executive of the Fund and Chairman of the Management committee;

"Member" means an individual representing an organisation or institution in (the Board and includes the Chairman and Executive Secretary);

"Minister" means the Minister charged with the responsibility for matters relating to healthcare.

*Committee's Recommendation:*

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

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

**Clause 27: Short Title.**

This Bill may be cited as the Tertiary Hospitals Development Fund Bill, 2021.

*Committee's Recommendation:*

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

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

SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO  
THE PROCEEDINGS OF THE BOARD

1. Before appointing a person as a member, the Minister shall satisfy himself that, that person will have no such interest or owe such allegiance as likely to affect prejudicially the performance by him of his functions as a member and that he has no such interest; and any person who is or whom the Minister proposes to nominate as a member shall, whenever requested by the Minister considers necessary for the performance by the Minister of his duties under this Bill.
2. (1) Subject to this Bill and Section 27 of the Interpretation Act (which provides for the decisions of a statutory body to be taken by a majority of the members of the body and for the persons presiding to have a second or casting vote), the Board may make standing orders regulating its proceedings or of any committee thereof.
- (2) The quorum at a meeting shall be a third of the members of the meeting
3. (1) The Board shall meet not less than three times in each year and subject thereto, the Board shall meet whenever it is summoned by the Chairman, and if the Chairman is required to do so, by notice to him by not less than seven members, he shall summon a meeting of the Board to be held within fourteen days from the date on which the notice is given.



- (2) At any meeting of the Board, the Chairman shall preside but if he is absent, the members present at the meeting shall elect one of their members to preside provided there is a quorum.
4. Where the Board wishes to obtain the advice of any person on any particular matter, the Board may invite any person as it thinks fit, but any person who is invited by virtue of this sub-paragraph shall not be entitled to vote at any meeting of the Board and shall not count towards a quorum.
5. (1) The Board may appoint one or more committees to carry out, on behalf of the Board, such of its functions as the Board may determine.
- (2) Every Committee appointed under this paragraph shall consist of such number of persons as may be determined by the Board and not more than one third of those persons may be persons who are not members of the Board,
- (3) A decision of a committee of the Board shall be of no effect until it is ratified by the Board.
6. (1) Where member has an interest in any application for loan for any project made or proposed by any beneficiary shall disclose his interest at a meeting of the Board.
- (2) Such disclosure shall be recorded in the minute of the meeting and the member shall not take part after such disclosure in any deliberation or decision of the Board with regard to that particular subject matter in respect of which his interest was disclosed.

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

Chairman to report Bill.

**(SENATE IN PLENARY)**

The Deputy President of the Senate reported that the Senate in the Committee of the Whole considered the Report of the Committee on Health (Secondary & Tertiary) on the Tertiary Hospitals Development Fund for the Rehabilitation, Restoration, Improvement of Tertiary Health Care Delivery in Nigeria; and for Related Matters, 2021 and approved as follows:

Clauses 1-27 — As Recommended

Schedule — As Recommended

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

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

*Question put and agreed to.*

*Bill accordingly Read the Third Time and Passed.*

10. **Disaster and Risk Management Council of Nigeria (Establishment) Bill, 2021 (SB. 466):**  
*Consideration of Bill deferred to another Legislative Day.*
11. **River Basin Development Authorities Act CAP R9, LFN 2004 (Amendment) Bill, 2021 (SB.297):**  
*Motion made:* That A Bill for an Act to Amend the provisions of the River Basin Development Authorities Act CAP R9 LFN 2004 for equitable distribution of River Basin Development Authorities and for Other Matters Connected Therewith, 2021 be read the Second Time (*Senator Chukwuka G. Utazi — Enugu North*).  
  
*Debate:*  
  
*Question put and agreed to.*  
  
*Bill accordingly read the Second Time and referred to the Committee on Water Resources to report within four (4) weeks.*
12. **Compulsory Treatment and Care for Victims of Gunshots Act, 2017 (Amendment) Bill, 2021 (SB. 748):**  
~~*Motion made:* That A Bill for an Act to Amend Compulsory Treatment and Care for Victims of Gunshots Act, 2017 to expand its scope, establish a Medical Emergencies Assistance Fund and align punishments contained therein with current realities and for Related Matters, 2021 be read the Second Time (*Senator Oluremi S. Tinubu — Lagos Central*).~~  
  
*Debate:*  
  
*Question put and agreed to.*  
  
*Bill accordingly read the Second Time and referred to the Committees on Judiciary, Human Rights and Legal Matters; and Health (Secondary and Tertiary) to report within four (4) weeks.*
13. **Federal College of Education Idanre, Ondo State (Establishment) Bill, 2021 (SB. 300):**  
*Motion made:* That A Bill for an Act to Establish the Federal College of Education Idanre, Ondo State and for Other Related Matters, 2021 be read the Second Time (*Senator Patrick A. Akinyelure — Ondo Central*).  
  
