



SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Wednesday, 17th November, 2021

1. The Senate met at 10:34 a.m. The Deputy President of the Senate read prayers.
2. **Votes and Proceedings:**
The Senate examined the Votes and Proceedings of Tuesday, 16th November, 2021.

Question was put and the Votes and Proceedings were approved.

3. **Announcement:**
Wedding Invitation:
The Deputy President of the Senate read a letter from *Senator Nora L. Daduut (Plateau South)* as follows:



OFFICE OF DISTINGUISHED
SENATOR (PROF.) DAME NORA LADI DADUUT
Plateau South Senatorial District

11th November, 2021

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

WEDDING INVITATION

I have the pleasure and honour to humbly invite you and members of this Senate to the wedding of my son, Jonathan Daduut which will take place as follows:

Date: 18th December, 2021
Venue: St. Finbarr's Catholic Church, Rayfield Jos.
Reception: Langfield Leisure Park, Rayfield Jos.

Please accept the assurances of my highest regards.

(Signed)
Senator (Prof.) Dame Nora Ladi Daduut

4. Petitions:

Rising on Order 41, Senator Patrick A. Akinyelure (*Ondo Central*) drew the attention of the Senate to five (5) petitions received from the Office of the President of the Senate as follows:

- (i) Dr. S.U. Abdullahi against Nigeria Customs Service, over an alleged non release of his consignment at the Apapa Port;
- (ii) Progress Niller against the management of Nigerian Correctional Service over an alleged refusal to reinstate him into the Service;
- (iii) Simon Peters Uguri and Associates on behalf of Elikpokwu-odu Community against Nigeria Police Force, Douglas Teingo Ibeneye and others over alleged illegal sale of land, unjust persecution and abuse of human rights in the Community;
- (iv) Barr. Barnabas M. Zayol on behalf of Tiv Youth Organization against Prof. Otaki Allahnanah over alleged incitement and sponsored killings of Tiv people in southern Nasarawa State; and
- (v) Promise Mbani and Associate against the Hon. Minister of Power, Works, Housing and Urban Development over an alleged threat to demolish his property at Plot 32, Block XX, Federal Government Layout, Gwagwalada, Abuja.

He urged the Senate to look into the matters.

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

5. Personal Explanation:

Rising on Order 43, Senator Emmanuel Bwacha (*Taraba South*) drew the attention of the Senate to the attack on Manga village, 20 kilometers away from Kashimbilla Dam by suspected Ambazonia Separatist Forces of South West Cameroun, killing the village head, Chief Alata Manga and four others, and leaving several persons missing. He urged the Senate to observe a minute silence in honour of the deceased.

One minute silence accordingly observed in honour of the deceased.

6. Personal Explanation:

Rising on Order 43, Senator Solomon O. Adeola (*Lagos West*) drew the attention of the Senate to the incident of Gas explosion on Tuesday, 16th November, 2021 at a domestic Liquefied Petroleum Gas (LPG) sale point at 21, Ojekunle Street, Ladipo Spare Parts Market, Mushin Local Government Area, Lagos State, which killed no fewer than Five (5) people, injured many persons and destroyed properties worth millions of naira. He urged the Senate to observe a minute silence in honour of the deceased.

One minute silence accordingly observed in honour of the deceased.

7. Presentation of Bills:

- (i) Federal University of Agriculture Akoko Edo, Ondo State (Establishment) Bill, 2021 (HB. 1371) — *Read the First Time.*
- (ii) Federal College of Agriculture Ajassor, Cross River State (Establishment) Bill, 2021 (SB.369) — *Read the First Time.*
- (iii) Public Officers Protection Act Cap P41 LFN 2004 (Amendment) Bill, 2021 (SB. 804) — *Read the First Time.*

- (iv) Federal College of Fisheries and Aquatic Studies Awoye, Ondo State (Establishment) Bill, 2021 (SB. 852) — *Read the First Time.*
- (v) National Assembly Budget and Research Office (Establishment) Bill, 2021 (SB. 853) — *Read the First Time.*

8. Committee on Establishment and Public Service:

Report on the Real Estate (Regulations and Development) Bill, 2021 (SB. 540):

Motion made: That the Senate do receive and consider the Report of the Committee on Establishment and Public Service on the Real Estate (Regulations and Development) Bill, 2021 (*Senator Nicholas O. Tofowomo — Ondo South*).

Question put and agreed to.

Report Laid and Presented.

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

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO ESTABLISH THE REAL ESTATE REGULATORY COUNCIL OF NIGERIA TO PROVIDE EFFICIENT, EFFECTIVE AND TRANSPARENT ADMINISTRATION OF THE BUSINESS OF REAL ESTATE DEVELOPMENT, AND PRESCRIBE MINIMUM STANDARDS FOR THE CONDUCT OF THE BUSINESS OF REAL ESTATE DEVELOPMENT IN NIGERIA; AND FOR RELATED MATTERS, 2021.

Clause 1: Objective of this Bill.

The objectives of this Bill are to:

- (a) standardize the business of real estate development in Nigeria by regulating the conduct of transactions in the real estate sector;
- (b) provide enabling environment and transparency in the business of real estate development in Nigeria;
- (c) make the business of real estate development in Nigeria conform to international best practices and safeguard the ultimate interest of all stakeholders in the business;
- (d) curb fraudulent practices in the business of real estate development in Nigeria;
- (e) to ensure the real estate business conforms with the National Building Code in Nigeria.
- (f) create an innovative and sustainable environment to promote Nigeria as a real estate investment destination in Africa and the world, and,

- (g) ensure real estate business in Nigeria conforms with the Money Laundering Prohibition Act, 2011 (as amended) and Nigeria Financial Intelligence Unit (NFIU) Act, 2018 in terms of anti-money laundering and counter terrorism financing due diligence compliance.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senator Nicholas O. Tofowomo — Ondo South*) — Agreed to.

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

Clause 2: Application.

This Bill applies to the Federal Capital Territory, Abuja and all States of the Federal Republic of Nigeria.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senator Nicholas O. Tofowomo — Ondo South*) — Agreed to.

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

Clause 3: Establishment of the Real Estate Regulatory Council of Nigeria (RERCON).

- (1) There is established the Real Estate Regulatory Council of Nigeria (in this Bill referred to as "the Council");
- (2) The Council:—
 - (a) shall be a body corporate with perpetual succession and a common seal;
 - (b) may sue or be sued in its corporate name;
 - (c) may acquire, hold or dispose of any property, movable or immovable, for the purpose of performing its functions; and
 - (d) shall be self-funding.
- (3) The headquarters of the Council shall be situated in the Federal Capital Territory, Abuja.
- (4) The Council may establish offices in each State of the Federation as the Council deems necessary.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senator Nicholas O. Tofowomo — Ondo South*) — Agreed to.

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

Clause 4: Functions of the Council.

The Council shall:—

- (a) regulate the business of real estate development in Nigeria in consultation with REDAN;

- (b) promote sustainable development of the business of real estate as championed by REDAN;
- (c) provide and promote strategic collaborations with investors in the business of real estate development to provide suitable housing programmes;
- (d) collaborate with relevant government and private institutions to bridge housing deficit in Nigeria;
- (e) protect the interest and funds of investors and other stakeholders in the business of real estate development in Nigeria;
- (f) register and license all real estate developers in Nigeria through the institutional guidelines of REDAN;
- (g) renew the license of real estate developers annually, upon payment of the prescribed fees and fulfillment of all requirements prescribed under this Bill as recommended by REDAN;
- (h) register, maintain and update register of all real estate development projects ratified by REDAN to have met set standards of industry practices;
- (i) monitor and inspect the progress of registered real estate development projects to ensure compliance with this Bill and other relevant legislation in the business of real estate development in Nigeria;
- (j) work through REDAN to monitor, investigate and sanction registered and licensed real estate developers that violate the provisions of this Bill;
- (k) work through REDAN to investigate and penalize unlicensed real estate developers that violate the provisions of this Bill;
- (l) receive complaints and petitions against real estate developers from aggrieved clients or members of the public;
- (m) investigate complaints and petitions under paragraph (l) and take necessary action as prescribed under this Bill;
- (n) maintain a register of all licensed real estate developers in Nigeria;
- (o) create and update a unified central database of real estate developers in Nigeria;
- (p) create and maintain a website for the business of real estate development in Nigeria;
- (q) sensitize and create awareness in the public on the need to patronize registered and licensed real estate developers;
- (r) organize continuing education programmes on best practices in the business of real estate development in Nigeria;

- (s) collaborate with relevant government authorities to promote compliance with the laws regulating the business of real estate development in Nigeria;
- (t) collaborate with relevant government authorities and investors to promote suitable housing schemes including introduction of programmes and projects to reduce housing deficit in Nigeria;
- (u) cooperate with government institutions charged with the responsibility for preventing fraud, investigating financial crimes and money laundry or terrorism financing involving a registered and or licensed real estate developer or real estate development project
- (v) prescribe fees, fines, and charges to be paid under this Bill as recommended by REDAN;
- (w) perform other functions as may be directed by the Minister; and
- (x) do other things that are necessary to meet the objectives of this Bill.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senator Nicholas O. Tofowomo — Ondo South*) — Agreed to.

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

Clause 5: Establishment, Composition of the Members of the Governing Council

There is established for the Council, a Governing Council (in this Bill referred to as 'The Council'), which shall be responsible for the general governance and oversight of the Council which shall consist of:—

- (i) a Chairman who shall be appointed by the Minister on the recommendation of the Real Estate Developers Association of Nigeria (REDAN); the Chairman shall be the Chief Accounting Officer of the Council, accountable to the Council and the Minister.
- (ii) one representative of the Federal Ministry in charge of Housing
- (iii) two (2) persons from each of the six (6) geopolitical zones in Nigeria to represent REDAN;
- (iv) representative of Minister of the Federal Capital Territory; either the Executive Secretary of the Federal Capital Development Authority (FCDA), the Director charged with the responsibility for Development Control or the Director charged with the responsibility for Lands in Abuja Geographic information Systems
- (v) a Commissioner for Lands, Housing and Urban Development of each State of the Federation in alphabetical order.
- (vi) one representative each from Council of Professional Bodies in the Built Industry, namely:—
 - (a) Council for the Regulation of Engineering in Nigeria (COREN)

- (b) Architects Registration Council of Nigeria (ARCON)
 - (c) Council of Registered Builders of Nigeria (CORBON)
 - (d) Estate Surveyors and Valuers Registration Council of Nigeria (ESVARBON)
 - (e) Quantities Surveyors Registration Council of Nigeria (QSRBON)
 - (f) Surveyors Council of Nigeria (SURCON)
 - (g) Town Planners Registration Council of Nigeria (TOPREC)
- (vii) one person each to represent the:—
- (a) Central Bank of Nigeria,
 - (b) Standards Organization of Nigeria,
 - (c) Securities and Exchange Commission,
 - (d) Federal Mortgage Bank of Nigeria,
 - (e) Nigerian Financial Intelligence Unit
 - (f) National Insurance Commission
 - (g) Assets Management Corporation of Nigeria
 - (h) Infrastructure Corporation of Nigeria
 - (i) The Secretary of the Council; who shall be appointed by the Council on the recommendation of the Real Estate Developers Association of Nigeria (REDAN).
 - (j) Members of the Council nominated under paragraph (vii), shall not be below the grade of a Director or its equivalent.
 - (k) Members of the Council, except the Chairman and the Secretary shall be nominated based on the recommendations of the various agencies or Professional Bodies which they represent.
 - (l) The provisions of the Schedule to this Bill shall have effect with respect to subsequent appointments, and other matters mentioned in the Schedule.
 - (m) The Minister may give the Council directions of a general nature or relating generally to particular matters but not to any individual person with regards to the exercise by the Council of its functions.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senator Nicholas O. Tofowomo — Ondo South*) —
Agreed to.

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

Clause 6: Qualification of the Chairman and members of the Council.

- (1) A person is qualified for appointment to the office of the Chairman or nominated as a member of the Council, if the person:—
 - (a) is a citizen of Nigeria;
 - (b) has attained the age of 30 years;
 - (c) possesses the requisite qualification of the interest which he represents;
 - (d) is a duly registered member of REDAN except persons representing the interests under paragraphs (iv) to (vii);
 - (e) has not been adjudged to be mentally unfit;
 - (f) has not been declared bankrupt; and
 - (g) has not been convicted by any court of competent jurisdiction.
- (2) The Chairman shall preside at the meetings of the Council, but in the event of his death, resignation, incapacity or inability to perform the functions of his office for any reason, the Council shall elect a fit and proper member of the Council to act in his stead for the unexpired portion of the term of office only.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senator Nicholas O. Tofowomo — Ondo South*) — *Agreed to.*

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

Clause 7: Tenure.

Subject to the provisions of this Bill:—

- (a) a person appointed as Chairman and Secretary of the Council shall hold office for a term of four years and renewable for another term and no more;
- (b) persons nominated to represent the interest of the States within the six (6) geopolitical zones under clause 5 b(iii) shall remain members of the Council on 4-year renewable term;
- (c) persons nominated under clause 5 (vi) and (vii) shall continue to be members of the Council while they are in the service of the agencies they represent unless they are removed by their agencies.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senator Nicholas O. Tofowomo — Ondo South*) — *Agreed to.*

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

Clause 8: Removal and cessation.

- (1) The Minister may, remove the Chairman of the Council from office on the recommendation of the Council and or REDAN, if the Minister is of the opinion that it is not in the interest of the Council for the Chairman to continue in office.
- (2) The Minister shall first notify the Chairman of the Council under sub clause (1).
- (3) The Minister shall not remove the Chairman of the Council under sub clause (1) unless the Chairman has been given the opportunity to make representations regarding the issues warranting his removal reported by the Council and or REDAN.
- (4) Members of the Council except the Chairman and the Secretary as well as 12 members of REDAN representing the six (6) geopolitical zones to the Council are part-time members.
- (5) A member of the Council shall cease to be a member of the Council if he:—
 - (a) resigns his membership by notice in writing to the Council;
 - (b) becomes of unsound mind or is incapable of discharging the duties of his office;
 - (c) becomes bankrupt;
 - (d) is convicted of a felony or any offence involving dishonesty;
 - (e) is guilty of serious misconduct in relation to his duties; or
 - (f) in the case of a person possessed of professional qualifications, is disqualified or suspended from practicing his profession in any part of Nigeria by the order of a competent authority made with respect to him personally.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senator Nicholas O. Tofowomo — Ondo South*) —
Agreed to.

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

Clause 9: Powers of the Council.

For the purpose of this Bill, the Council shall have powers to:—

- (a) collaborate with the relevant government authority or agencies;
- (b) make policies to maintain a conducive macro-economic environment to deepen housing financial market in Nigeria including maintenance of low inflation, exchange rates;
- (c) collaborate with relevant government authorities to make policies to deepen housing financial market and liberalize access to financial market on a long-term basis for all categories of income;

- (d) collaborate with competent authorities, relevant government agencies and professionals in all sectors of the Built Industry to ensure that locally produced building materials are available in adequate quantity;
- (e) make policies and engage in partnership to develop infrastructure to encourage resurgence of the artisan class in the business of real estate development and built industry;
- (f) make rules, regulations and guidance to develop the business of real estate development market;
- (g) make staff regulations for all staff of the Council and provide pension, gratuities, allowances and welfare schemes for the staff;
- (h) make standard operating procedure and code of conduct for the business of real estate development in Nigeria;
- (i) establish such offices, departments, units and branches of the Council in the FCT and any State in Nigeria as may be required for the proper administration and operation of the Council;
- (j) impose penalty or interest with regard to contravention of obligations upon developers and allottees under this Bill or rules and regulations made pursuant to this Bill;
- (k) issue guidelines for the purpose of this Bill;
- (l) subject to the provisions of this Bill, regulate its own procedure; and
- (m) take actions and do things as may be necessary for the performance of the functions of the Council.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senator Nicholas O. Tofowomo — Ondo South*) —
Agreed to.

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

Clause 10: Recommendations to Government.

The Council shall make recommendations to the relevant government authority on:—

- (a) ways to protect the interest of allottees and developers;
- (b) how to create a single window system to ensure time-bound project approvals and clearances for timely completion of the project;
- (c) how to create a transparent and robust grievance redress mechanism against acts of omission and commission of competent authorities and their officials;
- (d) measures to encourage investment in the business of real estate development including measures to increase financial assistance for suitable housing programmes;

- (e) measures to encourage construction of environmentally sustainable and suitable housing, promoting standardization and use of appropriate construction materials, fixtures, fittings and construction techniques;
- (f) procedures that set standards for use of appropriate construction materials, fixtures, fittings and construction techniques;
- (g) measures to facilitate amicable conciliation of disputes between developers and the allottees through dispute settlement forums set up by the developer or allottee associations;
- (h) measures to facilitate digitization of land records and system towards conclusive property titles with title guarantee;
- (i) to render advice to the appropriate Government in matters relating to the development of the real estate sector;
- (j) measures to assist government institutions charged with the responsibility for preventing fraud, financial crimes and money laundry or terrorism financing involving a registered and licensed real estate developer or real estate development project; and
- (k) any other issue that the Council may deem necessary for the promotion of the business of real estate development in Nigeria.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senator Nicholas O. Tofowomo — Ondo South*) — Agreed to.

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

PART II — FINANCIAL PROVISIONS

Clause 11: Fund of the Council.

- (1) There is established a fund for the Council (in this Bill referred to as "the Fund").
- (2) The Council shall maintain, manage and control the Fund into which shall be paid:—
 - (a) licensing fees;
 - (b) revenue accruing to the Council from its investments, activities and services;
 - (c) grants, endowments agencies, organizations, benefactors and other donors;
 - (d) 10 % of annual revenue of REDAN and
 - (e) such money as the Minister may, out of the money provided by the Federal Government, allocate to the Council by way of subvention, loan grant or otherwise.

- (3) There shall be paid out of the Fund:—
- (a) expenditure incurred by the Council in the performance of its functions under this Bill;
 - (b) re-imbusement for members of the Council or any Committee set up by the Council for expenses that may be authorized by the Council in accordance with the rate approved by the Council including reasonable travelling and subsistence allowances in respect of times spent by members of the Council on duties of the Council as the Council may determine;
 - (c) salaries fees, remuneration, allowances, pension, gratuities and other money to which the Executive Secretary and other staff of the Council are entitled; and
 - (d) costs for the maintenance of property acquired by or vested in the Council.
- (4) Subject to guidelines issued by the Council, the Council may invest its funds and assets in any bond, bill or security issued or guaranteed by the Federal Government or the Central Bank of Nigeria.

