



SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Wednesday, 19th January, 2022

1. The Senate met at 11:23 a.m. The President of the Senate read prayers.
2. **Votes and Proceedings:**
The Senate examined the Votes and Proceedings of Tuesday, 18th January, 2022.
Question was put and the Votes and Proceedings were approved.
3. **Message from Mr. President:**
The President of the Senate announced that he had received a letter from Mr. President, Commander-in-Chief of the Armed Forces of the Federation, which he read as follows:

Passage of Bills:



**PRESIDENT
FEDERAL REPUBLIC OF NIGERIA**

14th January, 2022

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

Dear Distinguished Senate President,

**PASSAGE OF THE PROCEEDS OF CRIME BILL, WHISTLE BLOWER
BILL AND WITNESS PROTECTION BILL**

I write to inform you that the Government of the Federal Republic of Nigeria participated in the 9th Session of the Conference of States Parties to the United Nations Convention Against Corruption (UNCAC) held from 13th - 17th December, 2021 at the International Congress Center, Sharm El-Sheikh, Egypt. At the session, the International Community expressed appreciation for Nigeria's effort in the fight against corruption re-affirming Nigeria's rating as a leader in Africa in the areas of developing structures for recovery, repatriation and disposal of proceeds of crime.

2. *In the light of this and the need to continue to increase Nigeria's Global profile, I hereby request that the National Assembly kindly consider and eventually pass the best possible version of the following bills:*

- a. *Proceeds of Crime Bill;*
- b. *Whistle-Blower Bill; and*
- c. *Witness Protection Bill.*

3. *While anticipating the senate's expeditious consideration of these submissions, please accept, Distinguished Senate President, the assurances of my highest consideration.*

Yours sincerely,

(Signed)

Muhammadu Buhari

4. **Announcements:**

(a) ***Review of 1999 Constitution Meeting:***

The President of the Senate read a letter from Senator Ovie A. Omo-Agege (Delta Central) as follows:



THE SENATE

FEDERAL REPUBLIC OF NIGERIA

Committee on the Review of the 1999 Constitution

National Assembly Complex

P.M.B. 141, Garki, Abuja-Nigeria

19th January, 2022

*His Excellency
The President of the Senate
Senate Chamber
National Assembly Complex
Abuja*

ANNOUNCEMENT

The Senate Committee on the Review of the 1999 Constitution will meet today Wednesday 19th January, 2022, immediately after plenary sitting, at Senate Meeting Room 221, Senate Building.

(Signed)

Senator Ovie Omo-Agege

Deputy President of the Senate /Chairman

(b) ***Thanksgiving Service:***

The President of the Senate read a letter from Senator Albert B. Akpan (Akwa Ibom North East) as follows:



Senator Albert Bassey Akpan

AKWA IBOM NORTH EAST SENATORIAL DISTRICT

Chairman, Senate Committee on Upstream Petroleum Resources

18th January, 2022

**SPECIAL NOTIFICATION AND INVITATION AS GUEST OF HONOUR TO OUR
THANKSGIVING SERVICE/COMMISSIONING OF MULTIPURPOSE RECREATIONAL
FACILITY**

We convey, most respectfully, our deepest respect and best wishes to you and your family for a happy and prosperous New Year.

Your Excellency, may I, on behalf of my wife and family, invite you, the Leadership and my Colleagues to attend our Special Thanksgiving Service in gratitude to the Almighty God for His benevolence and faithfulness to my family over the years. Our God is really worthy of our gratefulness. The theme of this celebration is 'Lord We Are Grateful' (Psalm 9: 1 & 1 Corinthians 15:57); and to commission our Multipurpose Recreational Facility for our Senatorial District at Ifa Ikot Akpan, Etoi, Off Airport Road, Uyo, Akwa Ibom State on Saturday, January 29, 2022 by 10 am.

The multi-purpose facility sits on a two -hectares of land and has a 1500 capacity Event Hall, Recreational Centre, a standard football pitch, lawn tennis and basketball courts and ICT/skills acquisition centre as well as children playground. Also to be commissioned is the 1.3km Ifa Ikot Akpan road in Uyo Local Government Area. These projects are our noble contribution towards enhancing the healthy living standards of our people.

While we look forward to your kind presence and that of my Colleagues, Your Excellency, please do accept the assurances of our highest consideration.

