



HOUSE OF REPRESENTATIVES FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Tuesday, 12 October, 2021

1. The House met at 11.54 a.m. Mr Speaker read the Prayers.
2. The House recited the National Pledge.
3. **Votes and Proceedings**
Mr Speaker announced that he had examined and approved the *Votes and Proceedings* of Thursday, 7 October, 2021.

The Votes and Proceedings was adopted by unanimous consent.

4. **Announcement**

(i) **Visitors in the Gallery:**

Mr Speaker announced the presence of the Executive Committee of the Nigerian Medical Association, Gombe State Chapter.

(ii) **Bereavement:**

Mr Speaker read a communication from Hon. Danjuma Usman Shiddi (*Wukari/Ibi Federal Constituency*), announcing the demise of His Majesty, Dr Shekarau Angyu Masa Ibi, Kuvyo II, Kwararafa Kingdom, Taraba State, on 9 October, 2021, at the age of 84.

A minute silence was observed in honour of the deceased.

(iii) **Nigeria/Palestine Parliamentary Friendship Group:**

Mr Speaker announced the membership of the Nigeria/Palestine Parliamentary Friendship Group as follows:

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| (1) | Hon. Yunusa Abubakar | — | <i>Chairman</i> |
| (2) | Hon. Danladi Tijo Biado | — | <i>Member</i> |
| (3) | Hon. Amobi Yinusa Akintola | — | <i>Member</i> |
| (4) | Hon. Dennis Amadi | — | <i>Member</i> |
| (5) | Hon. Ahmed Munir | — | <i>Member</i> |
| (6) | Hon. Abdulsalam Gambo Mubarak | — | <i>Member</i> |
| (7) | Hon. Simon Karu | — | <i>Member</i> |

5. Petition

A petition from Akin Akinseyi & Co. (Legal Practitioners), on behalf of Mr & Mrs Hyacinth Ofoelue Okoronkwo, on alleged entry and illegal possession of their land by the Nigeria Police Force, was presented and laid by Hon. Robert Tyough (*Kwande/Ushongo Federal Constituency*).

Petition referred to the Committee on Public Petitions.

6. Presentation of Reports**(i) Committee on Insurance and Actuarial Matters:**

Motion made and Question proposed, "That the House do receive the Report of the Committee on Insurance and Actuarial Matters on a Bill for an Act to Repeal the Insurance Act, Cap. I17, Laws of the Federation of Nigeria, 2004 and Enact the Insurance Bill to provide for a Comprehensive Legal Framework for Insurance Business in Nigeria; and for Related Matters (HB. 967)" (*Hon. Darlington Nwokocho — Isialangwa North/South Federal Constituency*).

Agreed to.

Report laid.

(ii) Committee on Health Institutions:

That the House do receive the Report of the Committee on Health Institutions on a Bill for an Act to Establish Federal Medical Centre, Ogoja, Cross River State; and for Related Matters (HB. 276).

Order read; deferred by leave of the House.

(iii) Committee on Defence:

Motion made and Question proposed, "That the House do receive the Report of the Committee on Defence on a Bill for an Act to Provide Special Financial Support, Training and Modern Security Equipment for the Revamping of the Nigerian Armed Forces; and for Related Matters (HB.742)" (*Hon. Babajimi Benson — Ikorodu Federal Constituency*).

Agreed to.

Report laid.

(iv) Committee on Legislative Library, Research and Documentation:

Motion made and Question proposed, "That the House do receive the Report of the Committee on Legislative Library, Research and Documentation on a Bill for an Act to Establish the National Assembly Library Trust Fund for the Purpose of Research, Provision of Library Equipment and Related Facilities, Enhance the Research of Legislators and Staff of the National Assembly; and for Related Matters (HB.987)" (*Hon. Gaza Jonathan Gbefwi — Karu/Keffi/Kokona Federal Constituency*).

Agreed to.

Report laid.

7. A Bill for an Act to provide for the Retirement Age of Teachers in Nigeria and for Related Matters (HB. 1381) — Second Reading

Motion made and Question proposed, "That a Bill for an Act to provide for the Retirement Age of Teachers in Nigeria and for Related Matters (HB. 1381) be read a Second Time" (*Hon. Peter Akpatason — Deputy House Leader*).

Debate.

Question that the Bill be now read a Second Time — Agreed to.

Bill read the Second Time.

Bill referred to the Committee of the Whole.

8. A Bill for an Act to Establish Federal University of Medicine and Medical Sciences, Abeokuta, Ogun State; and for Related Matters (HB. 1484) — Second Reading

Motion made and Question proposed, "That a Bill for an Act to Establish Federal University of Medicine and Medical Sciences, Abeokuta, Ogun State; and for Related Matters (HB. 1484) be read a Second Time" (Hon. Peter Akpatason — Deputy House Leader).

Debate.

Question that the Bill be now read a Second Time — Agreed to.

Bill read the Second Time.

Bill referred to the Committee of the Whole.

9. A Bill for an Act to Provide for the Legal Framework to Establish Federal Medical Centre, Eastern Obolo, Akwa Ibom State; and for Related Matters (HB. 1426) — Second Reading

Motion made and Question proposed, "That a Bill for an Act to Provide for the Legal Framework to Establish Federal Medical Centre, Eastern Obolo, Akwa Ibom State; and for Related Matters (HB. 1426) be read a Second Time" (Hon. Francis Charles Uduyok — Ikot Abasi/Mkpat Enin/Eastern Obolo Federal Constituency).

Debate.

Question that the Bill be now read a Second Time — Agreed to.

Bill read the Second Time.

Bill referred to the Committee on Health Institutions.

10. A Bill for an Act to Establish North Central Development Commission charged with Responsibility among other things to Receive and Manage Funds from Allocation of the Federation Account for the Reconstruction and Rehabilitation of Roads, Houses and Other Infrastructural damages suffered by the Region as a result of the effects of the Communal Crisis as well as tackle the Ecological Problems and any other Related Environmental or Developmental Challenges in the North Central States; and for Related Matters (HB. 23) — Second Reading

Order read; deferred by leave of the House.

11. Rescission of Clauses 10, 27, 28 and 29 of the Federal University of Education, Kontagora (Establishment) Bill, 2020 (HB. 1136) Pursuant to Order Nine, Rule 1(6) of the Standing Orders of the House of Representatives

Motion made and Question proposed:

The House:

Notes that Federal University of Education, Kontagora (Establishment) Bill, 2020 was passed by the House on 25 March, 2021 and same passed by the Senate on 18 December, 2019;

Also notes that Clause 10 which is a transitional provision, carried the marginal notes "Transfer of Property" and was placed in Part II with the heading "General Fund, Transfer of Property Etc. to the University and Condition of Service of Employees;

Observes that the Bill as passed has no Savings and Transition Provisions, as the University is established to upgrade the existing Federal College of Education, Kontagora;

Aware that the Bill was sent to the Directorate of Legal Services for cleaning and in the course of cleaning same observed the absence of key Provisions that will strengthen the Institution, if established;

Cognizant of the need for a Saving Provision to preserve the rights, obligations and other liabilities of the Institution that the Bill seeks to transit;

Desirous of the need to address the observations by the Legal Services Directorate and make necessary amendments;

Resolves to:

Rescind its decision on Clauses 10, 27, 28 and 29 of Federal University of Education, Kontagora (Establishment) Bill, 2020 as passed and re-commit same to the Committee of the Whole for Reconsideration (*Hon. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma Federal Constituency*).

Agreed to.

12. Need to Investigate Encroachment/Illegal Structures on Federal Government Infrastructure in Nigeria

Motion made and Question proposed:

The House:

Notes the menace of interloper developers, farmers, land grabbers, hoodlums and destitutes encroaching on the developed or undeveloped property of government in Nigeria, which has become a worrisome development in the country;

Also notes that it is an inalienable fundamental human right of every Nigerian Citizen to acquire and own land in any part of Nigeria as stated in Section 43 of Constitution of the Federal Republic of Nigeria, 1999 (as amended) and Section 7 of the Land Use Act, 1978;

Further notes that Section 44 of Constitution of the Federal Republic of Nigeria, 1999 (as amended) states that no movable or immovable (land and developments on it) can be taken compulsorily in any part of Nigeria except in the manner and for the purposes prescribed by a law;

Aware that all Land owned by the Federal Government in States are being used by Federal Ministries Departments and Agencies and that such Lands are administered by the President through the relevant Ministers and not the State Governors;

Worried that critical Infrastructure of government such as Educational Institutions, Airports, Railway Terminals and Tracks as well as Pipelines, Training Farms and sundry economic tree plantations are encroached and illegally occupied by Individuals and Corporate Organizations and quit notices issued to the illegal settlers over the years, had not been obeyed;

Resolves to:

Mandate the *Ad-hoc* Committee investigating Abandoned Federal Government Properties across the nation to provide compendium of all:

- (i) illegally encroached Federal Government Abandoned Properties across the nation and overseas;
- (ii) forceful acquisition of Federal Government Properties by individuals and Corporate Organizations across the country and, overseas and report within six (6) weeks (*Hon. Ibrahim Ayokunle Isiaka — Ifo/Ewekoro Federal Constituency*).

Debate.

Amendment Proposed:

Insert a new Prayer (ii) as follows:

“Investigate forceful acquisition of land and properties by Government Agencies from rightful owners and allow them to get justice” (*Hon. Ibrahim Ayokunle Isiaka — Ifo/Ewekoro Federal Constituency*).

Question that the amendment be made — Agreed to.

Question on the Motion as amended — Agreed to.

The House:

Noted the menace of interloper developers, farmers, land grabbers, hoodlums and destitutes encroaching on the developed or undeveloped property of government in Nigeria, which has become a worrisome development in the country:

Also noted that it is an inalienable fundamental human right of every Nigerian Citizen to acquire and own land in any part of Nigeria as stated in Section 43 of Constitution of the Federal Republic of Nigeria, 1999 (as amended) and Section 7 of the Land Use Act, 1978:

Further noted that Section 44 of Constitution of the Federal Republic of Nigeria, 1999 (as amended) states that no movable or immovable (land and developments on it) can be taken compulsorily in any part of Nigeria except in the manner and for the purposes prescribed by a law;

Aware that all Land owned by the Federal Government in States are being used by Federal Ministries Departments and Agencies and that such Lands are administered by the President through the relevant Ministers and not the State Governors:

Worried that critical Infrastructure of government such as Educational Institutions, Airports, Railway Terminals and Tracks as well as Pipelines, Training Farms and sundry economic tree plantations are encroached and illegally occupied by Individuals and Corporate Organizations and quit notices issued to the illegal settlers over the years, had not been obeyed:

Resolved to:

- (i) mandate the *Ad-hoc* Committee investigating Abandoned Federal Government Properties across the nation to provide compendium of all:
 - (a) illegally encroached Federal Government Abandoned Properties across the nation and overseas,
 - (b) forceful acquisition of Federal Government Properties by individuals and Corporate Organizations across the country and, overseas and report within six (6) weeks; and

- (ii) also mandate the *Ad-hoc* Committee to investigate forceful acquisition of land and properties by Government Agencies from rightful owners and allow them to get justice (HR. 105/10/2021).

13. Need to Enforce Safety Regulations in the Nigerian Waterways

Motion made and Question proposed:

The House:

Notes that water is a means of transportation in Nigeria, but in recent years the Nigerian waterways have become dangerous with reports of over 300 fatalities in 2020 and over 100 deaths from May to September 2021;

Also notes that boat accidents in the Nigerian waterways are caused by overloading, lack of maintenance, over speeding, careless driving and bad weather;

Recalls that on May 26, 2021, an overloaded boat carrying more than 160 passengers broke into two and sank in River Niger, leading to the death of 100 people and on 27 September, 2021 another mishap occurred in Lagos with one person confirmed dead after a boat capsized;

Disturbed that the incessant boat mishaps occurring within the country's waterways is as a result of the violation of boating laws and regulations by operators who board excessive number of passengers in their quest to boost income;

Cognizant that boat accidents can be curtailed by public sensitization campaigns, better enforcement of Rules by regulatory agencies, constant checks on boats and removal of pollutants in the water;

Resolves to:

- (i) urge the Federal Ministry of Transportation and its Agencies to enforce safety regulations in all Waterways in Nigeria;
- (ii) mandate the Committees on Inland Waterways, and Legislative Compliance to ensure compliance (*Hon. Hamisu Ibrahim — Ikara/Kubau Federal Constituency*).

Debate.

Amendment Proposed:

In Prayer (ii), immediately after the words "Committees on", insert the words "Safety Standards and Regulations" (*Hon. Samuel Ifeanyi Onuigbo — Ikwuano/Umuahia North/Umuahia South Federal Constituency*).

Question that the amendment be made — Agreed to.

Question on the Motion as amended — Agreed to.

The House:

Noted that water is a means of transportation in Nigeria, but in recent years the Nigerian waterways have become dangerous with reports of over 300 fatalities in 2020 and over 100 deaths from May to September 2021;

Also noted that boat accidents in the Nigerian waterways are caused by overloading, lack of maintenance, over speeding, careless driving and bad weather;

- *Recalled* that on May 26, 2021, an overloaded boat carrying more than 160 passengers broke into two and sank in River Niger, leading to the death of 100 people and on 27 September, 2021 another mishap occurred in Lagos with one person confirmed dead after a boat capsized;

Disturbed that the incessant boat mishaps occurring within the country's waterways is as a result of the violation of boating laws and regulations by operators who board excessive number of passengers in their quest to boost income;

Cognizant that boat accidents can be curtailed by public sensitization campaigns, better enforcement of Rules by regulatory agencies, constant checks on boats and removal of pollutants in the water:

Resolved to:

- (i) urge the Federal Ministry of Transportation and its Agencies to enforce safety regulations in all Waterways in Nigeria;
 - (ii) mandate the Committees on Safety Standards and Regulations, Inland Waterways, and Legislative Compliance to ensure implementation (HR. 106/10/2021).
14. **Need to Address the Lingering Power Outage in Lere Local Government, Kaduna State**
Motion made and Question proposed:

The House:

Notes that Lere Local Government, with a population of over 500,000 inhabitants has not had electricity supply for the past twenty-two months, a development that is negatively impacting on the socio-economic activities in the Constituency;

Also notes that the people of Lere Local Government are one of the largest producers of maize, rice and sugarcane in West Africa, hence attracting traders from Niger, Burkina Faso, Chad and Cameroon, with secondary markets further extending into North, Central and East Africa;

Aware that Lere Local Government, which is under the Kaduna Electricity Distribution Company franchise used to enjoy its electricity supply from Jos Electricity Distribution Company;

Also aware that the lack of electricity is as a result of a faulty energy meter which has led to a discrepancy in the actual amount that the Kaduna Electricity Distribution Company (KAEDCO) is expected to remit to the Jos Electricity Distribution Company (JEDC), and until the situation is resolved, the people of Lere will continue to be in perpetual darkness;

Concerned that the lack of electricity supply is frustrating economic activities in the area and discouraging establishment of new businesses, thus causing the people untold hardship resulting in youth unemployment, a development that is fueling insecurity in the Constituency and beyond;

Worried that the lack of electricity supply in the area has given rise to high infant and maternal mortality as hospitals are unable to sustain the use of generating sets due to the high cost of fuel and diesel to power them, thus midwives are forced to use torch lights to assist expectant mothers during delivery;

Cognizant that the situation is compromising the hygiene and sanitation of facilities in hospitals, thus leaving patients at risk of contacting other diseases;

Resolves to:

- (i) urge the Federal Ministry of Power to mediate with the Kaduna Electricity Distribution Company (KAEDCO) and the Jos Electricity Distribution Company (JEDC) to sort out lingering issues with a view to restoring electricity supply to Lere Local Government;
- (ii) mandate the Committee on Power to include the Design, Supply, and Construction of a 130km length 132kV transmission line with a 2 x 60 MVA substation in Lere Local Government in the 2022 Appropriation Bill;
- (iii) also mandate the Committee on Legislative Compliance to ensure compliance (*Hon. Ahmed Munir — Lere Federal Constituency*).

Agreed to.

(HR. 107/10/2021).

*Motion referred to the Committees on Power, and Legislative Compliance, Pursuant to Order Eight, Rule 9 (5).*15. **Need to Stop the Lagoon Encroachment in Eti Osa Local Government Area of Lagos State***Order deferred by leave of the House.*16. **Consideration of Reports**

- (i) **A Bill for an Act to Provide for Establishment of a Specialized National Dermatology Hospital, Garkida, Management Board for the Hospital, provide Dermatological Treatment, Research and Training; and for Related Matters (HB.1382) (Committee of the Whole):**

Motion made and Question proposed. "That the House do consider the Report on a Bill for an Act to Provide for Establishment of a Specialized National Dermatology Hospital, Garkida, Management Board for the Hospital, provide Dermatological Treatment, Research and Training; and for Related Matters (HB.1382)" (*Hon. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma Federal Constituency*)

*Agreed to.**Question that the House do resolve into the Committee of the Whole to consider the Report — Agreed to.***(HOUSE IN COMMITTEE)***(Mr Deputy Speaker in the Chair)*

**A BILL FOR AN ACT TO PROVIDE FOR A SPECIALISED
NATIONAL DERMATOLOGY HOSPITAL, GARKIDA, MANAGEMENT
BOARD FOR THE HOSPITAL FOR THE PURPOSE OF PROVIDING
DERMATOLOGICAL TREATMENT, RESEARCH AND TRAINING;
AND FOR RELATED MATTERS (HB. 1382)**

Clause 1: Establishment of the Specialised National Dermatology Hospital, Garkida.

- (1) There is hereby established a Hospital by the name of Specialised National Dermatology Hospital, Garkida (in this Bill referred to as "the Hospital").

- (2) The hospital:
 - (a) shall be a body corporate;
 - (b) may sue and be sued in its corporate name;
 - (c) shall have perpetual succession and a common seal.
- (3) The Hospital shall be a national hospital, specialising in dermatology, with facilities for the training of dermatology personnel at all levels (*Hon. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma*).

Question that Clause 1 stands part of the Bill — Agreed to.

Clause 2: Functions of the Hospital.

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

- (d) do anything in connection with or incidental to the functions conferred on it by this Bill (*Hon. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma*).

Question that Clause 2 stands part of the Bill — Agreed to.

Clause 3: Constituent parts of the Hospital.
The Hospital shall be constituted as follows —

- (a) management board;
- (b) an education committee;
- (c) the clinical and other departments of the Centre;
- (d) all members of the administrative, clinical and technical staff; and
- (e) all students of the Hospital (*Hon. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma*).

Question that Clause 3 stands part of the Bill — Agreed to.

Clause 4: The Management Board.

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

- (4) The members specified in paragraphs (b), (d), (e) and (f) of subsection (1) of this section, are hereafter referred to as "*ex-officio* members".
- (5) The supplementary provisions in the Schedule to this Bill, shall have effect with respect to the constitution and proceedings of the Board and the education committee and the other matters therein mentioned (*Hon. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma*).

Question that Clause 4 stands part of the Bill — Agreed to.

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

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

Provided that members of the Board appointed under paragraph (d) of section 4 (1) of this Act, shall hold office for two years and shall not be eligible for re-appointment.
- (2) A member of the Board, other than an *ex-officio* member, shall be paid out of monies at the disposal of the Board such remuneration and allowances in accordance with scales approved from time to time by the President.
- (3) In the event of the death or incapacity of the Chairman of the Board, or if for any reason other than effluxion of time, the office of the Chairman is vacant, the President shall, on the recommendation of the Minister, appoint another person as chairman for the residue of the term of the Chairman of the Board.
- (4) The office of a member of the Board shall become vacant if —
 - (a) he previously resigns his office by notice in writing given to the Minister;
 - (b) the period of his appointment has expired; or
 - (c) there is passed by the Board, a resolution declaring —
 - (i) that he has become unfit for membership of the Board, by reason of the fact that he has become incapable by reason of mental or bodily infirmity of discharging his duties; or
 - (ii) that he has been absent from three consecutive meetings of the Board without leave of the Board; or
 - (iii) he has been convicted of an offence which involves moral turpitude.
- (5) Soon after the office of a member becomes vacant, the authority by which he was appointed shall appoint another person in his place in accordance with the provisions of this Bill.
- (6) Any member of the Board other than an *ex-officio* member may, by notice to the Board, resign his appointment (*Hon. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma*).

Question that Clause 5 stands part of the Bill — Agreed to.

Clause 6: General duty of the Board.

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

Question that Clause 6 stands part of the Bill — Agreed to.

Clause 7: Powers of the Board in relation to management, etc. of the Hospital staff.

The Board shall be responsible for laying down general policies and guidelines relating to the management of the affairs of the Hospital, including the management of the hospital and the provision of facilities relating to the training of all categories of dermatology personnel and it shall be the duty of the Director to execute such policies and to keep within such guidelines (*Hon. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma*).

Question that Clause 7 stands part of the Bill — Agreed to.

Clause 8: The Director.

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

Question that Clause 8 stands part of the Bill — Agreed to.

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

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

Question that Clause 9 stands part of the Bill — Agreed to.

Clause 10: Power of the Minister to give directions.

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

Question that Clause 10 stands part of the Bill — Agreed to.

Finance and discipline

Clause 11: Financial provisions.

- (1) The Board shall establish a fund into which it shall pay —

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

Question that Clause 11 stands part of the Bill — Agreed to.

Clause 12: Fees for services.

The Board may, with the approval of the Minister, prescribe the scale of fees chargeable for services provided by the Hospital (*Hon. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma*).

