



SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Tuesday, 15th February, 2022

1. The Senate met at 10:55 a.m. The President of the Senate read prayers.
2. **Votes and Proceedings:**
The Senate examined the Votes and Proceedings of Wednesday, 9th February, 2022.
Question was put and the Votes and Proceedings were approved.
3. **Messages from Mr. President:**
The President of the Senate announced that he had received two (2) letters from Mr. President, Commander-in-Chief of the Armed Forces of the Federation, which he read as follows:
 - (a) *The Civil Defence, Correctional, Federal Fire and Immigration Services Board Bill, 2022:*



PRESIDENT
FEDERAL REPUBLIC OF NIGERIA

9th February, 2022

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

Dear Distinguished Senate President,

**TRANSMISSION OF THE CIVIL DEFENCE, CORRECTIONAL,
FEDERAL FIRE AND IMMIGRATION SERVICES BOARD BILL,
2022 FOR CONSIDERATION**

Pursuant to Section 58(2) of 1999 Constitution of the Federal Republic of Nigeria (as amended), I forward, herewith, The Civil Defence, Correctional, Federal Fire and Immigration Services Board Bill, 2022 for the kind consideration of the Senate.

The Civil Defence, Correctional, Federal Fire and Immigration Services Board Bill, 2022 seeks to establish the Civil Defence, Correctional, Federal Fire and Immigration Services Board to adequately reflect the current relationship between the Board, Corps and the Services and align their composition, structure, functions and practices to attain the intended mandate of the services.

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

Yours sincerely,
(Signed)

— Muhammadu Buhari

(b) Submission of the 2022 Appropriation Amendment Proposal:



PRESIDENT
FEDERAL REPUBLIC OF NIGERIA

10th February, 2022

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

Dear Distinguished Senate President,

SUBMISSION OF THE 2022 APPROPRIATION AMENDMENT PROPOSAL

As I indicated at the signing of the 2022 Appropriation Act, I forward herewith the Proposals for amendment of the 2022 Appropriation Act (as detailed in Schedules I-V), for the kind consideration and approval by the Senate.

2. Let me seize this opportunity to once again express my deep gratitude to the leadership and members of the Senate for the expeditious consideration and passage of the 2022 Appropriation Bill as well as the enabling 2021 Finance Bill.
3. It has become necessary to present this amendment proposal considering the impacts of the recent suspension of the Petroleum Motor Spirit (PMS) subsidy removal and the adverse implications that some changes made by the National Assembly in the 2022 Appropriation Act could have for the successful implementation of the budget.
4. It is important to restore the provisions made for various key capital projects in the 2022 Executive Proposal (see details in Schedule I) that were cut by the National Assembly. This is to ensure that critical ongoing projects that are cardinal to this administration, and those nearing completion, do not suffer a setback due to reduced funding.
5. It is equally important to reinstate the ₦25.81 billion cut from the provision for the Power Sector Reform Programme in order to meet the Federal Government's commitment under the financing plan agreed with the World Bank.
6. In addition, it is necessary to reinstate the four (4) capital projects totaling ₦1.42 billion in the Executive Proposal for the Federal Ministry of Water Resources that were removed in the 2022 Appropriation Act.
7. Furthermore, there is critical and urgent need to restore the ₦3 billion cut from the provision made for payment of mostly long outstanding Local Contractors' Debts and Other Liabilities as part of our strategy to reflate the economy and spur growth (see Schedule I).

8. You will agree with me that the inclusion of National Assembly's expenditures in the Executive Budget negates the principles of separation of Powers and financial autonomy of the Legislature. It is therefore necessary to transfer the National Assembly's expenditures totaling ₦16.59 billion in the Service Wide Vote to National Assembly Statutory Transfer provision (see Schedule I).

9. It is also imperative to reinstate the ₦22.0 billion cut from the provision for Sinking Fund to Retire Mature Loans to ensure that government can meet its obligations under already issued bonds as and when they mature.

10. The cuts made from provisions for the recurrent spending of Nigeria's Foreign Missions, which are already constrained, are capable of causing serious embarrassment to the country as they mostly relate to office and residential rentals. Similarly, the reductions in provisions for allowances payable to personnel of the Nigerian Navy and Police Formations and Commands could create serious issues for government. It is therefore imperative that these provisions be restored as proposed (see Schedule II).

11. It is also absolutely necessary to remove all capital projects that are replicated in the 2022 Appropriation Act; 139 out of the 254 such projects totaling ₦3.24 billion have been identified to be deleted from the budget.

12. Some significant and non-mandate projects were introduced in the budgets of the Ministry of Transportation, Office of the Secretary to the Government of the Federation and Office of the Head of Civil Service of the Federation (see Schedule III). There are several other projects that have been included by the National Assembly in the budgets of agencies that are outside their mandate areas. The Ministry of Finance, Budget and National Planning has been directed to work with your relevant Committees to comprehensively identify and realign all such misplaced projects.

13. It is also necessary to restore the titles / descriptions of 32 projects in the Appropriation Act to the titles contained in the Executive Proposal for the Ministry of Water Resources (see Schedule IV) in furtherance of our efforts to complete and put to use critical agenda projects.

14. The Appropriation Amendment request is for a total sum of ₦106,161,499,052 (One hundred and six billion, one hundred and sixty-one million, four hundred and ninety-nine thousand, and fifty-two Naira only) for Capital Expenditures and ₦43,870,592,044 (Forty-three billion, eight hundred and seventy million, five hundred and ninety-two thousand, and forty-four Naira only) for Recurrent Expenditures. I therefore request the National Assembly to make the above amendments without increasing the budget deficit. I urge you to roll back some of the ₦887.99 billion of projects earlier inserted in the budget by the National Assembly to accommodate these amendments.

15. However, following the suspension of the PMS subsidy removal, the 2022 Budget Framework has been revised to fully provide for PMS subsidy (see Schedule V). An additional provision of ₦2.557 trillion will be required to fund the petrol subsidy in 2022. Consequently, the Federation Account (Main Pool) revenue for the three tiers of government is projected to decline by ₦2.00 trillion, while FGN's share from the Account is projected to reduce by ₦1.05 trillion. Therefore, the amount available to fund the FGN Budget is projected to decline by ₦969.09 billion.

16. Aggregate expenditure is projected to increase by ₦45.85 billion, due to additional domestic debt service provision of ₦102.5 billion net of the reductions in Statutory Transfers by ₦56.67 billion, as follows:

- a. NDDC, by ₦12.61 billion from ₦102.78 billion to ₦90.18 billion
- b. NEDC, by ₦5.90 billion from ₦48.08 billion to ₦42.18 billion
- c. UBEC, by ₦19.08 billion from ₦112.29 billion to ₦93.21 billion

- d. Basic Health Care Fund, by ₦9.54 billion from ₦56.14 billion to ₦46.60 billion; and
- e. NASENI, by ₦9.54 billion from ₦56.14 billion to ₦46.60 billion.

17. Total budget deficit is projected to increase by ₦1.01 trillion to ₦7.40 trillion, representing 4.01 % of GDP. The incremental deficit will be financed by new borrowings from the domestic market.

18. Equally, it is imperative that Clause 10 of the 2022 Appropriation Act which stipulates that the Economic and Financial Crimes Commission (EFCC) and the Nigerian Financial Intelligence Unit (NFIU) are authorized to charge and defray from all money standing in credit to the units as revenues, penalties or sanctions at 10% for technical setup and operational cost at the units in this financial year, be repealed. This clause is in conflict with the Act establishing these Agencies, as well as some other laws and financial regulations of the government. These are neither Revenue Generating Agencies nor Regulatory Bodies that generate revenue or charge penalty fees. They are fully funded (Personnel, Overhead and Capital) by Government through Budgetary provisions. The Fiscal Responsibility Act 2007, as well as the Finance Act 2021, require these Agencies to remit fully any recovered funds to the Consolidated Revenue Fund (CRF). This clause may lay a dangerous precedence, and spark clamours for similar treatment by other anti-corruption agencies.

19. Also, the Clause 11 which stipulates that "Notwithstanding the provisions of any other law in force, Nigerian Embassies and Missions are authorised to expend funds allocated to them under the Capital components without having to seek approval of the Ministry of Foreign Affairs" should likewise be repealed. It too is inconsistent with extant Financial Regulations and the Public Procurement Act, which set thresholds for approving officers and Parastatal / Ministerial Tenders Boards for awards of Contracts for the procurement of goods and Services. This also amounts to an intrusion of the Legislature into what is an executive function.

20. Given the urgency of the request for amendments, I seek the cooperation of the National Assembly for expeditious legislative action on the 2022 Appropriation Amendment Proposal in order to sustain the gains of an early passage of the budget.

21. Please accept, Distinguished Senate, President, the assurances of my highest consideration.

Yours sincerely,

(Signed)

Muhammadu Buhari

4. Petitions:

Rising on Order 40, Senator Patrick A. Akinyelure (Cado Central) drew the attention of the Senate to four (4) petitions received from the Office of the President of the Senate as follows:

- (i) Wilson Douglas against the Head of Service of the Federation (HOSF) over alleged irregularities in the conduct of the recently conducted Permanent Secretary Examination;
- (ii) His Royal Highness I.O. Hegba and 3 others against National Oil Spill Detection and Response Agency (NOSDRA), MOBIL Producing Nigeria Unlimited and Messrs Menigoi and Co., over an alleged environmental pollution in some communities in Bayelsa and Rivers States as a result of their activities;
- (iii) Dr. Njoku U.C. Njoku & Co., on behalf of concerned indigenes of Umuarie-Asa Isimiri autonomous community in Ukwu West Local Government Area of Abia State over an alleged marginalisation of the community by the Abia State Government; and

- (iv) Chinedum Agwaramgbo of LLNB Associates on behalf of Tochukwu Cornelius Okeke against the Chief of Army Staff and the General Officer Commanding 82 Division of the Nigerian Army, Enugu State over an alleged brazen acts of insolence and flagrant disobedience to valid court order directing the release of his client.

He urged the Senate to look into the matters.

Petitions laid and accordingly referred to the Committee on Ethics, Privileges and Public Petitions [Order 40(3)] to report within four (4) weeks.

5. Personal Explanation:

Rising on Order 42, Senator Aliyu S. Abdullahi (*Niger North*) drew the attention of the Senate to the upsurge of banditry, cattle rustling, arson and kidnapping in Niger North Senatorial District. He stated that of recent, specifically on Thursday, 10th February, 2022, bandits, following the heats from security forces on their main operational base were seen regrouped in Machitta, Dogon Dawo and Mogoru villages all in Mariga Local Government of Niger State. He further stated that the bandits on Friday, 11th through Saturday 12th February, 2022, attacked several villages in Magama, Rijau, Kontagora and Mariga Local Government Areas destroying properties worth millions of naira and kidnapping over 300 persons mainly women and children. He urged the Armed Forces and other Security Agencies to upscale their operations by closely monitoring and blocking the bandits escape routes; and he also urged the National Emergency Management Agency (NEMA) to provide food and relief materials to affected villages and IDP camps.

Security Agencies to redouble their efforts to curb insurgency attacks nationwide.

6. Presentation of Bills:

- (i) Fisheries Institute of Nigeria (Establishment) Bill, 2022 (HB. 896) — *Read the First Time.*
- (ii) Quarantine Act Cap Q2 LFN 2004 (Repeal & Re-enactment) Bill, 2022 (SB. 907) — *Read the First Time.*
- (iii) Federal University of Entrepreneur Odigbo, Ondo State (Establishment) Bill, 2022 (SB. 925) — *Read the First Time.*
- (iv) Violence Against Persons (Prohibition) Act, 2015 (Repeal & Re-enactment) Bill, 2022 (SB. 926) — *Read the First Time.*
- (v) National Security Agencies and Victims Compensation Trust Fund (Establishment) Bill, 2022 (SB. 927) — *Read the First Time.*

7. National Institute for Educational Planning and Administration (Establishment) Bill, 2022 (SB. 832):

Motion made: That a Bill for an Act to Establish the National Institute for Educational Planning and Administration and Other Matters Connected Therewith, 2022 be read the Second Time (*Senator Patrick A. Akinyelure — Ondo Central*).

Debate

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee on Education (Basic and Secondary) to report within four (4) weeks.

8. **Federal College of Education Okobo, Akwa-Ibom State (Establishment) Bill, 2022 (SB.842):**

Motion made: That a Bill for an Act to establish the Federal College of Education Okobo, Akwa-Ibom State and for Other Related Matters, 2022 be read Second Time (*Senator Akon E. Eyakenyi — Akwa-Ibom South*).

Debate

Question put and agreed to.

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

9. **Bank Employees Declaration of Assets Act, CAP B, LFN 2004 (Amendment) Bill, 2022 (SB. 900):**

Motion made: That a Bill for an Act to Amend the Bank Employees Etc. (Declaration of Assets) Act, Cap B1 Laws of the Federation of Nigeria 2004 and for Related Matters, 2022 be read Second Time (*Senator Mohammed S. Musa — Niger East*).

Debate

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee on Banking, Insurance and Other Financial Institutions to report within four (4) weeks.

10. **Committee on Aviation:**

Report on the Nigerian Safety Investigation Bureau (Establishment) Bill, 2022 (SB. 197):

Motion made: That the Senate do resolve into the Committee of the Whole to resume consideration of the Report of the Committee on Aviation on the Nigerian Safety Investigation Bureau (Establishment) Bill, 2022 (*Senate Leader*) (*Adjourned Consideration on Wednesday, 9th February, 2022*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

RESUMED CONSIDERATION OF THE REPORT OF THE COMMITTEE ON AVIATION ON A BILL FOR AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE NIGERIAN SAFETY INVESTIGATION BUREAU; FOR THE REGULATION, PREVENTION AND EFFECTIVE ADMINISTRATION FOR SAFETY INVESTIGATION IN NIGERIA; AND FOR RELATED MATTERS, 2022.

Clause 21: Annual estimates and expenditure

- (1) The Bureau shall not later than 30th September each year or other date stipulated by law or policy, submit to the National Assembly through the Minister an estimate of expenditure or income of the Bureau as approved by the Board for the next fiscal year for incorporation into the National budget.
- (2) The Bureau shall keep proper accounts in respect of each year and proper records in relation to its accounts and shall cause it to be audited within 6 months after the end of each year by auditors appointed from the List of Auditors and in accordance with the guidelines supplied by the Auditor-General of the Federation.

Committee's Recommendation:

That the provision in Clause 21 be retained (*Senator Smart Adeyemi — Kogi West*) — *Agreed to.*

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

Clause 22: Annual reports

- (1) The Bureau shall, not later than 30 September in each year, prepare and submit to the Minister and the Auditor-General of the Federation, a report on the activities and administration of the Bureau's Funds during the preceding year and shall include in the report a copy of the Audited Financial Statement of the Bureau for the immediate preceding calendar year and the auditor's report thereon.
- (2) The Minister shall, upon receipt of the report referred to in subsection (1), cause a copy of the report and the audited accounts of the Funds and the auditor's report thereon to be submitted to each House of the National Assembly.

Committee's Recommendation:

That the provision in Clause 22 be retained (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

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

Clause 23: Power to accept gifts

- (1) The Bureau may accept gifts of land, money or other property upon such terms and conditions, considered lawful.
- (2) The Bureau shall not accept any gift if the conditions attached by the person or organization offering the gift are inconsistent with the functions of the Bureau under this Bill and the provisions of any other relevant law.

Committee's Recommendation:

That the provision in Clause 23 be retained (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

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

Clause 24: Power to borrow

- (1) The Bureau may, with the approval of the Board, borrow, on such terms and conditions as it may require in the exercise of its functions under this Bill.
- (2) Notwithstanding the provisions of subsection (1) of this section, the Bureau shall not borrow money which exceeds the limit set by the Federal Government, and where the sum to be borrowed is in foreign currency, the Bureau shall not borrow the sum without the prior approval of the President and in consultation with Central Bank of Nigeria.

Committee's Recommendation:

That the provision in Clause 24 be retained (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

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

Clause 25: Exemption from tax

The Bureau shall be exempted from the payment of tax and levies, save from investments made under this Bill.

Committee's Recommendation:

That the provision in Clause 25 be retained (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

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

Clause 26: Service in the NSIB to be pensionable.

- (1) Service in the NSIB shall be public service for the purpose of the Pension Reform Act or any other Act for the time being in force and accordingly, officers and other employees of the NSIB shall in respect of their service, be entitled to pension, severance and other retirement benefits in conformity with provisions of the Pension Reform Act.
- (2) Notwithstanding the provisions of subsection (1) of this section, nothing in this Act shall prevent the appointment of a person to any office on terms which preclude the grant of pension and retirement benefits in respect of that office.
- (3) For the purpose of the application of the provisions of the Pension Reform Act, any power exercisable by a Minister or other authority of the Government of the Federation are hereby vested in and shall be exercisable by the Director General of NSIB.

Committee's Recommendation:

Leave out the provision in Clause 26 (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

PART VI - INVESTIGATORS**Clause 27: Appointment of Investigators**

- (1) The Director-General shall for the purpose of carrying out investigation into transportation occurrences appoint an Investigator-in-Charge or such other person or persons as Investigators for such transportation occurrence.
- (2) The persons appointed as Investigators under subsection (1) of this section shall have cognate technical knowledge, qualification and practical experience in accident reconstruction, safety engineering, transportation safety, or transportation regulation; and other relevant disciplines required for the performance of their functions under this Bill.
- (3) The Director-General shall cause an Investigator appointed under subsection (1) of this section to carry out an investigation into a transportation occurrence in any of the instances provided under this Bill.

Committee's Recommendation:

That the provision in Clause 27 be retained (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

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

Clause 28: Power of Investigators to conduct investigation

A person appointed under this Bill as an Investigator shall:

- (1) on display of appropriate credentials and authority, enter into any premises where there is a reasonable ground that a transportation

occurrence has occurred, or there may be at the place, anything relevant to the investigation or where wreckage from the occurrence is located;

- (2) in the course of the investigation, have unhindered access to all relevant materials or pieces of evidence, including on-board recorders, either in air, marine, rail or such relevant traffic records related to a transport safety investigation under this Bill; and
- (3) have unhindered access to the site of any transportation occurrence, premises, location, facility, the transport vehicle, its contents or wreckage, constituting the subject of a safety investigation contemplated by this Bill.

Committee's Recommendation:

That the provision in Clause 28 be retained (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

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

Clause 29: General powers of Investigators

The Investigators shall:

- (1) ensure an immediate listing of evidence and controlled removal of debris, or components for examination or analysis;
- (2) be granted access to and the use of any content of the relevant on-board recorders and any other recordings;
- (3) have unhindered access to any relevant information or records held by the owner, the operator or the manufacturer of the transport vehicle or from the authority responsible for the regulation of the vehicle operators and of the operators of the transportation facility;
- (4) recover for accident victims, personal effects taken from the site of the occurrence;
- (5) take photographs, video recordings, sound recordings, or other records of the premises or evidential material;
- (6) be at liberty to hand over a witness to the relevant authority where sabotage is considered; and
- (7) do all such other things as it may by regulations made pursuant to this Bill be required to do in the exercise of its powers to investigate transportation occurrences.

Committee's Recommendation:

That the provision in Clause 29 be retained (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

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

Clause 30: Offence in respect of obstructing an investigation

A person who knowingly obstructs, impedes, or fails to make statement to any Investigator or persons acting under the authority of the Bureau in the exercise of its powers under this Act without reasonable cause commits an offence and shall be liable on conviction to a fine not exceeding ₦500,000.00 or to a term of imprisonment not exceeding 3 months imprisonment or both.

Committee's Recommendation:

That the provision in Clause 30 be retained (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

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

Clause 31: Powers of the Investigator to search without warrant

- (1) Where an Investigator believes on reasonable grounds that there is, or there may be, anything relevant to the conduct of an investigation, in any place or transport vehicle, the Investigator shall obtain a warrant or may without warrant enter and conduct search in the place or transport vehicle, for any item and seize such item, as may be found in the course of the search.
- (2) An Investigator shall not exercise the powers under subsection (1) of this section in relation to a particular place without the consent of the person apparently in charge of that place unless by reason of extreme urgency.

Committee's Recommendation:

That the provision in Clause 31 be retained (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

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

Clause 32: Powers of a court of competent jurisdiction to grant search warrant

- (1) Where a court of competent jurisdiction is satisfied by information on oath that an Investigator believes on reasonable grounds that there is, or may be, in any place, anything relevant to an investigation being carried out in respect to a transportation occurrence, it may, upon an ex-parte application, issue a warrant authorizing the Investigator to enter and search the place for any of such thing and to take possession of any of such thing as may be found in the course of that search.
- (2) In executing a warrant under this Act, an Investigator shall not use force.