Yours Sincerely,

(Signed)

Senator Albert Bassey Akpan (OBA)

(c) Notification of Death:

The President of the Senate read a letter from Senator Betty J. Apiafi (Rivers West) as follows:



SENATOR BETTY J. APIAFI

Rivers West Senatorial District

10th January, 2022

*H.E Distinguished Senator Ahmad Ibrahim Lawal PhD. CON,
President of the Senate,
National Assembly Complex,*

Your Excellency,

NOTIFICATION OF DEATH OF MRS. CECILIA IBIEREBO OKAGUA

On behalf of my family, I write to notify you of the passing on to eternal glory of my beloved mother, Mrs. Cecilia Ibierebo Okagua at the age of 86 years, after a brief illness.

Until her death, my mother was a community leader, a devout Christian and a philanthropist. She devoted her time and resources to the service of God and humanity.

She is survived by her children, grandchildren, great grandchildren, nieces, nephews, cousins and in-laws.

She will be buried on the 5th of February, 2022 at her hometown Okoboh Abua in Abua/Odual Local Government Area of Rivers State.

We shall appreciate your prayers and esteemed presence at the funeral service.

May her gentle soul rest in perfect peace.

Please accept the assurances of my highest regards.

(Signed)

Senator Betty Okagua-Apiafi

(d) Notification of Intent:

The President of the Senate read a letter from Senator Michael O. Bamidele (Ekiti Central) as follows:



SENATOR MICHAEL OPEYEMI BAMIDELE (M.O.B)

BA (Hons); LL.B (Hons); BL; LL.M; FCI Arb.

Ekiti Central Senatorial District

Chairman, Senate Committee on Judiciary, Human Rights & Legal Matters

19th January, 2022

*His Excellency
Sen. (Dr.) Ahmad I. Lawan
President of the Senate
Federal Republic of Nigeria
National Assembly
Three Arms Zone
Abuja, FCT.*

Your Excellency,

**LETTER OF NOTIFICATION ON MY INTENT TO ASPIRE FOR THE
GOVERNORSHIP OF EKITI STATE.**

I write to, once again, wish you and our Distinguished Colleagues as well as our Constituents the very best of the New Year.

Permit me to use this medium to intimate you about my intent to contest for the Governorship of my dear State, Ekiti State, on the platform of the All Progressives Congress (APC), commencing with the party's primary election slated for Thursday, 27th August 2022.

I believe you have a special and peculiar role to play in our collective efforts and shared vision to take Nigeria and each of her federating units, including Ekiti State, to greater heights. In view of this, I am earnestly seeking your invaluable support and profound input to further re-invent the wheel of progress in restoring the glory and the esteemed value of the State among her compeers in the nation.

I therefore, look forward to working with you on this noble project in order to translate the shared vision into reality, as I will continue to rely on our longstanding relationship in the fulfilment of this great task. In a time like this, Ekiti needs a Governor who can best protect the legacies of good governance and credible leadership as well as consolidate the vision and achievements of past administrations to enhance the growth and socio-economic transformation of Ekiti State.

I have got what it takes, following my over thirty-five years in various leadership positions and brilliant exposure in the three arms of Government as a practising Lawyer (operating within the Judicial arm); a three-term cabinet member of Lagos State Government (operating in the Executive arm); and as an elected Hon. Member of the House of Representatives and Distinguished Senator of the Federal Republic of Nigeria (operating in the Legislative arm) of Government.

By God's Grace, I will be a round peg in a round hole if given an opportunity to serve as Governor and Ekiti people will be the better for it.

Let's take this step of faith together!

Please accept the assurance of my best regards to you and our Distinguished Colleagues.