Question that Clause 12 stands part of the Bill — Agreed to.

Clause 13: Power to accept gifts.

- (1) The Hospital may accept gifts of land, money or other property upon such terms and conditions, if any, as may be specified by the person or organisation making the gift.
- (2) The Board shall not accept any gift if the conditions attached by the person making the gift are inconsistent with the functions of the Board under this Bill (*Hon. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma*).

Question that Clause 13 stands part of the Bill — Agreed to.

Clause 14: Discipline of students.

- (1) Subject to the provisions of this section, where it appears to the Director that any student of the Hospital has been guilty of misconduct, the Director may, without prejudice to any other disciplinary powers conferred on him by regulations, direct —
 - (a) that, the student shall not, during such period as may be specified in the direction, participate in such activities of the Hospital or make use of such facilities of the Hospital as may be so specified; or
 - (b) that the activities of the student shall, during such period as may be specified in the direction, be restricted in such manner as may be so specified; or

- (c) that the student be rusticated for such period as may be specified in the direction; or
 - (d) that the student be expelled from the Hospital.
- (2) Where a direction is given under subsection (1) (c) or (d) of this section in respect of any student, the student may, within the prescribed period and in the prescribed manner, appeal from the direction to the Board; and where such an appeal is brought, the Board shall, after causing inquiry to be made in the matter as the Board considers appropriate, either confirm or set aside the direction or modify it in such manner as the Board thinks fit.
- (3) The fact that an appeal from a direction is brought in pursuance of the last foregoing subsection, shall not affect the operation of the direction while the appeal is pending.
- (4) The Director may delegate his powers under this section to a disciplinary committee consisting of such members of the Hospital as he may nominate.
- (5) Nothing in this section shall be construed as preventing the restriction or termination of a student's activities at the Hospital otherwise than on the ground of misconduct.
- (6) It is hereby declared that a direction under subsection (1) (a) of this section may be combined with a direction under subsection (1) (b) of this section.
- (7) Nothing in this section shall affect the provisions of any enactment relating to the discipline of medical practitioners, pharmacists, nurses or members of any other profession or calling (*Hon. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma*).

Question that Clause 14 stands part of the Bill — Agreed to.

Clause 15: Removal and discipline of clinical, administrative and technical staff.

- (1) If it appears to the Board that there are reasons for believing that any person employed as a member of the clinical, administrative or technical staff of the Hospital, other than the Director, should be removed from his office or employment, the Board shall require the Director to —
- (a) give notice of those reasons to the person in question;
 - (b) afford him an opportunity of making representations in person on the matter to the Board; and
 - (c) if the person in question so requests within the period of one month beginning with the date of the notice, make arrangements —
 - (i) for a committee to investigate the matter and to report on it to the Board.
 - (ii) for the person in question to be afforded an opportunity of appearing before and being heard by the investigating committee with respect to the matter, and if the Board, after

considering the report of the investigating committee, is satisfied that the person in question should be removed as aforesaid, the Board may so remove him by a letter signed on the direction of the Board.

- (2) The Director may, in a case of misconduct by a member of staff, which in the opinion of the Director is prejudicial to the interest of the Hospital, suspend any such member and any such suspension shall forthwith be reported to the Board.
- (3) For good cause, any member of the staff may be suspended from his duties or his appointment may be terminated by the Board; and for the purposes of this section, "good cause" means —
 - (a) a conviction for any offence which the Board considers to be such as to render the person concerned unfit for the discharge of the functions of his office; or
 - (b) any physical or mental incapacity which the Board, after obtaining medical advice, considers to be such as to render the person concerned unfit to continue to hold his office; or
 - (c) conduct of a scandalous or other disgraceful nature which the Board considers to be such as to render the person concerned unfit to continue to hold his office; or
 - (d) conduct which the Board considers to be such as to constitute failure or inability of the person concerned to discharge the functions of his office or to comply with the terms and conditions of his service.
- (4) Any person suspended shall, subject to subsections (2) and (3) of this section, be on half pay and the Board shall before the expiration of a period of three months after the date of such suspension, consider the case against that person and come to a decision as to —
 - (a) whether to continue such person's suspension and if so, on what terms (including the proportion of his emoluments to be paid to him); or
 - (b) whether to reinstate such person, in which case the Board shall restore his full emoluments to him with effect from the date of suspension; or
 - (c) whether to terminate the appointment of the person concerned, in which case such person will not be entitled to the proportion of his emoluments withheld during the period of suspension; or
 - (d) whether to take such lesser disciplinary action against such person (including the restoration of his emoluments that might have been withheld), as the Board may determine, and in any case where the Board, pursuant to this section, decides to continue a person's suspension or decides to take further disciplinary action against a person, the Board shall, before the expiration of a period of three months from such decision, come to a final determination in respect of the case concerning any such person.

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

Question that Clause 15 stands part of the Bill — Agreed to.

Clause 16: Discipline of junior staff.

- (1) If any junior staff is accused of misconduct or inefficiency, the Director may suspend him for not more than three months and forthwith shall direct the Junior Staff Appointments and Promotion Committee appointed under the provisions of paragraph 3 (b) of the Schedule to this Bill —
- (a) to consider the case; and
- (b) to make recommendations as to the appropriate action to be taken by the Director.
- (2) In all cases under this section the officer shall be informed of the charge against him and shall be given reasonable opportunity to defend himself.
- (3) The Director may, after considering the recommendation made pursuant to subsection (1) (b) of this section, dismiss, terminate, retire or downgrade the officer concerned.
- (4) Any person aggrieved by the Director's decision under subsection (3) of this section may, within a period of 21 days from the date of the letter communicating the decision to him, address a petition to the Board to reconsider his case, and the Board's decision thereon shall be final (*Hon. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma*).

Question that Clause 16 stands part of the Bill — Agreed to.

Miscellaneous and supplementary

Clause 17: Exclusion of discrimination on account of religion, race, etc.

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

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

Question that Clause 17 stands part of the Bill — Agreed to.

Clause 18: Annual reports.

The Board shall prepare and submit to the President, through the Minister, not later than 30 June in each year, a report in such form as the Minister may direct on the activities of the Board during the immediately preceding year and shall include in such report a copy of the audited accounts of the Hospital for that year and of the auditors' report thereon (*Hon. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma*).

Question that Clause 18 stands part of the Bill — Agreed to.

Clause 19: Interpretation.

In this Bill, unless the context otherwise requires —

"the Board" means the governing Board for the Hospital, appointed under section 4 (1) of this Bill (*Hon. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma*).

Question that the meaning of the words "the Board" be as defined in the interpretation to this Bill — Agreed to.

"the Hospital" means the Specialized National Dermatology Hospital, established under section 1 of this Bill (*Hon. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma*).

Question that the meaning of the words "the Hospital" be as defined in the interpretation to this Bill — Agreed to.

"functions" includes powers and duties (*Hon. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma*).

Question that the meaning of the word "functions" be as defined in the interpretation to this Bill — Agreed to.

"the Minister" means the Minister charged with responsibility for health (*Hon. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma*).

Question that the meaning of the words "the Minister" be as defined in the interpretation to this Bill — Agreed to.

"student" means a person enrolled at an institution controlled by the Board, for the purpose of pursuing a course of instruction at the institution (*Hon. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma*).

Question that the meaning of the word "student" be as defined in the interpretation to this Bill — Agreed to.

Question that Clause 19 stands part of the Bill — Agreed to.

Clause 20: Short Title.

This Bill may be cited as the Specialised National Dermatology Hospital Bill, 2021
(*Hon. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma*).

Question that Clause 21 stands part of the Bill — Agreed to.

SCHEDULE

[Section 4 (5).]

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

Proceedings of the Board

1. Subject to the provisions of this Bill, the Board may make standing orders regulating the proceedings of the Board or any committee thereof.
2. The quorum of the Board shall be five, which shall include the Chairman and at least one other member, who is not an ex-officio member; and the quorum of any committee of the Board shall be determined by the Board.
3.
 - (1) Subject to the provisions of any standing orders of the Board, the Board shall meet whenever it is summoned by the Chairman; and if the Chairman is required so to do by notice given to him by not less than five other members, he shall summon a meeting of the Board to be held within fourteen days of the date of the receipt by him of the notice.
 - (2) At any meeting of the Board, the Chairman of the Board shall preside and if the Chairman is absent, the members present shall elect one of their number to preside at the meeting.
 - (3) Where the Board desires to obtain the advice of any person on any particular matter, the Board may co-opt him as a member for such period as it thinks fit; but a person who is a member by virtue of this sub-paragraph, shall not be entitled to vote and shall not count towards a quorum.
 - (4) Notwithstanding anything in the foregoing provisions of this paragraph, the first meeting of the Board shall be summoned by the Minister, who may give such directions as he thinks fit as to the procedure which shall be followed at that meeting.
4.
 - (1) The Board may appoint one or more committees to carry out on behalf of the Board such of its functions as the Board may determine, but a decision of a committee shall be of no effect until it is confirmed by the Board.
 - (2) The education committee may appoint one or more committees to carry out on behalf of the education committee such of its functions as the education committee may determine, but a decision of a committee shall be of no effect until it is confirmed by the education committee.
 - (3) Without prejudice to the generality of sub-paragraphs (1) and (2) of this Schedule, the Board shall appoint the following committees, that is —
 - (a) the Appointments and Promotions Committee, which shall —

- (i) consist of not less than five members, including the Director, who shall be the chairman of the Committee,
 - (ii) be charged with the responsibility for making recommendations to the Board on the appointment and promotion of the clinical, administrative and technical staff of the Hospital and have a quorum of three members;
- (b) the Junior Staff Appointments and Promotions Committee, which shall have the powers set out in section 19 of this Bill.

Employees of the Centre

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

Miscellaneous

6. (1) The fixing of the seal of the Board shall be authenticated by the signature of the Chairman or of some other member, authorised generally or specially by the Board for that purpose.
- (2) Any contract or instrument which, if made or executed by a person not being a body corporate would not be required to be under seal, may be made or executed on behalf of the Hospital by any person generally or specially authorised to act for that purpose by the Board or a committee of the Board.
- (3) Any document purporting to be a document duly executed under the seal of the Hospital shall be received in evidence and shall, unless the contrary is proved, be presumed to be so executed.
7. The validity of any proceedings of the Board or a committee thereof, shall not be affected by any vacancy in the membership of the Board or committee, or by any defect in the appointment of a member of the Board or of any other person on the committee.
8. Any member, and any person holding office on a committee of the Board, who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Board, shall forthwith disclose his interest to the Board and shall not vote on any question relating to the contract or arrangement.

Education Committee

9. The provisions of this Schedule shall apply *mutatis mutandis* to the education committee; so that in relation to the quorum thereof, it shall be as may be determined by the education committee (*Hon. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma*).

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

Explanatory Memorandum:

This Bill seeks to establish a Specialised National Dermatology Hospital and a management board for the Hospital for the purpose of providing dermatological treatment, research and training and for other related matters (*Hon. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma*).

Agreed to.

Long Title:

A Bill for an Act to Provide for A Specialised National Dermatology Hospital, Garkida, Management Board for the Hospital for the Purpose of Providing Dermatological Treatment, Research and Training; and for Related Matters (HB. 1382) (*Hon. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma*).

Amendment Proposed:

Leave out all the words in the Long Title, and *insert* as follows:

“A Bill for an Act to Establish the Specialized National Dermatology Hospital, Garkida, and Management Board for the Hospital, to provide Dermatological Treatment, Research and Training; and for Related Matters (HB.1382)” (*Hon. Haruna Dederi Isa — Karaye/Rogo Federal Constituency*).

Question that the amendment be made — Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in Committee of the Whole considered the Report on a Bill for an Act to Establish the Specialized National Dermatology Hospital, Garkida, and Management Board for the Hospital, to provide Dermatological Treatment, Research and Training; and for Related Matters (HB.1382) and approved Clauses 1 - 20, the Schedule, the Explanatory Memorandum, and the Long Title as amended.

Question that the House do adopt the Report of the Committee of the Whole — Agreed to.

- (ii) ***A Bill for an Act to Establish the National Agricultural Development Fund to Provide Funds for Agricultural Development; and for Related Matters (HB.1319) (Committee of the Whole):***

Motion made and Question proposed, “That the House do consider the Report on a Bill for an Act to Establish the National Agricultural Development Fund to Provide Funds for Agricultural Development; and for Related Matters (HB.1319)” (*Hon. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma Federal Constituency*)

Agreed to.

Question that the House do resolve into the Committee of the Whole to consider the Report — Agreed to.

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

**A BILL FOR AN ACT TO ESTABLISH THE NATIONAL AGRICULTURAL
DEVELOPMENT FUND AND FOR RELATED MATTERS (HB.1319)**

**PART I — ESTABLISHMENT OF THE NATIONAL AGRICULTURAL
DEVELOPMENT TRUST FUND AND THE GOVERNING BOARD**

Clause 1: Establishment of the National Agricultural Development Fund.

- (1) There is established a body to be known as the National Agricultural Development Fund (in this Bill referred to as "the Fund").
- (2) The Fund shall be a body corporate with perpetual succession and a common seal and may —
 - (a) sue and be sued in its Corporate name; and
 - (b) hold and dispose its property whether movable or immovable (*Hon. Abubakar Fulata Hassan — Birniwa/Guri/Kirikasamma Federal Constituency*).

Question that Clause 1 stands part of the Bill — Agreed to.

Clause 2: Establishment of the Governing Board.

- (1) There is established for the Fund a Governing Board (in this Bill referred to as "the Board").
- (2) The Board shall consist of —
 - (a) a Chairman;
 - (b) one representative each of the followings —
 - (i) Ministry of Finance (office of the Accountant-General),
 - (ii) Federal Inland Revenue Service,
 - (iii) all Farmers Association of Nigeria,
 - (iv) all Livestocks, Fisheries and Poultry Associations of Nigeria,
 - (v) National Food Reserve Agency,
 - (vi) Bankers Association of Nigeria,
 - (vii) the organised private sector to represent special interest;
 - (c) one person to represent the Federal Ministry of Agriculture and Rural Development;
 - (d) one person to represent the Federal Ministry of Science and Technology;

- (e) one person from each of the six geopolitical zones; and
 - (f) the Executive Secretary.
- (3) The Chairman and members shall be appointed by the President.
 - (4) The Performance of the functions or exercise of the powers of the Board shall not be affected by reason of there being a vacancy in the membership of the Board.
 - (5) The appointment of a member shall not be invalidated by reason of a defect or irregularity in or in connection with his nomination or appointment.
 - (6) Member, other than *ex-officio*, shall be part-time members.
 - (7) The supplementary provisions set out in the Schedule to the Bill shall have effect with respect to the proceedings of the Board and other matters contained therein (*Hon. Abubakar Fulata Hassan — Birniwa/Guri/Kirikasamma Federal Constituency*).

Question that Clause 2 stands part of the Bill — Agreed to.

Clause 3: Qualifications of Members.

The Chairman and members shall hold the following qualifications —

- (a) finance as it relates to agriculture, agricultural policy formulation and implementation; or
- (b) economics as it relates to agriculture, agricultural policy and implementation (*Hon. Abubakar Fulata Hassan — Birniwa/Guri/Kirikasamma Federal Constituency*).

Question that Clause 3 stands part of the Bill — Agreed to.

Clause 4: Tenure of Members.

(1) A member other than *ex-officio* —

- (a) shall hold office for a term of four years and no more; or
 - (b) may hold office on such 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 for inability to discharge the functions of his office (whether arising from infirmity of mind or body) or if the President considers that it is not in the interest of the Fund or the Public for such member to continue in office (*Hon. Abubakar Fulata Hassan — Birniwa/Guri/Kirikasamma Federal Constituency*).

Question that Clause 4 stands part of the Bill — Agreed to.

Clause 5: Cessation of Membership.

(1) A member may cease to hold office if —

- (a) he is without permission of the Board absent for more than three consecutive meetings of the Board or without such permission is absent from the country for a period exceeding one year;
 - (b) in case of a professional who is disqualified or suspended (other than at his own request) from practicing his profession in any part of Nigeria by the order of any competent authority;
 - (c) a person shall cease to be a member if he —
 - (i) becomes bankrupt; or
 - (ii) is guilty of serious misconduct in relation to his duties; or
 - (iii) 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 (*Hon. Abubakar Fulata Hassan — Birniwa/Guri/Kirikasamma Federal Constituency*).

Question that Clause 5 stands part of the Bill — Agreed to.

Clause 6: Allowances of Member.

Member shall be paid such allowances as the Federal Government may from time to time direct (*Hon. Abubakar Fulata Hassan — Birniwa/Guri/Kirikasamma Federal Constituency*).

Question that Clause 6 stands part of the Bill — Agreed to.

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

Clause 7: Functions of the Fund.

The Fund shall —

- (a) provide finance to support Agricultural development in Nigeria taking into consideration the need to provide food production and food security in Nigeria; in all its ramifications including but not limited to crop production, livestock, fisheries, poultry and agro-forestry;
- (b) provide finance for the implementation of Agricultural policies and to strengthen Agriculture Institutions within the framework on national priorities and strategies;

- (c) provide funds for on-lending to farmers and corporate bodies through appropriate financial institutions including microfinance banks, cooperative societies, organisations, farmer groups and institutions on appropriate soft terms;
- (d) provide finance primarily for the establishment of special Agricultural offices in each State of the Federation, to boost food production system in Nigeria;
- (e) provide financial support in the form of grant for research, training, market information systems and agricultural extension service in research institutes, universities and Ministries;
- (f) provide emergency Fund for Agriculture-Finance and intervention for the control of trans-boundary animal disease outbreak;
- (g) participate in the effort to build rural access to financial service through microfinance by creating linkages between upstream financial centre (including private-sector groups) and local organization's serving rural poor peoples;
- (h) assist the efforts of donor institutions to increase food and agricultural production as well as the organisation's technical competence and experience in this field; and
- (i) engage in such activities and perform such functions as this Bill may confer or as the President may, after consultation with the Minister, permit or assign to it (*Hon. Abubakar Fulata Hassan — Birniwa/Guri/Kirikasamma Federal Constituency*).

Question that Clause 7 stands part of the Bill — Agreed to.

Clause 8: Powers of the Board.

The Board shall have power to —

- (a) make regulations for the management of the fund with the approval of the Minister;
- (b) approve the annual budget of the Fund;
- (c) approve all grants for agricultural research, training and development;
- (d) approve loan for agricultural investment subject to section 3(b) of this Bill;
- (e) review and monitor the activities of the Fund;
- (f) approve payments (such as remunerations and allowances) to persons employed by the Fund;
- (g) give report on all activities of the Fund on the 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 the 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 the submission of copies of the accounts and the Auditor's Report thereon to the Federal Executive Council through the Minister;
- (m) monitor the execution of projects; and
- (n) carry out such other activities as may be incidental to the discharge of its function under this Bill (*Hon. Abubakar Fulata Hassan — Birniwa/Guri/Kirikasamma Federal Constituency*).

Question that Clause 8 stands part of the Bill — Agreed to.

PART III — APPOINTMENT OF THE EXECUTIVE SECRETARY AND OTHER STAFF

Clause 9: Appointment of the Executive Secretary, etc.

- (1) There shall be for the Fund an Executive Secretary who shall be appointed by the President on the recommendation of the Minister.
- (2) The Executive Secretary shall be a person who in the opinion of the Minister has acquired cognate experience in any of the following disciplines —
 - (a) agricultural finance;
 - (c) economics;
 - (d) agricultural policy formulation and implementation.
- (3) The Executive Secretary shall be the Chief Executive of the Fund, and is responsible for the day-to-day administration of the Fund subject to the general directions of the Board.
- (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 provision of subsection (4) of this section, the Executive Secretary may be removed from office by the President —
 - (a) for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misconduct; or
 - (b) if he is satisfied that it is not in the interest of the service or the 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 Pensions Reform Act (*Hon. Abubakar Fulata Hassan — Birniwa/Guri/Kirikasamma Federal Constituency*).

Question that Clause 9 stands part of the Bill — 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 the following —
 - (a) take-off grant provided by the Federal Government;
 - (b) 0.5% of the Natural Resource Development Fund;
 - (c) 0.5% of profit after tax of each Commercial Banks in Nigeria;
 - (d) 0.5% of the Petroleum Profit Tax;
 - (e) 5% of the duty levied on imported Rice, Wheat, Sugar, Milk, poultry and fish;
 - (f) monies appropriated by the National Assembly (*Hon. Abubakar Fulata Hassan — Birniwa/Guri/Kirikasamma Federal Constituency*).

Question that Clause 10 stands part of the Bill — Agreed to.

Clause 11: Expenditure.

The Board may from time to time, apply the proceeds of the account established in section 10(1) of this Bill to —

- (a) undertake the functions of the fund;
- (b) the cost of administration of the Fund;
- (c) the payment of the 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;
- (d) the payment of salaries, remuneration or allowances, pensions and other benefits payable to the officers, and other employees of the Fund, but no payment of any kind under this paragraph (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; and
- (e) the development and maintenance of any property vested in or owned by the Fund (*Hon. Abubakar Fulata Hassan — Birniwa/Guri/Kirikasamma Federal Constituency*).

Question that Clause 11 stands part of the Bill — Agreed to.

Clause 12: 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) a statement showing the income and expenditure of the Fund for the preceding year; and
 - (b) a statement of all assets and liabilities of the Fund as at the last day of the immediate 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 appointed from the list and in accordance with the guidelines supplied by the Auditor-General of 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 (*Hon. Abubakar Fulata Hassan — Birniwa/Guri/Kirikasamma Federal Constituency*).