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senator Nicholas O. Tofowomo — Ondo South*) —
Agreed to.

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

Clause 12: Bank account.

- (1) The Council shall pay its funds into an account in a reputable bank(s) approved by the Council.
- (2) An instrument for withdrawal of money from the account under sub clause (1) shall not be valid unless it is authenticated by the signatures of the Chairman and the Executive Secretary or signatures of the other member of staff of the Council as may be approved by the Council.

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senator Nicholas O. Tofowomo — Ondo South*) —
Agreed to.

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

Clause 13: Power to borrow.

The Council may, subject to the terms and conditions as the Council may approve, borrow money for the purposes of the Council.

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senator Nicholas O. Tofowomo — Ondo South*) —
Agreed to.

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

Clause 14: Power to invest.

The Council may, subject to the terms and conditions as the Council may approve, invest any part of its funds in a security and may, at any time, dispose of such security.

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senator Nicholas O. Tofowomo — Ondo South*) — Agreed to.

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

Clause 15: Estimate, report, account and audit.

- (1) The Council shall prepare and inform the Minister not later than 31 October of the year in which this Bill comes into effect, extend the period and in each subsequent year, an estimate of its expenditure and income during the next succeeding financial year.
- (2) The Council shall keep proper accounts in respect of each financial year and proper records in relation to those accounts, and shall cause the accounts to be audited after the end of each financial year to which the accounts relate, by a firm of auditors appointed for that year from the list, and in accordance with guidelines, supplied by the Auditor-General for the Federation.
- (3) The Council shall prepare and inform the Minister in charge of Housing at the national Council of Lands, Housing and Urban Development not later than 12 months after its establishment and once in each year thereafter, a report on the activities of the Council during the last preceding financial year and shall include in the report, a copy of the audited accounts of the Council for that year and of the auditor's report on the accounts.

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senator Nicholas O. Tofowomo — Ondo South*) — Agreed to.

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

PART III— EXECUTIVE SECRETARY AND OTHER STAFF OF THE COUNCIL**Clause 16: Appointment of the Executive Secretary.**

- (1) The Council shall appoint an Executive Secretary who:—
 - (a) has qualifications in the relevant field in the business of real estate development;
 - (b) has acquired the requisite body of knowledge in the built industry and has been so qualified for at least 15 years of personal experience in the business of real estate development.
- (2) The Executive Secretary shall:—
 - (a) be charged with the daily administration of the Council;
 - (b) be subject to the directives of the Council;

- (c) perform such functions as may be prescribed by the Council; and
 - (d) hold office on such terms and conditions as may be specified in his letter of appointment and on such other terms and conditions as may be determined.
- (3) The Executive Secretary shall be the Administrative Officer of the Council responsible for all staff oversight functions, except the Chairman

Committee's Recommendation:

That the provision in Clause 16 be retained (*Senator Nicholas O. Tofowomo — Ondo South*) —
Agreed to.

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

Clause 17: Appointment of Staff.

The Council may, subject to approval of the Council and on the recommendation of the Executive Secretary, appoint such other staff as it may deem necessary for the efficient performance of its functions under this Bill.

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senator Nicholas O. Tofowomo — Ondo South*) —
Agreed to.

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

Clause 18: Pension provisions.

Service in the Council shall be approved service for the purpose of the Pensions Act and accordingly, persons employed in the Council shall, in respect of their service in the Council, be entitled to pensions, gratuities and other retirement benefits enjoyed by persons holding equivalent grades in the public service of the Federation, so however that nothing in this Bill shall prevent the appointment of a person to any office on terms which preclude the grant of a pension and gratuity in respect of that office.

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senator Nicholas O. Tofowomo — Ondo South*) —
Agreed to.

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

PART IV — LICENSING OF DEVELOPERS AND REGISTRATION OF REAL ESTATE PROJECTS

Clause 19: Licensing of developers.

- (1) The Council shall license developers engaged in the business of real estate development in Nigeria from the commencement of this Bill upon satisfaction that the developer:—
- (a) is a corporate body that is duly registered by the Corporate Affairs Commission;
 - (b) shows evidence that at least one of its directors is a Nigerian citizen;

- (c) has registered with and paid all applicable membership dues to REDAN
- (d) has an ascertainable office or business premises conforming to Money Laundering Act (MLA)/Counter Terrorism Financing (CTF) guidelines of REDAN as prescribed by NFIU Act, 2018 and Money Laundering Act (MLA), 2011 (as amended);
- (e) has paid the prescribed licensing fees; and
- (f) has fulfilled other conditions as may be prescribed by the Council for that purpose.

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senator Nicholas O. Tofowomo — Ondo South*) —
Agreed to.

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

Clause 20: Documentation for licensing of developers.

- (1) A developer applying for license under this Bill shall provide the Council with the following documents:—
 - (a) a brief detail of the company including the name, registered address and type of business;
 - (b) a brief detail of real estate projects executed by the developer in the past three (3) years including current status of the projects;
 - (c) a certified true copy of the approvals from the competent authority obtained in accordance with the laws as may be applicable for the real estate project mentioned in the application, and where the project is proposed to be developed in phases, a certified copy of the approvals from the competent authority for each of such phases;
 - (d) the layout plan and specifications of the proposed project or the phase thereof, and the whole project as approved by the competent authority;
 - (e) the location details of the project with clear demarcation of land dedicated for the project along-with its boundaries including the latitude and longitude of the end points of the project;
 - (f) a declaration, supported by an affidavit, which shall be signed by the developer or any person authorized by the developer, stating:—
 - (i) that he has a legal title to the land on which the development is proposed along with legally valid documents with authentication of such title, if such land is owned by another person;

- (ii) that the land is free from all encumbrances, or as the case may be, details of the encumbrances on such land including any rights, title, interest or name of any party in or over such land along with details.

Committee's Recommendation:

That the provision in Clause 20 be retained (*Senator Nicholas O. Tofowomo — Ondo South*) — Agreed to.

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

Clause 21: Duties of the developer.

- (1) The developer shall:—
 - (a) register each project with the Council;
 - (b) be responsible for projects registered pursuant to this Bill, provided that the responsibility of the developer, with respect to the structural defect or any other defect for such period is as specified in the agreement between the parties;
 - (c) transfer legal title to all allottees according to the terms of contract; and
 - (d) pay all outgoings until he transfers possession of the real estate project to the allottee which he has collected from the allottees for the payment of outgoing (including land cost, ground rent or other local taxes, charges for water or electricity, maintenance charges, including mortgage loan and interest on mortgages or other encumbrances and such other liabilities payable to competent authorities, banks and financial institutions, which are related to the project).
- (2) The developer shall, upon licensing by the Council as prescribed under this Bill, create his web page on the website of the Council and enter all details of the project as provided under in all the fields as provided, including:—
 - (a) details of the registration granted by the Council;
 - (b) quarterly up -to- date list of number and types of apartments or plots, as the case may be, booked;
 - (c) up -to-date status of the project, at least twice a year; and
 - (d) such other information and documents as may be specified by the regulations made by the Council.
- (3) The developer, upon entering into an agreement of sale with an allottee shall:—
 - (a) make available to the allottee, information, regarding the site and layout plans along with specifications, approved by the competent authority, by display at the site or such other places as may be specified by the regulations made by the Council;

- (b) obtain a certificate of occupancy or title to land from the relevant competent authority in compliance with existing laws regulating land transactions where the site is situate and make it available to the allottees individually or, in the prescribed form; and
 - (c) provide and maintain essential services, as may be specified in the service level agreements, on reasonable charges.
- (4) The developer shall prepare and maintain all such other details as may be specified, by regulations made by the Council.
- (5) From the commencement of this Bill, a developer shall not book, sell or offer for sale, or invite persons to purchase in any manner any plot, apartment or building, in any real estate project, or part of it, in any planning area, unless the developer has registered the real estate project with the Council:—

Provided however that such registration shall not be required:—

- (a) where the developer has received all requisite approvals and the commencement certificate for the development of the real estate project before the commencement of this Bill; and
- (b) all existing developers before the commencement of this Bill shall register their project within six months from the commencement of this Bill, for the purpose of renovation or repair or re-development which does not involve re-allotment and marketing of the real estate project.

Committee's Recommendation:

That the provision in Clause 21 be retained (*Senator Nicholas O. Tofowomo — Ondo South*) — Agreed to.

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

Clause 22: Extension of Registration/Licensing.

The Council may extend the period for registration of real estate project or licensing for a developer under this Bill, on an application made by the developer, under such conditions as may be prescribed and, in such form, and on payment of fees as may be specified by the regulations made by the Council:

Provided that no application for extension of registration shall be rejected unless the applicant has been given an opportunity of being heard in the matter.

Committee's Recommendation:

That the provision in Clause 22 be retained (*Senator Nicholas O. Tofowomo — Ondo South*) — Agreed to.

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

Clause 23: Revocation of License.

- (1) The Council may, on receipt of a complaint in its behalf or on the recommendation of the competent authority, revoke the license issued to a registered developer, if it is satisfied that the developer:—

- (a) made wilful default in doing anything required of him under this Bill or the rules or the regulations made hereunder;
 - (b) violated any of the terms or conditions of the approval given by the competent authority; or
 - (c) is involved in any kind of unfair practice or irregularities.
- (2) For purposes of this clause, the term "unfair practice" means a practice which, for the purpose of promoting the sale or development of any real estate project adopts any unfair method or unfair or deceptive practice including the practice of making any statement, whether orally or written or by visible representation which:—
- (a) falsely represents that the services are of a particular standard or grade,
 - (b) represents that the developer has approval or affiliation which the developer does not have,
 - (c) makes a false or misleading representation concerning the services, or
 - (d) the developer permits the publication of any advertisement or prospectus whether in any newspaper or otherwise of services that are not intended to be offered.
- (3) The license issued to the developer under this Bill shall not be revoked unless the Council has given to the developer at least 30 days' notice, in writing, stating the grounds on which it is proposed to revoke the license, and has considered any cause shown by the developer within the period of that notice against the proposed revocation.
- (4) The Council may, instead of revoking the license under sub clause (1), permit it to remain valid subject to further terms and conditions as it deems fit to impose in the interest of the allottees, and the terms and conditions so imposed shall be binding upon the developer.
- (5) Upon the revocation of the license, the Council:—
- (a) shall debar the developer from accessing its website in relation to that project and specify his name in the list of defaulters on its website and also inform the State Offices including the FCT about the revocation;
 - (b) may recommend to the competent authority to facilitate the balance of the development works to be carried out in accordance with the provisions of clause 10 of this Bill; or
 - (c) may, to protect the interest of prospective buyers or in the public interest, issue such directions as it may deem necessary.

Committee's Recommendation:

That the provision in Clause 23 be retained (*Senator Nicholas O. Tofowomo — Ondo South*) —
Agreed to.

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

Clause 24: Provision of Registration Number and Log-In Identity.

- (1) On receipt of the application for registration, the Council shall within 30 days:—
 - (a) issue a license subject to the provisions of this Bill and the rules and regulations made under this Bill;
 - (b) provide a registration number and log-in password to the applicant for:—
 - (i) accessing the website of the Council.
 - (ii) creating his web page, and
 - (iii) filling the details of the proposed project on the webpage of the Council; or
 - (c) reject the application based on reasons recorded in writing, if the application does not meet the requirement under this Bill or the rules or regulations made under this Bill: —

Provided that no application shall be rejected unless the applicant has been given an opportunity of being heard in the matter.

- (2) If the Council fails to register an applicant and issue a license or rejects an application, as provided under subclause (1), the project shall be deemed to have been registered, and the Council shall within 35 days of the expiry of the said 30 days, provide a registration number and a Log-in Identity and password to the developer for accessing the website of the Council and to:—
 - (a) create his web page, and
 - (b) fill the details of the proposed project.
- (3) The registration granted under this clause shall be valid for a period declared by the Council.

Committee's Recommendation:

That the provision in Clause 24 be retained (*Senator Nicholas O. Tofowomo — Ondo South*) —
Agreed to.

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

Clause 25: Developer to compensate consumers for false statement.

Where any person makes an advance or a deposit on the basis of the information contained in the advertisement or prospectus and sustains any loss or damage by reason of any incorrect, false statement included therein, he shall be compensated by the Developer in the manner as provided under this Bill, provided that if the person affected by such incorrect, false statement contained in the advertisement or prospectus, intends to withdraw from the proposed project, he shall be refunded his entire investment along with interest at such rate as may be prescribed.

Committee's Recommendation:

That the provision in Clause 25 be retained (*Senator Nicholas O. Tofowomo — Ondo South*) — Agreed to.

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

Clause 26: Refund of amount and compensation.

- (1) Where the developer fails to complete or is unable to give possession of an apartment, plot or building:—
 - (a) in accordance with the terms of the agreement or, as the case may be, duly completed by the date specified therein or any further date agreed to by the parties; or
 - (b) due to discontinuance of his business as a developer on account of suspension or revocation of his registration under this Bill or for any other reason, he shall be liable on demand to the allottees, without prejudice to any other remedy available, to return the amount received by him in respect of that apartment, plot, building, as the case may be, with interest at such rate as may be prescribed on this behalf including compensation in the manner as provided under this Bill.
- (2) If the developer fails to discharge any other obligations imposed on him under this Act or the rules or regulations made hereunder, he shall be liable to pay such compensation to the allottees, in the manner as provided under this Bill.

Committee's Recommendation:

That the provision in Clause 26 be retained (*Senator Nicholas O. Tofowomo — Ondo South*) — Agreed to.

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

Clause 27: Project to comply with plans and structural design.

- (1) The proposed project shall be developed and completed by a developer in accordance with the architectural, engineering and services designs and specifications as approved by the competent authorities.
- (2) Where any major structural defect in the project is brought to the notice of a developer within one year, including the rainy season, by the allottee from the date of handing over possession, the developer shall rectify the defects without further charge, within reasonable time.
- (3) Where the developer fails to rectify the defects within 60-days, the aggrieved allottees shall be entitled to receive appropriate compensation in the manner as provided under this Bill.

Committee's Recommendation:

That the provision in Clause 27 be retained (*Senator Nicholas O. Tofowomo — Ondo South*) — Agreed to.

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

Clause 28: Consultation with appropriate government authority.

- (1) Upon lapse of the registration and or license or on revocation of the registration/license under this Bill, the Council may consult the appropriate government authority to take such necessary action as it may deem fit.
- (2) Necessary action under sub clause (1) includes completing the remaining development works by competent authority or by the association of allottees or in any other manner, as may be determined by the Council:

—
Provided that no direction, decision or order of the Council under this Bill shall take effect until the expiry of the period for fair hearing as provided under this Bill.

Committee's Recommendation:

That the provision in Clause 28 be retained (*Senator Nicholas O. Tofowomo — Ondo South*) —
Agreed to.

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

PART V— DISCIPLINE FOR VIOLATIONS BY DEVELOPERS**Clause 29: Establishment of Investigating Panel and Disciplinary Committee.**

- (1) There is established for the Council an investigating panel (in this Bill referred to as "the Investigating Panel") which shall:—
 - (a) conduct preliminary investigation into complaints and petitions filed against a developer pursuant to this Bill;
 - (b) conduct preliminary investigation into actions of licensed and unlicensed developers on allegations of violation of this Bill;
 - (c) conduct preliminary investigation into any matter referred to it by the Council; and
 - (d) decide whether the case should be referred to the Disciplinary Committee or not.
- (2) The Investigating Panel shall be appointed by the Council and shall consist of five members:—
 - (a) two members of the Council, one of whom shall be the chairman of the Investigating Panel; and
 - (b) Three members of the public who are not members of the Council and are not members of REDAN and who do not belong to any political party and does not hold a public office.
 - (c) three members of REDAN who are not on the Council.
- (3) The tenure of any member of the Investigating Panel shall be two years and may be renewable for a further term of two years.
- (4) The Investigating Panel shall act independently in performing its functions under sub clause (1) and shall have power to receive complaints directly

from any individual or organization.

- (5) There is established a 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 this clause.
- (6) The Disciplinary Committee may recommend:—
 - (a) suspension; or
 - (b) revocation; of the license of a developer that is found guilty of violating the provisions of this Bill or any rule or regulation made under this Bill.
- (7) If the Disciplinary Committee finds that the developer has no case to answer, it may recommend warning or acquittal.
- (8) The recommendation of the Disciplinary Committee shall be confirmed by the Council and the decision of the Council is final.
- (9) The Council shall operate a-90-day ADR Mechanism at the expense of the disputing parties.
- (10) A developer that is not satisfied with the decision of the Council may appeal against the decision in the High Court.
- (11) The Committee shall be appointed by the Council and shall consist of:—
 - (a) two members of the Council, one of whom shall be the chairman of the Disciplinary Committee; and
 - (b) Three members of REDAN who are not on the Council and who are not members of the Investigating Panel.
 - (c) Three members of the public who are not members of the Council and are not members of REDAN and who do not belong to any political party and does not hold a public office.
 - (d) The tenure of any member of the Disciplinary Committee shall be two years and may be renewable for a further term of two years.
- (12) The Council may make rules, not inconsistent with this Bill, regarding acts which constitute violations by developers under this Bill and appropriate penalties.

Committee's Recommendation:

That the provision in Clause 29 be retained (*Senator Nicholas O. Tofowomo — Ondo South*) —
Agreed to.

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

PART VI — MISCELLANEOUS

Clause 30: Prior written agreement required before collecting deposit.

- (1) A developer shall not accept a sum more than 5% of the cost of the apartment, plot, or building, as the case may be, as an advance payment or an application fee, from a person without first entering into a written agreement for sale/lease with the person.
- (2) The agreement under sub clause (1) shall:—
 - (a) be in such form as may be prescribed;
 - (b) specify the particulars of development of the project including the construction of building and apartments, along with specifications and external development works;
 - (c) specify the dates and the manner by which payments towards the cost of the apartment, plot, or building, as the case may be, are to be made by the allottees;
 - (d) specify and the likely date on which the possession of the apartment, plot, or building is to be handed over; and
 - (e) specify such other particulars, as may be prescribed.

Committee's Recommendation:

That the provision in Clause 30 be retained (*Senator Nicholas O. Tofowomo — Ondo South*) —
Agreed to.

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

Clause 31: Duty of Investor.