*Yours sincerely,
(Signed)*

*Sen. Michael Opeyemi Bamidele (M.O.B.)
(Ekiti Central Senatorial District)*

5. Petitions:

Rising on Order 40, 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) Prince Bayo Omotubora against the Management of Adron Homes Hotel for an alleged murder of Olawale Adeniji and an unaccounted ₦2 million offered to cover up the murder by the Police;
- (ii) Ini Ekong Charles Udom on behalf of Norfin Offshore against Deltatek Offshore, Chevron Nigeria Limited and Robethson Energy Limited for an alleged deliberate and fraudulent refusal to pay outstanding charter of vessel fees to Norfin Offshore Limited;
- (iii) Comrade Mohammad Tahir on behalf of the Amalgamated Union of Foodstuff and Cattle Dealers of Nigeria against the Nigeria Police Force over an alleged non compensation of members killed and properties destroyed during the #EndSARS and violence at Sasa Ibadan and other parts of Nigeria;
- (iv) Edidiong Okon Enenyi on behalf of Council of Oro Traditional Rulers against Mobil Producing Nigeria United, Total E&P Nigeria Limited, Oriental Energy, Nigerian Maritime Administration and Safety Agency (NIMASA) and other Oil Firms, Shipping Firms and Government Ministries, Departments and Agencies (MDAs) operating within Oro environment, over an alleged non compliance with the Environmental Regulations, Local Content laws and other relevant laws; and
- (v) Ifeanyichukwu Nwokenkwu against Inspt. Bamiteko Abiodun and Mr. Uche Eze over alleged cheating, threat of violence and breach of peace.

He urged the Senate to look into the matters.

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

6. Matter of Urgent Public Importance:

Rising on Orders 41 and 51, Senator Aliyu S. Abdullahi (*Niger North*) drew the attention of the Senate to the Renewed Kidnappings and Banditry Attacks on Communities in Mariga, Mashegu and Kontagora Local Government Areas of Niger North Senatorial District. He sought and obtained the leave of the Senate to present the matter forthwith:

The Senate:

notes the disturbing trend of renewed kidnappings and banditry attacks on communities of Mariga, Mashegu and Kontagora Local Government Areas of Niger State.

recalls that following the massive onslaught against criminal elements and bandits operating in eastern parts of Sokoto State and Zamfara, there was massive movement of these escaping bandits and their criminal elements into Niger State and specifically into Mariga Local Government Area of Niger State;

concerned that these bandits continuously attack communities in Mariga LGA leading to massive internal displacement of many communities. Currently villagers have moved out of Maundu, Alabani, Sappaji in Berri Ward; over twenty villages are now empty in Galma/Wamba ward and scanty residents in Ukuru, Igoma, Maruba and Ruka villages in Bobbi Ward. Communities that border Kaduna, Zamfara and Kebbi States located in Mariga LGA namely Galma, Makici, Makogi Na Maforo, Nassarawa and Kwanan Duci are constantly attacked by bandits and over 15 persons killed in Bobbi ward of Mariga LGA;

disturbed that some notorious bandits in their numbers operated for hours in five villages on Friday, 14th January, 2022 where several cattle were rustled as villagers fled their homes. The bandits first attacked Tungan-Rua village in the morning, later moved to Tungan Maje and also rustled cattle. The same day they attacked Kawo Mashegu where two people were killed, four persons abducted and proceeded to attack Tungan Magaji village where several cattle were also taken away. After several operations, 17 persons were abducted including two persons delivering ransom. The same day Farin Shinge village a few kilometres away from Kontagora town was also attacked and two persons kidnapped.

worried that the bandits are in the habit of burning down villages, burning farms with agricultural produce unharvested, stealing the home stored foods of villages they attack with the danger of those who brave the odds to go to their farms for harvest being killed or kidnapped. Many villagers are now IDPs in places like Bangi, Mangoro and other safer locations with no food or amenities for their livelihoods;

further recalls that President Muhammadu Buhari had ordered the nation's Armed Forces for a major military operation in Niger State which has faced continued attacks on its communities by bandits and remnants of Boko Haram terrorists fleeing theatres of war in the Northwestern and Northeastern parts of the country; and

strongly suggest that the operations should be comprehensive enough to close the various paths that gives the bandits and fleeing terrorists access to safe havens in various parts of Niger State especially in Mariga, Mashegu, Magama and Borgu Local Governments of Niger North Senatorial District and Rafi and Shiroro Local Governments of Niger East Senatorial District.

The Senate accordingly resolves to:

- (i) observe one minute silence for those who lost their lives;

- (ii) urge the Armed Forces and other Security Agencies involved in the ordered operations to closely monitor and block the escape paths/routes used by the bandits and fleeing terrorists to forestall their relocation to safe havens in other parts of Niger State; and
- (iii) urge the National Emergency Management Agency (NEMA) to provide food and other livelihood support amenities to the affected villages and those who are now IDPs in Mariga, Mashegu, Kontagora and Borgu Local Government Areas.