Question that Clause 12 stands part of the Bill — Agreed to.

Clause 13: Annual Report, Audited Accounts and Auditor's Report.

- (1) The Fund shall 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 shall 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 (*Hon. Abubakar Fulata Hassan — Birniwa/Guri/Kirikasamma Federal Constituency*).

Question that Clause 13 stands part of the Bill — Agreed to.

Clause 14: Power to accept Gift.

- (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 the 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 (*Hon. Abubakar Fulata Hassan — Birniwa/Guri/Kirikasamma Federal Constituency*).

Question that Clause 14 stands part of the Bill — Agreed to.

Clause 15: 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 (*Hon. Abubakar Fulata Hassan — Birniwa/Guri/Kirikasamma Federal Constituency*).

Question that Clause 15 stands part of the Bill — Agreed to.

PART V — LEGAL PROCEEDINGS

Clause 16: 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 the —
 - (a) cause of action;
 - (b) particulars of claim;
 - (c) name and place of abode of the intending plaintiff; and
 - (d) the relief which he claims (*Hon. Abubakar Fulata Hassan — Birniwa/Guri/Kirikasamma Federal Constituency*).

Question that Clause 16 stands part of the Bill — Agreed to.

Clause 17: Service of Documents.

A notice referred to in Section 18(2) of this Bill, summons or other documents required or authorised to be served on the Fund under this Bill or any other law or enactment may be served by —

- (a) delivering it to the office of the Executive Secretary; or
- (b) by sending it by registered post addressed to the Executive Secretary or the principal office of the Fund (*Hon. Abubakar Fulata Hassan — Birniwa/Guri/Kirikasamma Federal Constituency*).

Question that Clause 17 stands part of the Bill — Agreed to.

Clause 18: 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 not less than three months' notice of the intention to execute or attach has been given to the Fund.

- (2) Any sum of money from the judgment of any court awarded against the Fund or any direction given by the court where no notice of appeal against the judgment has been given, shall be paid from the account of the Fund (*Hon. Abubakar Fulata Hassan — Birniwa/Guri/Kirikasamma Federal Constituency*).

Question that Clause 18 stands part of the Bill — Agreed to.

Clause 19: 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 (*Hon. Abubakar Fulata Hassan — Birniwa/Guri/Kirikasamma Federal Constituency*).

Question that Clause 19 stands part of the Bill — Agreed to.

Clause 20: 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 shall be the duty of the Fund to comply (*Hon. Abubakar Fulata Hassan — Birniwa/Guri/Kirikasamma Federal Constituency*).

Question that Clause 20 stands part of the Bill — Agreed to.

Clause 21: Direction by the Minister.

Subject to the provision of this Bill, the Minister may issue to the Board directions of general nature relating to matters of policy with regard to the exercise by the Board of its functions and the Board shall comply with such directions (*Hon. Abubakar Fulata Hassan — Birniwa/Guri/Kirikasamma Federal Constituency*).

Question that Clause 21 stands part of the Bill — Agreed to.

Clause 22: Power to make Regulations.

The Minister may make regulations generally for the purpose of giving full effect to this Bill (*Hon. Abubakar Fulata Hassan — Birniwa/Guri/Kirikasamma Federal Constituency*).

Question that Clause 22 stands part of the Bill — Agreed to.

Clause 23: Fixing of Seal.

The fixing of the seal of the Fund shall be authenticated by the signature of the Executive Secretary and the Secretary (*Hon. Abubakar Fulata Hassan — Birniwa/Guri/Kirikasamma Federal Constituency*).

Question that Clause 23 stands part of the Bill — Agreed to.

Clause 24: Interpretation.

In this Bill —

"Board" means the Governing Board of the Fund established by section 2 of this Bill (*Hon. Abubakar Fulata Hassan — Birniwa/Guri/Kirikasamma Federal Constituency*).

Question that the meaning of the word "Board" be as defined in the interpretation to this Bill — Agreed to.

"Chairman: means the Chairman of the Board (*Hon. Abubakar Fulata Hassan — Birniwa/Guri/Kirikasamma Federal Constituency*).

Question that the meaning of the word "Chairman" be as defined in the interpretation to this Bill — Agreed to.

"Functions" includes power and duty (*Hon. Abubakar Fulata Hassan — Birniwa/Guri/Kirikasamma Federal Constituency*).

Question that the meaning of the word "Functions" be as defined in the interpretation to this Bill — Agreed to.

"Fund" means the Fund established by section 1 (1) (*Hon. Abubakar Fulata Hassan — Birniwa/Guri/Kirikasamma Federal Constituency*).

Question that the meaning of the word "Fund" be as defined in the interpretation to this Bill — Agreed to.

"Executive Secretary" is the Chief Executive of the Fund and Chairman of the Management Committee (*Hon. Abubakar Fulata Hassan — Birniwa/Guri/Kirikasamma Federal Constituency*).

Question that the meaning of the words "Executive Secretary" be as defined in the interpretation to this Bill — Agreed to.

"Member" means an individual representing an organization or institution in (the Board and includes the Chairman and Executive Secretary) (*Hon. Abubakar Fulata Hassan — Birniwa/Guri/Kirikasamma Federal Constituency*).

Question that the meaning of the word "Member" be as defined in the interpretation to this Bill — Agreed to.

"Minister" means the Minister charged with responsibility for matters relating to Agriculture (*Hon. Abubakar Fulata Hassan — Birniwa/Guri/Kirikasamma Federal Constituency*).

Question that the meaning of the word "Minister" be as defined in the interpretation to this Bill — Agreed to.

"Appropriate Financial Institutions" means as defined by Banks and Other Financial Institutions Act of 2020 as amended (*Hon. Abubakar Fulata Hassan — Birniwa/Guri/Kirikasamma Federal Constituency*).

Question that the meaning of the words "Appropriate Financial Institutions" be as defined in the interpretation to this Bill — Agreed to.

Question that Clause 24 stands part of the Bill — Agreed to.

Clause 25: Short Title.

This Bill may be cited as the National Agricultural Development Fund (Establishment) Bill, 2021 (*Hon. Abubakar Fulata Hassan — Birniwa/Guri/Kirikasamma Federal Constituency*).

Question that Clause 25 stands part of the Bill — 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, such a person will have no interest or owe such allegiance that may likely be prejudicial to the discharge of his functions as a member. Any person whom the Minister nominates as a member shall perform his duties as specified 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 one third of the members of the meeting
3. 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 of not less than seven members, he shall summon a meeting of the Board to be held within seven days from the date on which the notice is given.
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 a member has an interest in any application for loan for any project made or proposed by any beneficiary, such member 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 (*Hon. Abubakar Fulata Hassan — Birniwa/Guri/Kirikasamma Federal Constituency*).

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

Explanatory Memorandum:

The Bill establishes the National Agricultural Development Fund for the purposes of providing funding for agricultural development (*Hon. Abubakar Fulata Hassan — Birniwa/Guri/Kirikasamma Federal Constituency*).

Agreed to.

Long Title:

A Bill for an Act to Establish the National Agricultural Development Fund and for Related Matters (HB.1319) (*Hon. Abubakar Fulata Hassan — Birniwa/Guri/Kirikasamma Federal Constituency*).

Amendment Proposed:

Leave out the Long Title, and *insert* a new Long Title as follows:

“A Bill for an Act to Establish the National Agricultural Development Fund for Agricultural Development and for Other Related Matters (HB.1319)” (*Hon. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma Federal Constituency*).

Question that the amendment be made — Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in Committee of the Whole considered the Report on a Bill for an Act to Establish the National Agricultural Development Fund for Agricultural Development and for Other Related Matters (HB.1319) and approved Clauses 1 - 25, approved Schedule, the Explanatory Memorandum, and approved the Long Title of the Bill as amended.

Question that the House do adopt the Report of the Committee of the Whole — Agreed to.

- (iii) *A Bill for an Act to Establish the South East Development Commission to serve as a Catalyst to Develop the Commercial Potentials of the South East, Receive and Manage Funds from Allocation of the Federation for the Rehabilitation, Reconstruction and Reparation for Houses and Lost Businesses of Victims of the Civil War, and Address any other Environmental or Developmental Challenges; and for Related Matters (HB.887) (Committee of the Whole):*

Motion made and Question proposed, “That the House do consider the Report on a Bill for an Act to Establish the South East Development Commission to serve as a Catalyst to Develop the Commercial Potentials of the South East, Receive and Manage Funds from Allocation of the Federation for the Rehabilitation, Reconstruction and Reparation for Houses and Lost Businesses of Victims of the Civil War, and Address any other Environmental or Developmental Challenges; and for Related Matters (HB.887)” (Hon. Nkeiruka Onyejeocha — Isuikwuato/Umunneochi Federal Constituency).

Agreed to.

Question that the House do resolve into the Committee of the Whole to consider the Report — Agreed to.

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

A BILL FOR AN ACT TO ESTABLISH THE SOUTH EAST DEVELOPMENT COMMISSION TO SERVE AS A CATALYST TO DEVELOP THE COMMERCIAL POTENTIALS OF THE SOUTH EAST, RECEIVE AND MANAGE FUNDS FROM ALLOCATION OF THE FEDERATION FOR THE REHABILITATION, RECONSTRUCTION AND REPARATION FOR HOUSES AND LOST BUSINESSES OF VICTIMS OF THE CIVIL WAR, AND ADDRESS ANY OTHER ENVIRONMENTAL OR DEVELOPMENTAL CHALLENGES; AND FOR RELATED MATTERS (HB. 887)

PART I — ESTABLISHMENT, ETC. THE SOUTH EAST DEVELOPMENT COMMISSION

Clause 1: Establishment of the South East Development Commission.

- (1) There is established a Commission to be known as the South East Development 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 and be sued in its corporate name.
- (3) The Commission shall have its head Office in Enugu, Enugu State and shall establish Offices in each member State of the Commission.
- (4) The President may subject to the approval of the National Assembly wind-up the Commission after 10 years (*Hon. Nkeiruka Onyejeocha — Isuikwuato/Umunneochi Federal Constituency*).

Question that Clause 1 stands part of the Bill — Agreed to.

Clause 2: Establishment of Governing Board of the Commission.

- (1) There is established for the Commission a Governing Board (in this Bill referred to as "the Board"), which shall consist of —
 - (a) the Chairman;
 - (b) one person who shall be an indigene to represent each of the following member States, that is —
 - (i) Abia,
 - (ii) Anambra,
 - (iii) Ebonyi,
 - (iv) Enugu, and
 - (v) Imo;
 - (c) a member from each geo-political zone would be represented at the Board;
 - (d) one person not below the rank of a Director to represent —
 - (i) the Federal Ministry of Finance,
 - (ii) the Federal Ministry of Justice,
 - (iii) the Ministry responsible for budget and National Planning;
 - (e) the Managing Director of the Commission; and
 - (f) two Executive Directors who are to be appointed from member States not being represented by the Chairman and the Managing Director of the Commission and shall be designated as:

- (i) Executive Director, Administration and Finance, and
 - (ii) Executive Director Operations.
- (2) At no time should any Member State within the South East Zone, have two (2) members on the Board.
 - (3) The Chairman and other members of the Board shall —
 - (a) be appointed by the President, Commander-in-Chief of the Armed Forces, subject to the confirmation of the Senate;
 - (b) be persons of proven integrity and ability.
 - (4) The members of the Board referred to in paragraph (a), (b) and (c) of subsection (1) of this section shall be part-time members.
 - (5) The supplementary provision set out in the schedule to this Bill shall have effect with respect to the proceedings of the Board and the other matters contained therein (*Hon. Nkeiruka Onyejeocha — Isuikwuato/Umunneochi Federal Constituency*).

Question that Clause 2 stands part of the Bill — Agreed to.

Clause 3: Tenure of office.

- (1) Subject to the provisions of section 4 of this Bill, a member of the Board, other than an *ex-officio* member, shall hold office for a term of 4 years at the first instance and may be reappointed for a further term of 4 years and no more.
- (2) The members of the Board shall be paid such remunerations and allowances as the Federal Government may, from time to time, determine for the chairman and members of statutory Board generally.
- (3) A member of the Board other than *ex-officio* members, may resign his appointment by notice, in writing under his hand addressed to the President Commander-in-Chief of the Armed Forces (*Hon. Nkeiruka Onyejeocha — Isuikwuato/Umunneochi Federal Constituency*).

Question that Clause 3 stands part of the Bill — Agreed to.

Clause 4: Rotation of Office of Chairman of the Commission.

The office of the Chairman of the Commission shall rotate among the member States of the Commission in the following alphabetical order —

- (a) Abia;
- (b) Anambra;
- (c) Ebonyi;
- (d) Enugu; and
- (e) Imo (*Hon. Nkeiruka Onyejeocha — Isuikwuato/Umunneochi Federal Constituency*).

Question that Clause 4 stands part of the Bill — Agreed to.

Clause 5: Cessation of Membership of the Board.

- (1) Notwithstanding the provisions of section 3 of this Act, a person shall cease to hold office as a member of the Board if —
 - (a) he becomes bankrupt, suspends payment or compounds with his creditors; or
 - (b) he is convicted of a felony or any offence involving dishonesty or fraud;
 - (c) he becomes of unsound mind, or incapable of carrying out his duties; or
 - (d) he is guilty of a serious misconduct in relation to his duties; or
 - (e) in the case of a person possessed of professional qualification, he is disqualified or suspended, other than at his own request, from practicing his profession in any part of the world by an order of a competent authority made in respect of that member; or
 - (f) he resigns his appointment by a letter addressed to the President, Commander-in-Chief of the Armed Forces.
- (2) Where a vacancy occurs in the membership of the Board, it shall be filled by the appointment of a successor to hold office for the remainder of the term of office of his predecessor, so however, that the successor shall represent the same interest and shall be appointed by the President, Commander-in-Chief of Armed Forces subject to the confirmation of the Senate (*Hon. Nkeiruka Onyejeocha — Isuikwuato/Umunneochi Federal Constituency*).

Question that Clause 5 stands part of the Bill — Agreed to.

Clause 6: Allowances of Members.

There shall be paid to every member of the Board such allowances and expenses as Federal Government may, from time to time, direct (*Hon. Nkeiruka Onyejeocha — Isuikwuato/Umunneochi Federal Constituency*).

Question that Clause 6 stands part of the Bill — Agreed to.

PART II — FUNCTIONS AND POWERS OF THE COMMISSION, ETC.

Clause 7: Functions and Powers of the Commission.

- (1) The Commission shall —
 - (a) formulate policies and guidelines for the development of the South East;
 - (b) conceive, plan and implement, in accordance with set rules and regulations, projects and programmes for the sustainable development of the South East in the field of roads, education, health facilities, employment, industrialization, agriculture, housing and urban development, water supply, electricity and commerce;

- (c) prepare master plans and schemes designed to promote the physical development of the South East and the estimate of the cost of implementing such master plans and schemes;
 - (d) implement all the measures approved for the development of the South East by the Federal Government and the member States of the Commission;
 - (e) identify factors inhibiting the development of the South East and assist the member states in the formulation and implementation of policies to ensure sound and efficient management of the resources of the South East;
 - (f) conceive, conceptualize, plan and implement, in accordance with set rules and regulations, projects and programmes for the sustainable development of the South-East zone by receiving and management of funds from the Federation account and donor funds for the rehabilitation and reconstruction reparation for houses and lost businesses of victims of the civil war, ecological and soil erosion problems and other related environmental or developmental challenges;
 - (g) cause the South-East zone to be surveyed in order to ascertain measures which are necessary to promote its physical and socio-economic development;
 - (h) assess and report on any project being funded or carried out in the South-East Zone for the purpose of rehabilitation and reconstruction of roads, reparation of houses and lost businesses of victims of the Civil War by the Federal Government and ensure that the funds released for such projects are properly utilized;
 - (i) tackle ecological and environmental problems that arise from the soil erosion problems and other related environmental challenges in the South-East and advice the Federal Government and the member states on the prevention and control of the erosion and environmental challenge;
 - (j) carry out such other functions as the President may, from time to time, direct.
- (2) In exercising its functions and powers under this section, the Commission shall have regard to the varied and specific contributions of each member state of the Commission (*Hon. Nkeiruka Onyejeocha — Isuikwuato/Umunneochi Federal Constituency*).

Question that Clause 7 stands part of the Bill — Agreed to.

Clause 8: Powers of the Board.

The Board shall have power to —

- (a) manage and supervise affairs of the Commission;
- (b) make rules and regulations for carrying out the functions of the Commission.

- (c) enter and inspect premises, projects and such places as may be necessary for the purposes of carrying out its functions under this Bill;
- (d) pay the staff of the Commission such remuneration and allowances as appropriate;
- (e) enter into such contracts as may be necessary or expedient for the discharge of its functions and ensure the efficient performance of the functions of the Commission;
- (f) do such other things as are necessary and expedient for the efficient performances of the functions of the Commission (*Hon. Nkeiruka Onyejeocha — Isuikwuato/Umunneochi Federal Constituency*).

Question that Clause 8 stands part of the Bill — Agreed to.

PART III — STRUCTURE OF THE COMMISSION

Clause 9: Establishment of Departments.

- (1) There shall be established in the Head Office of the Commission, the following Departments —
 - (a) Department of Administration, Human Resources and Man Power Development;
 - (b) Department of Utilities and Infrastructural Development;
 - (c) Department of Finance and Supplies;
 - (d) Department of Planning, Research, Statistics and Management Information System;
- (2) There shall exist in the Commission, a Project Monitoring and Supervision Unit, which shall be under the supervision of the Managing Director.
- (3) The Board may increase the number of Departments as it may deem expedient to facilitate the effective performance of the functions of the Commission (*Hon. Nkeiruka Onyejeocha — Isuikwuato/Umunneochi Federal Constituency*).

Question that Clause 9 stands part of the Bill — Agreed to.

Clause 10: Establishment of the Management Committee.

- There shall be for the Commission, a Management Committee, which shall —
- (a) consist of the Managing Director, the Executive Directors, the Directors responsible for the Departments under section 9 of this Bill and such number of other members as may be determined from time to time;
 - (b) be responsible to the Board and the Managing Director for the general administration of the Commission (*Hon. Nkeiruka Onyejeocha — Isuikwuato/Umunneochi Federal Constituency*).

Question that Clause 10 stands part of the Bill — Agreed to.

- Clause 11: Establishment of the South East Development Commission Advisory Committee.**
- (1) There is established for the Commission, a South East Development Advisory Committee (in this Bill referred to as "the Advisory Committee"), which shall consist of —
 - (a) the Governors of the member States of the Commission; and
 - (b) two other persons as may be appointed, from time to time, by the President, Commander-in-Chief of the Armed Forces.
 - (2) The Advisory Committee shall be charged with the responsibility of advising the Board on the activities of the Commission.
 - (3) The Advisory Committee may make rules regulating its own proceedings (*Hon. Nkeiruka Onyejeocha — Isuikwuato/Umunneochi Federal Constituency*).

Question that Clause 11 stands part of the Bill — Agreed to.

- Clause 12: Commission Secretary/Legal Adviser.**
- (1) The Board shall appoint a Secretary to the Commission who shall also act as its Legal Adviser.
 - (2) The Secretary to the Commission must be a legal practitioner of not less than ten (10) years post call to Bar experience and must possess the requisite experience to hold such an office.
 - (3) The Secretary shall —
 - (a) keep proper records and books of the Commission;
 - (b) record proceedings of the Board and its Committees;
 - (c) be responsible for the administration of the Secretariat;
 - (d) issue notices of meetings of the Board and its Committees; and
 - (e) be responsible to the Managing Director and the Board.
 - (4) The Secretary shall hold office on such terms and conditions as may be specified by the Board (*Hon. Nkeiruka Onyejeocha — Isuikwuato/Umunneochi Federal Constituency*).

Question that Clause 12 stands part of the Bill — Agreed to.

PART IV — STAFF OF THE COMMISSION

- Clause 132: Appointment of the Managing Director and Other Staff of the Commission.**
- (1) There shall be for the Commission, a Managing Director who shall —
 - (a) have such qualification and experience as are appropriate for a person required to perform functions of that office under this Bill;
 - (b) be the Chief Executive and Accounting Officer of the Commission;

- (c) be appointed by the President of the Federal Republic of Nigeria and confirmed by the Senate:
 - (d) hold office on such terms and conditions as to emoluments, conditions of service as may be specified in his letter of appointment.
- (2) The Managing Director shall, subject to the general direction of the Board, be responsible —
- (a) for the day to day administration of the Commission:
 - (b) the general direction and control of all other employees of the Commission.
- (3) The Board shall have to —
- (a) employ either directly or on secondment from any civil or public service, in the Federation or a State such number of employees as may, in the opinion of the Board, be required to assist the Board in the discharge of any of its functions under this Bill; and
 - (b) pay to persons so employed such remuneration (including allowances) as the Board may determine) (*Hon. Nkeiruka Onyejeocha — Isuikwuato/Umunneochi Federal Constituency*).

Question that Clause 13 stands part of the Bill — Agreed to.

Clause 14: Service in the Commission to be pensionable.

- (1) Service in the Commission shall be approved service for the purposes of the Pension Act.
- (2) The officers and other persons employed in the Commission shall be entitled to pensions, gratuities and other retirement benefits as are enjoyed by persons holding equivalent grades as appropriate.
- (3) Nothing in subsections (1) and (2) of this section shall prevent the appointment of a person to any office on terms which preclude the grant of pension and gratuity in respect of that office.
- (4) For the purposes of the application of the provisions of the Pensions Act, any power exercisable thereunder by the Minister or other authority of the Government of the Federation, other than the power to make regulations under section 23 thereof, is hereby vested in and shall be exercisable by the Commission, and not by any other person or authority (*Hon. Nkeiruka Onyejeocha — Isuikwuato/Umunneochi Federal Constituency*).