- (1) A prospective investor in the business of real estate development in Nigeria shall notify the Council in writing of the intention to invest in a specific real estate project.
- (2) The notice shall contain:—
 - (a) the name of the investor and in the case of a company, the name of the company;
 - (b) the name and location of the real estate project;
 - (c) the cost of the real estate project;
 - (d) the nature or form of prospective investment; and any other information which the Council may require the prospective investor to supply.

Committee's Recommendation:

That the provision in Clause 31 be retained (*Senator Nicholas O. Tofowomo — Ondo South*) —
Agreed to.

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

Clause 32: Capacity development.

- (1) The Council shall collaborate with REDAN and relevant professionals in the Built Industry and other related professionals to conduct continuous capacity development training programmes for developers in Nigeria.
- (2) The continuous capacity development training programmes shall include training on:—
 - (a) project finance,
 - (b) project management,
 - (c) land acquisition,
 - (d) pre-construction, construction and post-construction dynamics in construction,
 - (e) loan packaging,
 - (f) off-taker profiling,
 - (g) understanding of loan cycle, bank loan matrix,
 - (h) building design, and
 - (i) Anti-money laundering and counter-terrorism financing (AML/CFT) Compliance and disciplines that are consistent with requisite knowledge for acceptable standard practice in the Built Industry.
- (3) The Council shall issue the necessary certifications in respect of the capacity development programmes.

Committee's Recommendation:

That the provision in Clause 32 be retained (*Senator Nicholas O. Tofowomo — Ondo South*) —
Agreed to.

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

Clause 33: Power to call for information or conduct investigations.

- (1) Notwithstanding the provisions of clause 30 of this Bill, where the Council considers it expedient to do so, on a complaint relating to the Bill or the rules or regulations made hereunder, the Council may direct the Investigating Panel to call upon any developer or allottee, by order in writing, to furnish in writing such information or explanation relating to its affairs as the Council may require.
- (2) The Council may, for the purpose of discharging its functions under the provisions of this Bill or the rules or the regulations made hereunder, issue such directions to the developer and allottees as it may consider necessary and such directions shall be binding on all concerned.

Committee's Recommendation:

That the provision in Clause 33 be retained (*Senator Nicholas O. Tofowomo — Ondo South*) —
Agreed to.

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

Clause 34: Power to impose fines.

- (1) The Council shall have powers to impose fines or interest, in regard to any contravention of obligations cast upon a developer and allottees, under this Bill or the rules and the regulations made hereunder.
- (2) The Council shall be guided by the principles of natural justice and the jurisdiction of the court.
- (3) If a developer or an allottee, as the case may be, fails to pay any interest, fine or compensation imposed on him under this Bill, it shall be recoverable from such developer or allottee, in such manner as may be prescribed by the Council.

Committee's Recommendation:

That the provision in Clause 34 be retained (*Senator Nicholas O. Tofowomo — Ondo South*) —
Agreed to.

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

Clause 35: Legal proceedings and service of documents.

- (1) A suit shall not commence against the Council before the expiration of a period of one month, after written notice of intention to commence the suit has been served on the Council by the intended plaintiff or his agent.
- (2) A written notice of intention to commence the suit shall be served on the Council by the intending Plaintiff or his agent and the notice shall explicitly state the:—
 - (a) cause of action;
 - (b) particulars of the claim;
 - (c) name and place of abode of the intending plaintiff; and
 - (d) relief which it claims.
- (3) Service on the Council of the notice under this clause, summons or other documents required or authorized to be served on the Council under the provisions of this Bill, may, except where there is express provisions to the contrary be served by:—
 - (a) delivering the same to the Chairman, Executive Secretary or any other Senior Officer of the Council; or
 - (b) sending it by registered post addressed to the Executive Secretary of the Council at the headquarters of the Council, provided that the Court may with regard to any particular suit or document, order service to be effected in accordance with the terms of such Order.
- (4) For the purpose of this clause, "suit" means a civil proceeding commenced by writ of summons or an action in the manner as may be prescribed by rules or court.

Committee's Recommendation:

That the provision in Clause 35 be retained (*Senator Nicholas O. Tofowomo — Ondo South*) —
Agreed to.

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

Clause 36: Power of the Council to make rules.

- (1) Without prejudice to the provisions of this Bill, the Council shall make rules for carrying out the provisions of this Bill.
- (2) The Council shall make rules in particular to provide for: —
 - (a) information and documents for application to Council for registration;
 - (b) conditions under which registration of a developer may be renewed;
 - (c) the form and manner of making an application and fee and documents to be accompanied with such application;
 - (d) the period, manner and conditions under which the registration is to be granted;
 - (e) the validity of the period of registration and the manner for renewal of fees;
 - (f) maintenance and preservation of books of account, records and documents;
 - (g) the rate of interest payable;
 - (h) the form and particulars of agreement to be made by a developer
 - (i) the salaries and allowances payable to, and the other terms and conditions of service of, the Chairman and other members of the Council;
 - (j) the administrative powers of the Chairman;
 - (k) salaries and allowances payable to, and the other terms and conditions of service of, the officers and other employees of the Council;
 - (l) details to be published and maintained on the website;
 - (m) additional functions which may be performed by the Council;
 - (n) the manner of recovery of interest, penalty and compensation; and
 - (o) such other decisions as may be deemed appropriate to make under this Bill.

- (3) The Council may collaborate with the relevant government authority in the exercise of its powers under this clause.

Committee's Recommendation:

That the provision in Clause 36 be retained (*Senator Nicholas O. Tofowomo — Ondo South*) — Agreed to.

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

Clause 37: Power to regulate its proceedings.

The Council shall regulate its proceedings regarding meetings and the performance of its functions by regulations made under this Bill.

Committee's Recommendation:

That the provision in Clause 37 be retained (*Senator Nicholas O. Tofowomo — Ondo South*) — Agreed to.

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

Clause 38: Offences and penalties.

- (1) If a developer commits a financial crime in relation to the Council under this Bill, the developer shall be liable on conviction to the penalties prescribed under the Act of the National Assembly or law regulating financial crimes in Nigeria.
- (2) If an investor commits a financial crime in relation to the duties of an investor under this Bill, the investor shall be liable to the penalties prescribed under the Act of the National Assembly or law regulating financial crimes in Nigeria.
- (3) A developer who knowingly gives false information to the Council commits an offence and is liable on conviction to a fine of Fifty Million Naira (₦50,000,000) and shall be heard in a Fast-Track Court
- (4) A developer who wilfully fails to comply with any order or direction of the Council under this Bill may have his license revoked temporarily or permanently as the Council determines.
- (5) An allottee that wilfully fails to comply with any order, decision, or direction of the Council shall be liable to a fine as may be determined by the Council.
- (6) A developer who deals in the business of real estate development in Nigeria that:—
 - (a) fails to register and be licensed in accordance with the provisions of this Bill commits an offence and is liable on conviction to a fine of not less than Twenty Million Naira (N20,000,000:00) to be garnisheed from the Developer's Bank Account(s) by application to the High Court
 - (b) contravenes or fails to comply with any other provision of this Bill commits an offence and shall be liable on conviction to:—
 - (i) the revocation of its license or a fine of not less than One

Million Naira (₦1,000,000) and a fine of not less than One Hundred Thousand Naira (₦100,000) for each day of non-compliance in the case of a registered corporate body; and

- (ii) a fine of not less than One Million Naira (₦1,000,000) and a fine of not less than One Hundred Thousand Naira (₦100,000) for each day of non-compliance in the case of an unregistered corporate body.

Committee's Recommendation:

That the provision in Clause 38 be retained (*Senator Nicholas O. Tofowomo — Ondo South*) — Agreed to.

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

Clause 39: Jurisdiction.

- (1) The High Court of a State and High Court of FCT shall have jurisdiction to try the offences under this Bill.
- (2) Where any of the provisions of this Bill or its application to any person or circumstance is held invalid in any court having jurisdiction, the invalidity will not affect other provisions or applications of this Bill that can be given effect without the invalid provision or application.

Committee's Recommendation:

That the provision in Clause 39 be retained (*Senator Nicholas O. Tofowomo — Ondo South*) — Agreed to.

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

Clause 40: Transitional provisions.

- (1) From the commencement of this Bill, a developer shall have 180 days to register with the Council in compliance with the provisions of this Bill.
- (2) The provisions of the Second Schedule to this Bill shall apply with respect to staff of REDAN.

Committee's Recommendation:

That the provision in Clause 40 be retained (*Senator Nicholas O. Tofowomo — Ondo South*) — Agreed to.

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

Clause 41: Interpretation.

- (1) In this Bill:—
A developer includes:—
- (a) a corporate body or person that constructs or causes to be constructed an independent building or a building consisting of apartments, or converts an existing building or a part thereof into apartments, for the purpose of selling and or leasing all or some of the apartments to other persons and includes his assignees and also includes a buyer or lease who purchases or leases in bulk for

resale/re-lease; or

- (b) a corporate body or person that develops a real estate for the purpose of selling and or leasing to other persons all or some of the plots, whether with or without structures thereon; or
 - (c) any development authority or any other public body in respect of allottees of:—
 - (i) buildings or apartments, as the case may be, constructed by such authority or body on lands owned by them or placed at their disposal by the government;
 - (ii) plots owned by such authority or body or placed at their disposal by the Government, for the purpose of selling and or leasing all or some of the apartments or plots;
 - (iii) any co-operative housing finance society and a primary co-operative housing society which constructs apartments or buildings for its members or in respect of the allottees of such apartments or buildings;
 - (iv) any other person who acts himself as a builder, real estate developer or by any other name or claims to be acting as the holder of a power of attorney from the owner of the land on which the building or apartment is constructed or estate is developed for sale/lease; or
 - (v) such other person who constructs any building or apartment for sale/lease to the general public.
- (2) For the purposes of this clause:—
- (a) if a corporate body the person constructs or converts a building into apartments or develops a real estate for sale is different from the corporate body that sells/leases apartments or plots, both shall be deemed to be the developer;
 - (b) a person who engages in the business of real estate development in Nigeria shall be construed as a developer;

"advertisement" means any document described or issued as advertisement through any form of media and includes any notice, circular or other documents offering for sale/lease or rent of a plot, building or apartment or inviting persons to purchase/lease in any manner such plot, building or apartment or to make advances or deposits for such purposes;

"allottee" in relation to a real estate project, means the person to whom a plot, apartment or building, as the case may be, has been allotted, sold or otherwise transferred by the developer, and includes the person who subsequently acquires the said allotment through sale, transfer or otherwise, but does not include a person to whom such plot, apartment or building, as the case may be, is given on rent;

"appropriate government authority" means the relevant government agency charged with the responsibility for matters relating to land under the control of the:—

- (a) Federal Government;
- (b) State Government;
- (c) Minister of the Federal Capital Territory; or
- (d) Local Government;

"building" includes any structure or erection or part of a structure or erection which is intended to be used for residential, commercial, industrial, agriculture or other related purposes;

"business of real estate development in Nigeria" includes all activities in the real estate sector contemplated within objective of this Bill;

"carpet area" means the net usable floor area of an apartment, excluding the area covered by the walls;

"company" means a company incorporated and registered under the Companies and Allied Matters Act now in force, and includes:—

- (a) a corporation established by an Act of the National Assembly;
- (b) a development authority or any public authority established by the Government in this behalf under any law for the time being in force;

"competent authority" means any authority created under any law made by the appropriate Government authority which has jurisdiction over land in a given location and has powers to give permission for development of such immovable property;

"Council" means the Real Estate Regulatory Council established under this Bill;

"common areas" mean:—

- (a) the part of the site or plot not occupied by buildings;
- (b) the stair cases, lifts, staircase and lift lobbies, fire escapes and common entrances and exits of buildings;
- (c) the common basements, parks, play areas, parking areas and common storage spaces;
- (d) the premises for the lodging of persons employed for the management of the property including accommodation for watch and ward staff;
- (e) installations of central services such as electricity, gas, water and sanitation, air-conditioning, etc.;

- (f) the water tanks, pumps, motors, fans, compressors, ducts and all apparatus connected with installations for common use;
- (g) community and commercial facilities as may be provided;
- (h) all other portion of the property necessary or convenient for its maintenance, safety, etc., and in common use;

"development" means carrying out the development of immovable property, engineering or other operations in, on, over or under the land or the making of any material change in any immovable property or land and includes re-development;

"development works" means the external development works and internal development works on immovable property;

"estimated cost of real estate project" means the total cost involved in developing the real estate project and includes the land cost;

"external development works" includes roads and road systems, landscaping, water supply, sewerage and drainage systems, electricity supply transformer, sub-station of any other work which may have to be executed in the periphery of, or outside, an estate/development for its benefit, as may be specified under the rules or bye-laws of the competent authority;

"High Court" means High Court of a State or Federal Capital Territory;

"immovable property" includes land, buildings, rights of ways, lights or any other benefit arising out of land and things attached to the earth or permanently fastened to anything which is attached to the earth, but not standing timber or trees, standing crops or grass;

"interest" means the rates of interest payable by the developer or the allottee, as the case may be;

"internal development works" means roads, footpaths, water supply, sewers, drains, parks, tree planting, street lighting, provision for community buildings and for treatment and disposal of sewage and silage water, social infrastructure such as educational, health and other public amenities or any other work in an estate necessary for its proper development;

"local council authority" means any local government council body of the Federal Capital Territory or Local Government of any State or any other Local Body constituted under any law for the time being in force for providing municipal services or basic services, as the case may be, in respect of areas under its jurisdiction;

"Member" means the member of the Governing Council established under this Bill and includes a director;

"Minister" means the Minister charged with the responsibility for Housing;

"State Commissioner" means the Commissioner of any of the 36 States of Nigeria charged with the responsibility for Lands and or Housing or both as the case may be.

"notification" means a notification published in the Official Gazette and the expression "notify" shall be construed accordingly;

"person" includes:—

- (a) an individual;
- (b) a Nigerian family;
- (c) a company;
- (d) a firm;
- (e) a competent authority;
- (f) an association of persons or a body of individuals whether incorporated or not;
- (g) a co-operative society registered under any law relating to co-operative societies;
- (h) any such other entity as the appropriate Government authority may, by notification specify in this behalf;

"planning area" means a planning area, a development area, a local planning area, or a regional development plan area, by whatever name called, or any other area specified as such by the appropriate Government authority or any competent authority and includes any area designated by the appropriate Government authority or the competent authority to be a planning area for future planned development, under the law relating to Town Planning for the time being in force;

"premises" whether called dwelling unit, flat, apartment, suite, tenement, unit or by any other name, means a separate and self-contained part of any immovable property located on one or more floors or any part thereof, in a building or on a plot of land, used or intended to be used for residential purposes, or for any other type of independent use ancillary to the purpose specified and includes any covered garage, whether or not adjacent to the building in which such apartment is located which has been provided by the developer for the use of the allottee for parking any vehicle, or as the case may be, for the residence of any domestic help employed in such apartment;

"prescribed" means prescribed by rules and regulations made under this Bill;

"Professional in the Built Industry" are persons who are qualified and licensed and are involved in the design, construction and other aspects of housing and real estate construction, and has registered with their professional and regulatory bodies under the law establishing them and includes architect, land surveyor, engineers, estate surveyor and valuer, town Planner, builder and quantity surveyor;

"project" means the real estate project under this Bill;

"prospectus" means any document described or issued as a prospectus or any notice, circular, leaflet, flyer or other document offering for sale of any real estate project or inviting any person to make advances or deposits for such purposes; Real Estate Developers Association of Nigeria (REDAN) is the registered Association of Real Estate Developers under Companies and Allied Matters Act (CAMA) as Incorporated Trustees in 2002, and approved by the Federal Executive Council in the National Housing Policy (2012);

"real estate project" means the development of a building or a building consisting of apartments, or converting an existing building or a part thereof into apartments, or the development of an estate into plots or apartments, as the case may be, for the purpose of selling/leasing all or some of the said apartments or plots or buildings and includes the development works thereof;

"regulations" means the regulations made by the Council under this Bill.

"AML/CFT" means Anti-money laundering and counter-terrorism financing

Committee's Recommendation:

That the provision in Clause 41 be retained (*Senator Nicholas O. Tofowomo — Ondo South*) — Agreed to.

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

Clause 42: Citation.

This Act may be cited as the Real Estate (Regulation and Development) Bill, 2021.

Committee's Recommendation:

That the provision in Clause 42 be retained (*Senator Nicholas O. Tofowomo — Ondo South*) — Agreed to.

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

SCHEDULES

FIRST SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

Appointment of members of the Council

1. Subject to the provisions of the Bill, at the expiration of the tenure of the first Chairman of the Council, Minister shall appoint the subsequent Chairman on the recommendation of the REDAN.
2. Subject to the provisions of this Bill, at the expiration of the tenure of the persons nominated under clause 5 (vi), the Council may nominate 2 persons from each geopolitical zone from former members of REDAN.

Proceedings of the Council

3. Subject to the provisions of the Bill, the Council may, make rules to regulate its proceedings or the proceedings of its Committees.

Committees

4. (1) The Council may set up one or more committees on ad-hoc or permanent basis as are necessary for the performance of the functions under this Bill.
- (2) A committee set up under this paragraph shall consist of the number of persons determined by the Council and not more than one-third may be persons who are not members of the Council and a person other than a member shall be in the committee in accordance with the terms of his letter of appointment.
- (3) A decision of a committee of the Council shall be of no effect until it is confirmed by the Council.

Department

5. The Council may set up such departments as are necessary for the smooth administration of the Council subject to the approval of the Council.

Miscellaneous

6. (1) The affixing of the seal of the Council shall be authenticated by the signature of the Chairman or another member of the Council authorized generally or specifically by the Council to act for that purpose.
- (2) A contract or instrument, which if made or executed by a person not being a body corporate would not be required to be made under seal, may be made or executed on behalf of the Council, as the case may be, by any person generally or specifically authorized to act for the purpose of the Council.

Proceedings

7. The validity of any proceeding of the Council or committee shall not be affected by:—
 - (a) any vacancy in the membership of the Council or committee;
 - (b) any defect in the appointment of a member of the Council or committee; or
 - (c) reason that a person not entitled to do so took part in the proceedings.

Disclosure of interest

8. A member of 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 on behalf of the Council or committee shall disclose his interest to the Chairman of the Council and shall not vote on any question relating to that contract or arrangement in which he/she has an interest.

Question that the provision in First Schedule, stand part of the Bill, agreed to.

SECOND SCHEDULE

TRANSITIONAL PROVISIONS

1. Notwithstanding this Bill establishing the Council, REDAN as an independent association shall continue to exist and do all things and carryout all functions in its charter, without bias or prejudice to the Council:
2. All Executive Committee Members of REDAN shall be eligible to hold office on the Council as either Chairman, Executive Secretary or member/Director of the Council so duly appointed.