*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. **Motions:**  
(a) *Approval for the restoration of the suppressed Nsukka South State Constituency, Enugu State in compliance with the decision of the Federal High Court and Section 115 of the 1999 Constitution of the Federal Republic of Nigeria (as amended):*  
*Motion made:* The Senate notes the decision of the Federal High Court Abuja on 20th of January, 2017 delivered by Hon. Justice G. O. Kolawole in the case of Hon. Cosmos Agbo & 7 Ors v. INEC, Suit No. FHC/ABJ/CS/281/2015, which ordered the Independent National Electoral Commission to restore the suppressed Nsukka South State

Constituency, Enugu State;

*further notes* that sequel to the said decision of the Federal High Court and in compliance with the order of the court and the provision of Section 115 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended), it has become necessary for the National Assembly to pass a concurrent resolution to give legislative approval for the restoration of the suppressed Nsukka South State Constituency, Enugu State; and

*observes* that the delay in complying with the order of the Federal High Court in Suit No. FHC/ABJ/CS/281/2015, on the restoration of Nsukka South State Constituency from Nsukka East State Constituency of Enugu State is a serious constitutional aberration against the spirit of Sections 91 and 115 of the 1999 Nigerian Constitution and has over the years unjustly denied the people of Nsukka South their due representation in the Enugu State House of Assembly.

*The Senate accordingly resolves to:*

- (i) approve the restoration of Nsukka South State Constituency from Nsukka East State Constituency, Enugu State as ordered by the Federal High Court in Suit No. FHC/ABJ/CS/281/2015 and in compliance with the provision Sections 91 and 115 of the Constitution of the Federal Republic of Nigeria (as amended);
- (ii) approve that the Independent National Electoral Commission complies with this resolution by ensuring that the restoration of Nsukka South State Constituency from Nsukka East State Constituency takes effect after the 2023 General Elections; and
- (iii) seek the concurrence of the House of Representatives in line with the provision of Section 115 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) (*Senator Chukwu G. Utazi — Enugu North*).

*Debate:*

*Proposed Resolution(i):*

*Question:* That the Senate do approve the restoration of Nsukka South State Constituency from Nsukka East State Constituency, Enugu State as ordered by the Federal High Court in Suit No. FHC/ABJ/CS/281/2015 and in compliance with the provision Sections 91 and 115 of the Constitution of the Federal Republic of Nigeria (as amended) — *Agreed to.*

*Proposed Resolution(ii):*

*Question:* That the Senate do approve that the Independent National Electoral Commission complies with this resolution by ensuring that the restoration of Nsukka South State Constituency from Nsukka East State Constituency takes effect in the next State Houses of Assembly election after the current life of the Enugu State House of Assembly in compliance with Section 115 of the Constitution of the Federal Republic of Nigeria, 1999 as amended — *Agreed to.*

*Proposed Resolution(iii):*

*Question:* That the Senate do seek the concurrence of the House of Representatives in line with the provision of Section 115 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) — *Agreed to.*

*Resolved:*

That the Senate do:

- (i) approve the restoration of Nsukka South State Constituency from Nsukka East State Constituency, Enugu State as ordered by the Federal High Court in Suit No. FHC/ABJ/CS/281/2015 and in compliance with the provision Sections 91 and 115 of the Constitution of the Federal Republic of Nigeria (as amended);
- (ii) approve that the Independent National Electoral Commission complies with this resolution by ensuring that the restoration of Nsukka South State Constituency from Nsukka East State Constituency takes effect in the next State Houses of Assembly election after the current life of the Enugu State House of Assembly in compliance with Section 115 of the Constitution of the Federal Republic of Nigeria, 1999 as amended; and
- (iii) seek the concurrence of the House of Representatives in line with the provision of Section 115 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) (*S/Res/028/03/21*).

(b) *Need to restore Nyamatsor State Constituency of Benue State:*

*Motion made:* The Senate notes that Nyamatsor State Constituency in Buruku Local Government Area existed among other State Constituencies in Benue State under the defunct Constitution of the Federal Republic of Nigeria, 1979; and was made up of 8 Council Wards, including; Mbakyaan, Mbayaka, Mbaakura, Mbatyough, Mbaade, Mbaazagee, Etulo and Shorov;

*aware* that the Nyamatsor State Constituency produced members into the Benue State House of Assembly from 1979 until the Third Republic was aborted by the Military in 1993;

*convinced* that the Independent National Electoral Commission (INEC) acted outside its statutory mandate when it excluded Nyamatsor State Constituency, which existed under the 1979 Constitution of Nigeria, during the conduct of the 1999 general elections;

*aware* that Section 91 of the Constitution of the Federal Republic of Nigeria, 1999 provides that subject to the provisions of this Constitution, a House of Assembly of a state shall consist of three or four times the number of seats which that state has in the House of Representatives divided in a way to reflect, as far as possible; nearly equal population;