Question that Clause 14 stands part of the Bill — Agreed to.

PART V — FINANCIAL PROVISIONS

Clause 15: Fund of the Commission.

- (1) The Commission shall establish and maintain a fund from which shall be defrayed all expenditure incurred by the Commission.

- (2) There shall be paid and credited to the fund established pursuant to subsection (1) of this section-
- (a) from the Federal Government, the equivalent of 10 percent of the total monthly statutory allocations due to the member States of the Commission from the Federation Account; this being the contribution of the Federal Government to the Commission;
 - (b) 1% from the Ecological Fund of the Federation shall be allocated to the Commission;
 - (c) such monies as may from time to time, be granted or lent to or deposited with the Commission by the Federal or a State Government, any other body or institution whether local or foreign;
 - (d) all moneys raised for the purposes of the Commission by way of gifts, loan, grants-in-aid, testamentary disposition or otherwise; and
 - (e) proceeds from all other assets that may, from time to time, accrue to the Commission.
- (3) The Fund shall be managed in accordance with the rules made by the Board, and without prejudice to the generality of the power to make rules under this subsection, the rules shall in particular contain provisions —
- (a) specifying the manner in which the assets or the fund of the Commission are to be held, and regulating the making of payments into and out of the fund; and
 - (b) requiring the keeping of proper accounts and records for the purpose of the fund in such form as may be specified in the rules (*Hon. Nkeiruka Onyejeocha — Isuikwuato/Umunneochi Federal Constituency*).

Question that Clause 15 stands part of the Bill — Agreed to.

Clause 16: Expenditure of the Commission.

The Commission shall apply the proceeds of the fund established pursuant to section 15 of this Bill to —

- (a) the cost of administration of the Commission;
- (b) the payment of salaries, fees, remuneration, allowances, pensions and gratuities payable to the members of the Board specified in section 6 of this Bill or any Committee of the Board and the employees of the Commission;
- (c) the payment for all contracts, including mobilization, fluctuations, variations, legal fees and cost on contract administration;
- (d) the payment for all purchases; and
- (e) such other activities as are connected with all or any of the functions of the Commission under this Bill (*Hon. Nkeiruka Onyejeocha — Isuikwuato/Umunneochi Federal Constituency*).

Question that Clause 16 stands part of the Bill — Agreed to.

Clause 17: Gifts to the Commission.

- (1) The Commission may accept gifts of land, money or other property on such terms and conditions; it may be specified by the person or organisation making the gift.
- (2) The Commission shall not accept any gift if the conditions attached by the person or organisation making the gift are inconsistent with the functions of the Commission under this Bill (*Hon. Nkeiruka Onyejeocha — Isuikwuato/Umunneochi Federal Constituency*).

Question that Clause 17 stands part of the Bill — Agreed to.

Clause 18: Power to borrow money.

The Commission may, with the consent of the President, Commander-in-Chief of the Armed Forces, borrow, on such terms and conditions as the Commission may require in the exercise of its functions under this Bill (*Hon. Nkeiruka Onyejeocha — Isuikwuato/Umunneochi Federal Constituency*).

Question that Clause 18 stands part of the Bill — Agreed to.

Clause 19: Annual Estimates and Expenditure.

- (1) The Board shall, not later than 30th September in each year, submit to the President, Commander-in-Chief of the Armed Forces an estimate of the expenditure and income of the Commission during the next succeeding year.
- (2) The Board shall cause to be kept proper accounts of the Commission in respect of each year and proper records in relation thereto and shall cause the accounts to be audited not later than 6 months after the end of each year by auditors appointed from the list in accordance with the guidelines supplied by the Auditor-General for the Federation (*Hon. Nkeiruka Onyejeocha — Isuikwuato/Umunneochi Federal Constituency*).

Question that Clause 19 stands part of the Bill — Agreed to.

Clause 20: Quarterly Report.

The Commission shall, at the end of every quarter in each year, submit to the President, Commander-in-Chief of the Armed Forces a report on the activities and administration of the Commission (*Hon. Nkeiruka Onyejeocha — Isuikwuato/Umunneochi Federal Constituency*).

Question that Clause 20 stands part of the Bill — Agreed to.

Clause 21: Annual Report.

- (1) The Board shall prepare and submit to the President, Commander-in-Chief of the Armed Forces, not later than 30th June in each year, a report in such form as the President, Commander-in-Chief of the Armed Forces, may direct on the activities of the Commission during the immediately preceding year, and shall include in the report a copy of the audited accounts of the Commission for that year and the auditor's report thereon.
- (2) The President, Commander-in-Chief of the Armed Forces shall, upon receipt of the report referred to in subsection (1) of this section, cause a copy of the report and the audited accounts of the Commission and the auditor's report thereon to be submitted to each House of the National Assembly (*Hon. Nkeiruka Onyejeocha — Isuikwuato/Umunneochi Federal Constituency*).

Question that Clause 21 stands part of the Bill — Agreed to.

PART VI — MISCELLANEOUS PROVISIONS

Clause 22: Office and Premise of the Commission, Cap. 202, LFN.

- (1) For the purposes of providing offices and premises necessary for the performance of its functions under this Bill, the Commission may, subject to the Land Use Act —
 - (a) purchase or take on lease any interest on land, or other property; and
 - (b) construct offices and premises and equip and maintain same.
- (2) The Commission may, subject to the Land Use Act, sell or lease out any office or premises held by it, which office or premises is no longer required for the performance of its functions under this Bill (*Hon. Nkeiruka Onyejeocha — Isuikwuato/Umunneochi Federal Constituency*).

Question that Clause 22 stands part of the Bill — Agreed to.

Clause 23: Directives by the President, Commander-in-Chief of the Armed Forces.

Subject to the provisions of this Bill, the President, Commander-in-Chief of the Armed Forces may give to the Commission, directives of a general nature or relating generally to matters of policy with regard to the performance by the Commission of its functions and it shall be the duty of the Commission to comply with the directives (*Hon. Nkeiruka Onyejeocha — Isuikwuato/Umunneochi Federal Constituency*).

Question that Clause 23 stands part of the Bill — Agreed to.

Clause 24: Limitation of suits against Commission. Cap. 379, LFN.

- (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 any officer or employee of the Commission.
- (2) Notwithstanding anything contained in any other law or enactment, no suit shall lie against any member of the Board, the Managing Director or any other officer or employee of the Commission for any act done in pursuance or execution of this Bill or any other law or enactment, or of any alleged neglect or default in the execution of this Bill or such law or enactment, duty or authority, shall lie or be instituted in any Court unless —
 - (a) it is commenced within three months after the act, neglect or default complained of; or
 - (b) in the case of a continuation of damage or injury, within six months after the leasing thereof (*Hon. Nkeiruka Onyejeocha — Isuikwuato/Umunneochi Federal Constituency*).

Question that Clause 24 stands part of the Bill — Agreed to.

Clause 25: Service of Documents.

A notice, summons or other document required or authorised to be served upon the Commission under the provisions of this Bill or any other law or enactment may be served by delivering it to the Managing Director or by sending it by registered post and addressed to the Managing Director at the principal office of the Commission (*Hon. Nkeiruka Onyejeocha — Isuikwuato/Umunneochi Federal Constituency*).

Question that Clause 25 stands part of the Bill — Agreed to.

Clause 26: Restriction on Execution against Property of the Commission.

(1) In any action or suit against the Commission, no execution or attachment of process thereof can be issued against the Commission, unless not less than three months notice has been given to the Commission.

(2) Any sum of money, which may by the judgment of any Court, has been awarded against the Commission shall, subject to any direction given by the Court where no notice of appeal against the said judgment has been given, be paid from the fund of the Commission (*Hon. Nkeiruka Onyejeocha — Isuikwuato/Umunneochi Federal Constituency*).

Question that Clause 26 stands part of the Bill — Agreed to.

Clause 27: Indemnity of Officers.

A member of the Board, the Managing Director, any officer or employee of the Commission shall be indemnified out of the assets of the Commission against any proceeding, whether civil or criminal, in which judgment is given in his favour or in which he is acquitted, if any such proceeding is brought against him in his capacity as a member of the Board, the Managing Director, officers or employee of the Commission (*Hon. Nkeiruka Onyejeocha — Isuikwuato/Umunneochi Federal Constituency*).

Question that Clause 27 stands part of the Bill — Agreed to.

Clause 28: Regulations.

The Commission may, with the approval of the President, Commander-in-Chief of the Armed Forces, make regulations, generally for the purposes of giving full effect to this Bill (*Hon. Nkeiruka Onyejeocha — Isuikwuato/Umunneochi Federal Constituency*).

Question that Clause 28 stands part of the Bill — Agreed to.

Clause 29: Interpretations.

In this Bill, unless the context otherwise requires —

"Chairman" means the Chairman of the Board (*Hon. Nkeiruka Onyejeocha — Isuikwuato/Umunneochi Federal Constituency*).

Question that the meaning of the word "Chairman" be as defined in the interpretation to this Bill — Agreed to.

"Commission" means the South East Development Commission, established by section 1 of this Bill (*Hon. Nkeiruka Onyejeocha — Isuikwuato/Umunneochi Federal Constituency*).

Question that the meaning of the word "Commission" be as defined in the interpretation to this Bill — Agreed to.

"Board" means the Governing Board established for the Commission under section 2 (1) of this Bill (*Hon. Nkeiruka Onyejeocha — Isuikwuato/Umunneochi Federal Constituency*).

Question that the meaning of the word "Board" be as defined in the interpretation to this Bill — Agreed to.

"Member" means a member of the Board and includes the Chairman, Managing Director and Executive Directors (*Hon. Nkeiruka Onyejeocha — Isuikwuato/Umunneochi Federal Constituency*).

Question that the meaning of the word "Member" be as defined in the interpretation to this Bill — Agreed to.

"Member States" include Abia, Anambra, Ebonyi, Enungu, and Imo States; and (*Hon. Nkeiruka Onyejeocha — Isuikwuato/Umunneochi Federal Constituency*).

Question that the meaning of the words "Member States" be as defined in the interpretation to this Bill — Agreed to.

"President" means the President and Commander-In-Chief of the Forces of the Federal Republic of Nigeria (*Hon. Nkeiruka Onyejeocha — Isuikwuato/Umunneochi Federal Constituency*).

Question that the meaning of the word "President" be as defined in the interpretation to this Bill — Agreed to.

Question that Clause 29 stands part of the Bill — Agreed to.

Clause 30: Citation.

This Bill may be cited as the South East Development Commission (Establishment, etc.) Bill, 2021 (*Hon. Nkeiruka Onyejeocha — Isuikwuato/Umunneochi Federal Constituency*).

Question that Clause 30 stands part of the Bill — Agreed to.

SCHEDULE

Section 2 (5)

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

Proceedings of the Board

1. (1) Subject to this Bill and section 27 of the Interpretation Act, the Board may make standing orders regulating its proceedings or those of any of its Committees.
- (2) At any meeting of the Board, the Chairman shall preside but in his absence the members present at the meeting shall appoint one of them to preside.
- (3) The Board shall meet whenever it is summoned by the Chairman and if the Chairman is required to do so by notice given to him by not less than 4 other members, he shall summon a meeting of the Board to be held within 14 days from the date on which the notice is given.

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

Miscellaneous

3. (1) The fixing of the seal of the Commission shall be authenticated by the signatures of the Chairman or any other member of the Board specifically authorised by the Board to act for that purpose and the Secretary to the Board.
- (2) A document purporting to be a document duly executed under the seal of the Commission shall be received in evidence and shall, unless and until the contrary is proved, be presumed to be so executed.
- (3) The Board shall meet a minimum of four (4) times a year. At least one meeting in each quarter.
- (4) The validity of any proceedings of the Board or of a Committee shall not be adversely affected by —
 - (a) a vacancy in the membership of the Board or Committee; or
 - (b) a defect in the appointment of a member of the Board or Committee; or
 - (c) reason that a person not entitled to do so took part in the proceedings of the Board or Committee (*Hon. Nkeiruka Onyejeocha — Isuikwuato/Umunneochi Federal Constituency*).

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

Explanatory Memorandum:

This Bill seeks to establish the South East Development Commission to be charged with the responsibility of managing and administering for effectiveness, the sums received from the allocation of the Federation account for reinvigorating the commercial potentials of the South East and for the overall economic development of the South East (*Hon. Nkeiruka Onyejeocha — Isuikwuato/Umunneochi Federal Constituency*).

Agreed to.

Long Title:

A Bill for an Act to Establish the South East Development Commission to Serve as A Catalyst to Develop the Commercial Potentials of the South East, Receive and Manage Funds From Allocation of the Federation for the Rehabilitation, Reconstruction and Reparation for Houses and Lost Businesses of Victims of the Civil War, and Address Any Other Environmental or Developmental Challenges; and for Related Matters (HB. 887) (*Hon. Nkeiruka Onyejeocha — Isuikwuato/Umunneochi Federal Constituency*).

Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in Committee of the Whole considered the Report on a Bill for an Act to Establish the South East Development Commission to serve as a Catalyst to Develop the Commercial Potentials of the South East, Receive and Manage Funds from Allocation of the Federation for the Rehabilitation, Reconstruction and Reparation for Houses and Lost Businesses of Victims of the Civil War, and Address any other Environmental or Developmental Challenges; and for Related Matters (HB.887) and approved Clauses 1 - 30, the Schedule, the Explanatory Memorandum, and approved the Long Title of the Bill.

Question that the House do adopt the Report of the Committee of the Whole — Agreed to.

(iv) Committee on Justice:

Motion made and Question proposed, "That the House do consider the Report of the Committee on Justice on a Bill for an Act to Establish South-West Development Commission charged with Responsibility, among others, to Receive and Manage Funds from Allocation of the Federation Account, including Donations and Gifts, the Reconstruction and Rehabilitation of Roads, Houses and other Infrastructural Damages Suffered by the Region and the Need to Tackle the Ecological Problems and any other Related Environmental or Developmental Challenges in the South West States; and for Related Matters (HB.597)" (Hon. Oluferan, Fakeye — Boluwaduro/Ifedayo/Illa Federal Constituency)

Agreed to.

Question that the House do resolve into the Committee of the Whole to consider the Report — Agreed to.

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

A BILL FOR AN ACT TO ESTABLISH THE SOUTH WEST DEVELOPMENT COMMISSION CHARGED WITH THE RESPONSIBILITY AMONG OTHERS TO RECEIVE AND MANAGE FUNDS FROM ALLOCATION OF THE FEDERATION ACCOUNT, INCLUDING DONATIONS AND GIFTS, FOR THE RECONSTRUCTION AND REHAELITATION OF INFRASTRUCTURAL DAMAGES SUFFERED BY THE REGION AND TO TACKLE ECOLOGICAL, ENVIRONMENTAL AND OTHER DEVELOPMENTAL CHALLENGES IN THE REGION AND FOR RELATED MATTERS (HB. 597)

PART I — ESTABLISHMENT OF THE SOUTH WEST DEVELOPMENT COMMISSION AND THE GOVERNING BOARD

Committee's Recommendation:**Clause 1: Establishment of South West Development Commission.**

- (1) There is hereby established a body to be known as the South West Development 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 and be sued in its corporate name.

- (3) The Commission shall have its head office in Ibadan, Oyo State and shall establish an office in each member-State of the Commission (*Hon. Julius Olufemi Fakeye — Bekwaduro/Ifedayo/Ila Federal Constituency*).

Question that Clause 1 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 2: Establishment of the Governing Board of the Commission.

- (1) There is established for the Commission a Governing Board (in this Act referred to as 'the Board').
- (2) The Board shall consist of:
- (a) a Chairman;
 - (b) a Managing Director and Chief Executive Officer;
 - (c) four Executive Directors, one from each South West State not being represented by the Chairman of the Board and Managing Director;
 - (c) one person to represent the Federal Ministry of Finance, Budget and National Planning;
 - (e) one person each to represent on a rotational basis the five geo-political zones of the country:
 - (i) North Central,
 - (ii) North West,
 - (iii) North East,
 - (iv) South East, and
 - (v) South-South:

Provided that no more than three geopolitical zones shall be represented during any given tenure of the Board

- (3) A member State within the South West Zone shall not have two members on the Board at same time.
- (4) The four Executive Directors mentioned under clause 2 (2) (c) are:
- (a) Executive Director of Administration and Finance;
 - (b) Executive Director Operations and innovation;
 - (c) Executive Director Compliance and Monitoring;
 - (d) Executive Director, Environment Protection and Control.
- (5) The Chairman and other members of the Board shall —
- (a) be persons of proven integrity and ability;

- (b) possess requisite academic qualification and relevant experience as are required to perform the functions of the Board under this Bill
- (c) be appointed by the President subject to confirmation by the Senate, provided that the Executive Directors referred to in clause 2 (2) (c) shall be appointed in the same manner on the recommendation of the advisory committee (*Hon. Julius Olufemi Fakeye — Bolawaduro/Ijedayo/Ita Federal Constituency*).

Question that Clause 2 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 3: Tenure of office.

- (1) Subject to the provisions of Clause 4 of this Bill, the Chairman and non-Executive Directors, shall hold office for a non-renewable term of 4 years.
- (2) The Chairman and any member of the Board may resign his or her appointment by notice in writing addressed to the President, which resignation shall take effect only upon a written approval by the President.
- (3) A member of the Board other than *ex-officio* member, may resign his or her appointment by notice in writing addressed to the President, which resignation shall take effect only upon a written approval by the President (*Hon. Julius Olufemi Fakeye — Bolawaduro/Ijedayo/Ita Federal Constituency*).

Question that Clause 3 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 4: Cessation of membership of the Board.

- (1) Notwithstanding the provisions of Section 3 of this Bill, a person shall cease to hold office as a member of the Board if:
 - (a) he becomes of unsound mind, or incapable of carrying out his duties;
 - (b) he becomes bankrupt;
 - (c) he is convicted of a felony or any offence involving dishonesty or fraud;
 - (d) he is convicted of a serious misconduct in relation to his duties;
 - (e) in the case of a person possessing professional qualifications, he is disqualified or suspended, from practising his profession in any part of the world by an order of a competent authority made in respect of that member;
 - (f) resigns his appointment by a letter addressed to the President;
 - (g) if the advisory committee determines that his continued membership on the Board is detrimental to the interest of the Commission.

- (2) Where a vacancy occur in the membership of the Board, it shall be filled by an appointment of a person representing the area where the vacancy exists, to complete the remainder of the term of office of the predecessor (Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency).

Question that Clause 4 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 5: Rotation of Office of Chairman.

- (1) The office of the Chairman shall rotate amongst the member-States of the Commission in the following alphabetical order —

- (i) Ekiti;
- (ii) Lagos;
- (iii) Ogun;
- (iv) Ondo;
- (v) Osun;
- (vi) Oyo.

- (2) The office of the Managing Director shall rotate among member states in the following order —

- (i) Oyo;
- (ii) Osun;
- (iii) Ondo;
- (iv) Ogun;
- (v) Lagos;
- (vi) Ekiti;

Provided the Chairman and Managing Director of the Commission shall not come from the same State (Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency).

Question that Clause 5 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 6: Allowances of members.

There shall be paid to every member of the Board such remuneration, allowances and expenses as the Federal Government may, from time to time, direct (Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency).

Question that Clause 6 stands part of the Bill — Agreed to.

PART II — FUNCTIONS AND POWERS OF THE COMMISSION

*Committee's Recommendation:***Clause 7: Functions of the Commission.**

- (1) The Commission shall —
 - (a) in consultation with the advisory committee, formulate policies and guidelines for the development of the South West States;
 - (b) in consultation with the advisory committee, conceive, plan and implement in accordance with set rules and regulations, projects and programs for the sustainable development of the South West States including but not limited to the fields of security, transportation, health, education, empowerment, agriculture, industrialization, housing and urban development, water supply, electricity, solid mineral exploitation and telecommunications.
 - (c) cause the South West States to be surveyed in order to ascertain measures which are necessary to promote its physical and socio-economic development;
 - (d) prepare master plans and schemes designed to promote the physical development of the South West States and the estimates of the costs of implementing such master plans and schemes;
 - (e) implement all the measures approved for the development of the South West States by the Federal Government and the member-States of the Commission;
 - (f) identify factors inhibiting the development of the South West States and assist the member-States in the formulation and implementation of policies to ensure a sound and efficient management of the resources of the South West States;
 - (g) assess and report on any project being funded or carried out in the South West States by mineral extracting and mining companies, oil and gas producing companies, and any other company including nongovernmental organisations and ensure that funds released for such projects are properly utilised;
 - (h) tackle ecological and environmental problems that arise from the extraction and mining of solid mineral, exploration of oil mineral in the South West States and advise the Federal Government and the member States on the prevention and control of oil spillages, gas flaring and environmental pollution;
 - (i) liaise with the various solid mineral extraction and mining companies and oil and gas prospecting and producing companies on all matters of pollution prevention and control; and
 - (j) execute such other works and perform such other functions which in the opinion of the Commission are required for the sustainable development of the South West States and its people;

- (k) receive donations and gifts from any legitimate, documented source aimed at the advancement of its set goals, provided such donations shall be reported to the relevant federal authorities.
- (2) In exercising its functions and powers under the clause, the Commission shall have regard to the varied and specific contributions of each member State of the Commission.
- (3) The Commission shall be subject to the direction, control or supervision in the performance of its functions under this Bill by the President of the Federal Republic of Nigeria (*Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency*).