Committee's Recommendation:

That the provision in Clause 32 be retained (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

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

Clause 33: Power to test items seized

Where an item is seized by an Investigator under this Bill, he:

- (1) may, subject to paragraph (2), cause tests to be conducted on the items as are necessary for the purposes of the investigation in respect of which it was seized;
- (2) shall, to the extent that it is practical and safe to do so, so as not to unreasonably impede the progress of the investigation, take all reasonable measures to invite the owner of the seized item to be present at any test referred to in paragraph (1); and
- (3) shall, subject to the purpose of the search, cause the item to be preserved pending its return in accordance with the provisions of this Bill.

Committee's Recommendation:

That the provision in Clause 33 be retained (*Senator Smart Adeyemi — Kogi, West*) — Agreed to.

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

Clause 34: Powers to exclude persons from particular areas

An Investigator may, for the purposes of preserving and protecting evidential material in a transportation occurrence, prohibit or limit access to such evidential material and area immediately surrounding the place at which they are located for such period as may be necessary for the purposes of the investigation.

Committee's Recommendation:

That the provision in Clause 34 be retained (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

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

Clause 35: Disruption to be minimized

In exercising the power conferred by clause 30 of this Bill, an investigator shall have regard to the desirability of minimizing any resulting disruption to transportation services.

Committee's Recommendation:

That the provision in Clause 35 be retained (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

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

Clause 36: Offence in respect of exclusion order

A person who enters a restricted area provided under section 33 of this Bill, commits an offence and shall be liable on conviction to a fine not exceeding ₦100,000.00 or to a term of imprisonment not exceeding three months or both.

Committee's Recommendation:

That the provision in Clause 36 be retained (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

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

Clause 37: Return of seized items

- (1) Any item seized pursuant to the provisions of this Bill, shall be returned to the person from whom it was seized, as soon as it has served the purpose for which it was seized.
- (2) A person whose item was seized under this Bill and is aggrieved that the item has not been returned timeously, may make an application to a court of competent jurisdiction.

Committee's Recommendation:

That the provision in Clause 37 be retained (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

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

Clause 38: Power to order medical examination

- (1) Where an Investigator is of the opinion that the medical examination of a person who is directly or indirectly involved in the operation of an aircraft, ship, rail vehicles or other motor vehicle is relevant to the investigation, such a person may be required to submit to a medical examination.
- (2) Where an Investigator is of the opinion that a medical practitioner or institution has information concerning a patient that is relevant to an investigation, the health practitioner or institution shall be required to provide that information to the Investigator.
- (3) Where a person fails or refuses to submit to a medical examination or make available information to an Investigator as required under subsections (1) and (2) of this section, he shall be required by the order of the court to provide same to the Investigator.
- (4) Where an Investigator is of the opinion that the performance of an autopsy on a deceased person is relevant to the conduct of an investigation, the Investigator shall by court order request the person having custody of the deceased person to permit the performance of an autopsy, for the purpose of the investigation.
- (5) Subject to the power of the Bureau to request for medical examination under this section, the report from such examinations shall not be:
 - (a) communicated to any third party; or
 - (b) be required as evidence in any legal, disciplinary or other proceedings.

Committee's Recommendation:

That the provision in Clause 38 be retained (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

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

Clause 39: Attendance before an Investigator to give information

- (1) An Investigator may by notice in writing invite a person or body corporate for questioning or to provide evidentiary material in relation to an investigation.
- (2) Any person who fails or refuses the invitation under subsection (1) of this section, commits an offence, and shall be liable on conviction to:
 - (a) in the case of an individual, a fine not exceeding ₦500,000 or to a term not exceeding 6 months imprisonment or both; and
 - (b) in the case of a body corporate, a fine not exceeding ₦5,000,000.
- (3) Where any person knowingly provides false evidentiary material, the person commits an offence and shall be liable on conviction:
 - (a) in the case of an individual, a fine not exceeding ₦500,000 or to a term not exceeding 6 months imprisonment or both; and
 - (b) in the case of a body corporate, a fine not exceeding ₦5,000,000.

Committee's Recommendation:

That the provision in Clause 39 be retained (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

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

PART VII - INVESTIGATIONS AND REPORTS ON TRANSPORTATION OCCURRENCES**Clause 40: Notification of transportation occurrences**

- (1) The Bureau shall make regulations for the establishment and administration of the conduct of transportation occurrences.
- (2) Regulations made under subsection (1) of this section, shall include rules for prohibition pending investigation, mandatory and voluntary notification, removal, examination, take measures for preservation, access to or interference with transportation occurrence site vehicle, protection of the identity of persons who report transportation occurrences or persons who give evidence in the course of an investigation by the Bureau and any other acts incidental to the investigation of transport occurrences matters.

Committee's Recommendation:

That the provision in Clause 40 be retained (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

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

Clause 41: Investigations

- (1) The Bureau:
 - (a) may investigate any transportation occurrence or transport safety matter for the purpose of carrying out its functions under this Act;
 - (b) shall investigate any transportation occurrence or transport safety matters, if requested in writing by the Minister to do so.
- (2) The Bureau may investigate a transportation occurrence which it may not ordinarily investigate where a formal request is made in writing for the investigation of a matter relating to transport safety.
- (3) In deciding whether to investigate a transportation occurrence pursuant to a request under subsection (2) of this section or not, the Bureau shall take into account the reasons set out in the request.
- (4) Where the Bureau decides not to undertake a transport safety investigation, the reason for such decision shall be disclosed and transmitted in writing to the Minister or the person who made the request under subsections (1) and (2) of this section.

Committee's Recommendation:

That the provision in Clause 41 be retained (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

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

Clause 42: Coordination of investigations and remedial actions

- (1) The Bureau shall have investigative priority over transportation occurrences involving civil aircrafts, rail vehicles, and marine occurrences.
- (2) Where:
 - (a) an investigation into an occurrence provided for in subsection (1) has been commenced by the relevant agency, the agency shall discontinue its investigation, to the extent that it is an investigation to determine the cause of the transport occurrence; and
 - (b) it is required, the Bureau shall authorize the participation of the relevant agencies in the investigation.
- (3) The Bureau may collaborate with the Marine Casualty Investigation Committee and the Nigerian Civil Aviation Authority to establish the cause of occurrences for the purpose of carrying out functions under this Bill.
- (4) Where in the course of an investigation, the Bureau determines that circumstances reasonably indicate that the occurrence may have been caused by an intentional criminal act, the Bureau shall relinquish investigative priority to the Nigeria Police.
- (5) The relinquishment of investigative priority by the Bureau under subsection (4) of this section shall not affect the authority of the Bureau to continue its safety investigation under this Bill.
- (6) Where an investigation into a transportation occurrence under this Bill is required, however an agency undertakes remedial measures with respect to that transportation occurrence, the Bureau and that agency shall take all reasonable measures to ensure that activities with respect to the transportation occurrence are coordinated to achieve the aims of the safety investigation.
- (7) Where conflicting interests arise between the Bureau and an agency of government as to coordination of activities pursuant to subsection (1) of this section, the requirements and interests of the Bureau and any agreement entered into pursuant to Regulations made under this Bill, shall take precedence to the extent of the conflict.
- (8) The Bureau shall take all reasonable measures to ensure that it follows the common investigation methodology, procedures and best practices in relation to the specific transportation occurrence as may be stipulated in this Bill or Regulations made pursuant to this Bill and it is in line with any relevant International Agreements or Conventions to which Nigeria is a party.

Committee's Recommendation:

That the provision in Clause 42 be retained (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

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

Clause 43: Restriction on investigations of transport safety matters

The Bureau shall not investigate any transportation occurrences relating to any military carrier without a written request from a relevant authority of the Nigerian Armed Forces.

Committee's Recommendation:

That the provision in Clause 43 be retained (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

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

Clause 44: Transport safety matters

(1) Transportation occurrences involving a transport vehicle is a transport safety matter, where -

- (a) the transport vehicle is destroyed;
- (b) the transport vehicle is damaged;
- (c) the transport vehicle is abandoned, disabled, stranded or missing in operation;
- (d) a person dies as a result of an occurrence associated with the operation of the transport vehicle;
- (e) a person is injured or incapacitated as a result of an occurrence associated with the operation of the transport vehicle;
- (f) property is damaged as a result of an occurrence associated with the operation of the transport vehicle;
- (g) the transport vehicle is involved in a near accident; or
- (h) the transport vehicle is involved in an occurrence that affected, or could have affected, the safety of the operation of the transport vehicle.

(2) For the purposes of this Act, a transport safety matter also includes something that occurred, affected, is affecting or might affect, transport safety.

Committee's Recommendation:

That the provision in Clause 44 be retained (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

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

Clause 45: Reports on investigations and findings

(1) The Bureau may, at any time before an investigation is completed, publish a preliminary report in relation to the safety investigation to the appropriate authority, including relevant stakeholders, where it considers that the publication of such report is necessary for prompt action.

- (2) The Bureau shall as soon as practicable after the completion of an investigation, through electronic channels and other channels publish the final report of the investigation and transmit same to the President and shall be made available to the National Assembly upon request.

Committee's Recommendation:

That the provision in Clause 45 be retained (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

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

Clause 46: Draft reports

- (1) The Bureau may provide a draft report on a confidential basis, to any person whom it considers necessary, for the purpose of:
- (a) allowing the person to make an inputs to the draft report; or
 - (b) give the person an advance notice of the report to be published.
- (2) Any person who receives a draft report under subsection (1) of this section, shall treat it with confidentiality and shall not:
- (a) copy or recopy the draft report;
 - (b) put the draft report in the public domain in any form whatsoever; or
 - (c) disclose to any person or the public the contents of the report.
- (3) Any person who contravenes the provisions of subsection (2) of this section commits an offence and shall be liable on conviction to a fine not exceeding ₦200,000.00 or to a term not exceeding 6 months imprisonment or both.
- (4) The provisions of subsection (2) of this section shall not apply to any copying done or disclosure made that is necessary for the purpose of preparing a review or providing input or submission to the draft report.
- (5) A person who receives a draft report under subsection (1) of this section shall not be required to disclose it in any proceedings in a court of law.

Committee's Recommendation:

That the provision in Clause 46 be retained (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

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

Clause 47: Admissibility of reports

- (1) Notwithstanding the provisions of the Evidence Act, No. 18 of 2011, the content of a safety investigation report made pursuant to the provisions of this Bill and regulations made thereunder, shall not be admissible in evidence as to form the basis of liability in any criminal or civil proceedings apart from Coronial Inquiry.

- (2) The opinion of an investigation team or an Investigator pursuant to subsection (1) of this section shall not be admissible in evidence in any legal, disciplinary or other proceedings, on the safety investigation report of a transportation occurrence.

Committee's Recommendation:

That the provision in Clause 47 be retained (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

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

PART VIII - POWERS OF INVESTIGATORS

Clause 48: Appointment of the Investigator-in-Charge (IIC):

- (1) The Director-General may for the purpose of carrying out investigation into transportation occurrences appoint an Investigator-in-Charge or such other person or persons as investigators for such transportation occurrence.
- (2) The Director-General shall carry out or cause an investigator appointed under subsection (1) of this section to carry out a transport safety investigation into a transportation occurrence which occur in any of the instances prescribed under section 2 of this Act.
- (3) A person appointed under this section as Investigator-in-Charge or investigator shall -
- (a) on display of appropriate credentials and authority, enter into any premises where he believes on reasonable grounds that a transportation occurrence has taken place, or there is, may be at the place, anything relevant to the conduct of an investigation or where wreckage from the occurrence is located and do anything necessary to conduct an investigation; and
- (b) during carrying out an investigation, have unhindered access to and control over all relevant materials or pieces of evidence, including on-board recorders, either in air, marine or rail traffic records related to a transport safety investigation under this Act.
- (4) An Investigator shall have unhindered access to the site of any transportation occurrence, premises, location, facility, the transport vehicle, its contents or wreckage, constituting the subject of a safety investigation contemplated by this Act.
- (5) A person who knowingly obstructs, impedes, or fails to make statement to any Investigator or persons acting under the authority of the NSIB in the exercise of its powers under this Act without reasonable cause commits an offence and shall be liable on conviction to a fine of not less than ₦500,000.00 or to a term of not less than 3 months imprisonment or to both.
- (6) The onus of proving reasonable cause referred to under subsection (5) of this section shall rest on the person relying on such defence.

- (7) For the purpose of this section, the NSIB shall -
- (a) ensure an immediate listing of evidence and controlled removal of debris, or components for examination or analysis;
 - (b) be granted access to and the use of any contents of the relevant on-board recorders and any other recordings;
 - (c) have unhindered access to any relevant information or records held by the owner, the operator or the manufacturer of the transport vehicle or from the authority responsible for the regulation of the vehicle operators and of the operators of the transportation facility;
 - (d) recover for accident victims, personal effects taken from the site of the occurrence;
 - (e) take photographs, video recordings, sound recordings, or other records of the premises or evidential material;
 - (f) be at liberty to hand over a witness to the relevant authority where sabotage is considered; and
 - (g) do all such other things as it may by regulations made pursuant to this Act be required to do in the exercise of its powers to investigate transportation occurrences.

Committee's Recommendation:

Leave out the provision in Clause 48 (Senator Smart Adeyemi — Kogi West) — Agreed to.

Clause 49: Powers of the Investigator to search without warrant.

- (1) Where an Investigator believes on reasonable grounds that there is, or there may be, anything relevant to the conduct of an investigation, at or in any place, the Investigator shall obtain a warrant may without warrant enter and conduct search in the place for any such object and seize such object as may be found in the course of the search.
- (2) An Investigator shall not exercise the powers under subsection (1) of this section in relation to a particular place without the consent of the person apparently in charge of that place unless by reason of extreme urgency, it would not be practicable for the Investigator to obtain a warrant.

Committee's Recommendation:

Leave out the provision in Clause 49 (Senator Smart Adeyemi — Kogi West) — Agreed to.

Clause 50: Powers of a court of competent jurisdiction to grant search warrant

- (1) Where a court of competent jurisdiction is satisfied by information on oath that an Investigator believes on reasonable grounds that there is, or there may be, at or in any place, anything relevant to the an investigation being carried out in respect to transportation occurrence, it may, upon an ex-parte application, issue a warrant authorising the Investigator to enter and search the place for any of such thing and to seize any of such thing as may be found in the course of that search.

- (2) In executing a warrant under this Act, an Investigator shall not use force unless the Investigator is accompanied by a law enforcement officer and the use of force is specifically authorised in the warrant.

Committee's Recommendation:

Leave out the provision in Clause 50 (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

Clause 51: Power to test things seized.

Where anything is seized by an Investigator under this Act, the Investigator

- (a) may, subject to paragraph (b) of this section, cause such tests to be conducted on the thing as are necessary for the purposes of the investigation in respect of which it was seized;
- (b) shall, to the extent that it is practical and safe to do so, so as not to unreasonably impede the progress of the investigation, take all reasonable measures to invite the owner of the subject matter of the transportation occurrence or any other person that appears to be entitled to it, to be present at any tests referred to in paragraph (a); and
- (c) shall, subject to the purpose of the search, cause the thing to be preserved pending its return in accordance with section 38 of this Act.

Committee's Recommendation:

Leave out the provision in Clause 51 (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

Clause 52: Powers to exclude persons from particular areas.

An Investigator may, for the purposes of preserving and protecting evidential material in a transportation occurrence may, prohibit or limit access to such evidential material and area immediately surrounding the place at which they are located for such period as may be necessary for the purposes of the investigation.

Committee's Recommendation:

Leave out the provision in Clause 52 (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

Clause 53: Disruption to be minimised.

In exercising the power conferred by section 33 of this Act, an Investigator shall have regard to the desirability of minimising any resulting disruption to transportation services.

Committee's Recommendation:

Leave out the provision in Clause 53 (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

Clause 54: Offence in respect of exclusion order.

- (1) A person shall not knowingly enter an area restricted or prohibited in contravention to section 33 of this Act.
- (2) Any person who contravenes the provisions of subsection (1) of this section commits an offence and shall be liable on conviction to a fine of not less than ₦100,000.00 or for a term of 1 month imprisonment or to both.

Committee's Recommendation:

Leave out the provision in Clause 54 (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

Clause 55: Power to stop and detain transport vehicles.

- (1) Where an Investigator believes on reasonable grounds, that there is an evidential material in or on a transport vehicle; and that there is the need to prevent the material from being removed from Nigeria or from being interfered with or to prevent its concealment, loss, deterioration or destruction, the Investigator may stop and detain the vehicle for the purpose of conducting search with reasonable force as may be necessary to preserve such evidential materials.
- (2) An Investigator shall not detain a vehicle pursuant to the provisions of subsection (1) of this section for longer than it is necessary for the reasonable exercise of its powers under this Act.

Committee's Recommendation:

Leave out the provision in Clause 55 (Senator Smart Adeyemi — Kogi West) — Agreed to.

Clause 56: Return of seized properties

- (1) Anything seized pursuant to the provisions of this Act, except on-board or any relevant recordings, shall be returned to the owner or the person from whom it was seized, as soon as possible after it has served the purpose for which it was seized unless -
 - (a) the owner thereof or a person who appears on reasonable grounds to be entitled thereto consents otherwise in writing; or
 - (b) a court of competent jurisdiction orders otherwise.
- (2) A person from whom anything was seized pursuant to this Act, except recordings or the owner or any other person who appears on reasonable grounds to be entitled thereto, may apply to a court of competent jurisdiction for an order that the seized thing be returned to the person making the application.
- (3) Where, on an application under subsection (2) of this section, the court is satisfied that the seized thing has served the purpose for which it was seized or should, in the interests of justice, be returned to the applicant, the court may grant the application and order the seized thing to be returned to the applicant, subject to any terms or conditions that may appear necessary or desirable to ensure that the thing is safeguarded and preserved for any purpose for which it may subsequently be required by NSIB.

Committee's Recommendation:

Leave out the provision in Clause 56 (Senator Smart Adeyemi — Kogi West) — Agreed to.

Clause 57: Power to order for toxicological examination

- (1) Where the Investigator is of the opinion that the medical examination of a person who is directly or indirectly involved in the operation of an aircraft, ship, rail vehicles or other motor vehicle, is or may be, relevant to the investigation, such person may by notice in writing signed by the Investigator, require the person to submit to a medical examination.

- (2) Where the Investigator is of the opinion that a physician or other health practitioner or organisation has information concerning a patient that is relevant to that investigation, he may by notice in writing, require the physician, health practitioner or organisation to provide that information to the Investigator.
- (3) Where the Investigator is of the opinion that the performance of an autopsy on the body of a deceased person or the carrying out of other medical examinations of human remains, is, or may be relevant to the conduct of an investigation, cause such an autopsy or medical examination to be performed and, for that purpose, may by notice in writing, request the person having custody of the body of the deceased person or other human remains to permit the performance of that autopsy or that medical examination.
- (4) A person shall not fail or refuse to provide information in accordance with a requirement imposed under subsection (2) of this section, by making the body of a deceased person or other human remains available for the performance of an autopsy or medical examination in accordance with a requirement imposed under subsection (3) of this section.
- (5) A person shall not fail or refuse to submit to a medical examination in accordance with the requirement imposed under subsection (1) of this section, provided that information obtained is pursuant to such an examination as privileged.
- (6) Subject to the power of the NSIB to make use of medical examination obtained under this section as it considers necessary in the interests of transportation safety, a person shall not -
 - (a) knowingly communicate medical examination report or permit it to be communicated to any third party; or
 - (b) be required to produce it or give evidence relating to it in any legal, disciplinary or other proceedings.
- (7) Where an Investigator requested a person to do something under subsections (1), (2) or (3) of this section and the person refused to do as requested, the Investigator may make an application to the court of competent jurisdiction setting out the facts, and the court may inquire into the matter and, after giving the person an opportunity to comply with the requirement, take steps for the punishment of the person as if the person had been guilty of contempt of the court, or may make such other order as it finds appropriate.

Committee's Recommendation:

Leave out the provision in Clause 57 (Senator Smart Adeyemi — Kogi West) — Agreed to.

Clause 58: Attendance before an investigator to answer questions etc.

- (1) Where an Investigator considers it necessary to request a person to attend and answer a question for the purposes of an investigation, may
 - (a) request the person to attend and answer such question relating to matters relevant to the investigation; or
 - (b) request the person to produce specified information or evidential material.

- (2) Subsection (1) of this section shall not apply in relation to the person who in his person or capacity as a coroner.
- (3) The requirement under subsection (1) of this section shall be by a notice in writing signed by the Director-General or his designate, specifying the time and place at which the person is required to appear before the Investigator or produce the evidential material specified in the notice.
- (4) When a person appears before an Investigator under subsection (1)(a) of this section, the Investigator may request that the questions be answered by way of an affirmation.
- (5) A person who appears before an Investigator in accordance with the requirement set under subsection (1)(a) or (b) of this section, may subject to the regulations made pursuant to this section, be entitled to be paid such travelling allowances as may be approved, from time to time, by the NSIB.
- (6) A person to whom a notice is given in accordance with this section, but fails or refused to attend and answer questions lawfully put to the person or to produce the specified information or evidential material in accordance with the requirement, commits an offence and shall be liable on conviction to a fine of not less than ₦500,000.00 or to a term of not less than 6 months imprisonment or to both.