Question that the provision in Second Schedule, stand part of the Bill, agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The Deputy President of the Senate reported that the Senate in the Committee of the Whole considered the Report of the Committee on Establishment and Public Service on Real Estate (Regulations and Development) Bill, 2021 and approved as follows:

Clauses 1 - 42 — As Recommended

Schedules 1 - 2 — 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.

9. **Federal Orthopaedic Hospital Patigi, Kwara State (Establishment) Bill, 2021 (SB. 843):**

Motion made: That a Bill for an Act to Establish the Federal Orthopaedic Hospital Patigi, Kwara State and for Related Matters, 2021 be read the Second Time (*Senator Sadiq S. Umar — Kwara North*).

Debate:

Question put and agreed to.

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

10. **Federal University of Agriculture Akure, Ondo State (Establishment) Bill, 2021 (SB. 744):**
Motion made: That a Bill for an Act to Establish the Federal University of Agriculture Akure, Ondo State to make comprehensive provisions for its due management and administration and for Other Related Matters, 2021 be read the Second Time (*Senator Patrick A. Akinyelure — Ondo Central*).

Debate:

Question put and agreed to.

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

11. **Proceed of Crime (Recovery and Management) Bill, 2021 (SB. 645):**

Consideration of Bill deferred to another Legislative Day.

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

Motion made: That A Bill for an Act to Repeal the Federal Capital Territory Abuja Area Courts and Re-Enact the Federal Capital Territory Abuja Area Courts Act to among other things; Expand the Jurisdiction of the Area Courts to entertain both Civil and Criminal; and for Related Matters, 2021 be read the Second Time (*Senate Leader*).

Debate:

Question put and agreed to.

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

Motion made: Pursuant to Rule 81, that the Senate do resolve into the Committee of the Whole to Consider A Bill for an Act to Repeal the Federal Capital Territory Abuja Area Courts and Re-Enact the Federal Capital Territory Abuja Area Courts Act to among other things; Expand the Jurisdiction of the Area Courts to entertain both Civil and Criminal; and for Related Matters, 2021 (*Senate Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

Consideration of A Bill for an Act to Repeal the Federal Capital Territory Abuja Area Courts and Re-Enact the Federal Capital Territory Abuja Area Courts Act to among other things; Expand the Jurisdiction of the Area Courts to entertain both Civil and Criminal; and for Related Matters, 2021

Clause 1: Establishment of Area Courts.

- (1) There is established such grades of Area Court for the Federal Capital Territory, Abuja.
- (2) An Area Court shall exercise the jurisdiction conferred upon it by or under this Bill within the area and to the extent specified.
- (3) The Grand Kadi, shall assign to each Area Court established in pursuance of this section such name and shall issue a warrant under his hand in

respect of such court as he may deem fit.

- (4) Except otherwise stated, a warrant issued under this section shall come to force on the day of publication in the Official Gazette.
- (5) The Grand Kadi, may at any time suspend, cancel or vary any warrant establishing an Area Court or specifying the area within which, or the extent to which, the powers of an Area Court may be exercised.
- (6) The Grand Kadi shall cause the jurisdiction of each Area Court to be published from time to time in the Official Gazette.

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: Constitution and membership of Area Courts.

- (1) An Area Court shall consist of an Area Court Judge sitting alone.
- (2) Every Judge of an Area Court shall be an officer in the Public Service.

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: Qualification of Area Court Judge.

A person shall not be qualified for an appointment as an Area Court Judge unless:

- (a) he is a legal practitioner, learned in Islamic Law or;
- (b) he holds a degree in Sharia or related discipline:

PROVIDED that a person holding the office of an Area Court Judge before the commencement of this Bill, not being a legal practitioner, learned in Islamic Law or holder of a degree in Sharia or related discipline shall continue to hold such office and act in that capacity.

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: Discipline of Members of Area Courts.

- (1) Subject to the provisions of any written law, the Judicial Service Committee shall appoint and exercise disciplinary power on an Area Court Judge-
 - (a) who appears to have abused his power or to be incapable of exercising the same justly; and
 - (b) for other sufficient reason.

- (2) The appointment and discipline of an Area Court Judge shall be in accordance with the rules and regulations applicable to Area Court Judges.

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: Sessions.

- (1) Subject to the provisions of any written law, an Area Court shall hold sessions at such times and places as may be necessary for the convenient and speedy dispatch of the business of the court.
- (2) The Grand Kadi may direct that sessions shall be held at times and places he deems fit.

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: Indemnity of Members of Area Courts.

An Area Court Judge shall not be personally liable for any act done by him or ordered by him to be done in the discharge of his judicial duty, whether or not within the limits of his jurisdiction: Provided that he, at the time in good faith, believed himself to have jurisdiction to do or order to be done the act in question.

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 - STAFF OF AREA COURTS

Clause 7: Staff of the Court

- (1) Staff of Area Courts shall be officers in the Public Service of the Federation.
- (2) There shall be appointed a Registrar or Clerk and such other staff as may be required by an Area Court.
- (3) The duties of the Registrar or Clerk shall include-
 - (a) prepare warrants and writs;
 - (b) register orders and judgments;
 - (c) keep records of moneys received or paid by the court; and
 - (d) perform such duties in the execution of the powers and authorities of the court as may be assigned to him by the rules or special order of the court.

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: Delegation of Duties.

A Registrar or Clerk may, with the consent of the Area Court Judge, delegate any of the duties assigned to him to any other servant of the court, and in every such case, such servant shall be governed in respect of his duties by the orders and directions of the Registrar or Clerk.

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: Bailiff and Messengers

- (1) Such bailiffs or messengers as may be required shall be appointed to every Area Court.
- (2) A person appointed under subsection (1) of this section shall
 - (a) effect the service and execution of all writs and other process which he may receive from the Area Court to which he is attached;
 - (b) make all necessary returns in relation to such writs and processes;
 - (c) carry out other duties as may be prescribed by rules made under this Bill; and
 - (d) at all times when he is not engaged in duties which necessitate his absence from the Area Court, attend the Area Court and obey all the lawful directions of the Court.
- (3) An Area Court may authorize a police officer to perform all or any of the duties mentioned in subsection (2) of this section in so far as they relate to the criminal jurisdiction of the court and any police officer who is in possession of any criminal process shall be presumed to be authorized to execute such process unless the contrary is proved.
- (4) Subject to the provisions of subsection (3) of this section, no person other than a duly appointed bailiff or messenger shall carry out, purport or attempt to carry out any of the duties mentioned in subsection (2) of this section.

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: Indemnity of Staff of Area Courts

No member of the staff of any Area Court or other person bound to execute lawful warrants or orders issued or made in the exercise of jurisdiction conferred by this Bill is liable to be sued in any court for the execution of any warrant or

order which he would be bound to execute if the person issuing the same had been acting in the exercise of lawful authority.

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.

PART III - JURISDICTION OF AREA COURT

Clause 11: Institution of Proceedings in Area Courts

- (1) Subject to the provisions of this Bill and of any other written law, any person may institute any cause or matter in an Area Court.
- (2) A person who institutes or prosecutes any cause or matter in an Area Court under subsection (1) of this section shall, in that cause or matter be subject to the jurisdiction of that Area Court and of any other court exercising jurisdiction in that cause or matter.

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: Persons Subject to Jurisdiction of Area Courts

Subject to the provision of this Bill and of any other written law, the following persons shall be subject to the jurisdiction of Area Court-

- (a) any person who is a Nigerian;
- (b) any other person in a cause or matter in which any law, other than Islamic Law, applies.

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: Inquiry by High Court Whether Person Is Subject to Jurisdiction of Area Courts.

- (1) Where at any stage of the proceedings before final judgment in any cause or matter in an Area Court, a person alleges that he is not subject to the jurisdiction of Area Court, the proceedings shall on the application of that person to the High Court be transferred to the High court, which shall inquire into and determine the truth of the person's allegation.
- (2) Upon such determination as mentioned in subsection (1), the High Court shall make such order for the trial of the proceedings in the High Court, Magistrate Court, District Court, Area Court or Customary Court as the circumstance of the case may seem just.
- (3) The applicant shall give notice to the Area Court of the application made by him under subsection (1) of this section and the application shall operate as a stay of the proceedings in the Area Court until the High

Court has made an order under subsection (2) of this section.

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: Criminal and Civil Jurisdiction of Area Courts.

An Area Court, subject to the provisions of this Bill, the Criminal Procedure Code Act and the Administration of Criminal Justice Act, shall have jurisdiction to try all criminal causes and matters in which the parties are subject to the jurisdiction of the Court and in all Civil Causes shall have jurisdiction and power, to the extent set out in the warrant establishing it.

PROVIDED that in all Criminal Causes and Matters the presiding Area Court Judge shall be a legal practitioner.

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: Place of Trial of Criminal Cases.

- (a) The place of trial of all criminal causes shall be determined in accordance with the provisions of the Criminal Procedure Code Act, the Administration of Criminal Justice Act or any other written law in force.

Place of trial of civil cases.

- (b) All civil causes or matters shall be tried and determined by an Area Court which has jurisdiction over the area-
- (a) in which the defendant is ordinarily resident;
 - (b) in which the defendant was at the time when the cause of action arose; or
 - (c) where the transaction occurred.

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: Law to Be Administered in Criminal and Civil Cases.

Subject to the provisions of this Bill, an Area Court:

- (a) in all criminal causes and matters shall administer the provisions of:
- (i) the Penal Code Act, the Criminal Procedure Code Act, the Administration of Criminal Justice Act and any subsidiary legislation made there under.
 - (ii) any written law which the court may be authorized to enforce by any order made by the President in respect of Federal Matters and within the local limits of the jurisdiction of such courts all or any

- of the provisions of any written law made applicable to the Federal Capital Territory, Abuja; and
- (b) in all Civil Causes and Matters administer:
- (i) Islamic Law of the Maliki School of Jurisprudence;
 - (ii) Common Law;
 - (iii) Doctrine of Equity and
 - (iv) Statutes of general application which were in force in England on the 1st day of January, 1900.

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: Guardianship of Children.

- (1) In any matter relating to the guardianship of children, the interest and welfare of the child shall be the first and paramount consideration.
- (2) Whenever it appears to an Area Court that an order made by the court, should, in the interest of a child, be reviewed, the court may of its own motion or upon the application of any interested person, vary or discharge the order.

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.

PART IV - PRACTICE AND PROCEDURE IN AREA COURT

Clause 18: Practice and Procedure Generally.

Subject to the provisions of this Bill and of any other written law and any rule which may be made under section 50 of this Bill, the provisions of section 16 of this Bill shall apply in the regulation of the practice and procedure of Area Courts in civil cases and matters.

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: Jurisdiction of Area Court Not Required to Be Shown on the Record.

- (1) All proceedings in the Area Court shall be recorded by the Judge in English Language.
- (2) An Area Court shall record the reasons for its decisions in every cause or matter.
- (3) Where an Area Court has jurisdiction in or over any cause or matter or over the parties thereto it shall not be necessary for -

- (a) such court to state on the face of the record of its Proceedings in such cause or matter that the court has jurisdiction in or over such cause or matter or over the parties; and
- (b) the jurisdiction of such court in or over such cause or matter or over the parties thereto to appear on or from the face of the record of its proceedings in such cause or matter.

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: Appearance and Representation of Parties.

- (1) Legal practitioners shall have right of audience before an Area Court.
- (2) An Area Court may permit-
 - (a) the husband, wife, brother, sister, son, daughter, guardian, servant, master or any inmate of the household of any party, who shall give satisfactory proof that he or she has authority in that behalf; or
 - (b) a relative of a person administering the estate of a deceased person who was subject to the Jurisdiction of an Area Court, to appear for any party before an Area Court.
- (3) Subject to the provisions of subsections (1) and (2) of this section, in the case of a local authority or in any proceeding pending before an Area Court, a local authority may be represented in Court at any stage of the proceeding by any member or officer of the local authority who shall satisfy the court that he is duly authorized in that behalf.

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: Proceedings to Be in Open Court

- (1) The room or place which an Area court sits to hear and determine any proceedings shall be an open and public court to which the members of the public shall have a right of access while they shall be of good behaviour and to that extent to which the capacity of the court shall allow.
- (2) Provision may be made by rules of court under section 50 of this Bill for the exclusion of the public from any Area Court in cases-
 - (a) in which persons under the age of 17 years are involved;
or
 - (b) where the administration of justice would be rendered impracticable by the presence of the public.

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.

PART V - TRANSFER BY AREA COURTS

Clause 22: Power of Transfer by Area Court.

Area Court may order the transfer of any cause or matter either before hearing or at any stage of the proceedings before judgment is given to any other Area Court of competent jurisdiction and that other Area Court may take any course with regard to the cause or matter which it considers that justice requires.

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: Remission of Case to Lower Grade Area Court.

An Area Court may, of its own motion or upon the application of either party to a cause or matter, remit to a lower grade Area Court of competent jurisdiction which is within the territorial jurisdiction of that other lower grade Area Court, any cause or matter before it which, in its opinion, can, for purposes of convenience or otherwise, be more appropriately or expeditiously dealt with by such lower grade Area Court and upon such order being made the lower grade Area Court specified therein shall hear and determine the cause or matter, de novo.

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.

PART VI - ANCILLARY POWERS OF AREA COURTS

Clause 24: Power to Summon Witnesses.

An Area Court shall have power, subject to any limitation that may be imposed by any law, to summon before it, for the purpose of giving evidence, any person.

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: Person Present May Be Required to Give Evidence.

Any person present at an Area Court, whether a party or not to any cause or matter before the court, may be required by the court to give evidence as if he had been summoned to attend and give evidence.

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.

Clause 26: Evidence of Person Not Within Jurisdiction.

(1) If, in any cause or matter, an Area Court considers that the interest of

justice requires that the evidence of a person not Within the area of jurisdiction of the Area Court should be obtained before any other court or any officer, the Area Court may make an application to a Sharia Court of Appeal requesting that the evidence of the person be taken before any other court or officer in the place in which that person is.

- (2) Upon an application under subsection (1) of this section, the Sharia Court of Appeal to which the application is made, may, in its discretion, make an order in respect of the taking of the evidence of the person as it deems fit.

Committee's Recommendation:

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

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

Clause 27: Execution of Judgments.

Any judgment or order given or made by an Area Court in a civil cause or matter may be enforced by seizure and sale of the property of the person against whom the judgment or order is made, or by such other methods of enforcing judgments and orders as may be prescribed by rules made under section 50 of this Bill.

Committee's Recommendation:

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

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

Clause 28: Execution of Orders of Other Courts.

An Area Court shall -

- (a) carry into execution any decree or order of all courts or tribunal established by law which may be fully directed to them;
- (b) execute all warrants and serve all process issued by the courts or tribunal and directed to the Area Courts for execution or service; and
- (c) generally give such assistance to any court or tribunal as may be required.

Committee's Recommendation:

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

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

Clause 29: Power to Grant Interim Injunction or Impound Property.

In any cause or matter before an Area Court in which, pending final determination it is shown to the satisfaction of the Area Court that any property which is in dispute in the cause or matter is in danger of being wasted, damaged, alienated or otherwise injuriously dealt with by any party to the cause or matter, the Area Court may issue an injunction to the party commanding him to refrain from doing the particular act complained of, or alternatively, may take and keep the property in custody pending the determination of the cause or matter.

Committee's Recommendation:

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

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

Clause 30: Power to Appoint Receiver and Manager.

- (1) An Area Court may, whenever it deems it necessary to do so for the preservation, proper custody or management of any property in dispute in a cause or matter, appoint any person as a receiver or manager to receive and take charge of the property and to deal with it in any manner as may be directed by the Area Court.
- (2) Any person appointed as a receiver or manager under subsection (1) of this section shall be responsible to the Area Court for all things done as receiver or manager, and shall account for or pay to the Area Court all moneys received in respect of any property referred to in subsection (1) of this section.
- (3) An Area Court may make an order as it deems fit in regard to the remuneration of any person appointed as receiver and manager and shall pay to the party entitled thereto all moneys in the custody of the Area Court in respect of any property referred to in subsection (1) of this section.

Committee's Recommendation:

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

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

Clause 31: Inspection.

In any cause or matter an Area Court, may on the application of either party or on its own motion-

- (a) make such order as the court may deem fit for the inspection by the Area Court, the parties or any witness of any immovable or movable property the inspection of which may be material to the proper determination of the question in dispute; and
- (b) give any direction as the court may deem fit respecting the inspection.

Committee's Recommendation:

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

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

Clause 32: General Supervision of Area Courts.

- (1) Subject to the provisions of this Bill and any other written law, all Area Courts shall be subject to the general supervision of the Sharia Court of Appeal.
- (2) Without prejudice to the generality of subsection (1) of this section, if it appears to the Sharia Court of Appeal that-
 - (a) it is necessary for the purpose of securing, as far as possible, a fair and impartial trial, or

- (b) it is expedient in the interest of justice generally that a particular cause or matter which is within the jurisdiction of an Area Court should not be tried by that court having jurisdiction to do so, the Sharia Court of Appeal may order that such cause or matter be tried by such other Area Court which the order may direct.
- (3) The powers of the Sharia Court of Appeal under this section may be exercised by it either on its own motion or on the application of any party to a cause or matter in an Area Court or upon report by an inspector of Area Court.

Committee's Recommendation:

That the provision in Clause 32 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 33: Appointment and Functions of Director of Area Courts.

- (1) The Judicial Service Committee shall appoint a Director of Area Court.
- (2) The functions of the Director of Area Court shall include-
- (a) advising the Chief Registrar in respect of the Constitution, jurisdiction and membership of Area Courts;
- (b) subject to the general or special directions of the Chief Registrar, the organization, guidance and supervision of Area Courts;
- (c) transferring a matter from one court to another upon a complaint or inspecting the record of the case as the justice of the case may demand and
- (d) any other function as may, from time to time, be conferred upon him by the Chief Registrar.

Committee's Recommendation:

That the provision in Clause 33 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 34: Appointment of Chief Inspector and Inspectors.

The Judicial Service Committee shall, for the purposes of this Act, appoint Chief Inspector and Inspectors.

Committee's Recommendation:

That the provision in Clause 34 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 35: Reports of Cases Tried.

The Chief Inspector or an Inspector may require an Area Court to submit a report to him of any case tried in that court.