Question that Clause 7 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 8: Powers of the Commission.

- (1) The Board shall have power to:
 - (a) direct and superintend the affairs of the Commission;
 - (b) make rules and regulations for carrying out the functions of the Commission;
 - (c) enter and inspect premises, projects and such places as may be necessary for the purposes of carrying out its functions under this Bill;
 - (d) approve the payment for the staff of the Commission such remuneration and allowances as are payable to persons of equivalent grades in the Civil service of the Federation;
 - (e) enter into such contracts as may be necessary or expedient for the discharge of its functions and ensure the efficient performance of the functions of the Commission;
 - (f) approve employment either directly or on secondment from any civil or public service in the Federation or a State, such number of employees as may, in the opinion of the Board, be required to assist the Board in the discharge of any of its functions under this Bill;
 - (g) approve payment to persons so employed such remuneration, including allowances, as the Board may determine; and
 - (h) do such other things as are necessary and expedient for the efficient performances of the functions of the Commission (*Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency*).

Question that Clause 8 stands part of the Bill — Agreed to.

PART III — STRUCTURE OF THE COMMISSION

Committee's Recommendation:

Clause 9: Structure of the Commission.

- (1) There shall be established in the head office of the Commission, the following Directorates:

- (a) the Directorate of Finance, Administration and Corporate Services;
 - (b) the Directorate of Infrastructure, Economic and Industrial Development;
 - (c) the Directorate of Human Capital Development and Job Creation;
 - (d) the Directorate of Environmental Protection and Sustainability.
- (2) The Board may increase the number of Directorates as it may deem necessary and expedient to facilitate the realisation of the objectives of the Commission (*Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency*).

Question that Clause 9 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 10: Management Committee.

There shall be for the Commission, a Management Committee which shall —

- (a) consist of a Chairman who shall be the Managing Director;
- (b) the Directors responsible for the Directorates established under Clause 9 of this Bill and such number of other members as may be determined from time to time by the Board;
- (c) be responsible to the Board for the general administration of the Commission (*Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency*).

Question that Clause 10 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 11: Establishment of the South West Development Advisory Committee.

- (1) There is hereby established for the Commission, a South West Development Advisory Committee (in this Bill referred to as 'the Advisory Committee') which shall consist of —
 - (a) the Governors of the member-States of the Commission; and
 - (b) two persons as may be determined from time to time by the President of the Federal Republic of Nigeria.
- (2) The Advisory Committee shall be charged with the responsibility of advising the Board and guiding and monitoring the activities of the Commission with a view to achieving the objectives of the Commission.
- (3) The Advisory Committee may make rules regulating its own proceedings, including the appointment of a Chairman who shall not be from the same State as the Board Chairman, or the Managing Director (*Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency*).

Question that Clause 11 stands part of the Bill — Agreed to.

PART IV — STAFF OF THE COMMISSION

Committee's Recommendation:**Clause 12: Staff of the Commission.**

There shall be for the Commission, a Managing Director, who shall be an indigene of a South West State other than the states of origin of the Board Chairman and shall

- (a) have such qualifications and experience as are appropriate for a person required to perform the functions of that office under this Bill; and
- (b) be the Chief Executive and Accounting Officer of the Commission;
- (c) shall be appointed by the President of the Federal Republic of Nigeria on the recommendation of the Advisory Committee and confirmed by the Senate;
- (d) hold office on such terms and conditions as to emolument, conditions of service as may be specified in his letter of appointment and subject to the provision of clause 3 of this Bill (*Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency*).

Question that Clause 12 stands part of the Bill — Agreed to.

Committee's Recommendation:**Clause 13: Executive Directors of the Commission.**

- (1) There shall be for the Commission, two (2) Executive Directors each of whom shall supervise all the Directorates as approved by the Management.
- (2) The Executive Directors shall be indigenes of States other than those of the Managing Director, the Chairman of the Board and the Chairman of the Advisory Committee of the Commission (*Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency*).

Question that Clause 13 stands part of the Bill — Agreed to.

Committee's Recommendation:**Clause 14: Executive Secretary of the Commission.**

- (1) There shall be for the Commission an Executive Secretary who shall be responsible for:
 - (a) keeping the books and proper records of the proceedings of the Board;
 - (b) the administration of the Secretariat of the Commission.
- (2) The Secretary shall be a fit and proper person who shall be a legal practitioner of not less than 10 years post-Call (*Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency*).

Question that Clause 14 stands part of the Bill — Agreed to.

Committee's Recommendation:**Clause 15: Powers of the Board.**

The Board shall have power to:

- (a) approve the employment and promotion of management staff;

- (b) approve the recruitment, either directly or by secondment from any civil or public service in the Federation or a State, such number of employees as may, in the opinion of the Board, be required to assist the Board in the discharge of any of its function under this Bill; and
- (c) approve payment to persons so employed such remuneration (including allowances) as the Board may, after consultation with the National Salaries and Wages Commission; and
- (d) manage the resources of the Commission to ensure that capital and development projects predominates in all its expenditures and resource utilization (*Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency*).

Question that Clause 15 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 16: Service in the Commission to be Pensionable.

- (1) Service in the Commission shall be approved service for the purposes of the Pensions Act.
- (2) The officers and other persons employed in the Commission shall be entitled to pensions, gratuities and other retirement benefits as are enjoyed by Persons holding equivalent grades in the civil service of the Federation.
- (3) Nothing in subsections (1) and (2) of this Clause 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.
- (4) For the purposes of the application of the provisions of the Pensions Act, any power exercisable there under by the Minister or other authority of the Government of the Federation, other than the power to make regulations under section 31 thereof, is hereby vested in and shall be exercisable by the Commission, and not by any other person or authority (*Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency*).

Question that Clause 16 stands part of the Bill — Agreed to.

PART V — FINANCIAL PROVISIONS

Committee's Recommendation:

Clause 17: Fund of the Commission.

- (1) The Commission shall establish and maintain a fund, the proceeds of which shall be used to defray all expenditures incurred by the Commission.
- (2) There shall be paid and credited to the fund established pursuant to sub-clause (1) of this paragraph monies —
 - (a) from the Federal Government, the equivalent of fifteen (15) percent of the total monthly statutory allocations due to member States of the Commission from the Federation Account;
 - (b) 3 percent of the annual budget of any federal seaport and airport operating in the South West;

- (c) 3 percent of the total annual budget of any oil producing company operating, on shore and off shore, in the South West States: including gas processing companies;
 - (d) 3 percent of the total annual budget of any Solid mineral extracting mining company operating in the South West States;
 - (e) 50 percent of monies due to member-States of the Commission from the Ecological Fund;
 - (f) such monies as may from time to time, be granted or lent to or deposited with the Commission by the Federal or a State Government, any other body or institution whether local or foreign;
 - (g) all monies raised for the purpose of the Commission by way of gifts, loan, grants-in-aid, testamentary disposition or otherwise; and
 - (h) the proceeds from all other assets that may, from time to time, accrue to the Commission.
- (3) The fund shall be managed in accordance with the rules made by the Board, and without prejudice to the generality of the power to make rules under this sub-clause, the rules shall in particular contain provisions —
- (a) specifying the manner in which the assets or the fund of the Commission are to be held, and regulating the making of payments into and out of the fund; and
 - (b) requiring the keeping of proper accounts and records for the purpose of the fund in such form as may be specified in the rules (*Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency*).

Question that Clause 17 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 18: Expenditure of the Commission:

The Commission shall apply the proceeds of the fund established pursuant to Clause 17 of this Bill to —

- (a) the cost of administration of the Commission;
- (b) the payment of salaries, fees, remuneration, allowances, pensions and gratuities payable to the members of the Board specified in clause 2 of this Bill or any committee of the Board and the employees of the Commission;
- (c) the payment for all contracts, including mobilization, fluctuations, variations, legal fees and cost on contract administration;
- (d) the payment for all purchases; and
- (e) undertaking such other activities as are connected with all or any of the functions of the Commission under this Bill (*Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency*).

Question that Clause 18 stands part of the Bill — Agreed to.

Committee's Recommendation:**Clause 19: Gifts to the Commission.**

- (1) The Commission may accept gifts of land, money or other property on such terms and conditions, if any, as may be specified by the person or organization making the donation.
- (2) The Commission shall not accept any gift if the conditions attached by the person or organization making the gift are inconsistent with the functions of the Commission under this Bill (*Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency*).

Question that Clause 19 stands part of the Bill — Agreed to.

Committee's Recommendation:**Clause 20: Powers to borrow.**

The Commission may borrow, on such terms and conditions as the Commission may determine, such sums of money as the Commission may require in the exercise of its functions under this Bill (*Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency*).

Question that Clause 20 stands part of the Bill — Agreed to.

Committee's Recommendation:**Clause 21: Annual Estimates and Expenditure.**

- (1) The Board shall, not later than 30th October in each year, submit to the National Assembly through the President of the Federal Republic of Nigeria, an estimate of the expenditure and income of the Commission during the next succeeding year.
- (2) The Board shall cause to be kept proper accounts of the Commission in respect of each year and proper records in relation thereto and shall cause the accounts to be audited not later than 6 months after the end of each year by Auditors appointed from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation (*Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency*).

Question that Clause 21 stands part of the Bill — Agreed to.

Committee's Recommendation:**Clause 22: Quarterly Report.**

The Commission shall, at the end of every quarter in each year, submit a Quarterly Report to the President of the Federal Republic of Nigeria, on the activities and administration of the Commission (*Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency*).

Question that Clause 22 stands part of the Bill — Agreed to.

Committee's Recommendation:**Clause 23: Annual Report.**

- (1) The Board shall prepare and submit to the President of the Federal Republic of Nigeria, not later than 30th June in each year, a report in such form as the President of the Federal Republic of Nigeria, may direct, on the activities of the Commission during the immediately preceding year, and shall include in the report a copy of the audited annual accounts of the Commission for the preceding operating year and the Auditor's report thereon.

- (2) The President of the Federal Republic of Nigeria shall, upon receipt of the report referred to in sub-section (1) of this Clause, cause a copy of the report and the audited accounts of the Commission and the Auditor's report thereon to be submitted to each House of the National Assembly (*Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency*).

Question that Clause 23 stands part of the Bill — Agreed to.

PART VI — MISCELLANEOUS

Committee's Recommendation:

Clause 24: Monitoring Committee.

- (1) There is hereby established for the Commission an independent Monitoring Committee which shall consist of such number of professionals and members of the Civil Society persons as the Advisory Committee may recommend for appointment to the President of the Federal Republic of Nigeria.
- (2) The Monitoring Committee shall —
- (a) monitor the management of the funds and the implementation of the projects of the Commission; and
- (b) have access to the books of account and other records (*Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency*).

Question that Clause 24 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 25: Offices and Premises of the Commission.

- (1) For the purposes of providing offices and premises necessary for the performances of its functions under this Bill, the Commission may, subject to the Land Use Act —
- (a) purchase or take on lease any interest in land, or other property; and
- (b) construct offices and premises and equip and maintain same.
- (2) The Commission may, subject to the Land Use Act, sell or lease out any office or premises held by it, which office or premises are no longer required for the performance of its functions under this Bill (*Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency*).

Question that Clause 25 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 26: Directives by the President.

Subject to the provisions of this Bill, the President of the Federal Republic of Nigeria, may give to the Commission directives of a general nature or relating generally to matters of policy with regard to the performance by the Commission of its functions and it shall be the duty of the Commission to comply with the directives (*Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency*).

Question that Clause 26 stands part of the Bill — Agreed to.

Committee's Recommendation:**Clause 27: Limitation of Suits against the Commission, etc.**

- (1) No suit against the Commission, Board member, officer or employee of the Commission in respect of any act, neglect or default done or committed in his official capacity shall lie against such Commission, Board member, officer or employee unless it is commenced within three months from the occurrence of the act, neglect or default or in the case of a continuance of damage or injury within three months immediately after the cessation thereof.
- (2) No suit shall be commenced against the Commission Board member, officer or employee of the Commission in respect of any act, neglect or default done or committed in his official capacity as Commission Board member, officer or employee until at least one month notice after the service on the Commission Board member, officer or employee as the case may be of a written notice by or on behalf of the intending plaintiff/ claimant of his intention to commence the suit stating:
- (a) the cause of action;
 - (b) the particulars of the claims; and
 - (c) the name and place of abode of the intending claimant (*Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency*).

Question that Clause 27 stands part of the Bill — Agreed to.

Committee's Recommendation:**Clause 28: Service of Notices, Summons and other Documents.**

A notice, summons or other document required or authorized to be served upon the Commission under the provisions of this Bill or any other law or enactment may be served by delivering it to the Managing Director/Chief Executive Officer of the Commission or by sending it by registered post and addressed to the Managing Director/ Chief Executive Officer of the Commission at the Headquarter (*Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency*).

Question that Clause 28 stands part of the Bill — Agreed to.

Committee's Recommendation:**Clause 29: Execution of Judgment Debts.**

Any sum of money which may, by the judgment of any court be awarded against the Commission shall, subject to any direction given by the court where notice of appeal of the said judgment has been given, or not, be paid from the general reserve fund of the Commission (*Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency*).

Question that Clause 29 stands part of the Bill — Agreed to.

Committee's Recommendation:**Clause 30: Indemnity of Officers.**

A member of the Board, the Managing Director, any other officer or employee of the Commission shall be indemnified out of the assets of the Commission against any proceeding, whether civil or criminal, in which judgment is given in his favour, or in which he is acquitted, if any such proceeding is brought against him in his capacity

as a member of the Board, the Managing Director, officer or employee of the Commission (Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency).

Question that Clause 30 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 31: Regulations.

The Commission may, with the approval of the President of the Federal Republic of Nigeria, make regulations, generally for the purposes of giving full effect to this Bill (Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency).

Question that Clause 31 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 32: Interpretation.

In this Bill —

"Chairman" means the Chairman of the Board (Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency).

Question that the meaning of the word "Chairman" be as defined in the interpretation to this Bill — Agreed to.

"Commission" means the South West Development Commission established by Clause 1 of this Bill (Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency).

Question that the meaning of the word "Commission" be as defined in the interpretation to this Bill — Agreed to.

"Board" means the governing Board established for the Commission under Clause 2 (1) of this Bill (Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency).

Question that the meaning of the word "Board" be as defined in the interpretation to this Bill — Agreed to.

"member" means a member of the Board and includes the Chairman, Managing Director, Executive Directors, officers and other employees of the Commission (Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency).

Question that the meaning of the word "member" be as defined in the interpretation to this Bill — Agreed to.

"member States" include Ekiti, Lagos, Ogun, Ondo, Osun, Oyo (Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency).

Question that the meaning of the words "member States" be as defined in the interpretation to this Bill — Agreed to.

Question that Clause 32 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 33: **Short Title.**

This Bill may be cited as the South West Development Commission (Establishment) Bill, 2021 (*Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency*).

Question that Clause 33 stands part of the Bill — Agreed to.

SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

1. (1) Subject to this Bill and section 27 of the Interpretation Act, the Board may make standing orders regulating its proceeding or those of any of its committee.
 - (2) The quorum of the Board shall be the Chairman or the person presiding at the meeting, Managing Director or one Executive Director and one third other members of the Board. The quorum of any committee of the Commission shall be as determined by the Board.
 2. (i) The Board shall meet whenever it is summoned by the Chairman and if the Chairman is required to do so by notice given to him by not less than 4 other members, he shall summon a meeting of the Board to be held within 14 days from the date on which the notice is given.
 - (ii) At any meeting of the Board, the Chairman shall preside but if he is absent, the members present at the meeting shall appoint one of their members to preside at the meeting.
 3. (i) The Board may appoint one or more committees to carry out on behalf of the Board, such functions as the Board may determine;
 - (ii) A committee appointed under this paragraph shall consist of such number of persons as may be determined by the Board and a person shall hold office on the committee in accordance with the terms of his appointment;
 - (iii) A decision of a committee of the Board shall be of no effect until it is confirmed by the Board.
- Miscellaneous*
4. (1) The fixing of the seal of the Commission shall be authenticated by the signatures of the Chairman or any other member of the Board generally or specifically authorized by the Board to act for the purpose and the Managing Director.
 - (2) A document purporting to be a document duly executed under the seal of the Commission shall be received in evidence and shall, unless and until the contrary is proved, be presumed to be executed.
 5. The validity of any proceedings of the Board or of a committee shall not be adversely affected by —
 - (a) a vacancy in the membership of the Board or committee;
 - (b) a defect in the appointment of a member of the Board or committee; or

- (c) reason that a person not entitled to do so took part in the proceedings of the Board or Committee (*Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency*).

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

Explanatory Memorandum:

This Bill seeks to establish the South West Development Commission charged with the responsibility among others to receive and manage funds from Allocation of the Federation Account, including donations and gifts, for the reconstruction and rehabilitation of roads, houses and other infrastructural damages suffered by the Region and the need to tackle the ecological problems and any other related environmental or developmental challenges in the South West Zone (*Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency*).

Agreed to.

Long Title:

A Bill for an Act to Establish the South West Development Commission Charged with the Responsibility Among Others to Receive and Manage Funds from Allocation of the Federation Account, Including Donations and Gifts, for the Reconstruction and Rehabilitation of Infrastructural Damages Suffered by the Region and to Tackle Ecological, Environmental and Other Developmental Challenges in the Region and for Related Matters (HB. 597) (*Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency*).

Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in Committee of the Whole considered the Report of the Committee on Justice on a Bill for an Act to Establish South-West Development Commission charged with Responsibility, among others, to Receive and Manage Funds from Allocation of the Federation Account, including Donations and Gifts, the Reconstruction and Rehabilitation of Roads, Houses and other Infrastructural Damages Suffered by the Region and the Need to Tackle the Ecological Problems and any other Related Environmental or Developmental Challenges in the South West States; and for Related Matters (HB.597) and approved Clauses 1 - 33, the Schedule, the Explanatory Memorandum, and approved the Long Title of the Bill.

Question that the House do adopt the Report of the Committee of the Whole — Agreed to.

(v) **Committee on Defence:**

Motion made and Question proposed, "That the House do consider the Report of the Committee on Defence on a Bill for an Act to Provide Special Financial Support, Training and Modern Security Equipment for the Revamping of the Nigerian Armed Forces; and for Related Matters (HB.742)" (*Hon. Babajimi Benson — Ikorodu Federal Constituency*)

Agreed to.

Question that the House do resolve into the Committee of the Whole to consider the Report — Agreed to.

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

A BILL FOR AN ACT TO PROVIDE SPECIAL FINANCIAL SUPPORT FOR THE REVAMPING OF THE ARMED FORCES OF NIGERIA WITH THE PROVISION OF REGULAR TRAINING FOR ARMED FORCES PERSONNEL AND THE PROVISION OF MODERN SECURITY AND DEFENCE EQUIPMENT AND OTHER RELATED MATTERS (HB. 742)

PART I — ESTABLISHMENT OF THE ARMED FORCES OF NIGERIA TRUST FUND

Committee's Recommendation:**Clause 1: Establishment of the Trust Fund.**

- (1) There is established the Armed Forces of Nigeria Trust Fund (in this Bill referred to as "the Trust Fund") which shall be the depository of all funds received under this Bill.
- (2) The Trust Fund is a corporate body with a common seal and may sue and be sued in its corporate name (*Hon. Babajimi Benson — Ikorodu Federal Constituency*).

Question that Clause 1 stands part of the Bill — Agreed to.

Committee's Recommendation:**Clause 2: Funds and other financial provisions of the Trust Fund.**

- (1) The Trust Fund comprises:
 - (a) an amount constituting one percent of the total money accruing to the Federation Account;
 - (b) 0.5 percent of profit made from investment of the National Sovereign Wealth Fund (NSWF) by the Nigerian Sovereign Investment Authority (NSIA);
 - (c) an amount constituting one percent of Value Added Tax (VAT) remitted to the Consolidated Revenue Fund (CFR);
 - (d) any take-off grant and special intervention fund as may be provided by the Federal Government, states and local governments of the Federation;
 - (e) an amount constituting one percent of the government revenue from air ticket contract, charter and cargo sales charges to be collected by the relevant agencies and paid over for the benefit of the Trust Fund;
 - (f) voluntary aids, grant and all assistance from friendly, scrupulous and trustworthy international agencies, non-governmental organizations and the private sectors as determined by the Board;
 - (g) money derived from short term investments made by this Trust Fund;

- (h) an amount accruing from Annual National Fundraising as may from time to time be conducted by the Board to raise funds from interested donors;
 - (i) such moneys as may be appropriated by the National Assembly during the budget process to meet the objectives of this Bill;
 - (j) the Federal Inland Revenue Service (FIRS) shall be responsible for the collection of the funds and remittance to the Trust Fund.
- (2) All funds received by the Fund shall not be spent until it is appropriated by the National Assembly and approved by the Trust Fund: except Donations and Gifts which shall be accounted for Biannually by the Board to the National Assembly (*Hon. Babajimi Benson — Ikorodu Federal Constituency*).

Question that Clause 2 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 3: Utilization of Fund.