Committee's Recommendation:

Leave out the provision in Clause 58 (Senator Smart Adeyemi — Kogi West) — Agreed to.

PART IX — REPORTING OF TRANSPORTATION OCCURRENCES

Clause 59: Notification and Reporting.

- (1) The NSIB shall subject to the approval of the Minister make regulations for the establishment and administration of standards for the mandatory or voluntary notification and reporting of transportation occurrences or such classes thereof as may be specified in the Regulations.
- (2) The NSIB may, subject to this section, make such use of any report made to it pursuant to regulations made under subsection (1) of this section as it considers necessary in the interests of transportation safety.
- (3) Regulations made under subsection (1) of this section shall include rules for the protection of the identity of person who report transportation occurrences.
- (4) Where the identity of a person who has made a report pursuant to Regulations made pursuant to this section, such person shall be protected by the Rules referred to in subsection (3) of this section as to information that could reasonably reveal the identity of the person, and a person shall not
 - (a) knowingly communicate it or permit it to be communicated to any person; or
 - (b) be required to produce it or give evidence relating to it in any legal, disciplinary or other proceedings.

- (5) Any report made to the NSIB under a voluntary reporting system established by regulations made under subsection (1) of this section shall not be used against the person who made the report in any legal, disciplinary or other proceedings if the person's identity is protected by rules referred to in subsection (3) of this section.

Committee's Recommendation:

Leave out the provision in Clause 59 (Senator Smart Adeyemi — Kogi West) — Agreed to.

PART VIII — PROTECTION OF ON-BOARD RECORDING AND RESTRICTED INFORMATION

Clause 60: On-Board recording and restricted information

- (1) Every on-board recording and restricted information are privileged.
- (2) Except as provided under this section, a person shall not:
 - (a) communicate an on-board recording, restricted information or permit it to be communicated to any person; or
 - (b) be required to produce an on-board recording, restricted information or give evidence relating to it in any legal, disciplinary or other proceedings.
- (3) Any on-board recording or restricted information that relates to an investigation under this Bill, shall be released to an investigator on request.
- (4) An investigator shall not communicate or permit to be communicated to any person any portion of an on-board recording or restricted information that is unrelated to the causes or contributory factors of the transportation occurrence under investigation or to the identification of safety deficiencies.
- (5) An Investigator may make available any on-board recording or restricted information obtained under this Bill to:
 - (a) a coroner who requests access thereto for the purpose of an investigation; or
 - (b) any person carrying out a coordinated investigation under section 27 of this Bill.
- (6) Notwithstanding the provisions of this section, where, in any proceedings before a competent authority, a request for the production and discovery of an on-board recording or restricted information is made, the competent authority shall:
 - (a) cause notice of the request to be given to the Bureau, if the Bureau is not a party to the proceedings;
 - (b) examine the on-board recording or restricted information in camera and give the Bureau a reasonable opportunity to make representations with respect thereto; and
 - (c) order the production and discovery of the on-board recording or restricted information, subject to such restrictions or conditions as the competent authority may deem appropriate.

- (7) The Bureau may refuse to make the on-board recording information, restricted information or any-part thereof available, to the coroner, if in his opinion such disclosure would likely interfere with any investigation into the transport safety matter to which the on-board recording or restricted information relates.
- (8) In this section, "on-board recording" means the whole or any part of:
- (a) a recording of voice communications, sound or images originating from, or received on, or in the control area of any transport vehicle; or
 - (b) a video recording or any recording of the activities of the operating personnel of an aircraft, ship, rail road or tracked vehicle or locomotive made, using recording equipment that is not intended to be controlled by the operating personnel in the control area of transport vehicle, which includes a transcript or substantial summary of such a recording.
- (9) In this section, "restricted information" means the whole of:
- (a) statements taken from a person by the Bureau in the course of safety investigation;
 - (b) communications between persons having been involved in transport vehicle;
 - (c) medical or private information regarding a person involved in the transportation safety occurrence;
 - (d) recordings and transcripts of recordings from sea, rail or traffic control unit; and
 - (e) analysis and opinions about information, including on board recorder information, made by the Bureau or other members of the safety investigation team.

Committee's Recommendation:

That the provision in Clause 60 be retained (*Senator Smart Adeyemi — Kogi-West*) — Agreed to.

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

Clause 61: Prohibition of the use of on-board recording or restricted information

- (1) Any person or organization is entitled to take any disciplinary action against its employee on the basis of an unauthorized use of on-board recording or restricted information.
- (2) Any information or item obtained as a direct or indirect result of the use of restricted information, is not admissible in evidence in criminal proceedings against a crew member, other than proceedings for an offence under this Bill.
- (3) Any person who makes a copy or a disclosure of an on-board recording or restricted information without authorization commits an offence and shall be liable on conviction to a fine not exceeding ₦1,000,000.00 or to a term of imprisonment not exceeding 1 year or to both.

Committee's Recommendation:

That the provision in Clause 61 be retained (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

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

PART XI - INFORMATION RELATING TO SAFETY INVESTIGATION**Clause 62: Power to Obtain Information.**

- (1) For the purpose of obtaining required information for the discharge of its functions under this Bill, any authorized officer of the Bureau may by notice in writing, request any person connected with a transportation occurrence to provide information relating to:
 - (a) voyages, flights or class of flights, journeys, as may be specified in the notice; and
 - (b) flight plans, journey logs, travel history, navigation instruments carried aboard an aircraft, ship, rail or vehicle, and any other information required for their safe navigation on air, rail, road, or water.
- (2) The notice under subsection (1) of this section may require any person to specify the times at which, the form and manner in which, any information required shall be made.
- (3) The Bureau may pursuant to the provisions of subsection (1) of this section request for any data base or information from any relevant authority or agency in furtherance of its obligations under this Bill.
- (4) Any person who deceives or makes false statement to an authorized officer during interview, commits an offence and shall be liable on conviction to a fine not exceeding ₦500,000.00 or to a term of imprisonment not exceeding 6 months or both.
- (5) In this section, "authorized officer" means the Director-General, or any other officer of the Bureau specifically or generally designated by the Director-General to carry out any of the functions of the Bureau under this Bill.

Committee's Recommendation:

That the provision in Clause 62 be retained (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

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

Clause 63: Refusal to give information

- (1) A person shall not conceal, refuse or fail to supply information to the NSIB or to appear before an Investigator for the purpose of carrying out an investigation under this Act.
- (2) Any person who conceals, refuses or fails to give information as required under this Act, commits an offence and shall be liable on conviction to a fine of not less than ₦500,000.00 or imprisonment to a term of not less than 6 months or to both.

- (3) Where the offender is a body corporate, it shall be liable on conviction to a fine of not less than ₦1,000,000.00.
- (4) Where any person knowingly makes a statement in any particular manner as aforesaid, which is false in any particular material, the person commits an offence and shall be liable on conviction to a fine of not less than ₦5,000,000.00

Committee's Recommendation:

Leave out the provision in Clause 63 (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

Clause 64: Confidentiality.

- (1) A member of the Board, Management, Director-General, officer, employee or other staff of the Bureau shall not divulge or use any information acquired in the exercise of their powers or functions under this Bill.
- (2) Any person who contravenes the provisions of subsection (1) of this section commits an offence and shall be liable on conviction to a fine not exceeding ₦2,000,000.00 or to a term imprisonment not exceeding 1 year or both.

Committee's Recommendation:

That the provision in Clause 64 be retained (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

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

Clause 65: Publication of information relating to transport safety investigation

Notwithstanding the provisions of section 45 of this Act, the Director-General may at any time publish, or cause to be published, information relating to a transport safety investigation whether or not such transportation occurrence is the subject of an investigation.

Committee's Recommendation:

Leave out the provision in Clause 65 (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

PART XII - FAMILY ASSISTANCE PROGRAMME

Clause 66: Coordination of family assistance providers

- (1) Where the Bureau is notified of a transportation occurrence within Nigeria involving an air, marine or rail occurrence, the magnitude of which results in major fatalities, the Bureau shall, as soon as practicable, designate officers to -
 - (a) be charged with coordinating the family support services, in line with the provisions of the regulations made pursuant to this Bill; and
 - (b) collaborate with counterparts from other government and non-governmental agencies performing similar functions.
- (2) Where the Bureau relinquishes its investigative powers under this Bill in respect of any transportation occurrence, it shall assist the body to which it has relinquished investigative power in assisting the coordination of family assistance program with respect to the occurrence to the maximum extent possible.

Committee's Recommendation:

That the provision in Clause 66 be retained (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

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

PART XIII - OFFENCES AND PENALTIES**Clause 67: Obstruction or hindering the investigation of a transportation occurrence**

- (1) A person shall not obstruct the investigation of any transportation occurrence by the Bureau.
- (2) Any person who contravenes the provision of subsection (1) of this section commits an offence and is liable on conviction:
 - (a) in the case of an individual, to a fine not exceeding ₦500,000.00 or to a term of imprisonment not exceeding 6 months or both; and
 - (b) in the case of body corporate, a fine not exceeding ₦1,000,000.00, and shall during the subsistence of the offence, be liable to an additional fine for each day the offence continues:
 - (i) in the case of a corporation, ₦100,000.00; and
 - (ii) in the case of a person acting in the capacity of an officer or representative of the organisation, where the offence was committed to ₦50,000.00 only.

Committee's Recommendation:

That the provision in Clause 67 be retained (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

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

Clause 68: Offences by body corporate

Where an offence under this Bill has been committed by a body corporate, and is proven to have been committed with the consent or connivance of, or attributable 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 of those capacities, the:

- (a) person, shall be liable on conviction to a fine not exceeding ₦500,000 or to a term of imprisonment not exceeding 6 months; and
- (b) body corporate shall be liable on conviction to a fine not exceeding ₦5,000,000.

Committee's Recommendation:

That the provision in Clause 68 be retained (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

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

Clause 69: Prevention of further violation of the provisions of this Act.

Where the NSIB is satisfied that any person is violating or is about to violate any of the provision of this Act, the NSIB may take action which in its opinion is necessary to prevent the violation or further violation of the provisions of this Act.

Committee's Recommendation:

Leave out the provision in Clause 69 (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

Clause 70: Legal representation

In any proceeding before a court of law or tribunal, the Attorney-General of the Federation or Law Officers in the Bureau shall represent the Bureau.

Committee's Recommendation:

That the provision in Clause 70 be retained (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

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

PART XIV - JURISDICTION**Clause 71: Jurisdiction**

- (1) The Federal High Court shall have jurisdiction to try matters under this Bill.
- (2) The Federal High Court shall have jurisdiction to impose any penalty provided for an offence under this Act or any other related law.
- (3) The penalty imposed on a person convicted of an offence referred to in sections 52 and 53 of this Bill may be reduced in such manner as the court may deem fit, where the person has, before any proceeding, made possible or facilitated the identification of other accused persons and their sponsors or who, after the commencement of the proceedings, has made possible or facilitated the arrest of such persons.
- (4) In any trial for an offence under this Act, the Court shall have power to adopt all legitimate measures that it may deem necessary to avoid unnecessary delays and abuse in the conduct of proceedings.

Committee's Recommendation:

That the provision in Clause 71 be retained (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

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

PART XV - LEGAL PROCEEDINGS**Clause 72: Limitation of suits against the Bureau**

- (1) Subject to the provisions of this Bill, the provisions of the Public Officers Protection Act, Cap P4, Laws of the Federation of Nigeria, 2004 shall apply in relation to any suit instituted against any officer or employee of the Bureau.
- (2) Notwithstanding any provision in any other law, no suit shall be brought against any member of the Board, the Director General or any other officer or employee of the Bureau for any act done in pursuance or execution of this Bill or any other law, or of any public duty or authority or in respect of any alleged neglect or default in the execution of this Bill or such law, duty or authority, shall lie or be instituted in any court unless:
 - (a) it is commenced within 3 months next after the act, neglect or default complained of; or

- (b) in the case of a continuation of damage or injury, within 6 months next after the ceasing thereof.
- (3) No suit shall be commenced against a member of the Board, the Director-General, officer or employee of the Bureau before the expiration of a period of one month, after written notice of intention to commence the suit has been served on the Bureau by the intending plaintiff or their agent.
- (4) The notice referred to in subsection (3) of this clause shall clearly and explicitly state the cause of action, the particulars of the claim, the name and place of abode of the intending plaintiff and the relief which he claims.

Committee's Recommendation:

That the provision in Clause 72 be retained (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

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

Clause 73: Restriction on execution of judgment against the Bureau

- (1) In any action or suit against the Bureau, no execution of judgment or attachment of process in the nature thereof shall be issued against the Bureau.
- (2) Any sum of money which may, by the judgment of any court, be awarded against the Bureau shall, subject to any direction given by the court where notice of appeal of the said judgment has been given, be paid from the general reserve fund of the Bureau.

Committee's Recommendation:

That the provision in Clause 73 be retained (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

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

Clause 74: Protection of officers, servants and agents of the NSIB

- (1) Subject to the provisions of this Act, the provisions of the Public Officers Protection Act shall apply in relation to any suit instituted against an officer or employee of the NSIB.
- (2) Notwithstanding anything contained in any other law, no suit shall lie against a member of the Board, or any other officer or employee of the NSIB for an act done in pursuance or execution of this Act or any other enactment, or of any public duty or authority in respect of any alleged neglect or default in the execution of this Act or any other enactment, duty or authority.

Committee's Recommendation:

Leave out the provision in Clause 74 (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

Clause 75: Indemnity of officers

A member of the Board, the Director-General, any officer or employee of the Bureau shall be indemnified out of the assets or funds of the Bureau against any proceeding, whether civil or criminal, in which judgment is given in favour of the person, or where the person is acquitted, if any such proceeding is brought against the person in their capacity as a member of the Board, the Director-General, officer or employee of the Bureau.

Committee's Recommendation:

That the provision in Clause 75 be retained (*Senator Smart Adeyemi — Kogi, West*) — Agreed to.

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

Clause 76: Service of Document

A notice, summons or other document required or authorized to be served upon the Bureau under the provisions of this Bill or any other law may be served by delivering it to the Director-General or by sending it by registered post and addressed to the Director-General at the principal office of the Bureau.

Committee's Recommendation:

That the provision in Clause 76 be retained (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

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

PART XVI — MISCELLANEOUS**Clause 77: Power of Minister to give Direction to the NSIB**

- (1) Notwithstanding any other provision of this Act, the Minister may after consultation with the Board of NSIB except in matters of transport safety investigation, give directives of a general character to the Management of the NSIB with regards to the performance of its duties or exercising its powers, as the case may be and it shall be the duty of the NSIB to comply with the directives.
- (2) The general directives shall not be inconsistent with the provisions of this Act, but relates to matters of policy in —
 - (a) the interest of national security;
 - (b) relation to any matter appearing to the Minister to affect the relations of Nigeria with a country or territory outside Nigeria;
 - (c) order to discharge or facilitate the discharge of any obligation binding on Nigeria by virtue of its being a member of an international organisation or a party to an international or regional agreement;
 - (d) order to obtain or facilitate the attainment of any other object of which is in his opinion appropriate in view of the fact that Nigeria is a member of an international organisation or a party to an international agreement;
 - (e) order to enable Nigeria become a member of an international organisation or a party to an international agreement; or
 - (f) order to prevent or deal with an act in pursuance of which will conflict with the requirements of any enactment or instrument relating to the NSIB except in time of war, whether actual or imminent, or of great national emergency of which those directives or requirements shall be disregarded.

Committee's Recommendation:

Leave out the provision in Clause 77 (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

Clause 78: Power to make regulations

The Bureau may with the approval of the Board, make such regulations as are necessary or expedient for giving full effect to the provisions of this Bill and for the due administration of its provisions.

Committee's Recommendation:

That the provision in Clause 78 be retained (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

Question that Clause 78 do stand part of the Bill, put and agreed to.

Clause 79: Power to establish staff housing scheme

The Bureau may with the approval of the Minister establish a staff housing scheme and issue guidelines for its management.

Committee's Recommendation:

That the provision in Clause 79 be retained (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

Question that Clause 79 do stand part of the Bill, put and agreed to.

Clause 80: Compulsory acquisition of Land

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

Committee's Recommendation:

That the provision in Clause 80 be retained (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

Question that Clause 80 do stand part of the Bill, put and agreed to.

Clause 81: International Treaties, Conventions or Agreements

The Bureau shall take necessary measures to give effect to any applicable international treaty, convention or agreement concerning any aspect of transport safety investigation to which Nigeria is a party.

Committee's Recommendation:

That the provision in Clause 81 be retained (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

Question that Clause 81 do stand part of the Bill, put and agreed to.

Clause 82: Transitional provisions

- (1) Notwithstanding anything to the contrary in this Bill, the employees and appointees of the Accident Investigation Bureau (in this section referred to as 'AIB') existing immediately before the commencement of this Bill is deemed to have been transferred to Bureau established under this Bill on terms and conditions not less favourable than those obtainable immediately before the commencement of this Bill and service in the AIB is deemed to be service in the Bureau, for the purposes of pension.

- (2) There shall be vested in the Bureau all assets, funds, resources, movable and immovable property which immediately before the commencement of this Bill were vested in the AIB.
- (3) All rights, interests, obligations and liabilities of the AIB under any contract, instrument, in law or in equity, shall by virtue of this Bill be assigned and vested in the Bureau established under this Bill.
- (4) Any proceeding or cause of action pending or existing immediately before the commencement of this Bill by or against the AIB existing immediately before the commencement of this Bill in respect of any right, interest, obligation or liability of the AIB may be continued, or as the case may require, be commenced and the determination of a court of law, tribunal or other authority or person may be enforced by or against the Bureau to the same extent that such cause of action or determination might have been continued, or enforced by or against the AIB as if this Bill had not been made.
- (5) Any regulation, Order, by-law or notice made or issued or deemed to be made or issued by, or for the purpose of, the AIB existing immediately before the commencement of this Act shall be deemed to have been made or issued by or for the purpose of the Bureau and shall continue in force until revoked or amended, subject to such modifications as may be applicable to the Bureau established hereunder.

Committee's Recommendation:

That the provision in Clause 82 be retained (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

Question that Clause 82 do stand part of the Bill, put and agreed to.

Clause 83: Interpretations

In this Bill unless, the context otherwise requires:

"Accident" means an investigable matter involving a transport vehicle where:

- (a) a person dies or suffers serious injury as a result of an occurrence associated with the operation of the transport vehicle;
- (b) the vehicle is destroyed or seriously damaged as a result of an occurrence associated with the operation of the transport vehicle; or
- (c) any property is destroyed or seriously damaged as a result of an occurrence associated with the operation of the transport vehicle;

"Administrative tribunal" means an independent judicial forum for the resolution of disputes arising between an individual, operator, or entity and any transportation regulatory authority or agency.

"AIB" means Accident Investigation Bureau established under section 29 of the Civil Aviation Act CAP C13 Laws of the Federation of Nigeria 2004;

"Aircraft occurrence" means any civil aircraft accident or serious incident as may be defined in the ICAO Annex 13 or any amendment(s) thereto;

"Authority" Means the Nigerian Civil Aviation

"Board" means the Governing Board established under section 6 of this Bill;

"Bureau" means the Nigerian Safety Investigation Bureau established under section 3 of this Bill;

"Causes" means actions, omissions, events, conditions, or a combination thereof, which led to the transportation occurrence. The identification of causes does not imply the assignment of fault or the determination of administrative, civil or criminal liability;

"Chairman" means Chairman of the Governing Board of the Bureau;

"Civil proceedings" means any proceedings before a court of competent jurisdiction in Nigeria other than criminal proceedings;

"Coroner" means any person empowered to hold inquests under the Coroners Law or any other related law;

"Coronial inquiry" means a coronial inquiry, coronial investigation or coronial inquest under the Nigerian law;

"Control Area" means:

- (a) the flight deck and recording systems of an aircraft;
- (b) the bridge or a control room of a ship; and
- (c) the cab of a locomotive;

"Director-General" means the Director General, Chief Executive and Accounting Officer of the Bureau appointed under section 11 of this Bill;

"Employee" means any person employed by the Bureau;

"Federation" means the Federal Republic of Nigeria;

"Fund" means the source of money that will be allocated to Bureau for its operations and maintenance;

"Government" includes the Government of the Federation or of any State or Local Government Council or any person who exercises power or authority on its behalf;

"Governor" means a Governor of any of the States of the Federal Republic of Nigeria;

"Incident" means an operational interruption, defect, fault or other irregular circumstance in a transportation vehicle that has or may have influenced or threatened transportation safety and that has not resulted in an accident;

"Him" includes both male and female;

"Information" includes a record regardless of form and a copy of a record;

"Insurance Provider" means any company lawfully authorized to provide financial protection against, damage, injury, death or any loss whatsoever as may be required;

"International Agreement, Convention or Treaty" means a treaty or agreement whose parties are:

"International agreement, convention or treaty" means a treaty or agreement whose parties are:

- (a) Nigeria and a foreign country; or
- (b) Nigeria and two or more foreign countries;

"Inspector of Railways" means the Inspector of Railways appointed under section 50 of the Nigerian Railway Corporation Act, CAP N129 Laws of the Federation of Nigeria, 2004.