Committee's Recommendation:

That the provision in Clause 35 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 36: Chief Inspector and Inspector's Right of Access to Area Courts.
The Chief Inspector or an Inspector shall, at all times, have access to all Area Courts within the Federal Capital Territory, Abuja and to the records and proceedings of those courts.

Committee's Recommendation:

That the provision in Clause 36 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 37: Supervisory powers of Chief Inspector and Inspectors.

- (1) The Chief Inspector or an Inspector shall have power, at any stage of the proceedings before final judgment, either of his own motion or on the application of any party to a cause or matter before an Area Court, by order, to stay the hearing of the cause or matter on terms as the Chief Inspector or Inspector may consider just.
- (2) Where an order under subsection (1) of this section has been made, the Chief Inspector or an Inspector may, in his discretion, adopt one or any of the following courses-
 - (a) if the cause or matter appears to be within the jurisdiction of an Area Court other than that referred to in subsection (1) of this section, he may, by the same or another order, direct that the cause or matter be inquired into, tried and determined by the Area Court which has jurisdiction over the same;
 - (b) he may direct in like manner that the cause or matter be inquired into, tried and determined by a Magistrate Court, District Court or Customary Court.
 - (c) if the cause or matter is one which in his opinion ought for any reason to be transferred from an Area Court to the Sharia Court of Appeal, he may report the case to the Sharia Court of Appeal.
- (3) No cause or matter which has been transferred by the High Court or a Magistrate Court or District Court or Customary Court to an Area Court may be reported to the Sharia Court of Appeal or transferred to the same or any other Magistrate Court, District Court or Customary Court under this section.
- (4) The court to which a cause or matter is transferred under this section shall be informed in writing of the reason for making the order of transfer and may thereafter take any course with regard to the cause or matter which it considers that justice requires.
- (5) Where a cause or matter is reported to the Sharia Court of Appeal under subsection (2)(c) of this section, the Sharia Court of Appeal shall direct in what mode and in what court the cause or matter shall be heard and determined.
- (6) Where a cause or matter is transferred from an Area Court to any other

court under this section, no summons fee shall be payable in the court to which the cause or matter is transferred if the appropriate summons fee has been paid in the Area Court from which the cause or matter is transferred.

Committee's Recommendation:

That the provision in Clause 37 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 38: Effect of order of transfer.

- (1) An order of transfer shall operate as a stay of proceedings before the Area Court from which the proceedings are ordered to be transferred in any cause or matter to which the order extends or is applicable, and the process and proceedings in that cause or matter, and a certified copy of the record shall be transmitted to the court to which the same is transferred and all proceedings in the cause or matter shall be taken in the court as if the cause or matter had been commenced therein.
- (2) A report made under section 37 (2) (c) of this Bill shall operate to suspend proceedings, the subject of the report until the directions of the Sharia Court of Appeal have been given under section 37 (4) of this Bill.
- (3) The Chief Inspector or Inspector may, if it appears expedient in the first instance, transmit by post, or through any other means, the contents of any order made by him under subsection (1) of this section and the post or any other means adopted shall, until the receipt of the order, have the same validity and effect as if it were the said order.

Committee's Recommendation:

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

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

Clause 39: Review by Appeal Court on Report of Chief Inspector or-Inspector.

- (1) The Chief Inspector or an Inspector, if in his opinion there has been a miscarriage of justice in any case before an Area Court to which he has access under the provisions of section 37 of this Bill, may of his own motion or in his discretion on the application of any person concerned, report that case to the court to which an appeal in the case would lie.
- (2) A report under subsection (1) of this section shall be made in writing and shall record the particulars of the judgment, order or case, and the reason for its being reported and shall be accompanied by a copy of the record of the case.
- (3) The Court to which the case has been reported shall review it, and may—
 - (a) reverse, vary or affirm the decision given;
 - (b) make an order in the proceedings as the lower court could have made;
 - (c) make a further order, as may be necessary or as the justice of the

case may require but no order in a civil proceeding to the prejudice of any party shall be made without an opportunity being given to the party of being heard;

- (d) set aside the judgment or other order of the lower court; and
 - (e) when it considers it desirable, order the case to be retried either by the same court or any other Area Court of competent jurisdiction or by any Magistrate Court, District Court or Customary Court, or if the case is one that appears proper to be heard by the High Court, report the case to the High Court.
- (4) In the exercise of its powers of review under this section, a court may hear any additional evidence as it considers necessary for the just disposal of the case.
 - (5) The Chief Inspector or an Inspector who has reported any case to a court under the provisions of this section may have power to direct the lower court to stay all actions in the interim, pending the determination of the matter by the court to which the matter is reported.
 - (6) A person aggrieved by a decision of the Sharia Court of Appeal in a review under this section may appeal from the decision to the Court of Appeal as if it were a decision in an appeal brought to the Sharia Court of Appeal from some other court.

Committee's Recommendation:

That the provision in Clause 39 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 40: Special Plea in Bar Not Admissible on Hearing.

- Where proceedings are quashed and an order for retrial is made under the provisions of this Part, no plea of res judicata or autrefois convict shall be entertained in respect of the proceedings in any subsequent proceedings.

Committee's Recommendation:

That the provision in Clause 40 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 41: Power of Chief Inspector or Inspector Not Exercisable Where Appeal Instituted.

No Chief Inspector or an Inspector shall exercise the powers conferred upon him under this Part in any case where a party aggrieved by the decision of the Area Court has appealed from that decision or otherwise instituted any appeal proceedings in respect of the decision.

Committee's Recommendation:

That the provision in Clause 41 be retained (*Senate Leader*) — *Agreed to.*

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

PART VII - APPEAL

Clause 42: Appeals from Area Courts.

- (1) A party aggrieved by a decision of an Area Court may appeal to-
 - (a) the Sharia Court of Appeal in cases involving questions regarding Islamic Personal Law; and
 - (b) the High Court in all other cases.
- (2) Every such appeal shall be commenced by the appellant giving to the Registrar of the Area Court notice of the appeal which shall be in writing, and signed by the appellant or by a legal practitioner if a legal practitioner is representing him.
- (3) Subject to the provisions of subsection (4) of this section, a notice of appeal under subsection (2) of this section shall be given in every case before the expiration of 30 days from the date of the decision appealed against.
- (4) A notice of appeal under subsection (2) in respect of an interlocutory decision shall be given within 14 days from the date of the decision appealed against.

Committee's Recommendation:

That the provision in Clause 42 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 43: Restrictions on the Right of Appeal.

Subject to the provisions of the Constitution of the Federal Republic of Nigeria, no appeal shall lie from the lower court at the instance of any person at whose request a case has been reported to a court under section 39 of this Bill.

Committee's Recommendation:

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

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

Clause 44: Appeal out of Time.

Leave to appeal out of time to any court may be given by the court upon such terms as it may seem just.

Committee's Recommendation:

That the provision in Clause 44 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 45: Powers of Appellate Court in Civil Matters.

- (1) Any court exercising appellate jurisdiction in civil matters under the provisions of this Bill may, in the exercise of that jurisdiction-
 - (a) reverse, vary or affirm the decision of the court from which the appeal is brought and may make any order or exercise any power

as the court of first instance could have made or exercised in the case or as the Appeal Court considers that the justice of the case requires;

- (b) quash any proceeding and, there-upon where it is considered desirable, order such case to be retried before the court of first instance or before any other court of competent jurisdiction.
- (2) In the exercise of its power under subsection (1) (a) of this section, a court may hear additional evidence if it considers the evidence necessary for the just disposal of the case, and the court shall record its reason for exercising its power under this subsection.

Committee's Recommendation:

That the provision in Clause 45 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 46: Powers of Court of Appeal to Inspect Records.

Where an appeal lies from an order or decision of an Area Court, the court to which the appeal is brought shall have powers to inspect the records or books of the Area Court relating to the appeal.

Committee's Recommendation:

That the provision in Clause 46 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 47: Substantial Justice to Be Done Without Undue Regard to Technicalities.

No proceedings in an Area Court and no summons, warrants, process, order or decree issued or made thereby shall be varied or declared void upon appeal or revision solely by reason of any defect in procedure or wants of form but every court or authority established in and for the Federal Capital Territory, Abuja and exercising powers of appeal or revision under this Bill shall decide all matters according to substantial justice without undue regards to technicalities.

Committee's Recommendation:

That the provision in Clause 47 be retained (*Senate Leader*) — *Agreed to.*

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

PART VIII - OFFENCES

Clause 48: Adjudication Without Authority

- (1) Any person who exercises or attempts to exercise judicial Powers within the area of the jurisdiction of a duly constituted Area Court, except in accordance with the provisions of any written law, shall be liable on conviction before the High Court, Magistrate Court or Area Court of competent jurisdiction, to a fine not exceeding N20,000.00 or to imprisonment for a period not exceeding 12 months or to both.
- (2) Nothing contained in this section shall be deemed to prohibit any person from adjudicating as an arbitrator upon any civil matter in dispute where

the parties to the matter have agreed to submit the dispute to his decision.

Committee's Recommendation:

That the provision in Clause 48 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 49: Jurisdiction of Courts.

Subject to the provision of this Bill, any proceeding arising under this Part may be brought in the High Court, Magistrate Court or Area Court of competent jurisdiction.

Committee's Recommendation:

That the provision in Clause 49 be retained (*Senate Leader*) — *Agreed to.*

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

PART IX - RULES OF COURT

Clause 50: Power to Make Rules.

- (1) The Grand Kadi may make rules providing for any or all of the following matters-
 - (a) prescribing and providing for -
 - (i) the maximum fees which may be charged in Area Courts and for appeals from the Area Courts generally;
 - (ii) the reduction of the maximum fees in respect of all or any Area Court or in respect of all or any proceeding; and
 - (iii) the remission in whole or in part of any maximum or reduced fee and the manner in which the persons or Area Court by whom or by which the remission may be made.
 - (b) the disposal and application of fines and fees received by Area Courts;
 - (c) the practice and procedure of Area Courts in their original jurisdiction, on review and appeal;
 - (d) the time within which any act, matter or thing shall be carried out or performed for the purpose of this Bill and the time within which notice of appeal shall be given from the decision of any Area Court;
 - (e) providing for the execution of -
 - (i) the decrees or orders of Area Court or any class of Area Courts, whether the Area Courts are established under this Bill or under any other written law; and
 - (ii) the warrants and the service of the process of the courts or class of courts, where these decrees or orders are made or the warrants or process are issued in respect of

persons or property not within the area of the jurisdiction of the Area Court making or issuing the same.

- (f) prescribing the courts or authority by which the decrees, orders, warrants or process mentioned in paragraph (e) (ii) of this subsection shall be carried into execution, executed or served;
 - (g) the exclusion of the public from an Area Court in accordance with section 21 (2) of this Bill; and
 - (h) the procedure of Area Courts in relation to applications for the interpretation of the Constitution of the Federal Republic of Nigeria.
- (2) Any rule made under this section may apply to all Area Courts or a class of Area Courts or any particular Area Court or those Area Courts or particular Area Court as may be determined under the rules.

Committee's Recommendation:

That the provision in Clause 50 be retained (*Senate Leader*) — *Agreed to.*

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

PART X - MISCELLANEOUS

Clause 51: Saving and Transitional Provision

- (1) All Assets and liabilities of the Area Court established under the Area Court Act Cap. 477, Laws of the Federal Capital Territory Abuja, 2006; and the Federal Capital Territory Abuja Area Courts (Repeal and Enactment) Act, 2010 shall be vested in the Area Court established under this Bill.
- (2) All appointments or decisions made by the Area Courts established under the Area Courts Act Cap. 477, Laws of the Federal Capital Territory Abuja, 2006; and the Federal Capital Territory Abuja Area Courts (Repeal and Enactment) Act, 2010 shall continue to persist or deemed to have been made by the Area Court established under this Bill.
- (3) Nothing in this Bill shall be deemed to affect the powers or functions of the High Court or Magistrate Court in the exercise of their Criminal Jurisdiction or any right or power in any officer or person to institute criminal proceedings in those courts.

Committee's Recommendation:

That the provision in Clause 51 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 52: Interpretation.

In this Bill -

"Area Court" means a court established under this Bill for the Federal Capital Territory, Abuja or deemed to have been so established and includes an Upper

Area Court;

"cause" includes any action, suit or other original proceeding between a plaintiff and a defendant and also any criminal proceeding;

"Chief Registrar" means the Chief Registrar of the Sharia Court of Appeal of the Federal Capital Territory, Abuja;

"Customary Court" means a Customary Court established under the Customary Court Act, 2007;

"District Court" means a District Court established under the District Court Act, 1960;

"Grand Kadi" means the Grand Kadi of Sharia Court of Appeal of Federal Capital Territory, Abuja;

"Chief Inspectors of Area Courts" or "Inspector" means a person appointed under section 34 to exercise power vested in him under this Bill and includes the Director of Area Courts, Chief Inspector or any other Inspector;

"Judicial Service Committee" means the Judicial Service Committee of the Federal Capital Territory, Abuja;

"Land Cause" means a cause or matter relating to ownership, occupation or possession of Land;

"Legal Practitioner" has the same meaning as in the Legal Practitioners Act Cap. L11 LFN, 2004;

"Local Authority" means an Area Council or any other body established for the administration of the Federal Capital Territory, Abuja;

"Magistrate Court" means a Magistrate court established under or pursuant to Criminal Procedure Code Act or deemed to have been established;

"Islamic Personal Law" has the same meaning as it has in Sharia Court of Appeal Act;

"Sharia Court of Appeal" means Sharia Court of Appeal established for the Federal Capital Territory, Abuja;

Committee's Recommendation:

That the provision in Clause 52 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 53: Repeal.

The Federal Capital Territory Abuja Area Courts (Repeal and Enactment) Act, 2010 is hereby repealed.

Committee's Recommendation:

That the provision in Clause 53 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 53 do stand part of the Bill, put and agreed to.

Clause 54: Citation.

This Bill may be cited as the Federal Capital Territory Abuja Area Courts Bill, 2021.

Committee's Recommendation:

That the provision in Clause 54 be retained (*Senate Leader*) — *Agreed to.*

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

Chairman to report Bill.

(SENATE IN PLENARY)

The Deputy President of the Senate reported that the Senate in the Committee of the Whole considered A Bill for an Act to Repeal the Federal Capital Territory Abuja Area Courts and Re-Enact the Federal Capital Territory Abuja Area Courts Act to among other things; Expand the Jurisdiction of the Area Courts to entertain both Civil and Criminal; and for Related Matters, 2021 and approved as follows:

Clauses 1-54 — 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. Defence Research and Development Bureau Bill, 2021 (HB. 1176) — Concurrence:

Motion made: That A Bill for an Act to Establish the Defence Research and Development Bureau (DRDB) to Conduct and Coordinate Robust Research and Development in the Armed Forces of Nigeria; and for Related Matters, 2021 be read the Second Time (*Senate Leader*).

Debate:

Question put and agreed to.

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

Motion made: Pursuant to Rule 81, that the Senate do resolve into the Committee of the Whole to Consider A Bill for an Act to Establish the Defence Research and Development Bureau (DRDB) to Conduct and Coordinate Robust Research and Development in the Armed Forces of Nigeria; and for Related Matters, 2021 (*Senate Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO ESTABLISH THE DEFENCE RESEARCH AND DEVELOPMENT BUREAU (DRDB) TO CONDUCT AND COORDINATE ROBUST RESEARCH AND DEVELOPMENT IN THE ARMED FORCES OF NIGERIA; AND FOR RELATED MATTERS, 2021

PART I - ESTABLISHMENT OF DEFENCE RESEARCH AND DEVELOPMENT BUREAU

Clause 1: Establishment of Defence Research and Development Bureau.

- (1) There is established the Defence Research and Development Bureau (in this Bill referred to as "the Bureau").
- (2) The Bureau:
 - (a) is a body corporate with perpetual succession and a common seal;
 - (b) may sue or be sued in its corporate name; and
 - (c) may acquire, hold or dispose of moveable or immovable property.

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 of the Bureau.

The Objectives of the Bureau are to:

- (a) conduct and coordinate robust research and development in the Armed Forces of Nigeria (AFN);
- (b) coordinate the research and development efforts of the three Services of the Nigerian Armed Forces;
- (c) crystallize the results of scientific and technical research on defence items and equipment for public and private institutions;
- (d) provide scientific-technical information to the Armed Forces of Nigeria and allies;
- (e) initiate new scientific, technological and environmental research on defence matters;
- (f) disseminate results of scientific research which are likely to advance defence, industrial, medical and agricultural development;
- (g) organise and coordinate research in natural and Technological sciences relating to defence matters;
- (h) collaborate with Universities in scientific and technological research;
- (i) collaborate with other national and international institutions in the promotion and transfer of science and technology relating to defence;
- (j) promote science culture in the Armed Forces;

- (k) establish study groups to examine defence research needs in existing industries such as food, diagnosis and therapy of military related diseases, plastic and pharmaceutical and propose long term research programs for them; and
- (l) undertake all such activities or things as are necessary or expedient for carrying out the objectives of the Bureau and promotion of research and development into military science and technology, as well as social sciences and environmental related challenges affecting the AFN.

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: Functions of the Bureau.

- (1) The Bureau shall:
 - (a) enter into such agreements, liaisons memoranda of understanding, cooperation, partnership, etc. with such institutions, agencies, corporations etc. as may be necessary from time to time or desirable, subject to the approval of the Governing Council;
 - (b) be responsible for the discipline and welfare of its personnel;
 - (c) deal with matters relating to the discipline of military personnel in the Bureau according to the Armed Forces Act;
 - (d) conduct and sponsor studies and researches in military industrial production and related fields of studies;
 - (e) engage top quality staff of international standard aimed at creating a centre of excellence in mandated fields of study;
 - (f) accept gifts, legacies and donations, provided that the terms and conditions attached to such gifts, legacies or donations are not inconsistent with the objectives and purpose of the Bureau;
 - (g) erect, provide, equip and maintain laboratories, workshops, libraries, lecture halls and other buildings as are necessary for the attainment of the objectives of the Bureau;
 - (h) hold public lectures, symposia and seminars;
 - (i) undertake printing and selling of books and journals;
 - (j) subject to any limitation or condition imposed by statute, invest any money belonging to the Bureau by way of endowment, whether for general or special purposes or such other money as may not be immediately required for current expenditure in any investment or security in the purchase or improvement of land, with power to vary any such investment and deposit any money for the time being not invested with any approved bank on deposit or current account;
 - (k) borrow, whether on interest or not and if need be upon the security of any of the property, moveable or immovable, of the Bureau, such money as the Council may require or it is expedient to borrow or guarantee any loan, advance of credit facilities;
 - (l) do such other things as may be required for the effective and smooth running of the Bureau; and

- (m) do all such acts or things that are incidental to the powers listed in this section as are considered necessary to promote the objectives of the Bureau.
- (2) Where any of the provisions of this Bill relating to matters affecting the objectives and functions of the Bureau is inconsistent with the Armed Forces Act, the provisions of the Armed Forces Act shall prevail.