- (1) The Trust Fund shall be utilized:
- (a) for the purchase of modern and State of the Art military equipment and other machineries for the Armed Forces of Nigeria;
 - (b) for continuous training and acquisition of knowledge and skills by the personnel of the Armed Forces of Nigeria for improved proficiency in the use of modern operational equipment and machineries;
 - (c) for the enhancement of the skills of the Armed Forces of Nigeria personnel for improved proficiency;
 - (d) for such other purposes incidental or connected to the attainment of the objectives of this Bill.
- (2) In utilizing the funds for the purchase of equipment and training, the Fund shall request any technical inputs from the Armed Forces of Nigeria and an understanding of the cost implications of any proposal (*Hon. Babajimi Benson — Ikorodu Federal Constituency*).

Question that Clause 3 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 4: Duties of the Trust Fund.

The Trust Fund shall:

- (a) receive all monies accruing to the Fund under the provisions of this Bill.
- (b) utilize all monies accruing to the Trust Fund under this Bill to meet the objectives of the Trust Fund.
- (c) carry out such other activities as considered necessary for the attainment of the objectives of this Bill (*Hon. Babajimi Benson — Ikorodu Federal Constituency*).

Question that Clause 4 stands part of the Bill — Agreed to.

PART II — OBJECTIVES OF THE FUND

Committee's Recommendation:

Clause 5: Objectives of the Fund.

The objective of this Bill is to provide for efficient management and control of the Trust Fund established under this Bill for the training and retraining of personnel of the Armed Forces of Nigeria, acquisition of modern and State of the Art equipment and other related facilities for the enhancement of the skills of personnel of the Armed Forces of Nigeria to make them more efficient and result oriented in the handling of the fight against any form of insecurity and all external aggressions against the Nigerian State (*Hon. Babajimi Benson — Ikorodu Federal Constituency*).

Question that Clause 5 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 6: Application of the Fund.

The provisions of this Bill and the Trust Fund established under section 4 of this Bill shall apply to all personnel of Armed Forces of Nigeria serving anywhere in the world for the overall improvement and efficiency in the discharge of their duties with strict adherence to laid down rules of engagement (*Hon. Babajimi Benson — Ikorodu Federal Constituency*).

Question that Clause 6 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 7: Duration of the Fund.

The operation of the Trust Fund established under section 4 of this Bill shall be for a period of 5(Five) years and shall, at the expiration of that period, cease to exist unless it is extended for another 5(Five) years by an Act of the National Assembly (*Hon. Babajimi Benson — Ikorodu Federal Constituency*).

Question that Clause 7 stands part of the Bill — Agreed to.

PART III — ESTABLISHMENT OF THE ARMED FORCES OF
NIGERIA TRUST FUND MANAGEMENT BOARD

Committee's Recommendation:

Clause 8: Establishment of the Board.

There is hereby established for the management of the Trust Fund, a body to be known as the Armed Forces of Nigeria Trust Fund Management Board (in this Act referred to as "the Board") which shall, subject to the provisions of this Bill have general control of the Trust Fund and investment of monies forming part of the Fund (*Hon. Babajimi Benson — Ikorodu Federal Constituency*).

Question that Clause 8 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 9: Composition of the Board.

(1) The Board shall consist of the following persons:

- (i) a retired Central Bank of Nigeria Governor or a former Minister of Finance; who shall be the Chairman of the Board. The Minister of Defence or any of the Service Chiefs may be appointed as Vice Chairman of the Trust Fund;

- (ii) the Minister of Defence or representative;
 - (iii) Chief of Defence Staff or representative;
 - (iv) representative of the Chief of Army Staff, who shall be of the rank of one star general or above;
 - (v) representative of the Chief of Naval Staff, who shall be of the rank of one star general or above;
 - (vi) representative of the Chief of the Air Staff, who shall be of the rank of one star general or above;
 - (vii) a present or past president of Nigeria Stock Exchange who will represent the organized private sector;
 - (viii) an Executive Secretary who shall be the Secretary of the Board;
 - (ix) one representative each from the —
 - (a) National Sovereign Wealth Fund,
 - (b) Nigerian Governors Forum,
 - (c) the Minister of Finance or representative,
 - (d) Civil Society Group,
 - (e) Manufacturers Association of Nigeria,
 - (f) retired Army, Navy and Airforce Officers Association of Nigeria (RANAO);
 - (x) the National Security Adviser or his representative.
- (2) The Chairman and members of the Board shall be persons of proven integrity without any record of financial indictment prior to their appointment into the Board.
- (3) The Chairman and Members of the Board other than those holding public offices shall be appointed by the President on the recommendation of the Minister of Defence.
- (4) The Board shall be constituted within 3 (Three) months of this Act coming into force (*Hon. Babajimi Benson — Ikorodu Federal Constituency*).

Question that Clause 9 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 10: Tenure of office.

- (1) Members of the Board shall hold office for a term of 5 (five) years (or until the expiration of this Fund, whichever is sooner) and no more
- (2) Members of the Board shall be paid such allowances as may be determined by the Board in consultation with the National Salaries, Incomes and Wages Commission (*Hon. Babajimi Benson — Ikorodu Federal Constituency*).

Question that Clause 10 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 11: Cessation of office.

- (1) A member of the Board ceases to hold office if he:
 - (a) becomes of unsound mind;
 - (b) becomes bankrupt;
 - (c) is convicted of a felony or any other offence involving financial dishonesty; or
 - (d) is guilty of corrupt practices or misconduct in relation to his duties.
- (2) The Chairman or any member of the Board may be removed by the President if the President concludes that it is not in the interest of the Fund or the nation that he should continue as Chairman or member of the Board
- (3) The Chairman or a Member may resign his appointment by a notice in writing addressed to the President
- (4) Where there is a vacancy in the membership of the Board, a successor shall be appointed in accordance with sub-section 2 of section 10 of this Bill to hold office for the remainder of the term of his predecessor and represent the same interest as that of his predecessor. Any vacancy shall be filled within 2 (two) months (*Hon. Babajimi Benson — Ikorodu Federal Constituency*).

Question that Clause 11 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 12: Duties of the Board.

The Board shall be responsible for:

- (i) supporting specified programs and policies for the training of the Armed Forces of Nigeria personnel (as determined by the Defence Headquarters and the Services) and the purchase of Military equipment in accordance with the intendment of this Bill;
- (ii) approving the disbursement of monies from the Trust Fund to finance projects and activities in accordance with the intendment of this Bill;
- (iii) analysing, scrutinizing and approving projects which qualify for financing under this Bill;
- (iv) carrying out such other activities that may be considered necessary for the attainment of the objectives of the Bill;
- (v) submitting audited report to Auditor General annually in respect of the Fund's activities and programs;
- (vi) quarterly briefing of the activities, programs and progress of the Trust Fund to the National Assembly;

- (vii) reviewing of the progress and performance of the Trust Fund every six months and suggesting ways of continuous improvement of the performance of the Fund;
- (viii) issuing of guidelines from time to time on disbursement and use of monies from the Trust Fund (*Hon. Babajimi Benson — Ikorodu Federal Constituency*).

Question that Clause 12 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 13: Powers of the Board.

The Board shall have powers to:

- (i) through the Defence Headquarters, carry out needs assessment of all the organs of the Armed Forces of Nigeria and prioritize the needs for the enhancement of the performance of the Armed Forces of Nigeria;
- (ii) award contracts of any kind or description for any amount in conformity with the due process requirements as provided under applicable laws of Nigeria to further the objectives of the Trust Fund under this Bill;
- (iii) enter into contractual arrangement for the purpose of executing projects approved under the Trust Fund;
- (iv) oversee the implementation of projects financed by the Trust Fund;
- (v) enter into public-private partnership initiative arrangement necessary for project execution;
- (vi) power to invest funds and monies accrued to the Trust Fund (*Hon. Babajimi Benson — Ikorodu Federal Constituency*).

Question that Clause 13 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 14: Implementation Committee.

- (1) For the purpose of implementation of the projects approved by the Board under this Bill, there is established the Armed Forces of Nigeria Trust Fund Implementation Committee (in this Bill referred to as the "Implementation Committee").
- (2) The Implementation Committee established under this Bill comprises:
 - (i) the Chief of Defence Staff, who shall be the Chairman of the Committee. Where the Chairman is absent or indisposed to perform his duties in the Committee, one of the most senior Service Chiefs may act on his behalf;
 - (ii) representative of the Minister of Finance;
 - (iii) such other members not exceeding 5 in number who shall be men and/or women of proven integrity to be appointed by the Board. Such members shall be appointed from the following sources:
 - (a) each of the three-Armed Services,

- (b) the Nigeria Governors Forum or its successor body,
- (c) Office of the National Security Adviser;
- (iv) the Implementation Committee shall be responsible to the Board and shall perform such responsibilities as may be assigned to it by the Board (*Hon. Babajimi Benson — Ikorodu Federal Constituency*).

Question that Clause 14 stands part of the Bill — Agreed to.

PART IV — EXECUTIVE SECRETARY OF THE TRUST FUND

Committee's Recommendation:

Clause 15: Appointment of the Executive Secretary.

- (1) The Executive secretary of the Trust Fund shall be a person of unquestionable character and proven integrity appointed by the President on the recommendation of the Minister of Defence.
- (2) He must have held the position of Chief of Defence Accounts and Budget at the Defence Headquarters or similar posts within the three Armed Services.
- (3) The Executive Secretary shall hold office:
 - (a) for a time of three years (or until the expiration of the Trust Fund) in the first instance and may be eligible for re-appointment for another term of two years and no more; and
 - (b) on such other terms and conditions as may be specified in his letter of appointment (*Hon. Babajimi Benson — Ikorodu Federal Constituency*).

Question that Clause 15 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 16: Duties of the Executive Secretary.

The Executive Secretary shall:

- (a) be the Chief Executive and accounting Officer of the Trust Fund;
- (b) be responsible for the day to day running of the Trust Fund;
- (c) shall be the Secretary of the Board and shall keep proper record of the activities and proceedings of the Board;
- (d) work closely with the Implementation Committee established under section 14 of this Bill in carrying out such responsibilities as may be assigned by the Board;
- (e) shall be the administrative head of other staff of the Trust Fund;
- (f) carry out such other duties as may be assigned by the Board (*Hon. Babajimi Benson — Ikorodu Federal Constituency*).

Question that Clause 16 stands part of the Bill — Agreed to.

Committee's Recommendation:**Clause 17: Removal from Office.**

- (1) The Executive Secretary may be removed by the President on the recommendation of the Minister of Defense based on the advice of the Board; if the Board is satisfied that it is not in the interest of the Fund or the public that he should continue to hold office as the Secretary of the Trust Fund.
- (2) Upon the removal of an Executive Secretary, any other person appointed to replace him shall serve the remainder of the term of the removed Executive Secretary (*Hon. Babajimi Benson — Ikorodu Federal Constituency*).

Question that Clause 17 stands part of the Bill — Agreed to.

PART V — STAFF OF THE TRUST FUND

Committee's Recommendation:**Clause 18: Staff.**

- (1) The Board may appoint such other employees as may in the opinion of the Board be necessary to assist the Executive Secretary carry out the functions of the Trust Fund under this Bill.
- (2) The terms and conditions of service, including terms and conditions as to remuneration, payment of allowances and other benefits of persons employed for the Trust Fund shall be in line with the general conditions of service as obtainable in the public service of the Federation.
- (3) The Board shall have powers to appoint, either on transfer or on secondment from any Public Service of the Federation or from the Armed Forces, such number of staff as required for the effective discharge of the functions of the Trust Fund under this Bill.
- (4) Service in the Trust Fund shall be for the duration of the Trust Fund (*Hon. Babajimi Benson — Ikorodu Federal Constituency*).

Question that Clause 18 stands part of the Bill — Agreed to.

PART VI — FINANCIAL PROVISIONS

Committee's Recommendation:**Clause 19: General Fund.**

There is established a general fund for the day-to-day administration of the Trust Fund comprising:

- (a) annual budgetary allocation appropriated by the National Assembly for the management of the Trust Fund;
- (b) take-off grant and such other monies as from time to time be made available to the Trust Fund (*Hon. Babajimi Benson — Ikorodu Federal Constituency*).

Question that Clause 19 stands part of the Bill — Agreed to.

*Committee's Recommendation:***Clause 20: Account.**

- (1) There shall be maintained for the Trust Fund (as well as the Board) an account into which shall be paid all monies accruing to the Trust Fund and monies received for the management of the Fund under this Bill.
- (2) The accounts referred to under this section shall be managed and regulated in accordance with the extant financial regulations.
- (3) To promote local production of Military hardware and equipment in Nigeria, the Trust Fund shall have a duty to give strict priority to procurement of locally produced equipment and hardware for the military whenever possible and safe to do so. Purchase overseas of equipment that is safely produced locally must be discouraged by the Trust Fund (*Hon. Babajimi Benson — Ikorodu Federal Constituency*).

Question that Clause 20 stands part of the Bill — Agreed to.

PART VII — SUBMISSION OF REPORTS

*Committee's Recommendation:***Clause 21: Submission of Reports.**

- (1) The Board shall not later than 30th September of every year submit to the Minister of Defence an estimate of its income and expenditure for the succeeding year.
- (2) The Board shall cause to be kept for the Trust Fund proper accounts and records and shall be audited by auditors appointed from the list of auditors after being certified by the Board in accordance with the guidelines supplied by the Auditor-General for the Federation.
- (3)
 - (i) The Trust Fund shall be exempted from the payment of Income Tax on any income accruing from investments made by the Trust Fund.
 - (ii) The provisions relating to taxation of Companies, Trust Fund, Trust Fund, or other funds similar to the Trust Fund established under this Bill, created under any enactment shall not apply to the Trust Fund.
- (4) The Board shall submit quarterly reports to the President and the National Assembly on its activities and on the administration of the Trust Fund.
- (5) The Board shall not later than the 30th March each year, submit an annual report of the activities and the administration of the Trust Fund during the preceding year and shall include in such reports the Auditor's report thereon.
- (6) The President may direct the Board generally with respect of the exercise of the Board's functions under this Bill for compliance by the Board.
- (7) The Board may make such regulations and set up committees as it deemed necessary or expedient for giving full effect to the provisions of this Bill.
- (8) Save as provided under section 3 of this Bill, at the expiration of the 5 (five) years duration of the Trust Fund established under this Bill, the Trust Fund shall have six months to wind up its operations which includes the settlement

of all liabilities and thereafter hand over all outstanding assets of the Trust Fund to the Minister of Defence (*Hon. Babajimi Benson — Ikorodu Federal Constituency*).

Question that Clause 21 stands part of the Bill — Agreed to.

PART VIII — INTERPRETATION

Committee's Recommendation:

Clause 22: Interpretation.

In this Bill, unless the context otherwise requires:

"Board" means the Armed Forces of Nigeria Trust Fund Management Board established under section 8 of this Bill (*Hon. Babajimi Benson — Ikorodu Federal Constituency*).

Question that the meaning of the word "Board" be as defined in the interpretation to this Bill — Agreed to.

"Trust Fund" means the Armed Forces of Nigeria Trust Fund established under section 4 of this Bill (*Hon. Babajimi Benson — Ikorodu Federal Constituency*).

Question that the meaning of the words "Trust Fund" be as defined in the interpretation to this Bill — Agreed to.

"Minister" means the Minister charged with the responsibility of overseeing Defence (*Hon. Babajimi Benson — Ikorodu Federal Constituency*).

Question that the meaning of the word "Minister" be as defined in the interpretation to this Bill — Agreed to.

"Personnel" means Officers and men of the Armed Forces of the Federation namely the Nigerian Army, the Nigerian Air Force and the Nigerian Navy (*Hon. Babajimi Benson — Ikorodu Federal Constituency*).

Question that the meaning of the word "Personnel" be as defined in the interpretation to this Bill — Agreed to.

"President" means the President of the Federal Republic of Nigeria (*Hon. Babajimi Benson — Ikorodu Federal Constituency*).

Question that the meaning of the word "President" be as defined in the interpretation to this Bill — Agreed to.

"Executive Secretary" means the Executive Secretary appointed under section 15 of this Bill (*Hon. Babajimi Benson — Ikorodu Federal Constituency*).

Question that the meaning of the words "Executive Secretary" be as defined in the interpretation to this Bill — Agreed to.

"Staff of the Trust Fund" means any staff that may be employed under section 19 of this Bill (*Hon. Babajimi Benson — Ikorodu Federal Constituency*).

Question that the meaning of the words "Staff of the Trust Fund" be as defined in the interpretation to this Bill — Agreed to.

"Nigerian Armed Forces" means the Nigerian Army, Nigerian Navy and Nigerian Airforce (*Hon. Babajimi Benson — Ikorodu Federal Constituency*).

Question that the meaning of the words "Nigerian Armed Forces" be as defined in the interpretation to this Bill — Agreed to.

Question that Clause 22 stands part of the Bill — Agreed to.

PART IX — CITATION

Committee's Recommendation:

Clause 23: Citation.

This Bill may be cited as the Armed Forces of Nigeria Trust Fund (Establishment) Bill, 2021 (*Hon. Babajimi Benson — Ikorodu Federal Constituency*).

Question that Clause 23 stands part of the Bill — Agreed to.

Explanatory Notes:

A Bill seeks to establish the Armed Forces of Nigeria Trust Fund to provide special financial support for the revamping of the Armed Forces of Nigeria with the provision of regular training for armed forces personnel and the provision of security and defence equipment for effective defence of Nigeria territory and fight against insurgency and other related matters (*Hon. Babajimi Benson — Ikorodu Federal Constituency*).

Agreed to.

Long Title:

A Bill for an Act to Provide Special Financial Support for the Revamping of the Armed Forces of Nigeria with the Provision of Regular Training for Armed Forces Personnel and the Provision of Modern Security and Defence Equipment and Other Related Matters (HB. 742) (*Hon. Babajimi Benson — Ikorodu Federal Constituency*).

Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in Committee of the Whole considered the Report of the Committee on Defence on a Bill for an Act to Provide Special Financial Support, Training and Modern Security Equipment for the Revamping of the Nigerian Armed Forces; and for Related Matters (HB.742) and approved Clauses 1 - 23, the Explanatory Memorandum, and the Long Title of the Bill.

Question that the House do adopt the Report of the Committee of the Whole — Agreed to.

(vi) **Committees on Anti-Corruption and Commerce:**

Motion made and Question proposed, "That the House do consider the Report of the Committees on Anti-Corruption and Commerce on a Bill for an Act to Establish Chartered Institute of Forensics and Certified Fraud Examiners of Nigeria, to Provide for the Regulation and Control of its Membership and Promote the Practice of Forensics and Fraud Examiners in Nigeria; and for Related Matters (HB.1220)" (Hon. Bagos Dsachung Musa — Jos South/Jos East Federal Constituency)

Agreed to.

Question that the House do resolve into the Committee of the Whole to consider the Report — Agreed to.

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

A BILL FOR AN ACT TO ESTABLISH THE CHARTERED INSTITUTE OF FORENSICS AND CERTIFIED FRAUD EXAMINERS OF NIGERIA, TO PROVIDE FOR THE REGULATION AND CONTROL OF ITS MEMBERSHIP AND PROMOTE THE PRACTICE OF FORENSICS AND FRAUD EXAMINERS IN NIGERIA; AND FOR RELATED MATTERS (HB. 1220)

PART I — ESTABLISHMENT OF THE CHARTERED INSTITUTE OF FORENSICS AND CERTIFIED FRAUD EXAMINERS OF NIGERIA

Committee's Recommendation:

Clause 1: Establishment.

- (1) There is established the Chartered Institute of Forensics and Certified Fraud Examiners of Nigeria (in this Bill referred to as "the Institute")
- (2) The Institute:
 - (a) is a body corporate with perpetual succession;
 - (b) shall have a common seal which shall be kept in such body as the Council may authorize; and
 - (c) may sue or be sued in its corporate name (*Hon. Shehu Nicholas Garba — Jema'a/Sanga Federal Constituency*).

Question that Clause 1 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 2: Objectives.

The Objectives of the Institute shall be to —

- (a) organize and provide professional training in the specialist areas of Forensics and Fraud Examinations;
- (b) professionalized Forensics and Fraud Examinations with a commitment to raising great leaders in all sectors of the economy;
- (c) promote the art and science in the areas of Forensics and Fraud Examinations;
- (d) educate, conduct, and establish approaches to the Forensic and Fraud Examinations practice;
- (e) facilitate collaboration between public and private sectors of the economy on Forensics & Fraud Examination measures;
- (f) integrate culture and ethical standards in the specialist areas of Forensic and Fraud examinations practice;
- (g) to be a regulatory body for forensic and fraud examination in Nigeria;

- (h) imbibe professionalism in both the private and public sectors of the economy for efficiency and effectiveness in line with global best practices; and
- (i) do all such things that are necessary to promote the advancement of Forensic and Fraud Examinations in both the public and private sectors of the economy (*Hon. Shehu Nicholas Garba — Jema'a/Sanga Federal Constituency*).

Question that Clause 2 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 3: Membership and Qualifications.