"Investigation" means a process conducted for the purpose of preventing transportation occurrence which includes the gathering and analysis of information, the drawing of conclusions, including the determination of the cause or causes and, when appropriate, the making of safety recommendations;

"Investigator" means a person appointed as an Investigator of transportation occurrences by the Director-General of Bureau;

"Marine Casualty Investigation Committee" means the Committee established under section 49 of the Nigerian Maritime Administration and Safety Agency Act, 2007;

- (a) any marine accident, serious marine casualty and incident associated with the operation of a ship [excluding ships of war, or other ships not propelled by mechanical means, wooden ships of primitive build and pleasure yachts unless they are or will be crewed and carry more than 12 passengers for commercial purposes, and fixed offshore drilling units], which takes place between the time any person boards the ship, with the intention of sail until all such persons have disembarked, where a person is fatally or seriously injured, the ship sustains damage or structural failure or the ship is missing or is completely inaccessible; and
- (b) any situation or condition that the Board of the Bureau has reasonable grounds to believe could, if left unattended, induce an accident or incident described in paragraph (a) above;

"Minister" means the Federal Minister for the time responsible for aviation and to the extent of the authority given, any person authorised in that behalf by such Minister;

"NCAA" means the Nigerian Civil Aviation Authority;

"NIMASA" mean Nigerian Maritime Administration and Safety Agency;

"On-board recording" (OBR) includes:

- (a) the recording of sounds or images of persons in the control area of a transport vehicle;
- (b) the recording made in order to comply with a law in force in any country;
- (c) any part of the recording made at the time of the transportation occurrence of an immediately reportable matter that involved the transport vehicle; and

- (d) at least one of the following:
- (i) any part of the recording was made while the transport vehicle was on a constitutional journey, or was made incidentally to such a journey;
 - (ii) the recording was made in order to comply with Nigerian law;
 - (iii) at the time when the recording was made, the transport vehicle was owned or operated by a government agency in Nigeria;
 - (iv) the immediately reportable matter occurred when the transport vehicle was on a route ordinarily used by transport vehicles on constitutional journeys; or
 - (v) the immediately reportable matter also involved another transport vehicle that was on a constitutional journey, or was owned or operated by a government agency in Nigeria;

"Operator" means any person, body or undertaking operating or proposing to operate any of the transport vehicles;

"Premises" means an accident site or premises that it is necessary to enter in order to get to an accident site;

"Regulator" means the authority responsible for the regulation of the vehicle operator;

"Public Service" means the Public Service of the Federation;

"Report" means any report, safety action statements, safety recommendations, safety bulletin issued by the Bureau;

"Reportable matters" means an investigable transport safety matter that can be investigated by the Bureau under this Bill;

"Rail vehicle" means a vehicle that operates on railway (including a vehicle that does not have wheels);

"Railway" includes all branches, extensions, sidings, yards, stations, depots, wharfs, equipment, stores, signals, control systems, railway bridges, tunnels and other property, railway-related structures and facilities, and works connected therewith;

"Railway occurrence" means -

- (a) any accident or incident associated with the operation of rolling stock on a railway; and
- (b) any situation or condition that the Board has reasonable grounds to believe could, if left unattended, induce an accident or incident described in paragraph (a) above;

"Safety action statement" means a statement:

- (a) setting out any safety issues identified during the course of an investigation that should be addressed; or

- (b) setting out any steps taken by persons to remedy safety issues identified during the course of an investigation;

"Safety advisory notices/safety bulletins" means safety guidelines recommended by the Bureau;

"Safety recommendations" means any proposal by the Bureau conducting the technical investigation, based on information derived from that investigation, made with the intention of preventing transportation occurrences;

"Serious Incident" means an incident involving circumstances indicating that an accident nearly occurred;

"Site" in relation to transportation occurrence means any of the following sites associated with an accident:

- (a) a site containing the transport vehicle or any of its wreckage;
- (b) a site where there is an impact point associated with the accident; and
- (c) if the accident involved destruction or serious damage to property (other than the transport vehicle), a site containing that property or any of its wreckage; together with such area around the site as the Director-General determines to be reasonably necessary to facilitate the investigation of the accident and securing the site;

"State" means any of the States of the Federal Republic of Nigeria or a nation or territory considered as an organized political community under one government;

"Statement" means an official account, record and statement of evidence and fact given by a person to an Investigator(s) of the Bureau;

"Tracked vehicle" means a self-propelled vehicle that moves on tracks;

"Transport/Transportation" means the movement of human, animals, or goods from one location to another by use of transportation vehicle;

"Transportation occurrence" means an aviation, railway, marine or road occurrence;

"Transport safety matters" means the occurrences as listed in section 26 of this Act; and

"Vehicle" means any form of transportation that transports people, something or cargo, which includes aircraft, railed and tracked vehicles, motor vehicles, ships, buses, vans, lorries, trucks, trailers etc.

Committee's Recommendation:

That the provision in Clause 83 be retained (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

Question that Clause 83 do stand part of the Bill, put and agreed to.

Clause 84: Short Title

This Bill may be cited as the Nigerian Safety Investigation Bureau (Establishment, Etc.) Bill, 2022.

Committee's Recommendation:

That the provision in Clause 84 be retained (*Senator Smart Adeyemi — Kogi, West*) — Agreed to.

Question that Clause 84 do stand part of the Bill, put and agreed to.

SCHEDULE**SUPPLEMENTARY PROVISIONS RELATING TO THE GOVERNING BOARD**

[Sections 7(4) and 8 (2)(f)]

Proceedings of the Governing Board

1. Subject to this Act and section 27 of the Interpretation Act, the Board shall have power to regulate its proceedings and may make standing Orders, rules and terms with respect to the holding of its meetings, and those of its committees, notices to be given, the keeping of minutes of its proceedings, the custody and production for inspection of such minutes and such other matters as the Board may, from time to time determine.
2. Every meeting of the Board shall be presided over by the Chairman or his designate; and if the Chairman or his designate is unable to attend a particular meeting, the members present at the meeting shall elect one of them to preside at the meeting.
3. The minutes of the meeting shall be recorded by the Secretary and signed by the Chairman or the person who presided at the meeting, after confirmation by the Board.
4. A quorum at a meeting of the Board shall be one-third of the total number of members.

Convening of Meetings of the Board

5. The Board shall meet to transact its business pursuant to this Bill whenever it is summoned by the Chairman shall, and if so required by notice given to him by not less than four other members of the Board, specifying, amongst others, an agenda for the meeting, the Chairman shall summon a meeting of the Board that shall be held within fourteen days from the date on which the notice is given to him to discuss the items specified in the notice; provided that the Board shall for the purposes of this Bill meet not less than four times in each calendar year.
6. If the office of Chairman is at any time vacant, or the Chairman is absent from Nigeria or is in the opinion of the Board permanently or temporarily unable to perform the functions of his office, the Officer appointed to act in his stead shall convene such meetings of the Board as may be required during the period of vacancy, absence or otherwise.
7. The Board shall meet for the conduct of its business at such places and on such days as the Chairman may appoint.
8. A question put before the Board at a meeting shall be decided by consensus and where this is not possible, by a majority of the votes of the members present and voting.
9. The Chairman shall, in the case of an equality of votes, have a casting vote in addition to his deliberative vote.
10. Where the Board seeks the advice of any person on a particular matter, the Board may invite that person to attend for such period as it deems fit, but a person who is invited by virtue of this paragraph shall not be entitled to vote at any meeting of the Board and shall not count towards the quorum.

Committees

11. The Board may appoint one or more committees to carry out on its behalf such of its functions as the Board may determine and report on any matter with which the Board is concerned.
12. A committee appointed under paragraph 11 of this Schedule shall be presided over by a member of the Board and shall consist of such number of persons (not necessarily all members of the Board) as, may be determined by the Board.
13. A person who is not a member of the Board shall hold office on the committee in accordance with his letter of appointment.
14. A decision of a committee of the Board shall be of no effect until it is confirmed by the Board.

Seal of the Bureau

15. The fixing of the common seal of the NSIB shall be authenticated by the signature of the Chairman and the Secretary or any Member of the Board generally or specifically authorized by the Board to act for that purpose.
16. A contract or an instrument which, if made or executed by any person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the Board by the Chairman or by any person generally or specifically authorised to act for that purpose.
17. A document purporting to be a contract, an instrument or other document signed or sealed on behalf of the Board shall be received in evidence and, unless the contrary is proved, be presumed without further proof, to have been properly signed or sealed.
18. No member of the Board or a committee of the Board shall be personally liable for any act or omission done or made in good faith while engaged in the business of the Board.

Conflict of Interest

19. Subject to the provisions of this schedule, the Members of the Governing Board, Director-General, Directors, Members of the Management Staff, and other employees of the Bureau shall not while in office manage or operate any transportation enterprise involving transport vehicles applicable under this Bill.
20. Any of the persons specified in subsection (1) above having a financial interest in any transportation enterprise shall make full disclosure of such interest to the appropriate authorities.
21. Any of the persons mentioned in subsection (1) above is prohibited from participating in any action or decision that may, whether directly or indirectly; affect their financial interest(s) in any transportation enterprise contemplated under this Bill.
22. The members of the Governing Board, Director General and member of the management staff of Bureau and all other employees shall:
 - (1) not for his personal gain, make use of any information which has come to his knowledge in the exercise of his powers or is obtained by him in the ordinary course of the duty as Director General, Director, Investigator, officer or employee of the Bureau;
 - (2) treat as confidential any information which has come to his knowledge in the exercise of his powers or is obtained by him in the performance of his duties under this Bill; and (c) not disclose any information referred to under

paragraphs (a) and (b) of this subsection, except when required to do so by a court of competent jurisdiction or in such other circumstances as may be prescribed by the Management from time to time; and

- (3) not disclose any information referred to under paragraphs (a) and (b) of this subsection, except when required to do so by a court of competent jurisdiction or in such other circumstances as may be prescribed by the Management from time to time.

Question that provision of this Scheduled stand part of the Bill — *Agreed to.*

Chairman to report Bill.

(SENATE IN PLENARY)

The President of the Senate reported that the Senate in the Committee of the Whole Resumed consideration of the Report of the Committee on Aviation on A Bill for an Act to Provide for the Establishment of the Nigerian Safety Investigation Bureau; for the Regulation, Prevention and Effective Administration for Safety Investigation in Nigeria; and for Related Matters, 2022 and approved:

Clauses 21-84 — As Recommended

Schedule — As Recommended

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

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

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

11. Chartered Institute of Forensic and Fraud Examiners of Nigeria (Establishment, etc.) Bill, 2022 (HB. 1220) — Concurrence:

Motion made: That 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, 2022 be read the Second Time (*Senate Leader*).

Question put and agreed to.

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

Motion made: Pursuant to Rule 80(1), that the Senate do resolve into the Committee of the Whole to Consider 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, 2022.

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF 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, 2022

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

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.

Committee's Recommendation:

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

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

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) professionalize 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.

Committee's Recommendation:

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

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

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.Sp. or HND in relevant areas from recognized Institutions. Holders of degrees and 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 'ACCFE' 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 'CCFE' 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 FCCFE 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.

Committee's Recommendation:

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

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

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 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 offices 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.

Committee's Recommendation:

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

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

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) 6 members nominated by the Institute, 1 each from the 6 geopolitical 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
 - (j) one person each, not below the rank of a Director, to represent the Federal Ministry of:—
 - (i) Finance;
 - (ii) Justice;
 - (iii) Education; and
 - (iv) 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 member of the Council, and the matters mentioned in the Schedule.

Committee's Recommendation:

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

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

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 areas of forensic and fraud examiners Professions.
- (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.

Committee's Recommendation:

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

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

PART II — FINANCIAL PROVISIONS

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.

Committee's Recommendation:

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

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

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.

Committee's Recommendation:

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

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

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 at 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.

Committee's Recommendation:

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

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

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

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.

Committee's Recommendation:

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

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

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.

Committee's Recommendation:

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

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

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.

Committee's Recommendation:

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

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

PART IV — ESTABLISHMENT OF NIGERIAN COLLEGE OF FORENSICS AND FRAUD EXAMINERS**Clause 13: Establishment of college, 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 person 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.

Committee's Recommendation:

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

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

- Clause 14:**
- (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.

Committee's Recommendation:

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

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

PART V — PROFESSIONAL DISCIPLINE**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 cognisance 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.

Committee's Recommendation:

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

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

Clause 16: Penalties for unprofessional conduct.

- (1) Where —
 - (a) a member is judged by the Disciplinary Committee to be guilty of infamous conduct in any professional respect;
 - (b) a member is convicted, by any court or tribunal in Nigeria or elsewhere having power to award imprisonment, of an offence or (whether or not punishable with imprisonment which, in the opinion of the Disciplinary Committee, is incompatible with the status of a member of the profession or;

- (c) the Disciplinary Committee is satisfied that the name of any person has been fraudulently registered, the Disciplinary Committee may, if it deems fit, give a direction reprimanding that person or ordering the Registrar to strike his name off the relevant part of the register.
- (2) The Disciplinary Committee may, if it deems fit, defer its decisions as to the giving of a direction under subsection (1) of this section until a subsequent meeting of the Disciplinary Committee but no—
- (a) decision shall be referred under this subsection for a period exceeding 2 years on the aggregate; and
- (b) person shall be a member of the Disciplinary Committee for purposes of reaching a decision which has been deferred or further deferred, unless he was present as a member of the Disciplinary Committee when the decision was deferred.
- (3) For the purposes of subsection (1) (b) of this section, a person shall not be treated as convicted as therein mentioned unless the conviction stands at a time when no appeal or further appeal is pending or may (without extension or time) be brought in connection with the conviction.
- (4) When the Disciplinary Committee gives a direction under subsection (1) of this section, the Disciplinary Committee shall cause notice of the direction to be served on the person to whom it relates.
- (5) A person, whose name is struck off the register pursuant to a direction of the Disciplinary Committee under this section, is not entitled to be enrolled or registered again except in pursuance of a direction in that behalf given by the Disciplinary Committee on the application of the person.
- (6) Direction under this section for the removal of a person's name from the register may prohibit an application under this subsection by that person until the expiration of such period from the date of the direction (and where he has duly made such an application, from the date of his last application) as may be specified in the direction.

Committee's Recommendation:

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

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

PART VI — MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

Clause 17: 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.

Committee's Recommendation:

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

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

Clause 18: 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.

Committee's Recommendation:

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

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

Clause 19: 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 a member of the Institute, 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.

Committee's Recommendation:

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

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

Clause 20: 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.

Committee's Recommendation:

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

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

Clause 21: 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.

Committee's Recommendation:

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

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

Clause 22: Interpretation.

In this Bill—

"Institute" means Chartered Institute of Forensics and Certified Fraud Examiners established under section 1 (1) of this Bill;

"ACCrFA" means Associate Chartered Certified Forensic Accountant;

"ACCFE" means Associate Chartered Certified Fraud Examiner;

"CCrFA" means Chartered Certified Forensic Accountant;

"CCFE" means Chartered Certified Fraud Examiner;

"FCCrFA" means Fellow Chartered Certified Forensic Accountant;

"FCCFE" means Fellow Chartered Certified Fraud Examiner;

"College" means the Nigerian College of Forensics and Fraud Examiners as established under section 13 (1) of this Bill;

"Council" means the Council established as the governing body of the Institute under section 5 of this Bill;

"Diplomates" means a body of Professionals in different discipline referred to under section 6 (2) of this Bill;

"Disciplinary Committee" means the Chartered Institute of Forensics and Certified Fraud Examiners Disciplinary Committee establishment under section 15 (1) of this Bill;

"enrolled" means an enrolled fellow, full member, an associate member, and honorary fellows as the case may be;

"Fees" includes annual subscriptions;

"Investigating Panel" means the Chartered Institute of Forensics and Certified Fraud Examiners of Nigeria established under section 15 (3) of this Bill;

"Ministry" means the Ministry charged with the responsibility for matters relating to oversight of professional bodies;

"President and Vice-President" means respectively the officers or holders, under those names in the Institute;

"Profession" means recognized professional bodies; and

"Registrar" means the registrar appointed under section 10 (2) of this Bill.

Committee's Recommendation:

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

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

Clause 23: Citation.

This Bill may be cited as the Chartered Institute of Forensics and Certified Fraud Examiners of Nigeria (Establishment) Bill, 2022.

Committee's Recommendation:

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

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

Question that the Provision in the First Schedules 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 tacum, 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.

Question that the Provision in the Second Schedules 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. (.) 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.

Question that the Provision in the Third Schedules Stand Part of the Bill — Agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The President of the Senate reported that the Senate in the Committee of the Whole considered A Bill for an Act to Establish the 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, 2022 and approved as follows:

Clauses 1-23 — As Recommended

Schedules 1-3 — As Recommended

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

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

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

12. Nigerian Law Reform Commission Act (Repeal and Re-Enactment) Bill, 2022 (HB. 14) — Concurrence:

Motion made: That A Bill for an Act to Repeal the Nigerian Law Reform Commission Act, Cap. N118, Laws of the Federation of Nigeria, 2004 and Re-enact the Nigerian Law Reform Commission Act, 2019, to Facilitate the Effective Implementation of the Commission's Law Reform Proposals and Enhance its Performance and for Related Matters, 2022 be read the Second Time (Senate Leader).

Question put and agreed to.

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

Motion made: Pursuant to Rule 80(1), that the Senate do resolve into the Committee of the Whole to Consider A Bill for an Act to Repeal the Nigerian Law Reform Commission Act, Cap. N118, Laws of the Federation of Nigeria, 2004 and Re-enact the Nigerian Law Reform Commission Act, 2019, to Facilitate the Effective Implementation of the Commission's Law Reform Proposals and Enhance its Performance and for Related Matters, 2022.

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO REPEAL THE NIGERIAN LAW REFORM COMMISSION ACT, CAP. N118, LAWS OF THE FEDERATION OF NIGERIA, 2004 AND RE-ENACT THE NIGERIAN LAW REFORM COMMISSION ACT, 2019, TO FACILITATE THE EFFECTIVE IMPLEMENTATION OF THE COMMISSION'S LAW REFORM PROPOSALS AND ENHANCE ITS PERFORMANCE AND FOR RELATED MATTERS, 2022.

Clause 1: Establishment of the Commission.

- (1) There is established a Commission to be known as the Nigerian Law Reform Commission (in this Bill referred to as "the Commission").
- (2) The Commission shall be a body corporate with perpetual succession and a common seal and may hold, acquire and dispose of any property or interest in property, movable and immovable.

Committee's Recommendation:

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

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

Clause 2: Appointment, qualifications and tenure of office of members, etc.

- (1) (a) The members of the Commission shall be appointed by the President and shall consist of four full-time Commissioners, one of whom shall be designated as the Chairman, subject to confirmation of such appointment by the Senate.
- (b) The Chairman shall be the Chief Executive and Accounting Officer of the Commission.
- (2) The persons appointed to be full-time Commissioners under subsection (1) of this section shall (except as already provided therein) be persons appearing to the Senate to be suitably qualified:—
 - (a) by holding of a high judicial office;
 - (b) by experience as a legal practitioner of not less than fifteen years standing; or
 - (c) by being an eminent scholar in law.
- (3) A person who holds high judicial office may be appointed as a Commissioner without relinquishing that office, but shall not (unless otherwise provided by the terms of his appointment) be required to perform his duties as the holder of that office while he remains a

member of the Commission and such appointment shall not affect the tenure of that judicial office or the rank, title, status, precedence and (except where this is less than as prescribed in subsection (6) of this section) salary or allowances or other rights and privileges as the holder of that judicial office and, accordingly, the service as a member of the Commission shall be taken to be service as the holder of that judicial office.

- (4) Subject to subsection (5) of this section, a person appointed as a Commissioner shall hold office for five years and shall be eligible for reappointment for one further period of five years.
- (5) Subject to the provisions of subsection (4) of this section, a person holding the office to which this section applies may only be removed from that office by the President acting on an address supported by two-thirds majority of the Senate praying that he or she may be so removed for inability to discharge the functions of the office whether arising from infirmity of mind or body or any other cause or for misconduct.
- (6) There shall be paid to every Commissioner such salaries and allowances as the President may, from time to time, direct:—
Provided that the salary and allowances of the Chairman shall not be less than such as are paid to a Justice of the Supreme Court of Nigeria.
- (7) Except in the case of persons holding high judicial office, the Chairman and the full-time Commissioners shall not while holding office as Commissioners hold any other offices of emolument either in the public service or in any other service whatsoever.

Committee's Recommendation:

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

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

Clause 3: Proceedings.