Debate:

Proposed Resolution (i):

Question: That the Senate do observe a minute silence for those who lost their lives — *Agreed to.*

Proposed Resolution (ii):

Question: That the Senate do urge the Armed Forces and other Security Agencies involved in the ordered operations to closely monitor and block the escape paths/routes used by the bandits and fleeing terrorists to forestall their relocation to safe havens in other parts of Niger State— *Agreed to.*

Proposed Resolution (iii):

Question: That the Senate do urge the National Emergency Management Agency (NEMA) to provide food and other livelihood support amenities to the affected villages and those who are now IDPs in Mariga, Mashegu, Kontagora and Borgu Local Government Areas— *Agreed to.*

Resolved:

That the Senate do:

- (i) observe a minute silence for those who lost their lives;
- (ii) urge the Armed Forces and other Security Agencies involved in the ordered operations to closely monitor and block the escape paths/routes used by the bandits and fleeing terrorists to forestall their relocation to safe havens in other parts of Niger State; and
- (iii) urge the National Emergency Management Agency (NEMA) to provide food and other livelihood support amenities to the affected villages and those who are now IDPs in Mariga, Mashegu, Kontagora and Borgu Local Government Areas (*S/Res/056/03/22*).

One minute silence accordingly observed in the honour of the deceased.

7. Personal Explanations:

- (1) Rising on Order 42, Senator Abdulfatai Buhari (*Oyo North*) drew the attention of the Senate to the demise of the former Governor of Oyo State, His Excellency, Otunba (Dr.) Christopher Adebayo Alao-Akala on Wednesday, 12th January, 2022 at the age of 71. He stated that the Late Otunba Alao-Akala was born in Ogbomosho on 3rd June, 1950 to the family of late Pa Joshua Opadoyin Alao-Akala. The late Alao-Akala had Diploma in Business Administration, Doctor of Civil Law (*Honoris Causa*) and Doctor of Science (*Honoris Causa*). He enlisted into the Nigeria Police as a Cadet Inspector in June 1974 and rose through the ranks to the post of Assistant Commissioner of Police (ACP) in 1995. He had a successful political career having served as Local Government Chairman, Deputy Governor and later Executive Governor of the Oyo State. He further stated that Otunba Alao-Akala's demise is not only a colossal loss to his family but also the good people of Ogbomosho, Oyo State and Nigeria as a whole. He urged the Senate to observe a minute silence in his honour.

One minute silence accordingly observed in honour of the deceased.

- (2) Rising on Order 42, Senator Teslim K. Folarin (*Oyo Central*) drew the attention of the Senate to the demise of the Olubadan of Ibadan land, Oba Saliu Adetunji on 2nd January, 2022 at the age of 93. He stated that the late Oba Adetunji was the first child of Raji Olayiwola Adetunji and Suwebat Amope Adetunji. He was born on the 26th August, 1928 in Ibadan. Late Oba Adetunji joined the traditional chieftaincy line and became the Jagun Balogun of Ibadan in 1976 and was later crowned the 41st Olubadan on March 6, 2016 by the late Oyo State Governor, Senator Abiola Ajimobi. He further stated that the six year reign of the late Oba Saliu brought immense economic growth, peace, stability and prosperity. He urged the Senate to observe a minute silence in honour of the late Imperial Majesty.

One minute silence accordingly observed in honour of the deceased.

- (3) Rising on Order 42, Senator Istifanus D. Gyang (*Plateau North*) drew the attention of the Senate to the incessant terror attacks and increasing wave of kidnapping in Plateau State. He informed the Senate of the recent kidnaps of Sum Pyem, HRH Charles Mato Dakat; the Gwom Rwey Vwang; HRH Da Gyang Gutt Balat and previous kidnaps of Hon. Kemi Nshe, former ALGON Chairman and three students of Plateau State Polytechnic, who have been rescued by the joint operation of the Operation Safe Haven (OPSH) outfit and the local vigilante. He further stated that five persons were killed at Tyana village and 18 persons at Ancha village, Irigwe land in Bassa LGA on Monday, 10th and Tuesday, 11th January, 2022 respectively. He urged the Senate to observe a minute silence in honour of the deceased.

One minute silence accordingly observed in honour of the deceased.