- (1) Subject to the provisions of this Bill, a person who shall be admitted into the membership of the Institute shall be:
 - (a) any qualified Accountant practising within Nigeria or outside Nigeria who has shown sufficient evidence of his/her involvement and interest in forensic accounting/fraud prevention is eligible to become a member;
 - (b) any expert involved in Forensic practice and Fraud Examination with a recognized institution before the commencement of this Bill is eligible to become a member.
 - (c) any person who has not been convicted of any crime in Nigeria or outside Nigeria.
- (2) There shall be four (4) categories of membership or as may be determined by the Council, to wit
 - (a) Associates: To qualify as an Associate, a person must:
 - (i) possess a minimum qualification of B.Sc. or HND in relevant areas from recognized Institutions. Holders of degrees & professional qualifications who are involved in forensic matters and in the criminal justice system are qualified for membership,
 - (ii) must have his application for admission into the Institute considered and approved by the Membership Committee, subject to ratification by the Council of the Institute,
 - (iii) once qualified as an Associate, such a person shall be entitled to have "ACCrFA" or 'ACCrFE' attached to his or her name depending on areas of specialization;
 - (b) Member:
 - (i) must be an Associate of the Institute.
 - (ii) must have passed an examination of the Institute,
 - (iii) once qualified as a member, such a person shall be entitled to have "CCrFA" or 'CCrFE' attached to his or her name depending on areas of specialization;

- (c) Fellow: To qualify as a Fellow, a person must:
- (i) have been a member of the Institute for ten years and above,
 - (ii) Foundation Members of the Council shall be admissible as Fellows irrespective of the number of years they have spent in the Institute,
 - (iii) the Council may consider award of Fellowship to deserving members,
 - (iv) once qualified, such a person shall be entitled to FCCrFA or FCCrFE as applicable, attached to his name;
- (d) Honorary Fellowship: The Institute may also confer honorary fellowship on person(s) approved by the Council on the recommendation of the Membership committee based on the contribution of the nominee to the practice of forensic accounting and fraud examination;
- (e) any other category of qualifications and membership as the Council of the Institute shall designate in the future (*Hon. Shehu Nicholas Garba — Jema'a/Sanga Federal Constituency*).

Question that Clause 3 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 4: Principal Officers of the Institute.

(1) The Principal officers of the Institute shall be—

- (a) the President and Chairman of the Council;
- (b) First Vice-President;
- (c) Second Vice-President;
- (d) Treasurer;
- (e) Membership Secretary;
- (f) Chairman, Professional Training and Standards.

(2) The principal officers listed under subsection (1) of this section shall be financial members of the Institute in the grades of Fellows and shall be elected to office biennially at the second Council meeting for another term of two years, and no more.

(3) The President shall be the Chairman of the meetings of the Institute, but in his absence the First Vice president shall discharge such duties and in the event of his death or permanent incapacity or inability to discharge the duties so reposed on him under this subsection, the First Vice president shall discharge such duties for the unexpired portion of the term of office of that president.

- (4) If any of the officers listed under subsection (1) of this section ceases to hold any of the officers designated under the subsection, the other officers shall fill the existing vacancy with suitable and qualified person until such a time an election can be conducted (*Hon. Shehu Nicholas Garba — Jema'a/Sanga Federal Constituency*).

Question that Clause 4 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 5: Establishment Of The Institute Governing Council.

- (1) There is established for the Institute, a governing body (in this Bill referred to as "the Council") which shall have responsibility for the administration and general management of the Institute.
- (2) The Council shall consist of —
- (a) the President of the Institute, who shall be the Chairman;
 - (b) the First Vice-President of the Institute, who shall be the Deputy Chairman;
 - (c) the Second Vice-President of the Institute;
 - (d) the Treasurer;
 - (e) Membership Secretary;
 - (f) the Registrar;
 - (g) 12 members nominated by the Institute, 2 each from the 6 geo-political zones of the Federation;
 - (h) two persons, who are members of the Institute, to represent institutions of higher education in Nigeria offering course leading to an approved qualification, to be appointed in rotation:
 - (i) the immediate past President of the Institute; and
 - (ii) one person each, not below the rank of a Director, to represent the Federal Ministry of;
 - (iii) Finance,
 - (iv) Justice
 - (v) Education, and
 - (vi) Trade and Investment.
- (3) The provisions of the First Schedule to this Bill shall have effect with respect to the supplementary provisions of the Council and the qualifications and tenure of the office of members of the Council, and the matters mentioned in the Schedule (*Hon. Shehu Nicholas Garba — Jema'a/Sanga Federal Constituency*).

Question that Clause 5 stands part of the Bill — Agreed to.

Committee's Recommendation:**Clause 6: Appointment of the Board of Diplomates.**

- (1) There shall be appointed by the Council biannually a Board of Diplomates to coordinate the activities of the Multi-Disciplinary Profession.
- (2) Pursuant to paragraph 1 above, the Institute shall establish Board of Diplomates for overseeing forensic and Fraud Examination professions.
- (3) The Council shall have power to make regulations relating to the proper governance of the Boards of Diplomates;
- (4) The Board of Diplomates shall consist of persons who have been duly qualified as members of the Institute, and shall have a Chairman who shall preside over the activities of the Diplomates;
- (5) The qualifications and designations to be used by each of the Diplomates shall be determined by the Council (*Hon. Shehu Nicholas Garba — Jema'a/Sanga Federal Constituency*).

Question that Clause 6 stands part of the Bill — Agreed to.

PART II — FINANCIAL PROVISIONS

Committee's Recommendation:**Clause 7: Establishment Of Fund And Expenditure.**

- (1) The Council shall establish and maintain a fund for the Institute, the management and control of which shall be under the authority of the Council, into which shall be paid —
 - (a) money received by the Council under this Bill;
 - (b) subscriptions, fees and commissions received by the Council under this Bill;
 - (c) such money as may be provided by the Federal, State or Local Government and or any International Development/ Donor Agency by way of grants and subventions or loans; and
 - (d) money raised for the purposes of the Institute by way of gifts, donations, grants-in aid, testamentary dispositions from individuals, bodies corporation or philanthropic organisations.
- (2) The Council shall apply the proceeds of the Fund of the Institute to —
 - (a) all expenditure incurred by the Institute in the course of the discharge of its duty under this Bill;
 - (b) the remunerations and allowances of the Registrar and other staff of the Institute;
 - (c) the maintenance of the premises and property owned by and vested in the Institute;
 - (d) the payment of traveling allowances and such stipend for members of the Council as may be approved by the Council; and

- (e) the payment of such other charges as may be reasonably incurred in the performance of the functions of the Institute and the Council.
- (3) For the purposes of the company's income tax, any donation made by any company in Nigeria to the Institute shall be a Tax deductible donation/expense, within the meaning of this Bill (*Hon. Shehu Nicholas Garba — Jema'a/Sanga Federal Constituency*).

Question that Clause 7 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 8: Power to Borrow Money.

- (1) The Council may, with the general consent of its members or in accordance with the general guidelines, borrow, on behalf of the Institute, by way of loan or overdraft from legal sources, any money required by the Council to meet the obligations of the Institute in order to perform its function under this Bill and such consent or authority shall be required where the sum or aggregate of the sums involved at any time does not exceed such amount as is for the time being projected in relation to the Institute in any particular year.
- (2) The Council may, subject to the provisions of this Bill and conditions of trust in respect of funds held or any property owned by the Institute, invest any but not all of its funds with the same consent or general authority (*Hon. Shehu Nicholas Garba — Jema'a/Sanga Federal Constituency*).

Question that Clause 8 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 9: Annual Estimates, Account and Audit.

- (1) The Council shall cause to be prepared, not later than six months before the end of the year, estimates for the recurrent and capital expenditure and income of the Institute during the next succeeding financial year, which shall be presented to the Annual General Meeting of the Institute by the Council for approval.
- (2) The Council shall keep proper accounts and records and shall prepare in respect of each financial year, a statement of account in compliance with best practice and international standards.
- (3) The Council shall, after the end of a financial year, cause the accounts of the Institute to be audited by appointed qualified auditors who shall not be a member of the Council.
- (4) The auditors appointed under subsection (3) of this section shall, on completion of the audit of the accounts of the Institute for each financial year, prepare and submit to the Council two reports:
- (a) a general report setting out the observations and recommendations of the auditors on the financial affairs of the Institute for the year, and on any important matter which the auditors may consider necessary to bring to the notice of the Council; and
- (b) a detailed report containing the observations and recommendations of the auditors on all aspects of the operations of the Institute (*Hon. Shehu Nicholas Garba — Jema'a/Sanga Federal Constituency*).

Question that Clause 9 stands part of the Bill — Agreed to.

PART III — REGISTER OF MEMBERS, APPOINTMENT
AND DUTIES OF THE REGISTRAR

Committee's Recommendation:

Clause 10: The Register of Members.

- (1) The Register of Members shall consist of four parts of which the first part shall be in respect of Fellows, the second part shall be in respect of Members, the third part shall be in respect of Associates, and the fourth shall be in respect of Honorary Fellows.
- (2) Subject to the provisions of this subsection, the Council may make rules with respect to the form and keeping of the Register and making of entries therein and in particular —
 - (a) the making of application for enrolment or registration, as the case may be;
 - (b) providing for notification to the Registrar, by the person to whom the registered particulars relate, of any change in those particulars;
 - (c) authorising a registered person to have any qualification which is in relation to the relevant discipline of the profession for the purpose of this Bill, registered in relation to his name in addition to or, as he may elect, in substitution for other qualifications so registered;
 - (d) specifying the fees, including subscription to be paid to the Institute in respect of the entry of names on the register; and
 - (e) specifying anything not specified under this section, but rules made for the purposes of paragraph (d) of this subsection shall not come into force until they are confirmed at a special meeting of the Institute convened for that purpose, or at the next annual general meeting of the Institute, as the case may be.
- (3) The Council shall —
 - (a) appoint a fit and proper person to be the Registrar of the Institute;
 - (b) the Registrar shall be the head of the administration of the Institute and Secretary to the Council;
 - (c) correct, in accordance with the Council's directives, any entry in the register which the Council directs him to correct as being, in the Council's opinion, an entry which was incorrectly made;
 - (d) remove from the register the name of any registered person who had died;
 - (e) record the names of the members of the Institute who are in default in the payment of the annual subscription, dues or other charges for more than 12 months, and take such action in relation thereto including removal of the names of the defaulters from the register as the Council may determine or direct;

- (f) make any necessary alteration in the registered particulars of registered persons;
- (g) send by post to any registered person a letter addressed to him at his address on the register, enquiring whether the registered particulars relating to him are correct and receives no reply to the letter within the period of 6 months from the date of posting; and
- (h) upon the expiration of the period specified in paragraph (e) of this subsection, send, in like manner to the person in question, a second similar letter and receive no reply to the letter within three months from posting it, then the Registrar may remove the particulars relating to the person in question from the register, and the Council may direct the Registrar to restore to the appropriate part of the Register any of the particulars removed there from under this subsection (*Hon. Shehu Nicholas Garba — Jema'a/Sanga Federal Constituency*).

Question that Clause 10 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 11: Publication of Registers and List for Corrections.

- (1) The Registrar shall —
 - (a) cause the register to be printed, published and put on sale to members of the public not later than two years from the commencement of this Bill;
 - (b) thereafter in each year, cause to be printed, published and put on sale a corrected edition of the register since it was last printed; and
 - (c) cause a print of each edition of the register and of each list of correction to be deposited at the principal office of the Institute, and the Council shall keep the register and the list so deposited available at all reasonable times for inspection by members of the Institute.
- (2) A document purporting to be a print of an edition of the register published under this section by authority of the Registrar, or documents purporting to be a print of an edition so printed, shall, (without prejudice to any other mode of proof) be admissible in any proceeding as evidence that any person specified in the document, or the documents read together, as being registered was so registered at the date of the edition or of list of correction, as the case may be, and that any person not so specified was not registered.
- (3) Where in accordance with subsection (2) of this section, a person is, in any proceeding, shown to have been, or not to have been, registered at a particular date, he shall, unless the contrary is proved, be taken for the purposes of those proceedings as having, at all material times thereafter, continued to be, or not to be, so registered (*Hon. Shehu Nicholas Garba — Jema'a/Sanga Federal Constituency*).

Question that Clause 11 stands part of the Bill — Agreed to.

Committee's Recommendation:**Clause 12: Registration.**

- (1) Subject to the rules made by the Council under section 3 (1) of this Bill, a person, whether or not a member of a professional Forensic and Fraud Examiners body recognized by an Act of National Assembly, shall be entitled to be enrolled or registered as a Member of Chartered Institute of Forensics and Certified Fraud Examiners if —
 - (a) he passes the qualifying examination of membership conducted by the Council under this Bill and completes the practical training prescribed; or
 - (b) he holds a qualification granted outside Nigeria and for the time being accepted by the Institute and, if the Council so requires, satisfies the Council that he had sufficient practical experience as a Forensic and Fraud Examiners manager.
- (2) Subject to the rules made by the Council under section 3 (1) of this Bill, a person shall be entitled to be registered, as a Certified Chartered Fraud Examiner or Certified Chartered Forensic Accountant, if he satisfies the Council that immediately before the appointed day, he had at least five years' cognate experience in Forensics or Fraud Examination.
- (3) An applicant for registration shall, in addition to evidence of qualification, satisfy the Council that he —
 - (a) is of good character;
 - (b) has attained the age of 21; and
 - (c) has not been convicted of a criminal offence involving fraud or dishonesty in Nigeria or elsewhere.
- (4) The Council may provisionally accept a qualification presented in respect of an application for registration under this section, or direct that the application be renewed within such period as may be specified in the direction.
- (5) Any entry directed to be made in the register under subsection (4) of this section shall indicate that the registration is provisional, and no entry made in consequence thereof shall be converted to or, construed as, full registration without explicit consent of the Council made in writing in that behalf.
- (6) The Council shall publish in a Federal Government Gazette, particulars of qualifications for the time being accepted for the purpose of registration (*Hon. Shehu Nicholas Garba — Jema'a/Sanga Federal Constituency*).

Question that Clause 12 stands part of the Bill — Agreed to.

PART IV — ESTABLISHMENT OF NIGERIAN FORENSICS ACADEMY

*Committee's Recommendation:***Clause 13: Establishment of Academy, Governing Board and Qualifications, etc.**

- (1) The Council shall establish the "Nigerian College of Forensics and Fraud Examiners" for the purposes of this Bill and may, for those purposes, approve:
 - (a) that the College shall provide the highest standards of human capital learning and capacity building to advance the frontiers of Forensics and Fraud Examination for all Practitioners;
 - (b) that the College shall provide cutting edge Research and Development in all areas of forensic sciences and provide linkages to all Tertiary Institutions in Nigeria with approved relevant Curriculum;
 - (c) the College shall be open to undergraduates of all tertiary institutions to provide practical internship;
 - (d) spearhead the establishment of world class forensic laboratories in Nigeria;
 - (e) the College shall provide forensics analysis for government institutions, law enforcement agencies, practitioners and individuals seeking forensics analysis in Nigeria;
 - (f) course of training at the College which is intended for persons seeking to become or are already forensics consultants, practitioners and professionals; and which the Council considers as necessary to confer on persons completing the course, sufficient knowledge and skill for admission to the Institute; or
 - (g) qualification which, as a result of an examination taken at the College under this Section granted to candidates reaching a standard indicating, in the opinion of the members of the Council, that the candidates have sufficient knowledge and skill to practice as Forensics and Fraud Examiners;
 - (h) the Council shall constitute a Seven Member Governing Board for the College and the qualification of members shall be determined by the Council;
 - (i) the Council shall set regulations that will determine the operational standards that shall guide the management of the College;
 - (j) the Council shall appoint all the Principal Officers of the College in accordance with the Management Structure approved by the Council.
- (2) The Council may, if it deems fit, withdraw any approval given under this section in respect of any course, qualification or institution, but before withdrawing such approval, the Council shall —

- (a) give notice that it proposes to do so to persons in Nigeria appearing to the Council to be persons by whom the course is conducted or the qualification is granted or the institution is controlled, as the case may be;
 - (b) afford each an opportunity of making representation to the Council with regard to the proposal; and
 - (c) take into consideration any representation made with respect to the proposal under paragraph (b) of this subsection.
- (3) Where the approval of the Council under this section for a course, qualification or institution is withdrawn, the course, qualification or institution shall not be treated as approved under this section, but the withdrawal of any such approval shall not prejudice the registration or eligibility for registration of any person who, by virtue of the approval, was registered or eligible for registration immediately before the approval was withdrawn.
- (4) The giving or withdrawal of an approval under this section shall have effect from such date, either before or after the execution of the instrument signifying the giving or withdrawal of the approval, as the Council may specify in that instrument, and the Council shall —
- (a) publish as soon as possible a copy of every such instrument in the Federal Government Gazette; and
 - (b) not later than 7 days before its publication, send a copy of the instrument to the Minister of Education (*Hon. Shehu Nicholas Garba — Jema'a/Sanga Federal Constituency*).

Question that Clause 13 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 14: Supervisions of Instructions Leading to Approved Qualifications.

- (1) The members of the Council shall keep themselves informed of the nature of —
- (a) the instructions given at the College to persons attending approved courses of training; and
 - (b) the examination as a result of which approved qualification are granted, and for the purpose of performing that duty, the Council may appoint, either from among its own members or otherwise, person to visit the College, or to attend such examination.
- (2) The visitor appointed under subsection (1) (b) of this section shall report to the Council on —
- (a) the sufficiency of the instructions given to persons attending approved courses of training at the College;
 - (b) the conduct and adequacy of the examination observed by him; and

- (c) any other matter relating to the instruction or examinations on which the Council may, either generally or in a particular case, request him to report, but no visitor shall interfere with the giving of any instruction or the conduct of any examination.
- (3) On receiving a report made under this section, the Council may, if it deems fit, and shall, if so required by the College, send a copy of the report to the person appearing before the Council as being in charge of the College or of which the Disciplinary Committee has cognizance under the provisions of the Act responsible for the examination of which the report relates, requesting that person to make an observation on the report of the Council within such period as may be specified in the request, not being less than one month beginning from the date of the request (*Hon. Shehu Nicholas Garba — Jema'a/Sanga Federal Constituency*).

Question that Clause 14 stands part of the Bill — Agreed to.

PART V — PROFESSIONAL DISCIPLINE

Committee's Recommendation:

Clause 15: Establishment, Composition of the Investigating Panel and Disciplinary Committee.

- (1) The Investigating Panel shall consist of four members who shall not be members of the Council and the quorum of the panel shall be three.
- (2) There is established the Chartered Institute of Forensics and Certified Fraud Examiners Disciplinary Committee (in this Bill, referred to as "the Disciplinary Committee") charged with the duty of considering and determining any case referred to it by the Investigating Panel established under subsection (3) of this section, and any other case of Investigating Panel, which the Disciplinary Committee has cognizance under this Bill.
- (3) The Disciplinary Committee shall consist of the Chairman of the Council and six other members of the Council and the quorum shall be four.
- (4) There is established the Chartered Institute of Forensics and Certified Fraud Examiners Investigating Panel (in this Bill, referred to as "the Investigating Panel") charged with the duty of —
- (a) conducting a preliminary investigation into any case where it is alleged that a member has misbehaved in his capacity as a Forensic and Fraud Examiners manager or should, for any other reason, be the subject of proceeding before the Disciplinary Committee; and
- (b) deciding whether the case should be referred to the Disciplinary Committee.
- (5) The provisions of the Second Schedule to this Bill shall, so far as applicable to the Disciplinary Committee and Investigating Panel respectively, have effect with respect to the bodies.
- (6) The Council may make rules not inconsistent with this Bill as to acts which constitute professional misconduct (*Hon. Shehu Nicholas Garba — Jema'a/Sanga Federal Constituency*).

Question that Clause 15 stands part of the Bill — Agreed to.

PART VI — MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

Committee's Recommendation:**Clause 16: Rules as to Professional Practice and Fees.**

- (1) The Council shall make rules —
- (a) for the training and certification of suitable persons in Forensics and Fraud Examiners practice;
 - (b) for the supervision and regulation of the engagement, training and transfer of such persons;
 - (c) prescribing the amount and dues for payment of annual subscription, and for such purpose, different amounts may be prescribed by the rules according to whether the person is enrolled as a Fellow, Member or Associate;
 - (d) prescribing the form of license to practice to be issued annually or, if the Council deems it fit, by endorsement on any existing license; and
 - (e) restricting the right to practice in default of payment of the amount of annual subscription where the default continues for longer than such period as may be prescribed by the rules.
- (2) Rules, when made under this section shall, if the Chairman of the Council so directs, be published in the Federal Government Gazette (*Hon. Shehu Nicholas Garba — Jema'a/Sanga Federal Constituency*).

Question that Clause 16 stands part of the Bill — Agreed to.

Committee's Recommendation:**Clause 17: Provision of library facilities.**

The Institute shall —

- (a) provide and maintain a library, comprising books, electronic materials and publications for the advancement of knowledge of Forensics and Fraud Examiners, and such other books and publications as the Council may deem necessary for that purpose; and
- (b) encourage research into Forensics and Fraud Examiners methods and allied subjects to the extent that the Council may consider necessary (*Hon. Shehu Nicholas Garba — Jema'a/Sanga Federal Constituency*).

Question that Clause 17 stands part of the Bill — Agreed to.

Committee's Recommendation:**Clause 18: Offences.**

- (1) If any person, for the purpose of procuring the registration of any name, qualification or other matter —
- (a) makes a statement which he knows or has a reason to know to be false;
 - (b) recklessly makes a statement which is false, commits an offence.