- (1) The Commission shall have power to regulate its proceedings and may make standing orders for the purpose and, subject to any such standing orders and to subsection (2) of this section, may function notwithstanding:—
 - (a) any vacancy in its membership or the absence of any member;
 - (b) any defect in the appointment of a member; or
 - (c) that a person not entitled to do so took part in its proceedings.
- (2) The quorum at any meeting of the Commission shall be three Commissioners.
- (3) Where standing orders made under subsection (1) of this section provide for the Commission to co-opt persons who are not members of the Commission, such persons may attend meetings of the Commission and advise it on any matter referred to them by the Commission but shall not count towards a quorum and shall not be entitled to vote at any meeting of the Commission.

Committee's Recommendation:

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

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

Clause 4: Committees.

- (1) Subject to its standing orders, the Commission may appoint such number of standing and ad hoc committees as it thinks fit to consider and report on any matter with which the Commission is concerned.
- (2) Every committee set up under this section shall be presided over by a member of the Commission and shall be made up of such number of other persons (who need not be members of the Commission) as the Commission may determine in each case.
- (3) The quorum of any committee set up by the Commission shall be as may be determined by the Commission.

Committee's Recommendation:

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

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

Clause 5: Functions of the Commission.

- (1) Subject to the following provisions of this section, it shall be the duty of the Commission generally to research, take and keep under review all Federal laws with a view to their systematic and progressive development and reform in consonance with the prevailing norms of Nigerian society including, in particular, the codification of such laws, the elimination of anomalies, the repeal of obsolete, spent and unnecessary enactments, the reduction in number of separate enactments, the reform of procedural laws in consonance with changes in the machinery of the administration of justice and generally the simplification and modernisation of the law.
- (2) For the purposes of subsection (1) of this section, the Commission:—
 - (a) shall receive and consider any proposal for the reform of the law which may be made or referred to it by the Attorney-General of the Federation (in this Bill referred to as the "Attorney-General") or the National Assembly;
 - (b) may prepare on its own initiative and submit to the Attorney-General and the National Assembly, from time to time, programme for the examination of different branches of the law with a view to reform;
 - (c) shall undertake, pursuant to any recommendation approved by the "Attorney-General" or the National Assembly the examination of particular branches of the law and the formulation, by means of draft legislation or otherwise, of proposal for reform therein;
 - (d) shall prepare, from time to time, at the request of the Attorney-General or the National Assembly, comprehensive programmes of consolidation and statute law revision and undertake, the preparation of draft legislation pursuant to any such programme approved by the Attorney-General or the National Assembly;

- (e) may provide advice and information to Federal Government departments and other authorities or bodies concerned, at the instance of the Federal Government, with proposals for the reform or amendment of any branch of the law; and
 - (f) may provide training on law reform and other related matters for a fee.
- (3) The Attorney-General or the National Assembly may:—
- (a) modify the terms of a reference; and
 - (b) give directions to the Commission as to the order in which it is to deal with references.
- (4) Every Federal Ministry, Department or Agency shall notify and may collaborate with the Commission in its law reform exercises.
- (5) For the purpose of the efficient performance of its functions under this Bill, the Commission shall:—
- (a) engage in research into any branch of law or related subject; and
 - (b) where appropriate obtain such information as to the legal systems of other countries.
- (6) The Commission may conduct such seminars and, where appropriate, hold such public sittings concerning any programme for law reform as it may consider necessary from time to time and may carry out public enlightenment programmes on law reform activities.
- (7) (a) Where the Attorney-General refers or approves a programme to the Commission, the Attorney-General shall lay before the Federal Executive Council any report prepared by the Commission pursuant to such programme, and after expiration of 3 months from the date of submission of the Commission's report to the Attorney-General, the Commission shall forward same to the National Assembly.
- (b) Where any authority, body or person refers a programme to the Commission, the Commission shall forward to that authority, body or person any report of proposals for reform formulated by the Commission pursuant to such programme.
- (8) Notwithstanding the foregoing provisions, the Commission shall be autonomous in its day-to-day operations.
- (9) For the purposes of subsection (1) of this section "Federal laws" means all laws within the legislative competence of the Government of the Federation and includes all received laws and rules of law in force in the Federation and having effect as if enacted by the Federal legislature and all procedural laws and all subsidiary instruments made under or pursuant to any such law.

Committee's Recommendation:

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

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

Clause 6: Interim reports.

Where the Attorney-General or the National Assembly has referred a matter to the Commission:—

- (a) the Commission may, at any time before making its report in pursuance of the reference, make an interim report on its work under such reference; and
- (b) the Attorney General or the National Assembly may, at any time before the commission makes its report in pursuance of the references, direct the Commission to make an interim report on its work under such reference.

Committee's Recommendation:

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

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

Clause 7: References by States.

- (1) Notwithstanding section 5 (1) of this Bill, the Commission shall have powers to consider proposal for reform of State laws from any state, group of states or all the states in the Federation and submit report thereon to the appropriate Attorney-General or Attorney's-General and the State House of Assembly or the States Houses of Assembly.
- (2) The Commission may from time to time, whether pursuant to subsection (1) of this section or on its own initiative, consider or put forward proposal for the consideration of the States' Attorneys-General and the States' Houses of Assembly, or such number of them as may be appropriate in the circumstances, for uniformity between laws of the States or, as the case may require, the groups of State concerned.
- (3) The expenses involved in any references pursuant to subsection (1) of this section shall be borne by the Governments of the State concerned or, as the case may be, the Governments of the States concerned.
- (4) The provisions of sections 5 and 6 of this Bill shall apply with all necessary modifications to any reference made under this section, and accordingly, reference therein to the Attorney-General of a State or the State House of Assembly or reference to the President shall be read as if they were reference to Governor of a State.
- (5) In this section, "State laws" includes any law which is not a Federal law as defined in section 5 (9) of this Bill.

Committee's Recommendation:

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

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

Clause 8: Secretary and other staff of the Commission.

- (1) There shall be appointed for the Commission by the President, on the recommendation of the Attorney-General; a Secretary who shall:—

- (a) be a legal practitioner of not less than 15 years post call cognate experience and of proven integrity;
 - (b) hold office:—
 - (i) for a period of five years in the first instance and may be re-appointed for one further period of five years and no more; and
 - (ii) on such terms and conditions as may be specified in his letter of appointment;
 - (c) assist the Chairman in ensuring that all the rules and regulations relating to the management of the human, material and financial resources of the Commission are adhered to in accordance with the objectives of the Federal Government; and
 - (d) carry out such other duties as may be directed, from time to time, by the Commission.
- (2) The Commission may appoint such number of other persons to be employees of the Commission as it may deem fit.
- (3) The remuneration of the employees of the Commission shall be determined by the Commission after consultation with the National Salaries, Incomes and Wages Commission.

Committee's Recommendation:

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

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

Clause 9: Service in the Commission to be pensionable, etc.

- (1) Subject to subsection (3) of this section, persons employed in the Commission shall in respect of their service in the Commission be entitled to pensions, gratuities and other retirement benefits as prescribed under the Pensions Act in respect of persons holding equivalent posts; and accordingly, notwithstanding the provisions of the Pensions Act, it is hereby declared that service in the Commission shall be approved service for the purposes of that Act.
- (2) It is hereby declared for the avoidance of doubt that references in this section to persons employed in the Commission do not include references to full-time Commissioners holding high judicial office in respect of whom other provisions relating to pensions, gratuities and other retirement benefits are in force.
- (3) Nothing in this section shall prevent the appointment of a person to any office in the Commission on terms and conditions which preclude the grant of a pension or gratuity in respect of service in that office.

Committee's Recommendation:

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

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

Clause 10: Establishment of Fund by the Commission.

- (1) The Commission shall establish and maintain a Fund which shall be applied towards the discharge of its functions under this Bill.
- (2) There shall be paid and credited to the Fund so established pursuant to subsection (1) of this section:—
 - (a) such sums as may be provided by the Government of the Federation for the Commission;
 - (b) any fees or money charged for services rendered by the Commission or for its publications;
 - (c) donations from the Federal Capital Territory, States, Local Government, Public Agencies, Companies and Individuals;
 - (d) all other sums accruing to the Commission by way of gifts, testamentary depositions, endowments and contributions from philanthropic persons and organisation or otherwise however.
- (3) The Commission shall defray from the fund established pursuant to subsection (1) of this section all the amounts payable under or in pursuance of this Bill being sums representing:—
 - (a) amounts payable to the Chairman and other members of the Commission (including allowances);
 - (b) costs of employment of staff of the Commission;
 - (c) amounts payable as pensions, gratuities and other retirement benefits under or pursuant to this Bill or any other enactment;
 - (d) costs of acquisition and upkeep of premises belonging to the Commission and any other capital expenditure of the Commission;
 - (e) any other payment for anything incidental to the foregoing provisions or in connection with or incidental to any other function of the Commission under or pursuant to this Bill.

Committee's Recommendation:

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

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

Clause 11: Power to accept gifts.

- (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 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.

Committee's Recommendation:

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

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

Clause 12: Accounts and audit.

- (1) The Commission shall in each financial year prepare estimates of each recurrent and capital expenditure and when approved by the Commission, the estimates shall be forwarded to the National Assembly for approval.
- (2) The Commission shall keep proper accounts and proper records in relation thereto.
- (3) The accounts of the Commission shall be audited by an auditor appointed annually from the list of auditors and in accordance with the guidelines supplied by the Auditor-General for the Federation on such terms as the Commission may, with the approval of the Minister of Finance determine.

Committee's Recommendation:

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

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

Clause 13: Annual report.

- (1) In addition to any other report prescribed under this Bill, the Commission shall prepare and submit to the President through the Attorney-General and to the National Assembly, not later than the 30th of June in each financial year, a report on the activities of the Commission during the immediate preceding year, and shall include in such report a copy of the audited accounts of the Commission for that year and the Auditor's report thereon.
- (2) The Commission may, from time to time, publish general reports on its activities for sale to members of the public.

Committee's Recommendation:

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

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

Clause 14: The Commission may make regulations generally for the purposes of carrying out or giving full effect to the provisions of this Bill.

Committee's Recommendation:

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

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

Clause 15: Savings, repeal, etc.

- (1) The Nigerian Law Reform Commission Act Cap. N118 Laws of the Federation of Nigeria, 2004 is repealed.
- (2) The repeal of the Act specified in subsection (1) of this section, shall not affect anything done under or pursuant to the Bill.

Committee's Recommendation:

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

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

Clause 16: Interpretation.

In this Bill:—

"Chairman" means the Chairman of the Commission;

"Commission" means the Nigerian Law Reform Commission established under section 1 of this Bill;

"high judicial office" means any judicial office not below the rank of Justice of the Court of Appeal;

"member" means any member of the Commission and includes the Chairman.

Committee's Recommendation:

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

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

Clause 17: Citation.

This Bill may be cited as the Nigerian Law Reform Commission Act (Repeal and Re-Enactment) Bill, 2022.

Committee's Recommendation:

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

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

Chairman to report Bill.

(SENATE IN PLENARY)

The President of the Senate reported that the Senate in the Committee of the Whole considered A Bill for an Act to Repeal the Nigerian Law Reform Commission Act, Cap. N118, Laws of the Federation of Nigeria, 2004 and Re-enact the Nigerian Law Reform Commission Act, 2019, to Facilitate the Effective Implementation of the Commission's Law Reform Proposals and Enhance its Performance and for Related Matters, 2022 and approved as follows:

Clauses 1-17 — As Recommended

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

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

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

13. National Orientation Agency Act (Amendment) Bill, 2022 (HB. 12) — Concurrence:

Motion made: That A Bill for an Act to Amend the National Orientation Agency Act, Cap. N46, Laws of the Federation of Nigeria, 2004 to Provide for an Operational Framework for the Global Initiative for Harmony Corps in Order to Promote Inter-ethnic Integration, Mediation, Peace-building, Mutual Understanding, Patriotism, for Peaceful Co-existence and for Related Matters, 2022 be read the Second Time (*Senate Leader*).

Question put and agreed to.

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

Motion made: Pursuant to Rule 80(1), that the Senate do resolve into the Committee of the Whole to Consider A Bill for an Act to Amend the National Orientation Agency Act, Cap. N46, Laws of the Federation of Nigeria, 2004 to Provide for an Operational Framework for the Global Initiative for Harmony Corps in Order to Promote Inter-ethnic Integration, Mediation, Peace-building, Mutual Understanding, Patriotism, for Peaceful Co-existence and for Related Matters, 2022.

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO AMEND THE NATIONAL ORIENTATION AGENCY ACT, CAP. N46, LAWS OF THE FEDERATION OF NIGERIA, 2004 TO PROVIDE FOR AN OPERATIONAL FRAMEWORK FOR THE GLOBAL INITIATIVE FOR HARMONY CORPS IN ORDER TO PROMOTE INTER-ETHNIC INTEGRATION, MEDIATION, PEACE-BUILDING, MUTUAL UNDERSTANDING, PATRIOTISM, FOR PEACEFUL CO-EXISTENCE AND FOR RELATED MATTERS, 2021.

Clause 1: Amendment of the National Orientation Agency Act, Cap. N100, LFN, 2004.

1. The National Orientation Agency Act, Cap. N46, Laws of the Federation of Nigeria, 2004 (in this Bill referred to as "the Principal Act") is amended as set under this Bill.

Committee's Recommendation:

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

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

Clause 2: Insertion of new sections 11A - 11W

The Principal Act is amended by inserting after section 11, new sections "11A" - 11W":

Committee's Recommendation:

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

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

Clause 3: Establishment of the global initiative for harmony corps of Nigeria.

- 11A. (1) There is established the Global Initiative for Harmony Corps, Nigeria (in this Bill referred to as "the Harmony Corps"), which shall be under the supervision of the Director-General of the Agency;
- (2) The Harmony Corps shall be headed by a General Coordinator who shall report to the Director-General of the Agency.

Committee's Recommendation:

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

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

Clause 4: Objectives of the harmony corps.

11B The objectives of the Harmony Corps are to:—

- (a) — cooperate with the Federal, State and Local government in the eradication of anti-social behaviours of the youth, such as street trading/hawking; urinating along streets across the nation, cultism, prostitution, examination malpractices and drug abuse;
- (b) spread the virtues of Universal Basic Education (UBE) by ensuring that children remain in their Schools during school hours;
- (c) participate in conflict resolution and promote total harmony, unity and tolerance among our communities;
- (d) highlight the need for peaceful co-existence among Nigerians irrespective of tribe or religion;
- (e) promote mutual understanding, teach and indoctrinate the youths into accepting Nigeria as one nation of one people destined to live together as one family;
- (f) promote peace activities and dialogue through publications, including books, newspapers, magazines and journals and through television and radio programmes, etc.;
- (g) embark on supportive intelligent assignment for small and large scale industries in order to checkmate the issuance of fake receipts by unscrupulous persons;
- (h) assist the relevant agencies of government to ensure compliance with tax payment laws by individuals and corporate entities in Nigeria;
- (i) promote Partnership, Education and Peace-Building in all the sectors of national development; and
- (j) ensure that the proper National Flag is hoisted in all public offices, government establishments, public and private schools nationwide.

Committee's Recommendation:

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

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

Clause 5: Office of the harmony corps general coordinator.

- 11C. (1) There shall be the Office of the Harmony Corps General Coordinator, who shall be —
- (a) the Chief Executive Officer of the Corps; and
 - (b) shall be a person possessing sound knowledge of the Initiative's mission and administration of matters relating to the advancement of unity, peace and harmony in Nigeria.

- (2) The President shall, on the recommendation of the Board, appoint the General Coordinator who shall:—
- (a) exercise general supervision and control over members of the Harmony Corps, the Zonal and State Harmony Corps, and the other staff of the Harmony Corps;
 - (b) direct the activities of the Harmony Corps, including training and education, workshop, public awareness campaign to be carried out by the members of the Harmony Corps;
 - (c) manage the financial affairs of the Harmony Corps; and
 - (d) be free to deploy the human and material resources of the Harmony Corps in accordance with this Bill, in order to achieve results and ensure the attainment of the objects of this Bill.
- (3) The Harmony Corps General Coordinator is vested with the power to delegate functions to any capable Senior Officer, in the ranks of Harmony Corps Deputy General Coordinator, Harmony Corps Assistant General Coordinator, Harmony Corps State Coordinators, Harmony Corps State Deputy Coordinators, Harmony Corps State Assistant Coordinators, Harmony Corps Chief Superintendent, Harmony Corps Deputy Superintendent, Harmony Corps Assistant Superintendent (I) and Harmony Corps Assistant Superintendent (II) to perform such functions on behalf of the General Coordinator anywhere within the Federation.
- (4) The Office of the Harmony Corps General Coordinator shall be assisted by other appointed Staff Officers/Personnel and ensure effective, efficient and smooth running of the day to day administration and operation of the Harmony Corps.
- (5) The Harmony Corps General Coordinator shall be answerable to the Director-General and Commander-in-Chief of the Armed Forces, Federal Republic of Nigeria.

Committee's Recommendation:

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

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

Clause 6: Harmony corps deputy general coordinator (HCDGC).

- 11D. (1) There shall be three (3) Harmony Corps Deputy General Coordinators shall be in Charge of the various Directorates and Departments of the Harmony Corps, as may be determined from time to time.
- (2) All Harmony Corps Deputy General Coordinators shall be appointed by the Harmony Corps General Coordinator on the advice of the Board of Trustees.

- (3) A Deputy General Coordinator appointed—shall exercise powers as may be delegated/assigned to him/her only within the Directorate or Department of the Corps.
- (4) All Harmony Corps Deputy-General Coordinators shall be assisted by other appointed staff or officers.

Committee's Recommendation:

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

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

Clause 7: Harmony corps assistant general coordinator (HCAGC).

- 11E. (1) There shall be Harmony Corps Assistant General Coordinators who shall hold appointment under the Office of each Harmony Corps Deputy General Coordinator, Directorate or Department in each Zonal Command as may be demarcated under this Bill and the Harmony Corps Assistant General Coordinator shall be the officer in charge of the Zone.
- (2) The Assistant General Coordinator shall be appointed by the Harmony Corps General Coordinator on the advice of the Board of Trustees.
 - (3) Any Harmony Corps Assistant General Coordinator appointed under the Office of Harmony Corps General Coordinator or at the National Headquarters, shall exercise powers as may be assigned to him within the Directorate or Department under the Office of the Harmony Corps Deputy General Coordinator or any other Special assignment that he may be called to perform.
 - (4) Any Zonal Harmony Corps Assistant General Coordinator appointed to Head the Zonal Commands, shall exercise powers as may be delegated or assigned to him only within the designated and specified area of jurisdiction.
 - (5) All Harmony Corps Assistant General Coordinators shall be assisted by other staff and officers.

Committee's Recommendation:

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

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

Clause 8: Harmony corps state coordinators (HCSC).

- 11F. (1) There shall be in each State of the Federation and, the Federal Capital Territory (FCT), the Office of the Harmony Corps State Coordinator as the Chief Executive Officer of the State or FCT Command.
- (2) The Harmony Corps State Coordinators shall be appointed by the General Coordinator on the advice and approval of the Board of Trustees.

- (3) A Harmony Corps State Coordinator appointed, shall exercise powers as may be assigned to him by the General-Coordinator only within that State.
- (4) The Harmony Corps State Coordinator shall be assisted by other appointed staff, officers or Personnel to ensure effective, efficient and smooth running of the administration and policy or mandate of the Harmony Corps in the State of appointment.
- (5) The Harmony Corps State Coordinator is vested with the power to delegate functions to any capable staff or officer in the ranks of Harmony Corps Deputy Coordinator, Harmony Corps Assistant Coordinator, Harmony Corps Chief Superintendent, Harmony Corps Deputy Superintendent and Harmony Corps Assistant Superintendent to perform such functions on behalf of the Harmony Corps State Coordinator within the State of appointment.
- (6) The Harmony Corps State Coordinator shall be answerable to the Harmony Corps General Coordinator.

Committee's Recommendation:

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

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

Clause 9: Harmony corps chief superintendent (HCCS).

- 11G. (1) There shall be the position of the Harmony Corps Chief Superintendent who shall oversee designated and specified area of jurisdiction, referred to as Area Command.
- (2) The Harmony Corps Chief Superintendent shall be appointed by the Harmony Corps State Coordinator on the approval of the Zonal Coordinator to perform delegated functions on behalf of the Harmony Corps State Coordinator.
 - (3) The Harmony Corps Chief Superintendent shall be answerable to the Harmony Corps State Coordinator.
 - (4) The Harmony Corps Chief Superintendent shall be assisted by staff and officers of the Harmony Corps.

Committee's Recommendation:

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

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

Clause 10: Harmony corps deputy superintendent (HCDS).

- 11H. (1) There shall be the position of the Harmony Corps Deputy Superintendent who shall be the administrative head of each designated and specified area of jurisdiction referred to as Division.