8. Presentation of Bills:

- (i) TETFUND Act, 2011 (Amendment) Bill, 2022 (SB. 342) — *Read the First Time.*
- (ii) Child Rights Welfare Commission (Establishment) Bill, 2022 (SB. 568) — *Read the First Time.*
- (iii) Chartered Institute of Professional Secretariat Staff of Nigeria Bill, 2022 (SB. 791) — *Read the First Time.*
- (iv) National Poverty Alleviation Management Commission (Establishment) Bill, 2022 (SB. 883) — *Read the First Time.*
- (v) Nigerian Social Insurance Trust Fund (NSITF) Act Cap N88 LFN 2004 (Amendment) Bill, 2022 (SB. 894) — *Read the First Time.*

9. Executive Communication:

Confirmation of the Nominations for Appointment as Members of the Federal Judicial Service Commission:

Motion made: That the Senate do consider the Request of Mr. President, Commander-in-Chief of the Armed Forces of the Federation on the confirmation of the nominations of the following persons for appointment as members of the Federal Judicial Service Commission:

<u>No.</u>	<u>Name</u>	<u>State</u>	<u>Zone</u>
1.	Nnamonso Ekanem, SAN	Akwa-Ibom	South-South
2.	Mahmud Abubakar Magaji, SAN	Niger	North-Central

(Senate Leader).

Question put and agreed to.

Request accordingly referred to the Committee on Judiciary, Human Rights and Legal Matters to report within two (2) weeks.

10. Executive Communication:

Confirmation of the Nomination of Professor Mansur Auwalu Bindawa for Appointment as the New Non-Executive Commissioner of the Nigerian Communications Commission (NCC):

Motion made: That the Senate do consider the Request of Mr. President, Commander-in-Chief of the Armed Forces of the Federation on the confirmation of the nomination of Professor Mansur Auwalu Bindawa for appointment as the New Non-Executive Commissioner of the Nigerian Communications Commission (NCC) (*Senate Leader*).

Question put and agreed to.

Request accordingly referred to the Committee on Communications to report within two (2) weeks.

11. Motion for Re-committal:

Withholding of Assent on Electoral Act No.6, 2010 (Repeal & Re-enactment) Bill, 2021 and its re-committal to the Committee of the Whole:

Motion made: That the Senate recalls that Mr. President, Commander-in-Chief of the Armed Forces of the Federation had signified the withholding of his assent on the Electoral Act No.6, 2010 (Repeal & Re-enactment) Bill, 2021 which was passed by the National Assembly and forwarded to the President for Assent on Thursday, 18th November, 2021;

notes that the rationale for withholding assent borders on his observation in Clause 84;

desirous of the need to address the observation by Mr. President, Commander-in-Chief of the Armed Forces of the Federation and make necessary amendment in accordance with Order 87(C) of the Senate Standing Orders, 2022 (As Amended); and

relying on order 1(b) and 52(6) of the Senate Standing Orders, 2022 (as amended).

The Senate accordingly resolves to:

Rescind its decision on the affected Clause of the Bill as passed and re-commit same to the Committee of the Whole for consideration.

Debate:

Proposed Resolution:

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

Resolved:

That the Senate do rescind its decision on the affected Clause of the Bill as passed and re-commit same to the Committee of the Whole for consideration (*S/Res/057/03/22*).

Motion made: Pursuant to Resolution No. (*S/Res/057/03/22*), that the Senate do resolve into Committee of the Whole to consider the Bill (*Senate Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

STATES AND AREA COUNCILS IN THE FEDERAL CAPITAL TERRITORY; AND FOR RELATED MATTERS, 2022.

Clause 84: Nomination of Candidates by Parties.