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.

PART II - ESTABLISHMENT AND COMPOSITION OF THE GOVERNING COUNCIL

Clause 4: Establishment of Governing Council.

There is established for the Bureau a Governing Council (in this Bill referred to as "the Council") charged with the responsibility for:

- (a) initiating and approving the policy of the Bureau; and
- (b) giving the directions on general or specific matters.

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: Composition of the Governing Council.

- (1) The Council shall consist of the:
 - (a) Minister of Defence as Chairman;
 - (b) Minister of Science and Technology;
 - (c) Minister of Communication and Digital Economy;
 - (d) Chief of the Defence Staff;
 - (e) Chief of Army Staff;
 - (f) Chief of the Naval Staff;
 - (g) Chief of Air Staff;
 - (h) Director-General of the Bureau;
 - (i) Deputy Director Coordination of the Bureau as Secretary;
 - (j) three distinguished scientists, two of whom shall have relevant knowledge or competence in defence related research and development drawn from the National Academy of Science and Council of Registered Engineers, whilst the third person shall have distinguished himself in the private sector of Nigerian Economy whose appointment shall be made by the Minister of

Defence on the recommendation of Manufacturers Association of Nigeria.
Schedule.

- (2) The supplementary provisions set out in the schedule to this Bill shall have effect with respect to the proceedings of the Council and other matters as set out 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: Emoluments, Etc. of Members.

The allowances payable to non-ex-officio members of the Council shall be in accordance with such rates as may be determined by the Revenue Mobilization, Allocation and Fiscal Commission.

Committee's Recommendation:

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

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

Clause 7: Functions of the Council.

The Council shall:

- (a) grant approval for the Bureau to enter into research and development, and production partnerships with any company, non-governmental organization, firm or individual;
- (b) appoint technical consultants to advise it from time to time as the need and situation may arise;
- (c) do such other things as are necessary for the successful performance of its functions;
- (d) may, with the approval of the Council, establish other centres which shall be located in such places in Nigeria as may be selected by the Bureau;
- (e) make regulations generally for the purpose of giving effect to the provisions of this Bill, facilitating the performance of the Bureau's functions or pursuing the Bureau's objectives;
- (f) delegate any of its powers or functions to any person or persons, authority or committee except for its powers to approve statutes of the Bureau;
- (g) approve the nomination of the Director-General of the Bureau subject to their commendation of the Chief of the Defence Staff;
- (h) approve the creation of any office, directorate or committee as may be considered necessary or expedient for the smooth running of the Bureau;
- (i) exercise control and supervise the policies, finances and property of the Bureau; and

- (j) do such other things as are necessary for the effective performance of the functions of the Bureau.

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: Functions of the Secretary to the Council.

- (1) The Secretary of the Council shall be in charge of the Secretariat of the Council.
- (2) The Secretary of the Council shall, in addition to such other functions and duties as the Council may assign to him:
- (a) prepare the minutes of meetings of the Council and its Committees;
 - (b) keep and secure the records of the Council;
 - (c) issue notices of meetings of the Council and other correspondence as may be directed by the Minister of Defence; and
 - (d) ensure proper dissemination of the decisions of the Council to the appropriate persons, institutions or authorities.

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: Meetings of the Council.

The Council shall meet as and when necessary for the performance of its functions under this Bill, and shall meet at least four times a year in accordance with the provisions of the Schedule to this Bill.

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: Cessation of Office.

- (1) The office of a member of the Council becomes vacant if:
- (a) he ceases to hold the office on the basis of which he became a member of the Bureau or Council; or
 - (b) the Chairman is satisfied that it is not in the interest of the Council or public for the person to continue in office as a member of the Council of the Bureau.
- (2) The Director-General and The Three Distinguished Scientists:
- (a) shall serve for a term of 3 years in the first instance; and
 - (b) may be eligible for an extension of One year and no more.

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.

PART III - STRUCTURE OF THE BUREAU

Clause 11: Headquarters, Offices, Directorates and Centres of the Bureau.

- (1) The Headquarters of the Bureau shall be in the Federal Capital Territory, Abuja.
- (2) There shall be at the Headquarters of the Bureau:
 - (a) Office of the Director-General and Chief Executive Officer of the Bureau;
 - (b) Directorate of Research;
 - (c) Directorate of Development and Production;
 - (d) Directorate of Test and Evaluation;
 - (e) Directorate of Liaison;
 - (f) Directorate of Administration and Logistics;
 - (g) Directorate of Finance and Accounts;
 - (h) Directorate of Legal Services; and
 - (i) Any other directorates as may be approved by the Council.
- (3) The Bureau shall have Research Centres for conducting research into various scientific fields of military technology as directed by the DG. The Research Centres shall include:
 - (a) Instrument Research and Development Centre.
 - (b) LASORC - Laser and Optics Research Centre.
 - (c) ELOREC - Electrical and Electronics Research Centre.
 - (d) CHEMARC - Metallurgical/Chemical Research Centre.
 - (e) Any other research centre as may be approved by the Council.

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: Maintenance of Register of Defence Related Industries.

- (1) The Bureau shall maintain a register of defence related industries in Nigeria and abroad.
- (2) There shall be entered in the register particulars of such products, services and expertise as the Bureau considers appropriate with the aim of establishing liaison and partnership on matters related to defence, research and production.

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: Implementation of Policy.

No policy initiated in any way other than as provided for in section 6 of this Bill shall be implemented without prior reference to and approval of the Council.

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.

PART IV - PRINCIPAL OFFICERS AND OTHER STAFF OF THE BUREAU

Clause 14: Appointment and functions of the Director- General.

- (1) There shall be appointed for the Bureau a Director-General, not below the rank of Air Vice Marshal, whose appointment and removal from office shall be in accordance with the recommendation of the Chief of the Defence Staff (CDS) to the Council for approval.
- (2) The Director-General shall:
 - (a) be knowledgeable in the defence related industries;
 - (b) have demonstrated experience in engineering, or science and technology; and
 - (c) responsible to the Council for:
 - (i) giving to the Council such information as to the activities of the Bureau as the Chairman of the Council may require;
 - (ii) authorising programmes and plans for giving effect to policy approved by the Council or to any direction of the Council subject to all or any of the powers in this section as may be delegated to him by the Council;
 - (iii) preparation of programmes of work and estimates of the Bureau's income and expenditure annually;
 - (iv) administration of the Bureau;
 - (v) supervision of the activities of the Directors in the Bureau; and
 - (vi) co-ordinating the activities of the Centres.
- (3) The powers delegated to the Director-General pursuant to subsection (1) shall not preclude the Council from exercising them in some special cases.
- (4) The powers referred to in subsection (3) include:
 - (a) the executive control over the military and civilian staff of the

Bureau;

- (b) the supervision of accounts and records;
- (c) the preparation for approval of programmes and plans as are necessary to carry into effect approved policy or any directive of the Council;
- (d) the interpretation of such policy to other staff of the Bureau;
- (e) the making of staff recommendations to the Council; and
- (f) the establishment of organisational structures, committees and schedule of duties:

Provided that nothing in this Bill shall be deemed to detract from the military powers of command of the Director-General.

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: Appointment of Other Principal Officers of the Bureau.

There shall be appointed for the Bureau, other members of staff, in accordance with the provisions of section 16 of this Bill.

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: - Power to Create Offices and Directorates.

Notwithstanding the provisions of section 14 of this Bill, the Council shall have power to create any office or directorate, necessary for the efficient running of the Bureau.

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: Posting and Appointment of Staff to the Bureau.

- (1) The Nigerian Army, Nigerian Navy and Nigerian Air Force shall post military officers, soldiers, rating and airmen/ from time to time, to fill administrative, command, liaison and other military vacancies in the Bureau.
- (2) Each Directorate shall be headed by a Director with an establishment rank of Major General or its equivalent in other Services and shall serve for a term of 2 years only.
- (3) Each Centre shall be headed by a Director with relevant academic qualification and scientific research experience, who shall be appointed

by the Council on the recommendation of the DG.

- (a) The Directors shall report to the DG.
 - (b) Each Director shall serve for a term of 3 years in the first instance and may be eligible for an extension of one year and no more on recommendation of the DG.
- (4) The Director General may appoint such persons as employable highly skilled officers of the Armed Forces or civilian members of staff of the Bureau for research, consulting and administration as it considers necessary and may approve terms and conditions of service.
 - (5) Newly appointed members of staff of the Bureau shall, take such oaths as to secrecy and other matters as the Minister may, from time to time, direct.

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: Service in the Bureau to Be Pensionable.

- (1) For the military personnel serving in the Bureau, the existing law on pay, allowance and pension for military personnel shall apply.
- (2) Service in the Bureau shall be approved service for purposes of the Pension Reform Act and accordingly employees of the Bureau shall, in respect of their services, be entitled to pension and other retirement benefits as are enjoyed by persons holding equivalent offices in the public service of the Federation.

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: Prohibition of Trade Union Activities.

- (1) No civilian personnel employed in any capacity, whether or not a member of a trade union, shall engage or take part in any union activity.
- (2) Any civilian personnel who contravenes the provisions of subsection (1), commits an offence and is liable on conviction to a fine of not less than ₦100,000 or imprisonment for a term of not less than six months or both.

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: Establishment of the Defence Research and Development Bureau Fund.
 There is established for the Bureau a Fund (in this Bill referred to as "the Fund") in which 0.1% of annual profits before tax of companies and enterprises, including multi-national companies, corporations and other organisations shall be paid into and all other funds accruing to the Bureau by way of gifts, endowments, bequest or other voluntary contributions from the state Governments in Nigeria and other donors outside Nigeria.

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: Fund of the Bureau

- (1) The Bureau shall from the Fund defray all expenditures incurred by it for the purpose of this Bill.
- (2) There shall be paid and credited to the Fund:
 - (a) allocations from the annual budgetary provision of the Federal Government and money as may be appropriated for the Fund by the National Assembly;
 - (b) trust fund from special levy or tax on all equipment, supplies and materials imported by all military and Para-military organisations in the country;
 - (c) foreign aid and assistance from bilateral and multilateral agencies;
 - (d) fees charged for services rendered by the Bureau;
 - (e) 15 percent of the Defence Sector's annual capital expenditure budget; and
 - (f) all other sums accruing to the Fund by way of gifts, endowments, bequests or other voluntary contributions by persons and organizations that the terms and conditions attached to such gifts, endowments, bequest or contributions shall not jeopardize the functions and objectives of the Bureau.

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: Expenditure of the Bureau.

The Bureau shall apply the funds at its disposal to:

- (a) research, development and production activities necessary for the achievement of the objectives of the Bureau;
- (b) undertake any other activity in connection with any of the functions of the Bureau;

- (c) publicise and promote research and development results for adoption by industrial establishments;
- (d) the cost of establishing and maintaining the Headquarters of the Bureau;
- (e) the cost of establishing and operating laboratories, development centres and units;
- (f) the training of members of staff of the Bureau and provision of scholarships and awards for specialised training of personnel;
- (g) pay the staff, overhead allowances, benefits and other administrative costs of the Bureau;
- (h) sponsor scientific or other research initiatives that could enhance the operational capability of the AFN;
- (i) support scientific or other research efforts that are in line with the mandates of the Bureau;
- (j) organisedefence research and development competitions, seminars and conferences; and
- (k) any other matter related to the functions of the Bureau.

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: Exemption from Payment of Tax.

All incomes derived by the Bureau from the sources specified in sections 19 and - 20 shall be exempted from income tax.

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: Submission of Programme, Income and Expenditure Estimate to the Council.

The Bureau shall submit to the Council, not later than 30th August in each year, its programme of work and estimates of its income and expenditure for the succeeding year.

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: Audit and Accounts.

The Accounts of the Bureau shall be audited not later than 6 months after the end of the financial year to which they relate by Auditors in line with the guidelines issued by the Auditor-General for the Federation.

Committee's Recommendation:

That the provision in Clause 254 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 26: Annual Report.

- (1) The Bureau shall prepare and submit to the Council not later than 30th June in each year:
 - (a) a report on the activities of the Bureau;
 - (b) the audited accounts of the Bureau; and
 - (c) the auditors' report for each year preceding the report.
- (2) The Bureau shall, not later than 30th September in each year, submit to the Council the annual report of each of its Centres for the preceding year.

Committee's Recommendation:

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

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

Clause 27: Power to Purchase, Build or Lease Property.

For the purpose of providing offices and premises necessary for the performance of its functions, the Bureau may, subject to the Land Use Act:

- (a) purchase or take on lease any interest in land, building or property; and
- (b) build, equip and maintain offices and premises.

Committee's Recommendation:

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

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

Clause 28: Power to Sell or Lease out Property.

The Bureau may, subject to the Land Use Act, sell or lease out any land, office or premises held by it, which is no longer required for the performance of its functions under this Bill.

Committee's Recommendation:

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

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

Clause 29: Power to Borrow.

The Bureau may, with the consent of or in accordance with the general authority given to it by the Council, borrow by way of loan or overdraft from any source or money required by the Bureau for meeting its obligations in the performance of its functions under this Bill.

Committee's Recommendation:

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

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

Clause 30: Power to Accept Gifts.

The Bureau may accept gift of land, money or property upon such terms and conditions if any, as may be specified by the person or organisation making the gift if the conditions attached by the person making the gifts are not inconsistent with the objectives of the Bureau and the Federal Government policy.

Committee's Recommendation:

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

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

Clause 31: Supremacy of the Armed Forces Act.

Where any of the provisions of this Bill relating to matters affecting the objectives and functions of the Bureau is inconsistent with the Armed Forces Act, the provisions of the Armed Forces Act shall prevail.

Committee's Recommendation:

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

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

Clause 32: Commencement of Suit on Action and Service of Notice.

- (1) A suit shall not be commenced against the Bureau, before the expiration of a period of one month, after written notice of intention to commence the suit have been served upon the Bureau by the intending plaintiff or his agent, and the notice shall clearly state the:
 - (a) cause of action;
 - (b) particulars of the claim;
 - (c) name and place of abode of the intending plaintiff; and
 - (d) relief being claimed.
- (2) The notice referred to in subsection (1) and any summons, notice or other document required or authorised to be served upon the Bureau under this Bill or any other enactment or law, may be served by:
 - (a) delivering the same to the Director-General; or
 - (b) sending it by registered post to the registered address of the Bureau.
- (3) In any action or suit against the Bureau, no execution or process shall be issued against the Bureau, but if the judgment of the court is awarded against the Bureau, it may be paid from the general reserve of the Bureau.

Committee's Recommendation:

That the provision in Clause 32 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 33: Power to Make Regulations.

The Council may make regulations generally for the purpose of giving effect to the provisions of this Bill, facilitating the performance of the Bureau's functions or pursuing the Bureau's objectives.

Committee's Recommendation:

That the provision in Clause 33 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 34: Interpretation.

In this Bill:

"Bureau" means the Defence Research and Development Bureau established under section 1 (1) of this Bill;

"Chairman" means the Chairman of the Council of the Bureau appointed under section 4 (1) (a) of this Bill;

"Council" means the Governing Council, Defence Research and Development Bureau established under section 3 of this Bill;

"Fund" means the Fund of the Bureau established under section 19 of this Bill;

"Member" means a member of the Council and includes the Chairman;

"Minister" means the Minister responsible for Defence and any other Minister mentioned under this Bill;

"principal officer" means the Director-General and any of the Director appointed under this Bill;

"Public Service" has the meaning assigned to it in the Constitution of the Federal Republic of Nigeria;

"Secretary" means the Secretary of the Council appointed under section 4 (1) (i) of this Bill; and

"Technical officer" include scientists, engineers and lawyers working in the Bureau.

Committee's Recommendation:

That the provision in Clause 34 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 35: Citation.

This Bill may be cited as the Defence Research and Development Bureau Bill, 2021.

Committee's Recommendation:

That the provision in Clause 35 be retained (*Senate Leader*) — *Agreed to.*

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

SCHEDULE

Section 4 (2)

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

1. Subject to this Bill and section 27 of the Interpretation Act, the Council may make standing orders regulating its proceedings or any of its committees.
2. At any meeting of the Council, the Chairman shall preside or in his absence, the Minister of Defence shall preside at the meeting and in his absence, the members present at the meeting shall appoint one of them to preside at the meeting.
3. The Council shall meet not less than 4 times in each year and the Council shall meet whenever it is summoned by the Chairman.
4. The Quorum for the meetings of the Council shall not be less than 5 members of the Council.
5. The Council shall meet for the conduct of business at such places and on such days as the Chairman may appoint.
6. Any question put before the Council 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.
7. The Chairman shall, in the case of an equality of votes, have a casting vote in addition to his deliberative vote.
8. Where the Council desires to seek the advice of any person on a particular matter, the council may co-opt the person as a member for such period as it deems fit, but a person who is a member by virtue of this paragraph shall not be entitled to vote at any meeting of the Council and shall not count towards the quorum.
9. Subject to the provisions of this Bill, the Council shall have power to regulate its proceedings and may, make standing orders with respect to the:
 - (a) holding of its meetings and those of its committees;
 - (b) notice to be given;
 - (c) proceedings of the Council;
 - (d) keeping of minutes of such proceedings; and
 - (e) custody and production for inspection of such minutes.

Committees

10. The Council may set up one or more committees to carry out on its behalf such functions as it may determine.
11. A Committee set up under this Schedule shall consist of such number of persons, not necessarily all members of the Council, as may be determined by the Council, and a person other than members of the Council shall hold office on the Committee in accordance with the terms of the person's appointment.

12. A decision of a Committee of the Council is of no effect until it is confirmed by the Council.

Miscellaneous

13. The fixing of the seal of the Bureau shall be authenticated by the signature of the Director-General or of any other person authorised by the Council to act for a particular purpose.
14. A contract or 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 Bureau by any person generally or specially authorised by the Council to act for that purpose.
15. The validity of any proceeding of the Council or its Committees is not affected by:
- (a) any vacancy in the membership of the Council or its Committee;
 - (b) reason that a person not entitled to do so took part in the proceedings; or
 - (c) any defect in the appointment of a member.
16. A member of 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 or a Committee shall:
- (a) disclose his interest to the Council or Committee, as the case may be; and
 - (b) not vote on any question relating to the contract or arrangement.