- (2) The Harmony Corps Deputy Superintendent Officers shall be appointed by the Harmony Corps State Coordinators on the approval of the Zonal Coordinator to perform functions within the area of jurisdiction on behalf of the Harmony Corps State Coordinator.
- (3) The Harmony Corps Deputy Superintendent shall be assisted by staff, officers or personnel of the Harmony Corps.

Committee's Recommendation:

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

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

Clause 11: Approved terms and conditions of service.

- 11I. (1) The Principal Officers of the Harmony Corps shall, in the performance of their functions be governed by the approved terms and conditions of service provided that, any exercise of such powers prior to the approval and application of the conditions of service, shall be governed by the Standing Orders of the Harmony Corps.
- (2) Subject to the provision of this Bill, a person may be recruited into the Harmony Corps if he—
- (a) is not less than eighteen 18 or not more than 25 years of age;
 - (b) is in possession of a minimum Certificate of Education and/or qualification of a Secondary School Certificate or its equivalent and above;
 - (c) is not less than 167.64 centimeters and 162.56 centimeters tall for men and women, respectively;
 - (d) in the case of men, has not less than 86.36 centimeters chest measurement when fully expanded;
 - (e) is of good character and is physically fit; and
 - (f) has signified in writing, his willingness to serve as a member of the Harmony Corps.
- (3) Every member of the Harmony Corps, if posted, shall be liable to serve in any State of the Federation.
- (4) Every member of the Harmony Corps shall upon recruitment, be trained for a period of six months or a specified number of additional months for professional training or course (for Professionals only) and thereafter be issued a Certificate of Appointment by the Harmony Corps General Coordinator.
- (5) Every member of the Harmony Corps recruited under this Bill shall serve for a period of 35 years or is 60 years of age, whichever comes first, except where duly disengaged in accordance with the provisions of this Bill.

Committee's Recommendation:

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

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

Clause 12: Powers, privileges and immunities of the corps.

- 11L. A member of the Harmony Corps recruited under this Bill, shall, when on duty and in uniform, have the powers, privileges and immunities of a Harmony Corps officer protected by law under any law in Nigeria relating to universal peace.

Committee's Recommendation:

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

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

Clause 13: Functions and powers of the corps.

11K. The Harmony Corps shall be the responsibility for:—

- (a) promoting inter-ethnic integration, cohesion, mutual understanding, patriotism and solidarity among Nigerians at home and in Diaspora, despite their tribal or ethnic differences;
- (b) advocating and inculcating among Nigerian citizens, true spirit of nationalism, love and respect for the Nigerian constitution, transparency, loyalty and faithfulness to the government of the Federal Republic of Nigeria at all times;
- (c) engendering and maintaining brotherliness, peaceful co-existence and communal peace among Nigerians at home and in Diaspora;
- (d) controlling intra-city road traffic and removal of all perceived obstructions blockades or obstacles that may create hold up and congestion on the road;
- (e) assisting appropriate Ministries, Departments and Agencies of government or organizations in handling environmental challenges, management, protection and conservation of Nigeria's ecosystem and the natural resources;
- (f) supporting relevant agencies of government in public enlightenment programmes and educate Nigerians on the importance of immunizations, sanitation, election and electioneering programmes;
- (g) promoting self-reliance, safety and security of Nigerians and upholding the principles of fairness, fundamental human rights and equal justice;
- (h) organising programmes, including, regular conferences, organized fora, symposia, workshops, educational programmes on cultural values and peace, sense of unity and social integration, peace building, mediation, conflict resolution for national integration and development;

- (i) liaising with the traditional institutions to promote the concept of cultural values, societal integration, religious harmony and national unity;
- (j) imparting the attributes of social justice on Nigerians and actively support all efforts that seek to promote and advance peace-building, thereby fostering a culture of national unity, peace and security, obedience to constituted authorities, imbibing the culture of religious tolerance and peaceful co-existence in Nigeria;
- (k) assisting pedestrians to cross major roads safely and encourage Pedestrians to use the foot pedestrians bridges, where available;
- (l) assisting the law enforcement agencies in protecting lives, properties and road infrastructures round the cities and urban towns from intentional damage by aggrieved individuals and groups; and
- (m) undertaking such other activities as may be directed by the government and the Ministry.

Committee's Recommendation:

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

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

Clause 14: Establishment of administrative and operations departments.

- 11L. (1) In order to facilitate the proper performance of the functions and the exercise of the powers conferred on the Harmony Corps by this Bill, there shall be established for the Corps, the following administrative and operations departments:—
- (a) the Department of Zonal and State Coordination;
 - (b) the Inter-Faith Harmony, Peace and Security Department;
 - (c) the Department of Human Resources;
 - (d) the Department of Finance and Administration;
 - (e) the Department of Procurement and Supply;
 - (f) the Legal and Corporate Services Department;
 - (g) the Department of Training and Operations;
 - (h) the Department of Community Relations and Social Responsibility; and
 - (i) the Department of Cultural, Inter-Religious and Traditional Matters.

- (2) The composition, duties and powers of the administrative and operations departments, established under subsection (1), shall be as may be determined by the Harmony Corps General Coordinator, subject to the approval of the Baard.

Committee's Recommendation:

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

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

Clause 15: Appointments, recruitment, etc. of officers and other ranks of the corps.

- 11M. (1) The Board is responsible for drawing up programmes for the recruitment and training of members of the Harmony Corps in order to enhance their knowledge, diligence and efficiency in the performance of their functions under this Bill.
- (2) Members of the Harmony Corps recruited in accordance with the provision of subsection (1), shall bear such insignia as may be assigned to them by the Baard, and without prejudice to this subsection, the ranks and insignia for members of the Harmony Corps for the time being, shall be as specified in the Second Schedule to this Bill.
- (3) The qualification for appointment and recruitment of the officers and other members of the Harmony Corps and the procedure for their promotion to various ranks, shall be in accordance with the rules made by the Baard for that purpose.

Committee's Recommendation:

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

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

Clause 16: Accouterments, immunity, and protection of members of the harmony corps.

- 11N. The Harmony Corps shall provide for every serving member, such accouterments as it may consider necessary, for the proper performance of the functions conferred under this Bill, and without prejudice to the provisions of this section, such accouterments shall include uniforms, identification cards, raincoats, motor-cycles, motor cars, two-way mobile radio, telephone sets and other necessary equipment and such other items stipulated in the First Schedule.

Committee's Recommendation:

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

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

Clause 17: Establishment of fund and expenditure.

- 11O. (1) There is established and maintained by the Baard, a fund into which shall be paid and credited:—
- (a) the take-off grant for the Harmony Corps;
- (b) donations from donor agencies, international organizations and annual subventions, received from the Government of the Federation;

(c) all fees and charges for services rendered by the Harmony Corps to the public; and

(d) all other sums which may, from time, accrue to the Harmony Corps.

(2) The Board shall apply the proceeds of the Fund at its disposal for the:—

(a) cost of administration and operations of the Harmony Corps and other activities undertaken thereof;

(b) payment of fees, allowances and expenses of the members of the Harmony Corps and any Committee set up by the Board;

(c) payment of salaries, allowances and benefits of officers, staff and other members of the Harmony Corps;

(d) maintenance of any property vested in the Board or under its administration;

(e) training of members of the Harmony Corps within and outside Nigeria, and other research programmes carried out by the Harmony Corps; and

(f) overall or any of the functions of the Harmony Corps under this Bill.

Committee's Recommendation:

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

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

Clause 18: Establishment of investigating panel.

11P. (1) There is established the Harmony Corps Investigating Panel (in this Bill, referred to as "the Panel") charged with the duty of:—

(a) conducting a preliminary investigation into any matter brought before it where it is alleged that an officer or a member of the Harmony Corps has misbehaved or breached any of the Codes of conduct in his capacity as an officer or of the Harmony Corps;

(b) deciding whether the matter should be referred to the Disciplinary Committee; and

(c) presenting a report containing its recommendations to the Disciplinary Committee in respect of any matter brought before it.

(2) The Board shall constitute the Panel, which shall consist of three members of the Board and two other persons who are members of the Harmony Corps, but are not members of the Board at the time of their appointment.

- (3) The Panel may make rules, not contained in this Bill, as to its procedure for carrying on an investigation into any matter brought before it.

Committee's Recommendation:

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

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

Clause 19: Establishment of disciplinary committee.

- 11Q. (1) Without prejudice to the powers of the Board to set up committees for the conduct of its affairs under this Bill, there is established the Harmony Corps Disciplinary Committee (in this Bill referred to as the Disciplinary Committee charged with the duty of:—
- (a) maintaining discipline among officers and members of the Harmony Corps; and
 - (b) considering and determining any matter of gross misconduct by any officer or member of the Harmony Corps.
- (2) The Disciplinary Committee shall consist of a Chairman and four other members of the Harmony Corps.
- (3) The Disciplinary Committee shall have a Secretary and such other number of staff as the Chairman of the Board may determine.
- (4) The Chairman of the Disciplinary Committee shall have power to summon a meeting of the Committee, at any time to consider and determine any report of indiscipline by any officer and member of Harmony Corps.
- (5) The Disciplinary Committee may make standing rules for its proceedings under this Bill.

Committee's Recommendation:

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

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

Clause 20: Codes of conduct for members of the initiative.

- 11R. (1) The Board is responsible for setting out the Codes of Conduct for officers and members of the Harmony Corps, which may not be published in the Federal Government Gazette, but shall cause them to be brought to the notice of all officers and members of the Harmony Corps, in such a manner as it may be determined.
- (2) Notwithstanding the provision of subsection ("the Codes of Conduct set out by the Board shall take cognizance of matters relating to the conduct and comportment of officers and members of the Harmony Corps in public places, their dealings with members of the society and attitude to the discharge of their duties.

Committee's Recommendation:

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

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

Clause 21: Offences and punishment.

- 11S. (1) Where a member or officer of the Harmony Corps breaches, contravenes or violates any of the Codes of Conduct of the Harmony Corps or any other law in force in the Federation, the Disciplinary Committee shall have power to recommend:—
- (a) suspension of the officer or member of the Harmony Corps from duty without pay for a specified period;
 - (b) demotion in rank of the officer or deferment of promotion for a specified period;
 - (c) dismissal from the service of the Harmony Corps; or
 - (d) combination of the punishments.
- (2) In the case of the contravention or violation of any law in force in the Federation by an officer or a member, the Disciplinary Committee shall, in addition to issuing a recommendation for his dismissal, recommend that the offender be handed over to the appropriate authority for prosecution.
- (3) Every recommendation of the Disciplinary Committee under this section shall not have force, unless approved by the Board.

Committee's Recommendation:

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

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

Clause 22: Rules and regulations.

- 11T. (1) The Board may, with the approval of the Minister, make such rules and regulations, which in its opinion are necessary or expedient for giving full effect to the provisions of this Bill.
- (2) Without prejudice to the provision of subsection (1), the Board shall may make regulations generally for carrying out the objectives of this Bill and, in particular, shall make regulations relating to:—
- (a) the rank, salaries and allowances of the officers and members of the Harmony Corps;
 - (b) the hours of duty, schedule of work and leave of officers or members of the Harmony Corps;
 - (c) the procedure and terms of appointment and recruitment of officers or members of the Harmony Corps;

- (d) subject to the provisions of this Bill, the qualification for appointment of officers or members of the Harmony Corps or any ranks, and the procedure for promotion to any such rank;
- (e) the maintenance of discipline among members of the Harmony Corps; and
- (f) any other matter for which the Board has powers or which is incidental or supplementary to the provisions of this section.

Committee's Recommendation:

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

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

Clause 23: Retirement and resignation.

- 11U. (1) An officer or a member of the Harmony Corps recruited under this Bill shall be retired upon attaining 35 years in Public Service or upon attainment of 60 years of age, whichever comes first.
- (2) Subject to the provision of subsection (1), a member of the Harmony Corps may resign his or her position by a notice in writing, addressed to the Harmony Corps General Coordinator, indicating his intention to resign his appointment on a date mentioned in the notice (at least 28 days from the date on which the notice is given).
- (3) On receipt of the notice and upon the Harmony Corps General Coordinator consenting in writing to same, the appointment of the member of the Corps shall be determined accordingly.
- (4) A member of the Corps disengaged in accordance with the provisions of this Bill, shall be issued Certificate of Discharge.

Committee's Recommendation:

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

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

Clause 24: Remuneration and allowances.

- 11V. (1) Every member of the Harmony Corps employed pursuant to this Bill, shall be entitled to basic salary as may be determined by the authority, including—
- (a) hazard allowance;
 - (b) medical allowance;
 - (c) transport allowance;
 - (d) torch light allowance;
 - (e) meal subsidy allowance;

- (f) kits (uniform) allowance;
- (g) insurance scheme;
- (h) housing scheme; and
- (i) leave allowance.

- (2) A member of the Harmony Corps is also entitled to benefit from the National Health Insurance Scheme, (NHIS).

Committee's Recommendation:

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

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

Clause 24: Service number of members.

11W. (1) Every officer or member of the Harmony Corps recruited under this Bill, shall be issued a Service Number with the letters "CSN" and all members of the Harmony Corps deployed in the Federal Republic of Nigeria shall have their names and numbers appear on the register and data bank kept for that purpose, by the Board.

- (2) Every officer or member of the Harmony Corps to whom a Harmony Corps number has been allocated in accordance with subsection (1) shall while on duty, wear such Harmony Corps Service Number (for Rank and File only) and name tag on the Chest top pockets of his uniform.

- (3) To ensure the provisions of logistics and enhance the performance of the Harmony Corps, the Board shall liaise with the Federal, State and Local Government to provide for:—

- (a) vehicles, trucks, cars and buses for official uses;
- (b) motorcycles (speed Bike), helmets and riding kits;
- (c) communication equipment/gadgets;
- (d) medical Equipment;
- (e) reflective equipment kits, Jackets, Batons and other logistics for traffic control/directing/dispensing;
- (f) uniform kits, Iron buttons customized with "GIHN", Leg Anklets and Boots, Beret and Belt; Rain Boot, Rain Coat and a round Jungle hat;
- (g) other necessary logistics gadgets as may be required from time to time.

- (4) A person who, before the coming into force of this Bill, holds an office in the Harmony Corps shall, at the commencement of this Bill, be deemed to have been appointed by the Board under this Bill.

Committee's Recommendation:

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

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

Clause 25: Short title.

This Bill may be cited as the National Orientation Agency Act (Amendment) Bill, 2022.

Committee's Recommendation:

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

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

SCHEDULES

FIRST SCHEDULE

UNIFORMS, FLAG AND EMBLEM

1. (1) The Harmony Corps shall have and maintain the following design of Uniforms, Flag and Emblem:—
 - (a) a pair of Trousers for men and Skirt for women with Purple Shirt and Beret, Jungle cap or 'P' cap, a Sky-Blue Line yard for Field control or action uniform or normal daily duty;
 - (b) the Liberty Uniform shall be a complete starched khaki trousers and Shirt with Sky-Blue collar, background Shoulder flap with design pips (for Officers only) or "GIHN" (for Rank/File only) on it, with the Service Colours at the beginning of the flaps and a pair of leg anklets, belt and Beret, Jungle cap or 'p' cap with the service Colour-designed feathers on the caps, a line yard and the designed hand badge for general dressing;
 - (c) the Ceremonial Uniform shall be a complete outfit (a pair of trousers and a jacket), for officers only and the Officers' trousers shall have the service colours adorn the sides. The jacket shall be designed with ceremonial line yard, rank and a belt, a cap with the service designed-colours on it and a pair of black shoes, white hand gloves and a sword by the side;
 - (d) for the Rank and File, the Ceremonial uniform shall be a pair of trousers and a jacket and the trousers shall have the Service colours adorn on the sides. The Jacket shall have a Conical shaped design at the arms, down the sleeves, a ceremonial line yard and white hand gloves, with a pair of black boots and anklets, purple belt, a 'p' cap with the service colour-designed feathers on it for ceremonial functions;
 - (e) the Provost Uniform shall be a complete starched khaki trousers and a Shirt with Sky-Blue collar, a pair of White Leg Anklets, Belt, white crossed belt, white line yard and a beret or white 'p' cap or a jungle cap, with the service colours-designed feathers on it, a badge with the inscription "GP" (Initiative Provost) and the hand badge and a neck moflag with the service colours and the emblem on it, for Provost Personnel only;

- (f) in addition, a special track suit is designed for Harmony Corps sports personnel, the track suit is purple in colour with the service colour adorn the sides of the trouser and the sleeves of the jacket, running from the neck or shoulders down the arms and round the neck flap and hand or wrist. The Service emblem is also printed on the breast position of the jacket;
 - (g) a special cardigan for Harmony Corps personnel use is also there, it is purple in colour with the Harmony Corps colours running across the 'V' neck, the arms and the down end of the cardigan, to be worn in cold environment or atmosphere; and
 - (h) a hand badge, chest badge are also designed for personnel use to show-case the beauty of the Harmony Corps uniform outfits.
- (2) Officers Uniform from the rank of Harmony Corps Assistant Coordinator (HCAC) and above would always have a collar designed Corgem attached to it in accordance with the prevailing lay down ethics of senior officers' rights, with other Paramilitary Organisations in the country.
- (3) The 'GIHN' cap designs of Officers shall be as follows:—
- (a) Harmony Corps Chief Superintendent (HCCS) would always have a silver designed cord in a single crescent form at the front handle, without a wreath surrounding the Harmony Corps emblem and in all the caps worn by these category of senior officers;
 - (b) from the rank of Harmony Corps State Coordinator (HCSC), Harmony Corps State Deputy Coordinator (HCSDC) and the Harmony Corps State Assistant Coordinator (HCSAC) the 'GIHN' cap would always have a designed gold shells in a single crescent form at the front handle with a single wreath surrounding the Harmony Corps emblem and in all the caps worn by these category of senior officers;
 - (c) from the rank of Harmony Corps Assistant General Coordinator (HCAGC) and the Harmony Corps Deputy General Coordinator (HCDGC) the 'GIHN' cap would always have a designed gold shells in double crescent form at the front handle with double wreath surrounding the service emblem and in all the caps worn by these category of officers.
 - (d) for the Harmony Corps General Coordinator (HCGC), the 'GIHN' cap would always have a designed gold shells in double crescent form at the handle with triple wreath surrounding the Service emblem and in all the caps worn by the Harmony Corps General Coordinator (HCGC).
- (4) The Flag shall be Green, Sky-Blue and Purple Colours, arranged horizontally from either sides.
- (5) The Emblem of the GIHN shall be the Peace and Harmony sign of "Peace and Harmony" represented with cross 'PH' circled, with two batons on top, connected by a cord, with an Eagle sitting on the cord. Underneath a wreath with the ensigned "Peace and Harmony".

- (6) Any regulation made under subsection (1), need not be published in the Federal Government Gazette but the Board shall cause same to be brought to the notice of all members.

Question that the Provision in the First Schedules Stand Part of the Bill — Agreed to.

SECOND SCHEDULE

SECTION 11

RANKS STRUCTURE

1. (1) The different ranks of superior officers of the Harmony Corps, the precedence and the insignia of each of such rank, shall be as prescribed below:—
 - (a) Harmony Corps General Coordinator the device of the Federation, two star and crossed tip staves surrounded by a laurel wreath;
 - (b) Harmony Corps Deputy General Coordinator - the device of the Federation, one star and crossed tip staves surrounded by a laurel wreath;
 - (c) Harmony Corps Assistant General Coordinator - the device of the Federation, one Bar and crossed trip staves surrounded by a laurel wreath;
 - (d) Harmony Corps State Coordinator - the device of the Federation, and crossed tips taved surrounded by a Laurel wreath;
 - (e) Harmony Corps State Deputy Coordinator - a star, and crossed tip staves surrounded by a laurel wreath;
 - (f) Harmony Corps State Assistant Coordinator - crossed tip staves surrounded by a laurel wreath;
 - (g) Harmony Corps Chief Superintendent - the device of the Federation and a star;
 - (h) Harmony Corps Deputy Superintendent - the device of the Federation;
 - (i) Harmony Corps Assistant Superintendent (I) - 3 stars arranged vertically;
 - (j) Harmony Corps Assistant Superintendent (II) - 2 stars arranged vertically (Substantive rank);
 - (k) Harmony Corps Inspector (I) - one star (on probation/on trial); and
 - (l) Harmony Corps Inspector (II) - one star surmounting a white band on the shoulder trap.
- (2) The different ranks of the Senior non-commissioned officers of the Harmony Corps, the precedence, and the insignia of each of such rank shall be as prescribed below:—
 - (a) Chief Inspector - 4 horizontal bars arranged vertically;

- (b) Principal Inspector - 3 horizontal bars arranged (Substantive) vertically;
 - (c) Inspector - 2 horizontal bars arranged vertically (on probation);
 - (d) Cadet Inspector - one epaulette and two horizontal bars (2nd 6 months in training) arranged vertically;
 - (e) Cadet Inspector - one epaulette (1st 6 months in training).
- (3) The different ranks of the Junior non-commissioned officer of the Harmony Corps, the precedence and the insignia of each of such rank shall be as prescribed below:—
- (a) Sergeant - 3 chevrons, worn points down; and
 - (b) Corporal - 2 chevrons, worn points down.