- (1) A political party seeking to nominate candidates for elections under this Act shall hold primaries for aspirants to all elective positions which shall be monitored by the Commission.
- (2) The procedure for the nomination of candidates by political parties for the various elective positions shall be by direct, indirect primaries or consensus
- (3) A political party that adopts the direct primaries procedure shall ensure that all aspirants are given equal opportunity of being voted for by members of the party and shall adopt the procedure outlined below:
 - (a) In the case of Presidential Primaries, all registered members of the party are to vote for aspirants of their choice at a designated centre at each ward of the Federation.
 - (b) Similar procedure as in (a) above, shall be adopted for Gubernatorial, Senatorial, Federal and State Constituencies.
 - (c) Special Conventions should be held to ratify the candidate with the highest number of votes at designated centres at the National, State, Senatorial, Federal and State Constituencies.
- (4) A political party that adopts the system of indirect primaries for the choice of its candidate shall adopt the procedure outlined below:
 - (a) In the case of nominations to the position of Presidential candidate, a political party shall,
 - (i) hold a special presidential convention at a designated centre in the Federal Capital Territory or any other place within the Federation that is agreed to by the National Executive Committee of the party.
 - (ii) the aspirant with the highest number of votes at the end of voting, shall be declared the winner of the Presidential primaries of the political party and the aspirant name shall be forwarded to the Commission as the candidate of the party;
 - (b) in the case of nominations to the positions of Governorship candidate, a political party shall, where it intends to sponsor candidates —
 - (i) hold a special congress in the State Capital or any other place within the State with delegates voting for each of the aspirants at the congress to be held on a specified date appointed by the National Executive Committee (NEC) of the party; and
 - (ii) the aspirant with the highest number of votes at the end of voting shall be declared the winner of the

primaries of the party and the aspirant's name shall be forwarded to the Commission as the candidate of the party, for the particular State;

- (c) In the case of nominations to the position of a Senatorial candidate, House of Representatives and State House of Assembly a political party shall, where they intend to sponsor candidates:
 - (i) hold special congresses in the Senatorial District, Federal Constituency and the State assembly constituency respectively, with delegates voting for each of the aspirants in designated centres on specified dates.
 - (ii) The aspirant with the highest number of votes at the end of voting shall be declared the winner of the primaries of the party and the aspirant's name shall be forwarded to the Independent National Electoral Commission as the candidate of the party.
- (d) In the case of the position of a Chairmanship candidate of an Area council a political party shall, where they intend to sponsor candidates:
 - (i) hold special congresses in the Area Councils, with delegates voting for each of the aspirants at designated centres on a specified date.
 - (ii) The aspirant with the highest number of votes at the end of voting shall be declared the winner of the primaries of the party and the aspirant's name shall be forwarded to the Independent National Electoral Commission as the candidate of the party.
- (5) In the case of a councillorship candidate, the procedure for the nomination of the candidate shall be by direct primaries in the ward and the name of the candidate with the highest number of votes shall be submitted to the Independent National electoral commission as the candidate of the party.
- (6) Where there is only one aspirant or a consensus candidate in a political party for any of the elective positions mentioned in subsection (4)(a), (b), (c) and (d), the party shall convene a special convention or congress at a designated Centre on a specified date for the confirmation of such aspirant and the name of the aspirant shall be forwarded to the Independent National Electoral Commission as the candidate of the party.
- (7) A political party that adopts the system of indirect primaries for the choice of its candidate shall clearly outline in its constitution and rule the procedure for the democratic election of delegates to vote at the convention, congress or meeting.
- (8) No political appointee at any level shall be a voting delegate or be voted for at the Convention or Congress of any political party for the

purpose of nomination of candidates for any election.

- (9) Where a political party fails to comply with the provisions of this Act in the conduct of its primaries, its candidate for election shall not be included in the election for the particular position in issue.
- (10) Notwithstanding the provisions of the Act or rules of a political party, an aspirant who complains that any of the provisions of this Act and the guidelines of a political party has not been complied with in the selection or nomination of a candidate of a political party for election, may apply to the Federal High Court for redress.
- (11) Nothing in this section shall empower the Courts to stop the holding of primaries or general elections under this Act pending the determination of the suit.

Committee's Recommendation:

That the provision in Clause 84 be retained (*Senate Leader*) — *Agreed to.*

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

Chairman to report Bill.

(SENATE IN PLENARY)

The President of the Senate reported that the Senate in the Committee of the Whole considered a Bill for an Act to Repeal the Electoral Bill, No. 6, 2010 and Enact the Electoral Act 2022 and approved as follows:

Clause 84 — As Recommended

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

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

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

12. Committee on Aviation:

Report on the Nigerian Airspace Management Agency Act CAP N90 LFN 2004 (Repeal & Re-enactment) Bill, 2022 (SB. 194):

Motion made: That the Senate do consider the Report of the Committee on Aviation on the Nigerian Airspace Management Agency Act CAP N90 LFN 2004 (Repeal & Re-enactment) Bill, 2022 (*Senator Smart Adeyemi —Kogi West*).