- (2) If, on or after the relevant date, any person who falsely presents himself as a member of the Institute, who practices or holds himself out to practice Forensics and Fraud Examinations for or in expectation of reward or takes or uses any name, title, addition or description implying that he is in Forensic and Fraud Examiners practice, he commits an offence, provided that, in the case of a person falling within section 17 of this Bill —
- (a) this subsection shall not apply in respect of anything done by him during the period mentioned in that section; and
 - (b) if within that period he duly applies for membership of the Institute, then, unless within that period he is notified that his application has not been approved, this subsection shall not apply in respect of anything done by him between the end of that period and the date on which he is enrolled or registered or notified.
- (3) If the Registrar or any other person employed by, or on behalf of the Institute willfully makes any falsification in any matter relating to the register, commits an offence.
- (4) A person who commits an offence under this section is liable —
- (a) on summary conviction, to a fine not exceeding ₦1,000,000; and
 - (b) on conviction or indictment, to a fine not exceeding ₦1,000,000 or to imprisonment for a term not exceeding 2 years or to both fine and imprisonment.
- (5) Where an offence under this section which has been committed by a body corporate is proven to have been committed with the consent or connivance of, or to be attributed to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person purporting to act in any such capacity, he, as well as the body corporate, are deemed to be guilty of that offence and liable to be prosecuted and punished accordingly.
- (6) In this section, "the relevant date" means the third anniversary of the appointed day or such earlier date as may be prescribed for the purpose of this section by order of the Ministry of Trade and Investment published in the Federal Government Gazette.
- (7) Notwithstanding any other provision, the court that shall have jurisdiction over offences contained in this section shall be the High Court of the State (*Hon. Shehu Nicholas Garba — Jema'a/Sanga Federal Constituency*).

Question that Clause 18 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 19: Regulations and Rules:

- (1) Any regulation made under this Bill shall be published in the Federal Government Gazette and a copy of such regulations shall be sent to the Ministry of the Ministry of Trade and Investment not later than 7 days before they are so published.

- (2) Rules made for the purposes of this Bill shall be subject to confirmation by the Institute at its next general meeting or at any special meeting of the Institute convened for that purpose, and, if annulled, shall cease to have effect on the day after the date of annulment, but without prejudice to anything done in pursuance or intended pursuance of any such rules (*Hon. Shehu Nicholas Garba — Jema'a/Sanga Federal Constituency*).

Question that Clause 19 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 20: Dissolution of the Former Society for Forensic Accounting and Fraud Prevention.

- (1) The Society for Forensic Accounting and Fraud Prevention is hereby dissolved.
- (2) All the property held by or on behalf of the former Society shall by virtue of this section, vest in the Institute and held by it for the purposes of the Institute.
- (3) The provisions of the Third Schedule to this Bill shall have effect with respect to matters arising from the transfer by this section to the institute, of property of the former, and with respect to the other matters mentioned in that Schedule (*Hon. Shehu Nicholas Garba — Jema'a/Sanga Federal Constituency*).

Question that Clause 20 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 21: Interpretation.

In this Bill —

"Institute" means Chartered Institute of Forensics and Certified Fraud Examiners established under section 1 (1) of this Bill (*Hon. Shehu Nicholas Garba — Jema'a/Sanga Federal Constituency*).

Question that the meaning of the word "Institute" be as defined in the interpretation to this Bill — Agreed to.

"ACCrFA" means Associate Chartered Certified Forensic Accountant (*Hon. Shehu Nicholas Garba — Jema'a/Sanga Federal Constituency*).

Question that the meaning of the abbreviation "ACCrFA" be as defined in the interpretation to this Bill — Agreed to.

"ACCrFE" means Associate Chartered Certified Fraud Examiner (*Hon. Shehu Nicholas Garba — Jema'a/Sanga Federal Constituency*).

Question that the meaning of the abbreviation "ACCrFE" be as defined in the interpretation to this Bill — Agreed to.

"CCrFA" means Chartered Certified Forensic Accountant (*Hon. Shehu Nicholas Garba — Jema'a/Sanga Federal Constituency*).

Question that the meaning of the abbreviation "CCrFA" be as defined in the interpretation to this Bill — Agreed to.

"CCrFE" means Chartered Certified Fraud Examiner (Hon. Shehu Nicholas Garba — Jema'a/Sanga Federal Constituency).

Question that the meaning of the abbreviation "CCrFE" be as defined in the interpretation to this Bill — Agreed to.

"FCCrFA" means Fellow Chartered Certified Forensic Accountant (Hon. Shehu Nicholas Garba — Jema'a/Sanga Federal Constituency).

Question that the meaning of the abbreviation "FCCrFA" be as defined in the interpretation to this Bill — Agreed to.

"FCCrFE" means Fellow Chartered Certified Fraud Examiner (Hon. Shehu Nicholas Garba — Jema'a/Sanga Federal Constituency).

Question that the meaning of the abbreviation "FCCrFE" be as defined in the interpretation to this Bill — Agreed to.

"College" means the Nigerian College of Forensics & Fraud Examiners as established under section 13 (1) of this Bill (Hon. Shehu Nicholas Garba — Jema'a/Sanga Federal Constituency).

Question that the meaning of the word "College" be as defined in the interpretation to this Bill — Agreed to.

"Council" means the Council established as the governing body of the Institute under section 5 of this Bill (Hon. Shehu Nicholas Garba — Jema'a/Sanga Federal Constituency).

Question that the meaning of the word "Council" be as defined in the interpretation to this Bill — Agreed to.

"Diplomates" means a body of Professionals in different discipline referred to under section 6 (2) of this Bill (Hon. Shehu Nicholas Garba — Jema'a/Sanga Federal Constituency).

Question that the meaning of the word "Diplomates" be as defined in the interpretation to this Bill — Agreed to.

"Disciplinary Committee" means the Chartered Institute of Forensics and Certified Fraud Examiners Disciplinary Committee establishment under section 15 (1) of this Bill (Hon. Shehu Nicholas Garba — Jema'a/Sanga Federal Constituency).

Question that the meaning of the words "Disciplinary Committee" be as defined in the interpretation to this Bill — Agreed to.

"enrolled" means an enrolled fellow, full member, an associate member, and honorary fellows as the case may be (Hon. Shehu Nicholas Garba — Jema'a/Sanga Federal Constituency).

Question that the meaning of the word "enrolled" be as defined in the interpretation to this Bill — Agreed to.

"Fees" includes annual subscriptions (Hon. Shehu Nicholas Garba — Jema'a/Sanga Federal Constituency).

Question that the meaning of the word "Fees" be as defined in the interpretation to this Bill — Agreed to.

"Investigating Panel" means the Chartered Institute of Forensics and Certified Fraud Examiners of Nigeria established under section 15 (3) of this Bill (Hon. Shehu Nicholas Garba — Jema'a/Sanga Federal Constituency).

Question that the meaning of the words "Investigating Panel" be as defined in the interpretation to this Bill — Agreed to.

"Ministry" means the Ministry charged with the responsibility for matters relating to oversight of professional bodies (Hon. Shehu Nicholas Garba — Jema'a/Sanga Federal Constituency).

Question that the meaning of the word "Ministry" be as defined in the interpretation to this Bill — Agreed to.

"President and Vice-President" means respectively the officers or holders, under those names in the Institute (Hon. Shehu Nicholas Garba — Jema'a/Sanga Federal Constituency).

Question that the meaning of the words "President and Vice-President" be as defined in the interpretation to this Bill — Agreed to.

"Profession" means recognized professional bodies; and (Hon. Shehu Nicholas Garba — Jema'a/Sanga Federal Constituency).

Question that the meaning of the word "Profession" be as defined in the interpretation to this Bill — Agreed to.

"Registrar" means the registrar appointed under section 10 (2) of this Bill (Hon. Shehu Nicholas Garba — Jema'a/Sanga Federal Constituency).

Question that the meaning of the word "Registrar" be as defined in the interpretation to this Bill — Agreed to.

Question that Clause 21 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 22: Citation.

This Bill may be cited as the Chartered Institute of Forensics and Certified Fraud Examiners of Nigeria (Establishment) Bill, 2021 (Hon. Shehu Nicholas Garba — Jema'a/Sanga Federal Constituency).

Question that Clause 22 stands part of the Bill — Agreed to.

SCHEDULES

FIRST SCHEDULE

Section 5 (3)

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

Qualifications and Tenure of Members

1. (1) Subject to the provisions of this paragraph, the Pioneer President and Council Members shall hold office for a single term of five years and no more from the date this Bill is passed into law. Thereafter, the President and Members of Council shall hold office for a single term of three years, beginning with the date of their appointment or election.
- (2) The Registrar and the Heads of Directorates shall serve a term of four years' renewable upon satisfactory performance for another term of four years and no more.
- (3) Members of the Board of Diplomates shall serve a term of two years' renewable upon satisfactory performance for another term of two years and no more.
- (4) A member of the Institute who ceases to be a member shall, if he is also a member of the Council, cease to hold office on the Council.
- (5) An elected member may, by notice in writing under his hand addressed to the President, resign his office, and any appointed member may, likewise resign his appointment.
- (6) A person who retires from or otherwise ceases to be an elected member of the Council is eligible again to become a member of the Council, and any appointed member may be reappointed.
- (7) Members of the Council shall, at a meeting next before the annual general meeting of the Institute, arrange for five members of the Council appointed or elected, and longest in office to retire at that annual general meeting.
- (8) Elections to the Institute shall be held in such manners as may be prescribed by rules made by the Council and until so prescribed, they shall be decided in a secret balloting process.
- (9) If for any reason there is a vacation of office by a member and —
 - (a) such member was appointed by the Minister or any other body corporate, the Minister or body corporate shall appoint another fit person to occupy the office in which the vacancy occurs; or
 - (b) such member was elected, the Council may, if the period between the unexpired portion of the tenure of office and the next general meeting of the Institute appears to warrant the prompt filling of the vacancy, co-opt a fit person for such period.

Powers of the Council

2. The Council shall have powers to make all such regulations on any matter relating to the standards, operations, management, administration, and execution in all ramifications of the Institute, College, Boards of Diplomates and on any other matter provided in this Bill.

Proceedings of the Council

3. (1) Subject to the provisions of this Bill, the Council may, in the name of the Institute, make standing orders regulating the proceedings of the institute or of the Council, and in the exercise of its powers under this Bill, may setup committees in the general interest of the Institute, and make standing orders for them.

- (2) Standing orders shall be provided for decisions to be taken by a majority of the members, and in the event of equality of votes, the President or Chairman, as the case may be, shall have a casting vote.
- (3) Standing orders made for a committee shall provide that the committee shall report to the Council on any matter not within its competence to be decided upon.
- (4) The quorum of the Council shall be 9, and the quorum of a committee of the Council shall be as fixed by the Council.

Meetings of the Institute

5. (1) The Council shall convene the annual general meeting of the Institute on a day the Council may appoint any particular year, and if the meeting is not held within one year after the previous annual general meeting, not more than 15 months shall elapse between the respective dates of the two meetings.
- (2) A special meeting of the Institute may be convened by the Council at any time, and if at least 30 members of the Institute require it by notice in writing addressed to the Registrar of the Institute, setting out the objects of the proposed meeting, the Chairman of the Council shall convene a special meeting of the Institute.
- (3) The quorum of any general meeting of the Institute shall be 15 members, and that of any special meeting of the Institute shall be 25 members.

Meetings of the Council

6. (1) Subject to the provisions of any standing order 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 in writing given to him by at least seven other members, he shall summon a meeting of the Council to be held within seven days from the date on which the notice is given.
- (2) At any meeting of the Council, the Chairman or, in his absence, the Deputy Chairman shall preside, but if both are absent the members present at the meeting shall appoint one of them to preside at the meeting.
- (3) Where the Council desires to obtain the advice of any person on a particular matter, the Council may co-opt him as a member for such period as the Council deems fit, but a person who is a member by virtue of this subparagraph is not entitled to vote at any meeting of the Council and shall not count towards a quorum.

Committees

7. (1) The Council may set up one or more committee to carry out, on behalf of the Institute or of the Council, such functions as the Council may determine.
- (2) A committee set up under this paragraph shall consist of the number of persons determined by 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 instrument by which he is appointed.
- (3) Any recommendation of a committee of the Council shall be of no effect until it is approved by the Council.

Miscellaneous

8. (1) The fixing of the seal of the Institute shall be authenticated by the signature of the President or another member of the Council authorised generally by the Institute to act for that purpose.
- (2) Any contract or instrument which, if made or executed by a person, not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the Institute or the Council, as the case may require, by any person generally or specially authorised to act for the purpose by the Council.
- (3) Any document purporting to be a document duly executed under the seal of the Institute shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.
- (4) The validity of any proceedings of the Institute or Council or a committee of the Council shall not be affected by any vacancy in membership, defect in the appointment of a member of the Institute or of the Council or by reason that a person not entitled to serve in the Committee took part in the proceedings.
- (5) Any member of the Institute or the Council, and any person holding office on a committee of the Council, who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Council, shall disclose his interest to the President or Council, as the case may be, and shall not vote on any question relating to the contract or arrangement.
- (6) A person shall not by reason only of his membership of the Institute, be required to disclose any interest relating solely to the audit of the accounts of the Institute (*Hon. Shehu Nicholas Garba — Jema'a/Sanga Federal Constituency*).

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

SECOND SCHEDULE

Section 15 (5)

SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY
COMMITTEE AND INVESTIGATING PANEL*Disciplinary Tribunal*

1. (1) The Chief Justice of Nigeria shall make rules —
- (a) as to the —
- (i) selection of members of the Disciplinary Tribunal for the purposes of any proceeding, and
- (ii) procedures to be followed and the rules of evidence to be observed in proceedings before the Disciplinary Tribunal;
- (b) for securing that notice of the proceedings shall be given at such time and at such manner as may be specified by the rules to the person who is the subject of the proceeding;

- (c) for determining who, in addition to the person mentioned in paragraph (b), shall be a party to the proceedings;
 - (d) for securing that any party to the proceedings shall, if he so requires, be entitled to be heard by the Disciplinary Tribunal;
 - (e) for enabling any party to the proceedings to be represented by a legal practitioner;
 - (f) subject to the provisions of section 16 (5) of this Bill, as to the costs of proceedings before the Disciplinary Committee;
 - (g) for requiring, in a case where it is alleged that the person who is subject of the proceedings is guilty of infamous conduct in any professional respect, that where the Disciplinary Committee 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 matters to which the allegation relates; and
 - (h) for publishing in the media, notice of any direction of the Disciplinary Committee, which has taken effect, providing that a person's name shall be struck off a register.
2. For the purposes of any proceeding before the Disciplinary Committee, any member of the Disciplinary Committee may administer oaths and any party to the proceedings may sue through the Supreme Court writs of subpoena ad testificandum and duces tecum, but no person appearing before the Disciplinary Committee shall be compelled to —
- (a) make any statement before the Disciplinary Committee tending to incriminate himself; or
 - (b) produce any document under such a writ which he could be compelled to produce at the trial of an action.
3. (1) For the purposes of advising the Disciplinary Committee on questions of law arising in proceedings before it, there shall, in all such proceedings, be an assessor to the Disciplinary Committee who shall be appointed by the Council on the nomination of the Chief Justice of Nigeria and shall be a legal practitioner of at least 7 years standing.
- (2) The Chief Justice of Nigeria shall make rules as to the 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 Committee on any question of law as to the evidence, procedure or any matter specified in 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 Committee is deliberating in private, that every such party or Disciplinary.
 - (b) every party or person as mentioned in subparagraph (a) shall be informed if, in any case, the Disciplinary Committee does not accept the advice of the assessor on such a question.
- (3) An assessor may be appointed under this paragraph either generally or for any particular proceeding or class of proceedings, and shall hold and vacate office in accordance with the terms of the instrument by which he is appointed.

4. (1) The Investigating Panel may, at any of its sittings attended by all its members, make standing orders with respect to the Investigating Panel.
- (2) Subject to the provisions of the standing orders, the Investigating Panel may regulate its own procedure.

Miscellaneous

5. (1) A person ceasing to be a member of the Disciplinary Committee or the Investigating Panel shall be eligible for reappointment as a member of that body.
- (2) A person may, if otherwise eligible, be a member of both the Disciplinary Committee and the Investigating Panel, but no person who acted as a member of the Investigating Panel with respect to any case shall act as a member of the Disciplinary Committee with respect to the case.
6. The Disciplinary Committee or the Investigating 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 paragraph 7 (2) of this Schedule) by reason that any person who was not entitled to do so took part in the proceedings of the body.
7. Any document authorised or required by virtue of this Bill to be served on the Disciplinary Committee or the Investigating Panel shall be served on the Registrar appointed under section 10 of this Bill.
8. Any expenses of the Disciplinary committee or the panel shall be defrayed by the Institute (*Hon. Shehu Nicholas Garba — Jema'a/Sanga Federal Constituency*).

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

THIRD SCHEDULE

Section 21 (3)

Transitional Provision to a property, etc.

1. (1) Every agreement to which the former Institute (Society for Forensic Accounting and Fraud Prevention) was a party immediately before the appointment day, whether in writing or not and whether or not of such a nature that the rights, liabilities and obligations thereunder could be assigned by the former Institute, shall, unless its terms or subject matter make it impossible that it should have effect as modified in the manner provided by this subparagraph, have effect from the appointed day, so far as it relates to property transferred by this Bill to the Institute, as if —
 - (a) the Institute had been a party to the agreement;
 - (b) for any reference (however worded and whether expressed or implied) to the former Institute, they were substituted, with respect to anything not done or after the appointed day, a reference to the Institute; and
 - (c) for any reference (however worded and whether expressed or implied) to a member or members of the Council of the former Institute or an officer of the former Institute they were substituted, with respect to anything not done on or after the appointed day, a reference to members of the Council under

this Bill or the officers of the former Institute who correspond as nearly as may be to the member or officer in question of the Institute.

- (2) The documents which refer, whether specially or generally, to the former Institute shall be construed in accordance with subparagraph (1) of this paragraph so far as applicable.
- (3) Without prejudice to the generality of the provisions of this Schedule, where, by the operation of any of them or of section 21 (2) of this Bill, any right, liability or obligation vests in the Institute and all other persons shall, as from the appointed day, have the same rights as to the making or resisting of legal proceedings or applications to any authority for ascertaining, perfecting or enforcing that right, liability or obligation as they would have had at all times being a right, liability or obligation of the Institute.
- (4) Any legal proceeding or application to any authority pending on the appointed day by or against the former Institute and relating to property transferred by this Bill to the Institute may be continued on or after that day by or against the Institute.
- (5) If the law in force at the place where any property transferred by this Bill is situated provides for the registration of transfer of property of the kind in question (whether by reference to an instrument of transfer or otherwise), the law shall, so far as it provided for alterations of a register (but not for avoidance of transfer, the payment of fees or any matter) apply with the necessary modifications to the transfer of the property, and the Council shall furnish the necessary particulars of the transfer to the proper office of the registration authority, and of that officer to register the transfer accordingly.

Transfer of functions, etc.

2. (1) At its first meeting, the Council of the Institute shall fix a date (not later than 6 months after the appointed day) for the annual general meeting of the Institute.
- (2) The members of the Council of the former Institute shall be deemed to be members of the Council of the Institute until the date determined in this subparagraph when the Institute shall have its first annual general meeting, and they shall cease to hold office at the conclusion of such meeting.
- (3) Any person who, immediately before the appointed day, held offices as the President or Vice President of the Council of the former Institute shall, on that day, become the President or, as the case may be, the Vice-President of the Institute and shall be deemed to have been appointed —
 - (a) to that office under this Bill corresponding to the relevant provision in the said articles of the Institute; and
 - (b) on the date on which he took office, or last took office, in pursuance of the relevant provision of those articles.
- (4) The members of the former Institute shall, as from the appointed day, be registered as members of the Institute, and without prejudice to the generality of the provisions of this Schedule relating to the transfer of property, any person who, immediately before the appointed day, was a member of staff of the former Institute shall, on that day, become the holder of an appointment with the Institute with the status, designation and functions which correspond as nearly as may be to those which appertained to him in his capacity as a member of staff.

- (5) Any person who is an office-holder on, or member of the Council of the Institute immediately before the appointed day and deemed under this paragraph to have been appointed to any like position in the Institute, or on the Council of the Institute, and thereafter otherwise than by reason of his misconduct, is eligible for appointment in the Institute or to membership of the Council as the case may be.
- (6) All regulations, rules and instruments made for the purposes of the Institute, and in force immediately before they are subsequently revoked or amended by any authority having power in that behalf shall have effect, with any necessary modifications, as if duly made for the corresponding purposes of the Institute (*Hon. Shehu Nicholas Garba — Jema'a/Sanga Federal Constituency*).

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

Explanatory Memorandum:

This Bill seeks to establish the Chartered Institute of Forensics and Certified Fraud Examiners of Nigeria to provide for the control of its membership and promote the practice of Forensic and Fraud Examinations in Nigeria (*Hon. Shehu Nicholas Garba — Jema'a/Sanga Federal Constituency*).

Agreed to.

Long Title:

A Bill for an Act to Establish the Chartered Institute of Forensics and Certified Fraud Examiners of Nigeria, to Provide for the Regulation and Control of its Membership and Promote the Practice of Forensics and Fraud Examiners in Nigeria; and for Related Matters (HB. 1220) (*Hon. Shehu Nicholas Garba — Jema'a/Sanga Federal Constituency*).

Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in Committee of the Whole considered the Report of the Committees on Anti-Corruption and Commerce on a Bill for an Act to Establish Chartered Institute of Forensics and Certified Fraud Examiners of Nigeria, to Provide for the Regulation and Control of its Membership and Promote the Practice of Forensics and Fraud Examiners in Nigeria; and for Related Matters (HB.1220) and approved Clauses 1 - 22, the Schedules, the Explanatory Memorandum, and the Long Title of the Bill.

Question that the House do adopt the Report of the Committee of the Whole — Agreed to.

17. Adjournment

That the House do adjourn till Wednesday, 13 October, 2021 at 11.00 a.m. (Hon. Peter Akpatason — Deputy House Leader).

The House adjourned accordingly at 1.42 p.m.

Femi Hakeem Gbajabiamila
Speaker