Ranks System of the Corps with Initials

1. Harmony Corps General Coordinator (HCGC);
2. Harmony Corps Deputy General Coordinator (HCDGC);
3. Harmony Corps Assistant General Coordinator (HCAGC);
4. Harmony Corps State Coordinator (HCSC);
5. Harmony Corps State Deputy Coordinator (HCSDC);
6. Harmony Corps State Assistant Coordinator (HCSAC);
7. Harmony Corps Chief Superintendent (HCCS);
8. Harmony Corps Deputy Superintendent (HCDS);
9. Harmony Corps Assistant Superintendent (HCAS-I);
10. Harmony Corps Assistant Superintendent (HCAS-II);
11. Harmony Corps Inspector (HCI -I);
12. Harmony Corps Inspector (HCI-II);
13. Harmony Corps Inspector (HCI-III);
14. Harmony Corps Cadet (HCC-I);
15. Harmony Corps Cadet (HCC-II); and
16. Harmony Corps Cadet (HCC-III)

Question that the Provision in the Second Schedules Stand Part of the Bill — Agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The President of the Senate reported that the Senate in the Committee of the Whole considered A Bill for an Act to Amend the National Orientation Agency Act, Cap. N46, Laws of the Federation of Nigeria, 2004 to Provide for an Operational Framework for the Global Initiative for Harmony Corps in Order to Promote Inter-ethnic Integration, Mediation, Peace-building, Mutual Understanding, Patriotism, for Peaceful Co-existence and for Related Matters, 2022 and approved as follows:

Clauses 1-25 — As Recommended

Schedules 1-3 — As Recommended

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

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

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

14. **Nigerian Institute of Chartered Foresters Bill, 2021 (HB. 801) — Concurrence:**

Motion made: That a Bill for an Act to Establish the Nigerian Institute of Chartered Foresters And for Related Matters, 2022 be read the Second Time (*Senate Leader*).

Question put and agreed to.

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

Motion made: Pursuant to Rule 80(1), that the Senate do resolve into the Committee of the Whole to Consider a Bill for an Act to Establish the Nigerian Institute of Chartered Foresters And for Related Matters, 2022.

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION A BILL FOR AN ACT TO ESTABLISH THE NIGERIAN INSTITUTE OF CHARTERED FORESTERS AND FOR RELATED MATTERS, 2022.

PART I - ESTABLISHMENT OF THE INSTITUTE OF CHARTERED FORESTERS

Clause 1: Establishment of the Institute of Chartered Foresters.

- (1) There shall be established a body to be known as the Nigerian Institute of Chartered Foresters (in this Bill referred to as "the Institute").
- (2) The Institute:
 - (a) shall be a body corporate with perpetual succession and a common seal which shall be kept in such custody as the Council may from time to time authorize;
 - (b) may sue and be sued in its corporate name; and
 - (c) shall have power to own, hold and dispose of property whether movable or immovable.

Committee's Recommendation:

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

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

Clause 2: Functions of the Institute.

The functions of the Institute are:

- (a) determining who chartered Foresters are for the purposes of this Bill;
- (b) determining the standards of knowledge and skill required to become a member of the forestry profession and raising those standards from time to time as deemed appropriate for registration of individuals seeking to become registered as Members, Associates or Fellows of the Institute;
- (c) securing in accordance with the provisions of this Bill the establishment and maintenance of registers of individuals entitled to practice as foresters and the publication from time to time the lists of those individuals; and
- (d) performing through the Council under this Bill, the functions conferred on it by this Bill.

Committee's Recommendation:

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

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

Clause 3: Powers of the Institute.

The Institute shall powers to:

- (a) establish such offices, departments, units and branches of the Institute as may be required for the proper administration and operation of the Institute;
- (b) subject to such terms and conditions as the Institute may approve, engage staff;
- (c) establish necessary organization for the proper and efficient conduct of the affairs of the Institute;
- (d) provide staff regulations for all staff of the Institute and provide pension and welfare schemes for the staff; and do such other acts and things as may be necessary for the performance of the functions of the Institute.

Committee's Recommendation:

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

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

Clause 24: Council of the Institute and membership.

- (1) There is established for the Institute the Chartered Foresters Council (in this Bill referred to as the "Council").
- (2) The Council shall comprise of eleven (11) members, all of whom shall be Fellows or Chartered Foresters in the manner outlined below:

- (a) the President;
- (b) — the Vice - president;
- (c) the Registrar;
- (d) two representatives nominated by the Minister of Environment (in this Bill referred to as the Minister);
- (e) the National Secretary of the Forestry Association of Nigeria (in this Bill referred to as the Association);
- (f) Director General of Forestry Research Institute of Nigeria or his/her representative;
- (g) four individuals elected by the Council of Forestry Association of Nigeria (in this Bill referred to as the Council of the Association) alongside the President, Vice President and Registrar.

Committee's Recommendation:

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

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

Clause 5: President of the Institute.

The President, the Vice - President, Registrar and other members of the Council mentioned in section 4 (2) (g) of this Bill shall be elected by the Council of the Association, at an annual general meeting of the Association.

Committee's Recommendation:

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

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

Clause 6: Tenure of office.

- (1) The term of office of a member of the Council shall be two (2) years from the date of election but such member may, at the end of that term, be eligible for re-election, for one more term only.
- (2) The President shall be Chairman at all meetings of the Council while the Vice President shall hold the position of Vice Chairman.
- (3) Where the President is unavailable, due to death, incapacity or removal, the Vice President shall act in his stead for the unexpired portion of the term.
- (4) If the President or Vice President ceases to be a member of the Institute he shall also cease to hold any of the offices designated under this section.
- (5) The office of a member of the Council shall become vacant if the member:
 - (a) resigns from office, by a written notice to the Council;

- (b) is removed from office by the Council, by reason of professional misconduct or physical or mental infirmity; or
- (c) without leave of Council, absents from 3 consecutive meetings of the Council.
- (6) The provisions of the First schedule of this Bill shall have effect with respect to the qualification and tenure of office of members of the Council and other matters related therewith.

Committee's Recommendation:

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

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

Clause 7: Functions of the Council.

The functions of the Council shall be to:

- (a) govern the affairs of the Institute;
- (b) effect proper administration and management of the Institute;
- (c) implement policy directions as conveyed from the Council of the Association;
- (d) make regulations that provide for the increase or reduction of the Council's membership and make such amendments to section 4(2) as the Council considers expedient;
- (e) appoint such officers and other employees as it may deem necessary to complement the functions of the Registrar in operating the Institute;
- (f) undertake other activities as the Council may consider necessary in fulfilment of its functions and as directed by the Council of the Association.

Committee's Recommendation:

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

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

Clause 8: Fund of the Institute.

- (1) The Council shall establish and maintain a fund (in this Bill referred to as "the fund") which shall comprise:
 - (a) contributions, levies, subscriptions, fees and other dues paid by the members of the Institute;
 - (b) revenue accruing to the Institute from investments, activities and services;
 - (c) grants, endowments and donations from Governments, Agencies, Organizations, benefactors and other donors; and
 - (d) revenue accruing to the Institute from any other source approved by the Council.

- (2) The management and control of the fund shall be solely handled by the Council in accordance to this Bill and as determined by policy directions of the Association.

Committee's Recommendation:

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

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

Clause 9: Bank account.

The funds of the Institute shall be paid into an account in a reputable bank approved by the Council and no instrument for the withdrawal of any money from that account shall be valid unless it is authenticated by the signatures of the President and the Registrar or by the signatures of such officers of the Institute as may from time to time be approved by the Council.

Committee's Recommendation:

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

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

Clause 10: Expenditure.

The Institute may apply the proceeds of the Fund for:

- (a) the cost of administration of the Council;
- (b) the payment of salaries of employees of the Council;
- (c) fees and other remuneration for experts or professionals appointed by the Council;
- (d) maintenance of any property acquired by or vested in the Council;
- (e) any other expenditure of the Institute connected with its functions under this Bill, as approved by the Council.

Committee's Recommendation:

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

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

Clause 11: Power to invest.

The Institute may, from time to time, subject to such terms and conditions as the Council may approve, invest any part of its funds in any Government or Government approved security and may at any time dispose of such securities.

Committee's Recommendation:

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

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

Clause 12: Power to borrow.

The Institute may from time to time, subject to such terms and conditions as the Council may approve, borrow such money as the Council may require for carrying out any of the functions or the powers of the Institute.

Provided that all interests payable on the amount borrowed are paid out of the Institute's funds.

Committee's Recommendation:

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

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

Clause 13: Account of the Institute.

- (1) The Institute shall keep and maintain proper accounts of its income and expenditure and shall, by the 30th day of September of each year, submit such accounts to be audited by any auditor approved by the Accountant - General of the Federation.
- (2) The audited accounts of the Institute and the auditor's report shall, not later than the 31st day of December of each year, be submitted by the Institute, or the Council to the Association at the next general meeting.

Committee's Recommendation:

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

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

Clause 14: Appointment and functions of the Registrar.

- (1) The Council of the Association shall appoint a fit and proper individual to be the Registrar of the Institute and such other individuals that may assist the Registrar in the fulfilment of his/her duties as prescribed by the Bill.
- (2) It shall be the duty of the Registrar to:
 - (a) be the Secretary to the Council;
 - (b) prepare and maintain in accordance with the rules of the Council, a register of members comprising, the names, addresses, approved qualifications and such other particulars as prescribed by the act;
 - (c) keep custody of the register of the Institute and make such entries in the register as the Council may, from time to time by resolution, direct in respect to:
 - (i) Fellows;
 - (ii) Chartered Members;
 - (iii) Associates;
 - (iv) registered students and members;
 - (d) keep custody of the Common Seal of the Institute and affix same to such documents as the Council may direct; and
 - (e) carry out other duties as the Council or the President may from time to time direct.

Committee's Recommendation:

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

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

PART II - REGISTRAR AND REGISTRATION

Clause 15: Register of members.

- (1) The Registrar shall maintain a "Register of Members" for the following category of Members:
 - (a) Fellows;
 - (b) Chartered Members;
 - (c) Associates; or
 - (d) Ordinary Members and Student Members.
- (2) Subject to the following provisions of this section, the Council shall make rules with respect to the form and keeping of the Registers and the making of entries therein, and in particular -
 - (a) regulating applications for enrolment or registration inclusive of evidence of the requisite supporting documents;
 - (b) providing for the notification of the Registrar, any changes in an individual's particulars;
 - (c) authorizing a registered member to have any qualification which is, in relation to the relevant division of the profession, either an approved qualification or an accepted qualification for the purposes of this Bill, registered in relation to his name in addition to or, as he may elect, in substitution for any other qualifications so registered;
 - (d) specifying the fees, including any annual subscription, to be paid to the Institute in respect of the entry of names on the register, and authorizing the Registrar to refuse to enter a name on the register until the specified fee for entry has been paid;
 - (e) ensuring that rules made for the purposes of (d) are not implemented until they are confirmed at a special meeting of the Institute convened for that purpose or at the next Annual General meeting of the Association's Council.
- (3) It shall be the duty of the Registrar:
 - (a) to correct, in accordance with the Council's directions, 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;
 - (b) to make from time to time any necessary alterations, in the particulars of registered individuals;

- (c) to remove from the Register the name of any registered individual who has died;
 - (d) to record the names of Members of the Institute that are in default for non-payment of annual subscription, four months after the end of the financial year and to take such requisite action as the Council may direct;
 - (e) to remove, subject to the Council's direction, names of members in default under subsection (d) above;
 - (f) to remove from the appropriate Register, any individual who, after due inquiry, is adjudged by the Council to have been guilty in his professional capacity of infamous conduct, gross negligence or incompetence; or
 - (g) remove from the appropriate register, any individual who is convicted of any criminal offence which, in the opinion of the Council, renders him unfit to practice.
- (4) In maintaining the Register of Members, the Registrar:
- (a) shall periodically, send by post to any registered person, a registered letter, addressed to him at his address on the Register, enquiring whether the registered particulars relating to him, are correct; if a response is received, the particulars shall be duly noted and updated but if no reply is received within the period of six months from the date of posting it, action will be taken as outlined in (i) below;
 - (b) upon the expiration of the period specified in (a) above, send a reminder and if he receives no reply to that letter within three months from the date of posting it, the Registrar may remove the particulars relating to the individual;
 - (c) upon appeal by the affected Member, shall seek the directive of the Council on the matter and if so directed by the Council, the Registrar shall restore to the appropriate part of the register, the particulars so removed.
- (5) It shall be the duty of the Registrar :
- (a) to cause the Register to be printed, published and put on sale to Members of the public not later than two years from the beginning of the year in which the subsection comes into force;
 - (b) in each year after the first publication of the register under paragraph (a) of this subsection, to cause to be printed, published and put on sale as aforesaid, either a corrected edition of the Register or a list of alterations made to the register since it was last printed;
 - (c) to cause a print of each edition of the register and of each list of corrections to be deposited at the principal offices of the Institute; and

- (d) to keep the updated register and lists so deposited, available at all reasonable times for inspection by Members of the public.
- (6) 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 prints of an edition of the Register so published, and of a list of corrections to that edition so published, shall (without prejudice to any other mode of proof) be admissible in any proceedings as evidence that any individual specified in the document, or the documents read together, as being fully or provisionally registered, was so registered at the date of the edition or of the list of corrections, as the case may be, and that any individual not so specified was not so registered.
- (7) Where in accordance with subsection (6) of this section an individual is, in any proceedings, shown to have been, or not to have been, registered at a particular date, he shall, unless the contrary is proved, be taken for the purposes of those proceedings as having at all material times thereafter continued to be, or not to be, so registered.

Committee's Recommendation:

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

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

Clause 16: Eligibility of members as fellows.

- (1) The Institute shall confer the status of Fellow on an individual, if —
- (a) he has been a chartered Forester for at least five years preceding the date of application;
- (b) he is a holder of the approved academic qualifications; and
- (c) has been in continuous practice on his own as a Chartered Forester or is in partnership with other Chartered Forester.
- (2) In same vein, an individual shall be conferred the status of Fellow of the Institute if —
- (a) he has been a Chartered Forester for a period of not less than ten (10) years immediately preceding the date of application of such enrolment. Provided that the period of membership of the Association shall also count as a qualifying factor in this regard;
- (b) he has been enrolled as a Chartered Forester, or qualified to be so enrolled; and
- (c) has made substantial contribution to enhance the forestry profession.
- (3) The first Fellows of the Institute shall only be enrolled after commencement of this Bill, if they —
- (a) made an application in writing supported by a curriculum vitae submitted to the Institute upon commencement of the Bill;

- (b) are enrolled and recognized as Chartered Foresters; and
- (c) — have been duly recognized by the Institute as consistent and committed members for the period of two years.

Committee's Recommendation:

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

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

Clause 17: Chartered members.

- (1) The Institute shall confer the status of Chartered Member to an individual if he possesses any of the following qualifications —
 - (a) a forestry or forestry allied degree (Bachelors, Masters or Doctorate) from a University duly accredited by the Institute;
 - (b) a postgraduate diploma in forestry or forestry allied diploma from an Institution duly accredited by the Institute.
- (2) An applicant with either qualification shall —
 - (a) submit details of his work in forestry in a log book endorsed by a Chartered Forester;
 - (b) pass the competence examination and or professional interview conducted by the Council; and
 - (c) must have been actively engaged in the forestry profession for a period of at least five years under this Bill; provided that section 16 and 17 of this section shall not be operative until two years after the commencement of this Bill.

Committee's Recommendation:

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

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

Clause 18: Associates.

The Institute shall confer on an individual the status of an Associate Member if he—

- (a) possesses a Higher National Diploma in Forestry or its equivalent from an Institution accredited by the Institute;
- (b) submit details of his work in forestry in a log book endorsed by a Chartered Forester; and
- (c) pass the professional interview conducted by the Council.

Committee's Recommendation:

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

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

Clause 19: Ordinary and student members.

- (1) The Institute shall confer the status of a Member on any fit individual if he has duly satisfied the Council's entry qualification for that position.
- (2) The Institute shall confer the status of a Student Member on any fit individual if he has duly satisfied the Council's entry qualification for that position.

Committee's Recommendation:

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

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

Clause 20: Titles to be used by registered members.

- (1) Where an individual is enrolled or registered in the Institute, he shall be entitled to the use of such letter after his name as may be authorized by the Council, dependent on the status of his Membership as a Fellow, Chartered Forester, Associate/Registered Member or Student Member;
- (2) In furtherance of subsection (1) above, the Registrar may issue the appropriate certificate to a Member upon approval of the Council.

Committee's Recommendation:

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

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

Clause 21: Registration of members.

- (1) Subject to section 23 of this Act and to rules made under section 15 of this Bill an individual registered as a Member shall be entitled to entry of his qualification in the register as a Forester and may so apply if —
 - (a) he possesses the required qualifications prescribed for the status in any Institution duly accredited for that purpose by the institute, and completes the practical training prescribed; or
 - (b) he holds the equivalent qualification granted outside Nigeria and for the time being accepted by the Institute and, if the Council so requires, satisfies the Council that he has had sufficient practical experience as a Forester.
- (2) An applicant for registration under subsection (1) of this section shall, if so by the Council, in addition to evidence of qualification, satisfy the Council —
 - (a) that he has attained the age of twenty-one years;
 - (b) that he is of good character; and
 - (c) that he has not been convicted in Nigeria or elsewhere of an offence involving fraud or dishonesty.

- (3) Any person not a member of the Institute who, but for this Bill, would have been qualified to apply for and obtain membership of an approved Institute outside Nigeria may within the period of three months beginning from the commencement of this Bill, apply for membership of the Institute in such manner as may be prescribed by rules made by the Council; and if approved, he shall be enrolled or registered, as the case maybe, according to his qualifications.
- (4) The Council may in its sole discretion provisionally accept a qualification produced in respect of an application for registration under this section, or direct that an entry be made in the Register accordingly, or where applicable 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 (3) of this section shall show that registration is provisional, and no entry so made shall be converted to full registration without the consent of the Council signified in writing.

Committee's Recommendation:

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

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

Clause 22: Approval of courses, qualifications and institutions.

- (1) The Council may approve for the purposes of this Bill —
 - (a) any course of training at an approved Institution, which is intended for Individuals who are seeking to become or are already Foresters and which the Council considers designed to confer on individuals completing it sufficient knowledge and skill for admission to a membership status in the Institute;
 - (b) any Institution either in Nigeria, or elsewhere, which the Council considers is properly organized and equipped for conducting the whole or any part of a course of training, approved by the Council under this section;
 - (c) any qualification which, as a result of an examination taken in conjunction with the course of training approved by the Council under this section, is granted to candidates reaching a standard at the examination indicating in the opinion of the members of the Council that the candidates have sufficient knowledge and skill to practice as Foresters;
- (2) The Council shall from time to time publish in the Federal Gazette, particulars of qualifications in the forestry profession for the time being accepted and approved by the Council of the Association;
- (3) The Council may, if it thinks fit, withdraw any approval given under this section in respect of any course, qualification or Institution, but before withdrawing such an approval the Council shall —
 - (a) give notice that it proposes to do so to individuals in Nigeria appearing to the Council to be an individual by whom the course is conducted or the qualification is granted or the Institution is controlled; and

- (b) afford each individual an opportunity to make representations to the Council with regard to the proposal; and
 - (c) take due consideration of any representations made in respect of (b) above.
- (4) With regard to any period during which 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 such an 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 before the approval was withdrawn.
- (5) The giving or withdrawal of an approval under this section shall have effect from the 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) as soon as practicable, publish a copy of every such instrument in the Federal Gazette; and
 - (b) not later than seven days before its publication as aforesaid, send a copy of the instrument to the Honourable Minister of Environment.

Committee's Recommendation:

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

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

PART III - PROFESSIONAL DISCIPLINE

Clause 23: Definition of professional misconduct.

In this part, professional misconduct means any conduct considered by the Council to be unprofessional and which includes all acts of professional indiscipline, unjust enrichment, abuse of office and other forms of corrupt practices.

Committee's Recommendation:

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

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

Clause 24: Tribunal.

- (1) There is established for the Institute, a Tribunal to be known as the Nigerian Institute of Chartered Foresters Disciplinary Tribunal (in this Bill hereafter referred to as 'the Tribunal').
- (2) The Tribunal shall be charged with the duty of considering and determining all cases of professional misconduct against any Forester in the discharge of official duties as a Chartered Forester.
- (3) The Tribunal shall consist of the Chairman of the Council and six other members appointed by the Council, two of whom shall be Chartered Foresters but non Council members who are knowledgeable about the matter under investigation.

Committee's Recommendation:

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

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

Clause 25: Investigating panel.