*conscious* that Benue State, with 11 seats in the House of Representatives, is supposed to have at least 33 State Constituencies as each seat in the House of Representatives is mandated to have 3 State constituencies in the State House of Assembly;

*concerned* that the situation in the Benue State House of Assembly and Buruku Federal Constituency is such that Benue State House of Assembly has only 30 members instead of 33 as mandated by Sections 91 and 112 of the Constitution;

*disturbed* that Buruku Federal Constituency has only one member or seat instead of three members or seats as envisaged by the Constitution in the Benue State House of Assembly;

*worried* that this injustice against the people of Nyamatsor State Constituency has also affected other State Constituencies across 19 States;

*recalls* that the Independent National Electoral Commission (INEC), in 2004, wrote to the National Assembly for approval to restore the suppressed State Constituencies across the nation;

*cognizant* of the provisions of Section 114 (1) of the 1999 Constitution for periodic review of State Constituencies which provides that the Independent National Electoral Commission shall review the division of every State into constituencies at intervals of not less than ten years, and may alter such constituencies following the provision of this section to such extent as it may consider desirable in the light of the review;

*also worried* that the last review of State Constituencies in Nigeria by the Independent National Electoral Commission (INEC) was in 1998, resulting in the suppression of Nyamatsor and 65 other State Constituencies;

*regrets* that from 1998 till date, over 22 years, the Independent National Electoral Commission (INEC) has continued to suppress the Nyamatsor State Constituency and other 65 State Constituencies across 19 States of the Federation; and

*also aware* that the essence of participatory democracy is to ensure inclusive governance to bring about a balanced development in society but the people of Buruku have remained excluded and under-represented as a result of this unconstitutional suppression of Nyamatsor State Constituency.

*The Senate accordingly resolves to:*

- (i) urge the Independent National Electoral Commission (INEC) to restore Nyamatsor State Constituency in Buruku Local Government Area of Benue State to comply with extant laws and the provisions of Sections 91 and 112 of the 1999 Constitution of the Federal Republic of Nigeria (as amended); and
- (ii) urge the Independent National Electoral Commission (INEC) to carry out a general review of State Constituencies in Nigeria in compliance with section 114 of the 1999 Constitution of Nigeria (as amended) well ahead, and in preparation for the 2023 general elections (*Senator Emmanuel Y. Orker-Jev — Benue North West*).

*Debate:*

*Proposed Resolution(i):*

*Question:* That the Senate do urge the Independent National Electoral Commission (INEC) to restore Nyamatsor State Constituency in Buruku Local Government Area of Benue State to comply with extant laws and the provisions of Sections 91 and 112 of the 1999 Constitution of the Federal Republic of Nigeria (as amended).

*Proposed Resolution(ii):*

*Question:* That the Senate do urge the Independent National Electoral Commission (INEC) to carry out a general review of State Constituencies in Nigeria in compliance with section 114 of the 1999 Constitution of Nigeria (as amended) well ahead, and in preparation for the 2023 general elections.

**Amendment Proposed:**

*Leave out* Proposed Resolutions (i-ii) and *insert* the following instead thereof:

“Urge the Independent National Electoral Commission (INEC) to carry out a general review of the State Constituencies in Nigeria in compliance with the provision of Section 114 of the 1999 Constitution of Nigeria (as amended) inclusive of all other cases decided by the Courts for the consideration by the National Assembly” (*Senator Kabiru I. Gaya — Kano South*).

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

**Resolved:**

That the Senate do urge the Independent National Electoral Commission (INEC) to carry out a general review of the State Constituencies in Nigeria in compliance with the provision of Section 114 of the 1999 Constitution of Nigeria (as amended) inclusive of all other cases decided by the Courts for the consideration by the National Assembly (*S/Res/029/03/21*).

**15. FCT Area Courts Bill, 2021 (HB. 67) - Concurrence:**

*Consideration of Bill deferred to another Legislative Day.*

**16. Chartered Institute of Treasury Management (Establishment) Bill, 2021 (HB. 57) - Concurrence:**

*Consideration of Bill deferred to another Legislative Day.*

**17. National Centre for Ear, Nose and Throat Disease (NACENT) (Establishment) Bill, 2021 (HB. 13) - Concurrence:**

*Consideration of Bill deferred to another Legislative Day.*

**18. Adjournment:**

*Motion made:* That the Senate do now adjourn till Wednesday, 6th October, 2021 at 10.00 a.m. (*Senate Leader*).

*Adjourned accordingly at 2:00 p.m.*

**Ovie Augustine Omo-Agege**  
*Deputy President,*  
*Senate of the Federal Republic of Nigeria.*

**CORRIGENDUM**

In the Vote and Proceedings of Wednesday, 29<sup>th</sup> September, 2021 page 1205, item 5 under Resolved, immediately after the word “Tariff” in line 2, *insert* the words “Agriculture and Rural Development”.