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

Chairman to report Bill.

(SENATE IN PLENARY)

The Deputy President of the Senate reported that the Senate in the Committee of the Whole considered a Bill for an Act to Establish the Defence Research and Development Bureau (DRDB) to Conduct and Coordinate Robust Research and Development in the Armed Forces of Nigeria; and for Related Matters, 2021 and approved as follows:

Clauses 1-35 — 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.

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

Motion made: That a Bill for an Act to Establish the Chartered Institute of Treasury Management for the Promotion, Study and Practice of Proper Management of the Treasury as a Safeguard Against Fraud, Embezzlement, Emasculation, Misappropriation or Misapplication of Resources Placed in the Custody of Fund Managers; and for Related Matters, 2021 be read the Second Time (*Senate Leader*).

Debate:

Question put and agreed to.

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

Motion made: Pursuant to order 81, that the Senate do resolve into the Committee of the Whole to consider A Bill for an Act to Establish the Chartered Institute of Treasury Management for the Promotion, Study and Practice of Proper Management of the Treasury as a Safeguard Against Fraud, Embezzlement, Emasculation, Misappropriation or Misapplication of Resources Placed in the Custody of Fund Managers; and for Related Matters, 2021 (*Senate Leader*).

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 TREASURY MANAGEMENT FOR THE PROMOTION, STUDY AND PRACTICE OF PROPER MANAGEMENT OF THE TREASURY AS A SAFEGUARD AGAINST FRAUD, EMBEZZLEMENT, EMASCULATION, MISAPPROPRIATION OR MISAPPLICATION OF RESOURCES PLACED IN THE CUSTODY OF FUND MANAGERS; AND FOR RELATED MATTERS, 2021.

PART I—ESTABLISHMENT OF THE CHARTERED INSTITUTE OF TREASURY MANAGEMENT

Clause 1: - Establishment of the Chartered Institute of Treasury Management.

- (1) There is established the Chartered Institute of Treasury Management (in this Act referred to as "the Institute") which—
 - (a) shall be a body corporate with:—
 - (i) perpetual succession, and
 - (ii) a common seal which shall be kept in such custody as the Council may direct;
 - (b) may sue and be sued in its corporate name; and
 - (c) may acquire, hold and dispose of any property, moveable or immovable.
- (2) The Institute shall have the general duty of:—
 - (a) determining the level of knowledge and skills to be attained by persons seeking to become members of the profession and reviewing such standards from time to time as may be required;
 - (b) establishing and maintaining of register of members and the publication of the register in line with the provisions of this Act;

- (c) regulating the practice of treasury management in its ramifications; and
- (d) performing all other functions conferred on the Council pursuant to the provisions of this Act.

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: Membership of the Institute

- (1) Subject to the provisions of section 12 of this Act, a person admitted to membership of the Institute shall be registered as a member of the profession in the category of:—
 - (a) Fellows;
 - (b) Full Members;
 - (c) Associate Members;
 - (d) Graduate Members;
 - (e) Student Members; or
 - (f) Corporate or Institutional Members.
- (2) Every member of the Institute in all the categories listed in subsection (1) shall attend Mandatory Continuous Professional Training Programme (MCPTP) as specified by the Council for reorientation and development processes.

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: Membership privileges.

- (1) A member of the Institute is entitled to receive, from the Council, a certificate in such form as the Council may approve for that purpose.
- (2) A member is entitled to use such letters after his name as may be authorised by the Council and, if registered into the category of:—
 - (a) Fellows, he shall use the initials, "FITM";
 - (b) Full Members, he shall use the initials, "MITM"; and
 - (c) Associate Members, he shall use the initials, "AMITM".

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: Principal officers of the Institute and their responsibilities.

- (1) The Principal Officers of the Institute are:—
 - (a) President;
 - (b) Deputy President; and
 - (c) National Treasurer.
- (2) The Principal Officers shall:—
 - (a) be members of the Institute;
 - (b) be elected at the Annual General Meeting (AGM) of the Institute; and
 - (c) hold office each for a term of two years and may be eligible for re-election for one further term and no more.
- (3) The President shall be the Chairman at the meetings of the Institute and, in the event of the death, incapacitation or inability for any reason of the President to perform the functions of his office, the Deputy President shall act in his place for the unexpired portion of the term of office or as the case may require, and references in this Act to the President shall be construed accordingly.
- (4) The President, Deputy President, and the National Treasurer shall be the Chairman, Deputy Chairman and the Treasurer of Council respectively.
- (5) If the President, the Deputy President, or the National Treasurer ceases to be a member of the Institute, he shall cease to hold any office designated under this section.

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: Establishment of the Governing Council.

- (1) There is established for the Institute a Governing Council (in this Act referred to as "the Council") charged with responsibility for the administration and general management of the Institute.
- (2) The Council shall consist of:—
 - (a) the President of the Institute as Chairman;
 - (b) the Deputy President of the Institute as Vice-Chairman;
 - (c) the Treasurer;
 - (d) two Vice Presidents;
 - (e) one person each, representing the:—
 - (i) Federal Ministry of Education,

- (ii) Federal Ministry of Employment, Labour and Productivity, and
 - (iii) Federal Ministry of Finance;
 - (f) six zonal chairmen elected every two years from the six geo-political zones;
 - (g) 12 members of the Institute elected at the AGM;
 - (h) seven corporate members nominated by the Council;
 - (i) three educational and training Institutions nominated by the Council;
 - (j) Chairman, Board of Fellows; and
 - (k) the immediate past President of the Institute and Chairman of the Council.
- (3) The provisions of the First Schedule to this Act shall have effect with respect to the qualifications and tenure of office of members of the Council and other matters mentioned in the First Schedule.

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: Board of Fellows.

- (1) There shall be appointed annually by the Council a Board of Fellows to coordinate the activities of Fellows of the Institute and to recommend to the Council on a yearly basis admission of members to the membership category of Fellows.
- (2) The Board of Fellows shall consist of persons who have been duly elected as Fellows of the Institute.

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.

PART II—FINANCIAL PROVISIONS

Clause 7: Fund of the Institute.

- (1) The Council shall establish and maintain a Fund, the management and control of which shall be in the hands of the Council and into which shall be paid:—
 - (a) all fees and other money payable to the Institute under this Act; and
 - (b) all revenue from other sources both local and international.

- (2) There shall be paid out of the Fund of the Institute:—
- (a) all expenditure incurred by the Council in the discharge of its functions under the Act;
 - (b) the remuneration and other allowances of the Registrar and other staff of the Institute; and
 - (c) such reasonable traveling and subsistence allowances of members of the Council in respect of the time spent on the duties of the Council as the Council may determine.
- (3) The Council may invest money in any bond or other security created, issued by, or guaranteed on behalf of the Federal Government or in any other securities in Nigeria approved by the Council.

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: Power to borrow.

The Council may borrow money for the purposes of the Institute and any interest payable on the money borrowed shall be paid out of the Fund.

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: Accounts and audit.

- (1) The Council shall keep proper accounts on behalf of the Institute in respect of each year and proper records in relation to those accounts and the Council shall cause the accounts to be audited by an auditor appointed from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation.
- (2) The report of the audited accounts shall be submitted to the members of the Institute for approval by them at a meeting of the Institute.
- (3) The auditor appointed for the purpose of this section shall not be a member of 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.

PART III— REGISTRAR AND THE REGISTER

Clause 10: Appointment, duties and responsibility of the Registrar.

- (1) The Council shall appoint a fit and proper person as the Registrar of the Institute for the purpose of this Act.

- (2) The Registrar shall be a:—
 - (a) financial member of the Institute; and
 - (b) Fellow of the Institute.
- (3) The Registrar shall be the Chief Executive of the Institute and Secretary to the Council.
- (4) The Registrar shall prepare and maintain, in accordance with the rules made by the Council under subsection (5), a register of names, addresses, approved qualifications and other relevant requirements as may be specified from time to time for all persons who are enrolled as Fellows, Full Members, Associate Members and Graduate Members of the Institute.
- (5) The Council shall make rules as to the form and keeping of the register and the making of entries thereon in particular for:—
 - (a) application for enrolment;
 - (b) determining the qualification which is relevant to the profession and accepted for the purpose of this Act; and
 - (c) specifying the fees and subscription to be paid to the Institute in respect of the entry of names into the register and authorising the Registrar to refuse to enter any name until a specified fee is paid.

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: Publication of register and list of corrections

- (1) The Registrar shall:—
 - (a) correct in accordance with the Council's direction, any entry in the register which the Council directs him to correct as being in the Council's opinion an entry which is incorrectly made;
 - (b) make, from time to time, any alterations in the registered particulars of registered members;
 - (c) remove from the register, the name of a registered member who has died or a person whose name is directed to be struck off as a result of disciplinary action;
 - (d) record the names of members of the Institute who are in default for more than four years in the payment of annual subscription and to take such actions as may be deemed fit under this Act;
 - (e) cause the register to be printed, published and put on sale to members of the public not later than two months from the commencement of this Act;

- (f) subsequently, in each year after the year in which the register is first published under paragraph (a), cause to be printed, published and put on sale either a corrected edition of the register or a list of corrections made to the register since it was last printed;
 - (g) cause a print of each edition of the register and of its list of corrections to be deposited at the principal office of the Institute; and
 - (h) keep the register and list so deposited and make the register and list available, at all reasonable times, for inspection by members of the public, either physically or virtually through an internet portal.
- (2) A document purporting to be a print of an edition of the register published under this section by authority of the Registrar, or document purporting to be print of an edition so published, shall without prejudice to any other mode of proof, be admissible in any proceeding as evidence that any person specified in the documents read together, as being registered was so registered at the date of the edition or of the list of corrections as the case may be, and that any person not so specified was not so registered.
- (3) Where 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 purpose 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*).

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

Clause 12: - Qualification for membership.

- (1) Subject to the provisions of this Act, an individual is eligible to be registered as a treasury manager if he:—
- (a) passes the qualifying examination accepted by the Council;
 - (b) completes the practical training prescribed by the Institute under this Act;
 - (c) holds any other qualification accepted by the Institute for the time being; or
 - (d) qualifies for enrolment as a member in any of the categories specified for the purposes of this Act.
- (2) An applicant shall, in addition to evidence of qualification, satisfy the Council that:—
- (a) he is of good character;
 - (b) has attained the age of 21 years; and

- (c) has not been convicted by any court of law in Nigeria or elsewhere for an offence involving fraud or dishonesty.

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:**
- (1) The Council shall, from time to time, publish particulars of qualifications accepted by the Council for registration.
 - (2) The Council shall approve any institution for the purpose of this Act, and may for such purpose approve:—
 - (a) any course of training at an approved institution which is intended for persons seeking to become or are already treasury management practitioners and which the Council considers as designed to confer on persons relevant and sufficient knowledge and skills for admission into the Institute; or
 - (b) any qualification which, as a result of an examination taken in conjunction with a course of training approved by the Council under this section, is granted to candidates reaching a standard at the examination indicating in the opinion of the members of the Council, that the candidates have sufficient knowledge and skill to practice the profession.
 - (3) 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 the approval, the Council shall:—
 - (a) give notice that it proposes to withdraw the approval to each person in Nigeria appearing to the Council to be a person by whom the course is conducted or the qualification is granted or the Institution is controlled, as the case may be;
 - (b) give the person an opportunity of making representation to the Council with regard to the proposal; and
 - (c) take into consideration any representation made in respect of the proposal.
 - (4) 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 immediately before the approval was withdrawn.
 - (5) 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 print media; and
 - (b) not later than seven days before its publication, send a copy of the instrument to the Minister.
- (6) The members of the Council shall keep themselves informed of the nature of:—
- (a) the instruction given at approved institutions to persons attending approved courses of training; and
 - (b) the examination as a result of which approved qualifications are granted, and for the purpose of performing that duty, the Council may appoint, either from among its own member or otherwise, persons to visit approved institutions, or to attend such examinations.

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.

PART IV - MISCELLANEOUS PROVISIONS

Clause 14: Visitation Panel.

- (1) The Council shall set up a Visitation Panel which shall, from time to time, report to the Council on:—
 - (a) the sufficiency of the instruction given to persons attending the approved course of training at the institution visited,
 - (b) the sufficiency of the examinations attended, and
 - (c) any other matter relating to the institution or examination on which the Council may, either generally or in a particular case, request the Visitation Panel to report, but the Visitation Panel shall not interfere with the giving of any instruction or the holding of any examination.
- (2) On receiving a report made under this section, the Council may, if it deems fit, and shall, if so required by the Institute, send a copy of the report to the person appearing to the Council to be in charge of the Institution or responsible for the examination to which the report relates, requesting that person to make observations on the report to the Council within the period as may be specified in the request, not being less than one month beginning with the date of request.

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: Establishment of a Investigating Panel and Disciplinary Tribunal.

- (1) There is established the Chartered Institute of Treasury Management Investigating Panel (in this Act referred to as "the Panel"), charged with the duty of:—
 - (a) conducting preliminary investigation into any case where it is alleged that a person registered has misbehaved in that person's capacity as member or shall for any other reason, be subject of proceedings before the Tribunal; and
 - (b) deciding whether the case may be referred to the Tribunal.
- (2) The Panel shall be appointed by the Council and shall consist of two members of the Council and three registered members who are not members of the Council.
- (3) There is established the Chartered Institute of Treasury Management Disciplinary Tribunal (in this Act referred to as "the Tribunal") charged with the duty of considering and determining any case referred to it by the Investigating Panel established under subsection (1).
- (4) The Tribunal shall consist of the Chairman of the Council and six other members appointed by the Council, one of who may be a legal practitioner with at least 10 years post call experience.
- (5) The provisions of the Third Schedule to this Act shall, so far as applicable to the Tribunal and Panel respectively, have effect with respect to those bodies.

Establishment of a Investigating Panel and Disciplinary Tribunal.

Third Schedule.

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: Penalties for unprofessional conduct.

- (1) Where:—
 - (a) a member is adjudged by the Tribunal to be guilty of infamous conduct in any professional respect,
 - (b) a member is convicted by any court of law in Nigeria or elsewhere, having powers to award imprisonment for an offence (whether or not punishable with imprisonment) which, in the opinion of the Tribunal, is incompatible with the status of a professional treasury consultant, or
 - (c) the Tribunal is satisfied that the name of any person has been fraudulently registered,

the Tribunal may, if it deems fit, give a direction reprimanding that person or ordering the Registrar to strike his name off the register.

- (2) The Tribunal may, if it deems fit, defer its decision as to the action taken under subsection (1) of this section until a subsequent meeting of the Tribunal, but:—
- (a) no decision shall be deferred under this provision for a period exceeding one year; and
 - (b) no person shall be a member of the Tribunal for the purpose of reaching a verdict on a deferred or further deferred decision unless he was present as a member of the Tribunal when the decision was deferred.
- (3) For the purpose of subsection (1) (b), a person shall not be treated as a convict unless the conviction stands at a point where 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 directive for the purpose of effecting penalties for unprofessional conduct, the Tribunal shall cause notice of the directive to be served on the person to whom it relates.
- (5) The person to whom such a directive relates, at any time within 28 days from the date of service on him of notice of the directive, may appeal against the directive to the Federal High Court and the Tribunal may appear as respondent to the appeal and, for the purpose of enabling directive to be given as to the costs of the appeal and proceeding before the Federal High Court, the Tribunal shall be deemed to be a party to the appeal whether or not it appears on the hearing of the appeal.
- (6) A directive of the Tribunal under subsection (1) shall take effect where:—
- (a) no appeal under this section is brought against the directive within the time limited for such an appeal, or at the expiration of the time;
 - (b) such an appeal is brought and is withdrawn or struck out for want of prosecution, or dismissed for lack of merit; or
 - (c) an appeal is brought and is not withdrawn or struck out, if and when the appeal is dismissed, shall not take effect under the provision of this section.
- (7) A person whose name is removed from the register following a directive of the Tribunal under this section is not entitled to be registered again except in pursuant to a direction in that behalf given by the Tribunal on the application of that person and a directive 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 that period from the date of the direction (and where he has duly made an application, from the date of his last application) as may be specified in the direction.

When a person is deemed to practise as a professional treasury management practitioner.

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: When a person is deemed to Practice as a Professional Treasury Management Practitioner;

- (1) From the commencement of this Act, any person who was not a member of the Institute before this Act and who under this Act, is qualified to apply for and obtain membership of the profession may, within the period of three months beginning with the date of the commencement of this Act, apply for membership of the Institute in the manner prescribed by the Council and if approved, he shall be enrolled or registered, as the case may be, according to the person's qualification.
- (2) A person shall be deemed to be a professional treasury management practitioner if, for consideration of remuneration to be received whether by himself or in partnership with any other person:—
 - (a) he engages in the practice of treasury management or holds himself out to the public as a professional treasury management consultant;
 - (b) he renders professional service or assistance in or about matters of principle or detail relating to treasury management or data; or
 - (c) renders any other service that may, by regulations made by the Council, be designated as service constituting practice as a professional treasury management practitioner or consultant

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: Rules of practice.

- (1) The Council may make rules for:—
 - (a) the training of suitable persons in treasury management;
 - (b) the licensing of persons employed in the treasury;
 - (c) prescribing the fees to be paid by treasury practitioners or consultants; and
 - (d) the restriction of right of practice where conditions are not met.
- (2) The Council may also make rules prescribing the amount and due date for payment for membership of annual subscription and for such purposes, different amounts may be prescribed by the rules according to the category of membership of the Institute.
- (3) Rules made under this section shall, if the Chairman of the Council directs, be published in the print media.

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: Honourary membership.

The Council may award honorary membership of the Institute to persons it considers worthy of such honour, on terms and conditions prescribed by the Council and approved by the Institute in its general meeting

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: Library facilities.

The Institute shall:—

- (a) provide and maintain a library comprising books and publications for the advancement of knowledge in treasury management and such other books and publications as the Council may consider necessary for that purpose;
- (b) encourage research into treasury management methods and allied subjects to the extent that the Council may consider necessary; and
- (c) encourage the production and sale of materials, books and journals arising from its research and consultancy activities.

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: - Rules and regulations.