Question put and agreed to.

Report Presented.

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

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

A BILL FOR AN ACT TO REPEAL THE NIGERIAN AIRSPACE MANAGEMENT AGENCY ACT, CAP N90, LAWS OF THE FEDERATION OF NIGERIA, 2004 AND TO RE-ENACT THE NIGERIAN AIRSPACE MANAGEMENT AGENCY ACT FOR THE PURPOSES OF PROVIDING EFFECTIVE AIR NAVIGATION SERVICES IN NIGERIA; ENSURING SAFETY AND REGULARITY OF AIR NAVIGATION IN NIGERIA AND TO ANY OTHER PLACE WHICH NIGERIA HAS RESPONSIBILITY OF PROVIDING AIR NAVIGATION SERVICES; AND OTHER RELATED MATTERS, 2022

PART I — OBJECTIVES AND APPLICATION**Clause 1: Objective**

The objective of this Act is to provide a comprehensive legal and institutional framework for the provision of effective air navigation services in Nigeria, ensuring safety and regularity of air navigation in Nigeria and any other place in which Nigeria has responsibility of providing air navigation services and other related matters.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senator Smart Adeyemi — Kogi West*) — *Agreed to.*

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

PART II — ESTABLISHMENT AND MEMBERSHIP OF THE GOVERNING BOARD, ETC.**Clause 2: Application**

This Act applies in respect of every aircraft in the Nigerian airspace or any other airspace in respect of which Nigeria has responsibility for the provision of air traffic control service.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senator Smart Adeyemi — Kogi West*) — *Agreed to.*

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

PART II — NIGERIAN AIRSPACE MANAGEMENT AGENCY**Clause 3: Establishment of the Nigerian Airspace Management Agency**

- (1) There is established a body to be known as the Nigerian Airspace Management Agency (in this Act referred to as "the Agency").
- (2) The Agency —
 - (a) shall be a body corporate with perpetual succession and a common seal;
 - (b) may sue or be sued in its corporate name; and
 - (c) may acquire, own, hold, mortgage, lease or dispose of property, whether movable or immovable for the purpose of carrying out any of its functions under this Act.
- (3) The Agency shall be the sole body responsible for providing air navigation services in Nigeria and any other place in which Nigeria

has responsibility for providing air navigation services and other related matters.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

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

Clause 4: Establishment and membership of the Governing Board

- (1) There is established for the Agency a Governing Board (in this Act referred to as "the Board").
- (2) The Board shall consist of—
 - (a) a part time chairman;
 - (b) one representative not below the rank of a Director from each of the—
 - (i) Federal Ministry in charge of Aviation,
 - (ii) Nigerian Air Force
 - (iii) Federal Ministry in charge of Communications, and
 - (iv) Federal Ministry in charge of Transportation;
 - (d) 2 other persons to represent public interest; and
 - (e) the Managing Director of the Agency.
- (3) The Chairman and members of the Board, other than the ex-officio members, shall be—
 - (a) appointed by the President on the recommendation of the Minister; and
 - (b) persons with proven integrity and ability.
- (4) The composition of the Board shall reflect the equity and fairness as enshrined in Section 14(3) of the 1999 Constitution (as amended)
- (5) The Chairman shall be a person with at least 15 years cognate experience in matters relating to aviation.
- (6) The Supplementary Provisions set out in the Schedule to this Act, shall have effect with respect to proceedings of the Board and any other matter contained in it.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

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

Clause 5: Tenure of office

The Chairman and members of the Board other than the ex-officio members shall -

(a) hold office for a term of 4 years on such terms and conditions as may be specified in the letter of appointment; and

(b) be eligible for re-appointment for another term of 4 years and no more

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

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

Clause 6: Cessation of office

(1) Notwithstanding the provisions of section 5 of this Act, a person shall cease to hold office as a member of the Board where -

(a) his term of office expires;

(b) he resigns his office by a notice in writing under his hand addressed to the President through the Minister;

(c) he dies;

(d) he becomes incapable of carrying out his duties due to physical or mental illness;

(e) he has been declared bankrupt;

(f) he has been convicted of a felony or any offence involving dishonesty;

(g) he is found guilty of a gross misconduct relating to his duties;

(h) in the case of a person possessed of professional qualification, is disqualified or suspended from practicing his profession in any part of the world by an order of a competent authority; or

(i) in the case of an ex-officio member, ceases to hold the office on the basis of which he became a member of the Board.