- (1) There shall be a body, to be known as the Investigating Panel of the Institute (in this Bill hereafter referred to as "the Panel").
- (2) The Panel shall be 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 member of the Institute;
 - (b) deciding whether the member has a case to answer before the Tribunal and where applicable, to refer such case to the Tribunal for hearing and determination.
- (3) The panel shall be appointed by the Council and comprise of three members of the Council and one Associate who is not a member of the Council but knowledgeable in the matter under investigation.

Committee's Recommendation:

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

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

Clause 26: Rules of the Council for tribunal and investigating panel.

The Council may make rules to regulate the proceedings of the Tribunal and the Investigating Panel as appropriate; however, all rules contained in the Second Schedule of this Bill shall be fully applicable to these bodies as well.

Committee's Recommendation:

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

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

Clause 27: Penalties for unprofessional conduct.

- (1) Where:
 - (a) a member is judged by the Tribunal to be guilty of any form of professional misconduct; or
 - (b) a member is convicted of an offence, by any Court in Nigeria or elsewhere (having power to sentence an offender to imprisonment) which in the opinion of the tribunal is incompatible with his status in the Institute; or
 - (c) the Tribunal is satisfied that the name of any individual has been fraudulently registered in the Register of Members; then
 - (d) the Tribunal may if it deems fit, give directions to the Registrar to either reprimand the Member or strike off the Member's name from the relevant part of the register.

- (2) The Tribunal may, if it thinks fit, defer or further defer its decision as to the giving of a direction under the foregoing subsection until a subsequent meeting of the Tribunal is held; but -
- (a) no decision shall be deferred under this subsection for a period exceeding two years in the aggregate; and
- (b) so far as possible, no individual shall be a member of the Tribunal for the purposes of reaching a decision which has been deferred or further deferred unless he was present as a member of the Tribunal when the decision was deferred.
- (3) For the purposes of subsection (1) (b) of this section, an individual shall not be treated as convicted as therein mentioned unless the conviction stands at a time when no appeal or further appeal is pending or may (without extension of time) be brought in connection with the conviction.
- (4) When the Tribunal gives a direction under subsection (1) of this section, the Tribunal shall cause notice of the direction to be served on the individual to whom it relates.
- (5) The individual to whom such a direction relates may, at any time within twenty-eight days from the date of service on him of notice of the direction, appeal against the direction to the Court of Appeal and the Tribunal may appear as respondent to the appeal and, for the purposes of enabling directions to be given as to the costs of the appeal and of proceedings before the Tribunal, shall be deemed to be a party thereto whether or not it appears on the hearing of the appeal.
- (6) A direction of the Tribunal under subsection (1) of this section shall take effect:
- (a) where no appeal under this section is brought against the direction within the time limited for such an appeal, on the expiration of that time;
- (b) where such an appeal is brought and is withdrawn or struck out for want of prosecution, on the withdrawal or striking out of the appeal;
- (c) where such an appeal is brought and is not withdrawn or struck out as aforesaid, if and when the appeal is dismissed, and shall not take effect except in accordance with the foregoing provisions of this subsection.

Committee's Recommendation:

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

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

PART IV - MISCELLANEOUS AND GENERAL PROVISIONS

Clause 28: Supervision and control of the Institute.

- (1) Supervision and Control of the Institute by the Minister:
- (a) the Minister shall perform supervisory/oversight functions over the Institute particularly in:

- (i) ensuring the timely submission of deliverables to the Ministry and/or other Government Agencies;
 - (ii) ensuring the Institute's compliance with rules/regulations/ policies outlined in section 29 of this Bill;
 - (b) the Minister may give policy directions to the Council on the recommendation of the Association regarding the effective fulfilment of its mandate;
 - (c) prior to giving such policy direction under subsection (a) of this section, the Minister shall forward a copy of the proposed direction to the Council and shall afford the Council an opportunity of making representations to him accordingly. After considering the representations made, the Minister may give the direction without modification or with such modifications as considered appropriate.
- (2) Supervision and Control of the Institute by the Council of the Association the Council of the Association shall via its General Meeting ratify the decisions of the Council on such policies or rules which are fundamental to the practice of the forestry profession.
- (3) Supervision and Control of the Institute by its Council the Council of the Institute shall supervise the administration of the Institute and oversee the Registrar's implementation of its policies and directives in respect of members or the maintenance of the Register of members.

Committee's Recommendation:

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

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

Clause 29: Rules and regulations of the Institute.

- (1) Rules and Regulations shall be made for the Institute in the manner prescribed below:
 - (a) the Minister shall have powers to make rules and regulations for the Institute on the recommendation of the Council of the Association;
 - (b) the Association shall from time to time prescribe policy directions for the optimal performance of the Institute with regards to practices in the Forestry Profession;
 - (c) the Council shall make rules and regulations to guide its operations at a general meeting attended by all eleven members of the Council;
 - (d) the Registrar shall make recommendations to the Council regarding:
 - (i) rules to facilitate the proper maintenance of the Institute's Register of members; and
 - (ii) formulation of policies that will enhance the administration and management of the Institute.

- (e) regulations made under this section shall be published in the Federal Gazette as soon as they are made;
 - (f) rules made for the purposes of this Bill (other than Rules made by the Minister) shall be subject to confirmation by the Association at its next Annual General Meeting or at any special meeting of the Council convened for that purpose, and if not confirmed shall cease to have effect on the day after the date of the confirmation but without prejudice to anything done in pursuance or intended pursuance of any such rules.
- (2) Additional Rules made in respect of section 29 (1) (d) by the Council, shall comprise the following:
- (a) rules for training suitable individuals in forestry methods and practice;
 - (b) rules for the supervision and regulation of members professional activities;
 - (c) rules for engagement, training and transfer of staff of the Institute on recommendation of the Registrar;
 - (d) rules for distinguishing between foresters and other auxiliary forestry personnel;
 - (e) rules prescribing the amount payable as annual subscription for each category of members;
 - (f) rules prescribing the due date for payment of annual subscription;
 - (g) rules prescribing the form of license to be issued to practicing Foresters at intervals of three years. However, this requirement shall not apply to Student Members of the Institute;
 - (h) rules restricting the right of Members to practice where such Members are in default of payment of annual subscription, for a period longer than prescribed by the rules;
 - (i) rules restricting the a Member's right to practice where the qualification granted outside Nigeria does not entitle the holder to practice as a member of the Institute;
 - (j) rules prescribing the qualification or practical experience required for a Member restricted under subsection (j) of this section to qualify as a practicing Forester.

Committee's Recommendation:

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

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

Clause 30: Interpretation.

In this Bill -

"Association" means the Forestry Association of Nigeria;

"Council" means the Institute's Council established under section 4 (1);

"Council of the Association" means Council of the Forestry Association of Nigeria;

"Institute" means the Nigerian Institute of Chartered Foresters established under section 1 of this Bill;

"Member" means a Member of the Institute and includes a Fellow, a Chartered Member, an Associate, Ordinary Member and Student Member;

"Minister" means the Honourable Minister of Environment, charged with supervisory oversight of the Institute and all forestry and forestry allied matters;

"Panel" means Investigating Panel established under section 25 of this Bill;

"Professional misconduct" means any act outlined below or considered unprofessional:

- (a) deliberate refusal to follow the standard of conduct and practice of Foresters;
- (b) gross negligence in a professional capacity;
- (c) release of professional licence to a non-member to practice in a Member's name;
- (d) abuse of position of trust, expertise or authority;
- (e) disregard for Clients needs or rights;
- (f) incompetence;

"Register" means the Register of Members created and maintained under this Bill;

"Registered Forester" means an individual duly registered under any of the categories of Membership after due assessment of his qualification, experience or contribution to the forestry profession;

"Registrar" means the Registrar appointed under section 15 of this Bill;

"Tribunal" means the Nigerian Institute of Chartered Foresters Disciplinary Tribunal established under section 24 of this Bill.

Committee's Recommendation:

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

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

Clause 31: Citation.

This Bill may be cited as the Nigerian Institute of Chartered Foresters (Establishment) Bill, 2022.

Committee's Recommendation:

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

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

SCHEDULES
FIRST SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO THE INSTITUTE AND ITS COUNCIL

Qualifications and Tenure of Office of Members

1. Subject to the provisions of this paragraph a Member of the Council shall hold office for a period of two years, with commencement from the date of his appointment or election.
2. Any member of the Institute who ceases to be a Member thereof shall, if he is also a Member of the Council, cease to hold office on the Council.
3. Any elected member may resign from office sequel to the submission of a written notice that is duly addressed to the Presidency; and any appointed member may, with the consent of the Minister, likewise so resign from his office as a Council Member.
4. An individual who retires from or otherwise ceases to be an elected Member of the Council shall be eligible to become a member of the Council again, for a maximum period of three terms of two years each. While an appointed Member may be reappointed for one more term of two years by the Minister as he deems fit.
5. Elections to the Council shall be held by secret ballot in such manner as may be prescribed by rules made by the Council.
6. If for any reason there is a vacation of office by a Member and:
 - (a) such member was appointed by the Minister, the Minister shall appoint another fit person from the territory to fill in the vacancy;
 - (b) such member was elected by the Council of the Association, the Association shall elect another fit person to fill in the vacancy for the unexpired portion of the term of office.

Powers of Council

7. The Council shall have power to do anything which in its opinion is calculated to facilitate the carrying on of the activities of the Institute.

Proceedings of the Council

8. (1) Subject to the provisions of this Act the Council may in the name of the Institute make standing orders regulating the proceedings of the Institute or its Council, and in the exercise of its power under this Bill, may set up Committees in the general interest of the Institute, and make standing orders thereof as deemed appropriate.
- (2) Standing orders shall provide for decisions to be taken by a majority of Members, and, in the event of equality of votes (where a tie exists), the President or the Chairman, may have a second or casting vote.

(3) Standing orders made for a Committee shall provide that the Committee is to report back to the Council on any matter not within its competence to decide or handle. —

(4) The quorum of the Council shall be six; and the quorum of a Committee of the Council shall be fixed by the Council as it deems fit.

Committees

9. (1) The Council may appoint Standing or Ad hoc Committee(s) to carry out specified functions on behalf of the Institute or the Council as deemed appropriate.

(2) The Council shall set up a Standing Committee to be known as the Policy Formulation Committee which shall be responsible for formulation of policies for the Institute. Only members of the Council shall be eligible for appointment into the Committee and shall hold office for a single term of five years.

(3) With the exception of the Policy Formulation Committee, any other Committee appointed under this paragraph shall consist of the Council Members nominated by the Council but may co-opt any non-Council member whose advice is desired to aid the Committee's assignment. However, such co-opted member shall not be entitled to vote at any meeting of the Committee and shall not count towards a quorum.

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

Miscellaneous

10. Fixture of the Institute's seal shall be authenticated by the signature of the President or of such other member of the Council that is authorised generally or specifically by the Institute to act accordingly.

11. The validity of any proceedings of the Institute, its Council or Committee(s) shall not be affected by:

(a) any vacancy in membership;

(b) any defect in the appointment of a Member or an individual nominated to serve on a Committee; or

(c) the attendance or participation of one not entitled to take part in the proceedings.

12. Any member of the Institute or its Council, that has a personal interest in any contract or arrangement entered into or proposed to be considered by the Council on behalf of the Institute, or on behalf of the Council or a Committee thereof, shall forthwith disclose his interest to the President or to the Council, and shall not vote on any question relating to the contract or arrangement.

13. An individual shall not by reason only of his membership of the Institute be treated as holding an office of emolument under the Federal Republic of Nigeria or any state thereof.

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

SECOND SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO THE TRIBUNAL AND INVESTIGATING PANEL

The Tribunal

1. The quorum of the tribunal shall be four of whom at least two shall be Chartered Foresters.

2. (1) The Chief Justice of Nigeria shall make rules as to the selection of members of the Tribunal for the purposes of any proceedings and as to the procedure to be followed and the rules of evidence to be observed in proceedings before the Tribunal.

(2) The rules shall in particular provide:

(a) for securing that notice of the proceedings shall be given, at such time and in such manner as may be specified by the rules, to the person who is the subject of the proceedings;

(b) for determining who in addition to the person aforesaid, shall be a party to the proceedings;

(c) for securing that any party to the proceeding shall, if he so requires, be entitled to appear and be heard by the Tribunal;

(d) for the representation of a party to the proceedings by a Legal Practitioner;

(e) for costs of proceedings before the tribunal, subject to the provisions of section 24 of this Bill;

(f) for a record to indicate that an individual alleged to be guilty of misconduct has been found, not guilty of such conduct;

(g) for publishing in the Federal Gazette, notice of any direction of the Tribunal which has taken effect, providing that an individual's name shall be struck off the Register of Members due to professional misconduct.

3. For the purposes of any proceedings before the Tribunal, any Member of the Tribunal may administer oaths and any party to the proceedings may sue out of the registry of the High Court as the case may require; but no individual appearing before the Tribunal shall be compelled:

(a) to make any statement before the Tribunal tending to incriminate himself; or

(b) to produce any document under such a writ which he could not be compelled to produce at the trial of an action in Court.

4. (1) For the purpose of advising the Tribunal on questions of law arising in proceedings before it, there shall in all such proceedings be An assessor to the Tribunal who shall be appointed by the Council on the nomination of the Chief Justice of Nigeria.

(2) The Assessor shall be a Legal Practitioner with not less than ten years post call experience.

- (3) 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 ensuring:
- (a) that where an Assessor advises the Tribunal on any question of law as to evidence, procedure or any other matters specified by the rules, he shall do so in the presence of every party or individual representing a party to the proceedings who appears thereat or, if the advice is tendered while the Tribunal is deliberating in private, that every such party or person as aforesaid shall be informed of the advice the Assessor has tendered;
 - (b) that every such party or individual in subparagraph (a) shall be informed if in any case the Tribunal does not accept the advice of the Assessor on such a question as aforesaid.
 - (c) an Assessor may be appointed under this paragraph either generally or for any specific proceeding, and shall hold and vacate office in accordance with the terms of the instrument by which he is appointed.

The Panel

5. The quorum of the Panel shall be three.
6. (1) The Panel may, at any meeting of the Panel attended by all the members of the panel, make standing orders with respect to its activities.
- (2) Subject to the provisions of any such standing orders, the Panel may regulate its own procedure of operation subject to policy directions by the Council of the Association.

Miscellaneous

7. (1) An individual ceasing to be a member of the Tribunal or the Panel shall be eligible for reappointment as a member of that body.
- (2) An individual may, if otherwise eligible, be a member of both the Tribunal and the Panel; provided that no individual who acted as a member of the Panel with respect to any case shall act as a Member of the Tribunal with respect to that case.
8. The Tribunal or the Panel may act notwithstanding any vacancy in its membership; and the proceedings of either body shall not be invalidated by any irregularity in the appointment of a member of that body, or (subject to paragraph 7 (2) of this Schedule) by reason of the fact that any person who was not entitled to do so took part in the proceedings of that body.
9. Any document authorized or required by virtue of this Bill to be served on the Tribunal or the Panel, shall be served on the Registrar appointed in pursuance of section 15 of this Bill.
10. Any expenses of the Tribunal or the Panel in the execution of its mandate shall be defrayed by the Institute.

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

THIRD SCHEDULE

NIGERIAN INSTITUTE OF CHARTERED FORESTERS DISCIPLINARY TRIBUNAL RULES

Proceedings before the Tribunal

Reference of Case to the Tribunal

1. Where the Investigating Panel establishes a prima facie case of professional misconduct against a Member, a comprehensive report of the findings shall be made and forwarded to the Tribunal alongside all relevant documentation considered by the Panel.

Parties and Appearance

2. (1) The parties to any proceeding of the Tribunal shall be:
 - (a) the complainant;
 - (b) the respondent; and
 - (c) any other person required by the Tribunal to be joined, or joined by leave of the Tribunal.
- (2) Subject to subparagraph (3) of this paragraph, parties to the proceedings may enter an appearance in person, or by their respective legal practitioners acting as counsel.
- (3) The Tribunal may require the attendance of the complainant or respondent in person if that is necessary in the interest of justice.

Notice of Hearing

3. (1) When a complaint is referred by the Panel to the Tribunal, the Registrar shall:
 - (a) after consultation with the Chairman, appoint a date, time and place for the hearing; and
 - (b) in the form specified in the Schedule, give notice to all concerned parties (including members of the Tribunal and the Assessor) as directed or required by the Chairman.
- (2) If the directions are, for any reason, not given, it is sufficient compliance with this paragraph if the notice is:
 - (a) handed to the party concerned or affected, personally; or
 - (b) sent by registered post to the last known place of abode of the party.

Hearing in absence of Parties

4. (1) Subject to paragraph 2 (2) of this schedule, the Tribunal may hear and determine a case in the absence of any party.
- (2) A party to any proceeding before a Tribunal who fails to appear or be represented may apply within one month after the date when the pronouncement of the findings and directions of the Tribunal were given, for a rehearing on the ground of want of notice or other good and sufficient reason, and the Tribunal in appropriate cases, may grant the application upon such terms as to costs or otherwise as it deems fit.

Hearing of Witnesses

5. The Tribunal may, in the course of its proceedings, hear witnesses and receive any documentary evidence necessary in its opinion to assist it in arriving at a conclusion as to the truth or otherwise of the allegation of misconduct, in the complaint referred to it by the Panel, and in the application of this paragraph, the provisions of the Evidence Act shall apply in all proceedings.

Amendment of Complaint

6. If in the course of proceedings, it appears to the Tribunal that the complaint before it requires amendment, the Tribunal may, on such terms as it deems fit, allow the amendment to be made and the amended complaint shall thereupon be dealt with accordingly.

Proceedings to be in Public

7. The proceedings of the Tribunal shall be held in public, and its findings and directions shall also be delivered in public unless otherwise directed by the Tribunal.

Findings and Costs in Certain cases

8. The Tribunal may, on its own motion or upon the application of any party, adjourn the hearing, on such terms as to cost or otherwise, as the Tribunal deems fit.

False Evidence

9. (1) If any person willfully gives false evidence on oath before the Tribunal during the course of any proceedings or willfully makes a false statement in any affidavit sworn to for the purpose of such proceedings, the Tribunal may refer the matter to the Attorney - General of the Federation for such action as the Attorney - General may think fit.
(2) If after the hearing, the Tribunal adjudges that the charge of professional misconduct has not been proven, the Tribunal:
 - (a) shall record findings that the respondent is not guilty of the misconduct in respect of which the charge was referred; and
 - (b) may order any party (except the complainant) to pay the costs of the proceedings, having regard to his conduct and the circumstances of the case.

Publication of Findings

10. Any finding made or direction given by the Tribunal shall be published in the Federal Gazette immediately after such findings or direction, as the case may be.
11. The Chairman shall, during the hearing, take the minutes of the proceedings which shall be open to inspection by the parties and shall be made available to any party upon the payment of such charges as the Registrar may fix, by the relevant instrument published in the Federal Gazette.

Miscellaneous Powers of Tribunal

12. The Tribunal may dispense with any requirement of this Schedule regarding notices, affidavits, documents, services or time for doing or omitting anything in any case where it appears to the Tribunal that it would be just or expedient to do so, and the Tribunal may, in any particular case, extend the time for doing anything under the schedule as provided for in the policy direction of the Chief Justice of Nigeria.

Powers to Retain Exhibit Pending Appeal

13. Books and other exhibits produced or used at the hearing shall, unless the Tribunal otherwise directs, be retained by the Registrar until the expiry of the time for filing an appeal against any finding or direction of the Tribunal or, if notice of any such appeal is given, until the hearing and disposal of the appeal.

Appointment and Duties of Assessors

14. (1) The Council shall, by instrument, appoint an Assessor who shall hold and vacate office as provided in his instrument of appointment, and where the appointment is not a general one, it shall have effect only in respect of a particular proceeding of the Tribunal.
- (2) Subject to the terms of appointment, an Assessor shall attend the proceedings of the Tribunal whenever required to do so by notice in writing given to the Assessor by the Registrar, not later than 3 days, before the date fixed for the hearing of such proceeding and the Assessor shall advise the Tribunal on questions of law only.

Interpretation

15. In this Schedule:

"Complainant" means a person or body who brings a complaint before the Tribunal, alleging professional misconduct against a member of the Institute;

"Respondent" means the person required to answer to any charge of professional misconduct.

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

Chairman to report Bill.

(SENATE IN PLENARY)

The President of the Senate reported that the Senate in the Committee of the Whole considered a Bill for an Act to Establish the Nigerian Institute of Chartered Foresters And for Related Matters, 2022 and approved as follows:

Clauses 1-31 — As Recommended

Schedules 1-3 — As Recommended

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

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

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

16. **Adjournment:**

Motion made: That the Senate do now adjourn till Wednesday, 16th February, 2022 at 10:00 a.m. (*Senate Leader*).

Question put and agreed to.

Adjourned accordingly at 12:48 p.m.

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