Rules and regulations made under this Act shall be subject to confirmation by the Institute at its next AGM or at a special meeting of the Institute convened for the purpose, and if annulled, shall cease to have effect on the day after the date of annulment, but without prejudice to anything done under any such rules

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: Transfer of property.

(1) From the commencement of this Act:—

- (a) all properties held by or on behalf of the Incorporated Institute before this Act, by virtue of this section shall be vested on the Institute; and
- (b) subject to subsection (2), any act, or matter made or done by the Incorporated Institute before this Act shall continue to have effect.

- (2) The provisions of this Act shall have effect with respect to matters arising from the transfer by this section to the Institute of the property of the Incorporated Institute before this Act, and with respect to the other matters mentioned in the Second Schedule to this Act.

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.

Clause 23: Interpretation.

In this Act:—

"Board" means the Board of Fellows;

"Council" means the Governing Council of the Institute established under section 5 (1) of this Act;

"fees" includes annual subscription;

"Minister" means the Minister charged with the responsibility for education;

"President" and "Deputy President" respectively mean the office holders as specified under section 4 of this Act;

"register" means the register prepared and maintained under section 10 (4) of this Act; and

"tribunal" means the Disciplinary Tribunal established under section 15 (1) of this Act.

"treasury management" means Treasury management is a prudent and strategic approach to optimizing beneficial returns for innovative employment of an entity's - (Government/Private) finance and financial resources and borrowing capacity while putting in place preventive mechanism as measures to safeguard such resources at the same time ensuring continuous liquidity and net flows for economic benefits from investment opportunities while minimizing losses and exposures to associated risks which includes misappropriation/misapplication arising from continuous changing operating landscape in finance environment

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: Citation.

This Act may be cited as the Chartered Institute of Treasury Management (Establishment) Act, 2021.

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.

FIRST SCHEDULE

SECTION 5 (3)

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

QUALIFICATION AND TENURE OF OFFICE OF PRINCIPAL OFFICERS OF THE COUNCIL

1. (1) Subject to the provisions of this paragraph, every elected principal officer of the Council shall hold office for a term of two years in the first instance beginning with the date of his appointment, and may be eligible for re-election for another term of two years and no more.
- (2) A principal officer of the Institute who ceases to be a member shall, if he is also a member of Council, cease to hold office on the Council.
- (3) Any elected member of the Council may by notice in writing under his hand addressed to the President resign his office, and any appointed member may, likewise resign his office.
- (4) A person who retires from or otherwise ceases to be an elected member of the Council shall be eligible again to become a member of the Council, and any appointed member may be reappointed.
- (5) Election to the Council shall be held in the manner prescribed in the rules made by the Council and unless otherwise prescribed, they shall be decided by a secret ballot.
- (6) If an elected member vacates office, the Council may, if the time between the unexpired portion of the term of office and the next general meeting of the Institute appears necessary to fill the vacancy, co-opt some fit persons for the period.
- (7) The election of members of the Council shall be effected in the manner prescribed:—
 - (a) at least eight weeks before each AGM of the Institute, the Council may nominate candidates for election to the Council, provided that the number of candidates nominated shall not exceed 50 per cent of those retiring;
 - (b) not less than seven weeks before each AGM of the Institute, the Secretariat shall issue to all professional members a notice which shall:—
 - (i) specify the names of elected Council members whose terms of office will expire at the close of the next AGM,
 - (ii) specify any other vacancies in the membership of the Council which may be filled by election,
 - (iii) specify the names of any candidates nominated by the Council for election to the Council,
 - (iv) invite nominations of other candidates on the prescribed nomination form, and
 - (v) contain other particulars as may be prescribed by the Council;

- (c) candidates for election to the Council, other than candidates nominated in the following manner:—
 - (i) at least five weeks before each AGM, nomination forms including details of all particulars required to be given shall be duly completed in the manner set out below and shall be sent to the Secretariat of the Institute, and
 - (ii) each nomination form shall relate to one candidate only and shall contain his class and grade of membership in the Institute, his full-time managerial or other appointment (if any) or, if retired, such appointment immediately before retirement and his date of retirement; and such other particulars as may be prescribed by the Council;
- (d) each candidate shall be sponsored by two persons who shall be members of the Institute entitled to vote and each nomination form shall contain, in addition to the particulars referred to in sub paragraph (c), a statement of the names, addresses, class and grade of membership of each of the sponsors; and
- (e) vote shall be taken by secret ballot at the AGM.

Powers of the Council

2. (1) The Council shall:—
- (a) have powers to engage in legal activities, which in its opinion will facilitate the carrying on of the activities of the Institute;
 - (b) exercise such powers of the Institute and do on behalf of the Institute such acts as may be exercised and done by the Institute;
 - (c) exercise any power granted by the Institute in a general meeting, and subject to such bye laws or provisions, as may be prescribed by the Institute in a general meeting, but no bye law made by the Institute in a general meeting shall invalidate any prior act of the Council which would have been valid if such bye law had not been made;
 - (d) exercise powers on behalf of the Institute to borrow money, to mortgage or charge its undertaking and property or any part thereof and to issue debentures, debenture stocks, and other securities whether outright or security for any debt, liability or obligation of the Institute;
 - (e) set up every year as soon as practicable after the AGM, an executive committee of the Council, which shall meet regularly and carry out the normal business of Council between the regular meetings of Council; and
 - (f) establish a branch of the Institute in any locality within the country.

Power to make, alter or repeal bye-laws of the Institute

- (2) The Council shall have power to make, alter or repeal any bye-law as the Council may deem necessary for the proper conduct and management of the Institute and the Council shall adopt the means deemed sufficient to bring to the notice of the Institute and all its members, any byelaws, alterations or repeals made under the powers conferred by this paragraph; provided that no byelaw shall be inconsistent

with, affect or repeal anything contained in this Act or constitute an amendment of, or addition to these presents as could only lawfully be made by special resolution.

Proceedings of the Council

3. (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 of the Council and, in the exercise of its powers under this Act may, set up committees in the general interest of the Institute, and make standing orders for the committees.
- (2) Standing orders shall provide for decisions to be taken by a majority of the members and, in the event of equality of votes, for the President or the Chairman, as the case may be, to 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.
- (4) The quorum of the Council shall be seven and the Council shall fix the quorum of a committee.

Meetings of the Institute

- (a) Annual General Meetings
4. (1) An Annual General Meeting of the Institute shall be held once in every calendar year, at a time and place as may be determined by the Council, provided that every AGM after the first annual general meeting shall be held not more than 15 months after the holding of the last preceding such meeting.
 - (b) Extra Ordinary General Meeting
 - (2) All general meetings of the Institute, which are not annual general meetings, shall be called Extra Ordinary General Meetings.
 - (3) The Council may call an Extraordinary General Meeting whenever it deems fit and an Extraordinary General Meeting shall be convened on request.

Quorum at General Meetings

- (4) No business shall be transacted at any general meeting unless a quorum is present when the meeting proceeds to business, and unless otherwise provided, the quorum shall be 35 members present in person.

Adjournment of Meetings

- (5) If within an hour from the time appointed for the holding of a general meeting a quorum is not present, the meeting, if convened on the requisition of members, shall be dissolved and in any other case it shall stand adjourned to the same day in the next week, at the same time and place, or at such other place as the Chairman of the meeting shall appoint, and if at such adjourned meeting a quorum is not present within half an hour from the time appointed for holding the meeting, the members present shall be a quorum.

Special Business

5. All business transacted at an Extraordinary Meeting, and an AGM except for the consideration of the account and balance sheet, the report of the Council and of auditors,

the fixing of the remuneration of the auditors and the election of members of the Council at an Annual General Meeting, shall be deemed to be special business.

Notices - Mode of Service

6. (1) A notice may be served by the Institute upon any member of the Council, its committees and the Institute either personally or by sending it through the post in prepaid letter addressed to the member at his address as it appears in the professional register of members or other records of members not being professional members.
- (2) A notice if served by post shall be deemed to have been served on the day following that on which the letter containing the notice is put into the post and in proving such service, it shall be sufficient to prove that the letter containing the notice was properly addressed and put in the post office as a prepaid letter.

Annual or Extra-Ordinary Meetings

7. (1) An Annual or Special Meeting of the Institute shall be convened by at least 21 days' notice in writing.
- (2) The notice shall be exclusive of the day on which it is served or deemed to be served and of the day for which it is given and shall specify the place, day and hour of the meeting, and in case of business other than ordinary annual business of the Institute, the general nature of business.
- (3) In the case of an AGM, the Secretary shall also send to each member with the notice, a copy of the annual report of the Council, a copy of the accounts of the Institute with the auditors' report thereon, and particulars of all motions to be brought before the meeting.

Special Motions at Annual General Meetings

8. A member desiring to bring before the AGM any motion not relating to the ordinary business of the AGM of the Institute may do so provided that:—
- (a) - notice in writing of the proposed motion is sent or given to the Secretary not later than 45 days before the date of the AGM; and
- (b) no less than 10 members entitled to vote at the AGM shall have sent or given notice in writing to the Secretary not later than 30 days before the date of the AGM expressing their desire that the proposed motion be brought before the AGM and that the proposed motion relates to matters affecting the Institute.

Voting at General Meetings.

9. (1) Except as provided in this Schedule regarding voting to elect members to fill vacancies on the Council, a resolution put to the vote at any AGM or Extra Ordinary Meeting of the Institute shall be decided on a show of hand unless (before or on the declaration of the show of hands) a poll is demanded by at least 10% of those present provided that the matter arrived at is not less than five.
- (2) No amendment shall be permitted to resolution, amend the Act or the rules and bye laws of the Institute except with the consent of the Chairman of the meeting (whose decision shall be final) if the amendment is one of form only and not of substance.

- (3) If a poll is duly demanded or required to be taken, it shall be taken in accordance with the relevant byelaws and the result of the poll shall be deemed to be the resolution of the meeting at which the poll is demanded.
- (4) Except as provided in this Schedule regarding voting to elect members by ballot to fill vacancies on the Council, in the case of an equality of votes, whether on a show of hands or on a poll, the Chairman of the meeting, at which the show of hands takes place or at which the poll is required to be taken, shall be entitled to a second or casting vote.
- (5) A poll demanded on the election of a Chairman or on any question of adjournment shall be taken and a poll demanded or required to be taken of any other question shall be taken at such time and place as the Chairman of the meeting directs and any business other than that upon which a poll has been demanded or is required may be proceeded with pending the taking of the poll.
- (6) On a show of hands or a poll, every member present in person shall (except as provided in the case of electing members to fill vacancies of the Council) have one vote.

Voting Rights of Corporate Members.

10. Each corporate member's voting power at any meeting of the Institute shall be vested in a single person entitled as a "Voting Representative", who, if he is a professional member of the Institute in his own right, may exercise his rights to vote as an individual member in addition to voting as a representative.

Meeting of the Council.

11. (1) Subject to the provisions of any standing order or byelaw 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 not less than five 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 Vice-Chairman shall preside, but if both are absent, the members present at the meeting shall appoint one of them to preside at that meeting.
- (3) Where the Council desires to obtain advice from 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 shall not be entitled to vote at any meeting of the Council and shall not count towards a quorum.
- (4) Notwithstanding anything in this paragraph, the first meeting of the Council shall be summoned by the Minister of Education, who may give such direction as he thinks fit as to the procedure which shall be followed at the meeting.

Committees.

12. (1) The Council may appoint one or more committees to carry out, on behalf of the Institute or of the Council, such functions as the Council may determine.
- (2) A committee appointed 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.

Miscellaneous.

13. (1) The fixing of the seal of the Institute shall be authenticated by the signature of the President or of some other member of the Council authorised generally or specially by the Institute to act for that purpose.
- (2) A 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 that purpose by the Council.
- (3) A document purporting to be 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 proceeding of the Institute, Council or committee of the Council shall not be affected by any vacancy in membership, any defect in the appointment of member of the Institute, the Council or a person to serve on the committee or by reason that a person not entitled to do so took part in the proceedings.
- (5) A 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 on behalf of the Institute, the Council or a committee, shall disclose his interest to the President or the 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 First Schedule Stand part of the Bill — Agreed to

SECOND SCHEDULE

SECTION 22 (2)

TRANSITIONAL PROVISIONS AS TO PROPERTY, ETC.

Transfer of property.

1. (1) Every agreement to which the Incorporated Institute was a party immediately before the commencement of this Act, whether in writing or not and whether or not of such nature that the rights, liabilities and obligations thereunder could be assigned by the Incorporated Institute, shall have effect from the commencement of the Act so far it relates to property transferred by this Act to the Institute, as if:—
- (a) the Institute had been a party to the agreement; and
- (b) for any reference (however worded and whether express or implied) to a member or members of the Council or the Incorporated Institute there were substituted as respects anything failing to be done on or after the commencement of the Act:—
- (i) a reference to the Institute, and

- (ii) a reference to a member or members of the Council under this Act.
- (2) Other documents referring, whether specifically or generally, to the Incorporated Institute shall be construed in accordance with subparagraph (1).
- (3) Without prejudice to the generality of the provisions of this Schedule, where, by the operation of any of them or any section of this Act, any right, liability or obligation vests in the Institute, the Institute and all other persons shall, as from the commencement of this Act, have the same rights, powers and remedies (and, in particular, the same rights as to the taking or resisting of legal proceedings or the making or resisting of applications to any authority) for ascertaining, perfecting or enforcing that right, liability or obligation as they would have had if it had at all times been a right, liability or obligation of the Institute.
- (4) Any legal proceeding or application to any authority pending on the commencement of this Act by or against the Incorporated Institute and relating to property transferred by this Act 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 Act is situated provides for the registration of transfers or property of the kind in question (whether by reference to an instrument of transfer or otherwise), the law shall, so far it provides for alterations of a register but not for avoidance of transfers, the payment of fees or any other 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 officer of the registration authority, and of that officer in charge of the transfer accordingly.

Transfer of Functions.

- 2. (1) At its first meeting, the Council of the Institute shall fix a date not later than six months after the commencement of this Act, for the Annual General Meeting of the Institute.
- (2) The members of the Council of the Incorporated Institute shall be deemed to be the members of Council of the Institute until the date determined under subparagraph (1) when the Institute shall have its first Annual General Meeting, and they shall cease to hold office at the conclusion of such meeting.
- (3) A person who, immediately before the commencement of this Act, held office as the President or Deputy President of the Incorporated Institute by virtue of the Articles of Association shall, on that day, become the President or, as the case may be, the Deputy President of the Institute, and shall be deemed to have been elected:—
 - (a) to that office in pursuance of the provision of this Act, corresponding to the relevant provision in the said Articles of Association; 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 Incorporated Institute shall, as from the commencement of this Act, 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 commencement of this Act, was a member of the staff of the Incorporated Institute shall on that day become the holder of an appointment with the Institute with the status, designations and functions which correspond as nearly as may be to those appertaining to him in his capacity as a member of staff of the Incorporated Institute.

- (5) A person being an office holder on, or member of, the Council of the Incorporated Institute immediately before the commencement of this Act and deemed under this paragraph to have been appointed to any position in the Institute, or the Council of the Institute, and hereafter ceasing to hold office otherwise than by reason of his misconduct, shall be eligible for appointment to the office in the Institute or to membership of the Council, as the case may be.
- (6) All regulations, rules and similar instruments made for the purpose of the Incorporated Institute and in force immediately before the commencement of this Act shall, except in so far as they are subsequently revoked or amended by any authority having power in that behalf, have effect with necessary modifications, as if duly made for the corresponding purpose of the Institute.

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

THIRD SCHEDULE

SECTION 15 (5)

SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY TRIBUNAL AND INVESTIGATING PANEL

The Tribunal

1. (1) The quorum of the Tribunal shall be four.
- (2) The Council shall make rules as to the selection of members of the Tribunal for the purpose of any proceeding and as to the procedure to be followed and 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 that person, shall be a party to the proceedings;
 - (c) for securing that any party to the proceedings shall, if he so requires, be entitled to be heard by the Tribunal;
 - (d) for enabling any party to the proceedings to be represented by a legal practitioner;
 - (e) subject to the provisions of section 16 (5) of this Act, as to the costs of proceedings before the Tribunal;
 - (f) for requiring, in a case where it is alleged that the person who is the subject of the proceedings is guilty of infamous conduct in any professional respect, that where the Tribunal adjudges that the allegation has not been proved, it shall record a finding that the person is not guilty of such conduct in respect of the matters to which the allegation relates; and

- (g) for publishing in the print media, a notice of any direction of the Tribunal, which has taken effect provided that a person's name shall be struck off a register.
3. For the purpose of any proceeding before the Tribunal, any member of the Tribunal may administer oaths and any party to the proceedings may issue out of the registry of the High Court writs of subpoena ad testificandum and ducestecum, but no person appearing before the Tribunal shall be compelled to:—
- (a) make any statement before the Tribunal tending to incriminate himself; or
- (b) produce any document under such a writ which he could not be compelled to produce at the trial of an action.
4. (1) For the purposes of advising the Tribunal on questions of law arising in the 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 Attorney-General of the Federation and shall be a legal practitioner of no less than 10 years standing.
- (2) The Attorney-General of the Federation 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 Tribunal on any question of law as to evidence, procedure or any other matter specified by the rule, 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 Tribunal is deliberating in private, that every such party or person shall be informed what advice the assessor has tendered; and
- (b) every such party or person shall be informed if in any case the Tribunal 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 proceeding, and shall hold and vacate office in accordance with the terms of the instrument by which he is appointed.

The Panel.

5. (1) The quorum of the Panel shall be three.
- (2) The Panel may, at any meeting of the Panel attended by the members of the Panel, make standing orders with respect to the Panel.
- (3) Subject to the provisions of any such standing orders, the Panel may regulate its own procedure.

Miscellaneous.

6. A person ceasing to be a member of the Tribunal or the Panel shall be eligible for reappointment as a member of that body.

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

Chairman to report Bill.

(SENATE IN PLENARY)

The Deputy President of the Senate reported that the Senate in the Committee of the Whole considered a Bill for an Act to Establish the Chartered Institute of Treasury Management for the Promotion, Study and Practice of Proper Management of the Treasury as a Safeguard Against Fraud, Embezzlement, Emasculation, Misappropriation or Misapplication of Resources Placed in the Custody of Fund Managers; and for Related Matters, 2021 and approved as follows:

Clauses 1-24 — 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.

17. **Adjournment:**

Motion made: That the Senate do now adjourn till Tuesday, 23rd November, 2021 at 10.00 a.m. (*Senate Leader*).

Question put and agreed to.

Adjourned accordingly at 1:17 p.m.

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