(2) Notwithstanding the provisions of subsection (1) of this section, a member of the Board may be suspended or removed from office by the President if he is satisfied that it is not in the interest of the Agency and public that such member should continue in office.

(3) Where a vacancy occurs in the membership of the Board, it shall be filled by an appointment by the President of a successor to hold office for the remainder of the term of office of his predecessor and the successor shall represent the same interest as that member whose exit created the vacancy.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

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

Clause 7: Allowances of Board Members

There shall be paid to every member of the Board such allowances and expenses as the Federal Government may, from time to time, direct.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senator Smart Adeyemi — Kogi West*) — *Agreed to.*

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

PART III — FUNCTIONS OF THE AGENCY**Clause 8: Functions of the Agency**

- (1) The functions of the Agency shall be to -
 - (a) provide air traffic services in Nigeria and any other place where Nigeria has responsibility for provision of air navigation services, including air traffic control, visual and non-visual aids, aeronautical information services, aeronautical telecommunication, telecommunication, communication, flight calibration services and electricity supplies relating thereto, to enable public transport, private, business and military aircraft to fly, as far as practicable and as safely as possible;
 - (b) provide at all Nigerian airports and aerodromes air navigation services necessary for the operation of aircraft taking-off and landing and integrate them into the overall flow of air traffic within the Nigerian airspace;
 - (c) carry out obstruction evaluation necessary to minimise or prevent interference with the use or effectiveness of all apparatus used in connection with air navigation and for prohibiting the use of such apparatus and the display of any sign, light, tower and masts liable to endanger aircraft and endanger the use of the Nigerian airspace;
 - (d) generally secure the safety, efficiency and regularity of air navigation;
 - (e) require any person engaged or employed in connection with air navigation, to supply meteorological information for the purpose of air navigation or as may be deemed necessary from time to time;
 - (f) provide adequate personnel for providing effective security for navigational aids facilities outside the airport perimeters;
 - (g) create conditions for the development, in the most efficient and economic manner, of air navigation services;
 - (h) procure, install and maintain adequate aeronautical telecommunication, communication, navigation and surveillance, telecommunication facilities for air traffic management and other allied services at all Nigerian airports

and aerodromes;

- (i) provide enhanced operational techniques and improve air navigation safety and national airspace capacity system through integration of new technologies, implementation of next generation systems, air traffic control modernization projects, integration of unmanned aircraft system and drones into the national airspace, deployment of unmanned air traffic control management system and system-wide information management in line with global and regional air navigation plans;
- (j) provide seamless engineering and infrastructure technology for implementation of aviation system block upgrade, to ensure global interoperability and safety in the Nigerian airspace;
- (k) ensure effective co-ordination in the use of Nigerian airspace in line with established standard and procedure;
- (l) provide the co-ordination at all levels of collaborative decisions-making relating to airspace management and air traffic control in Nigeria;
- (m) ensure innovative airspace design development and utilization to meet air traffic capacity within the Nigerian airspace in order to improve flight efficiency and reduce flight time;
- (n) provide and manage on commercial basis, air traffic and air navigation services to private and state owned airports;
- (o) hold regular meetings with the armed forces on Nigeria's international obligations as it relates to civil and military co-ordination;
- (p) promote familiarisation visits by civil and military personnel to any air traffic service unit;
- (q) maintain permanent liaison with the civil air traffic services units and all relevant defence units, in order to ensure daily integration or segregation of civil and military air traffic operations within the same or adjacent portions, employing civil or military radars as necessary;
- (r) preclude the need for civil aircraft to obtain special air defence clearance;
- (s) take any necessary step to reasonably prevent the penetration of controlled airspace by any aircraft, civil or military without co-ordination with the air traffic control unit concerned;
- (t) undertake research and study relating to air navigation activities in order to promote the development of air navigation services and align with relevant changes in global, regional and national plans, procedures, mechanisms,

essential for the provision of efficient, safe and orderly air navigation services;

- (u) undertake systems engineering development, implementation for communications, navigation and surveillance, air traffic management and telecommunications and other allied services;
 - (v) conduct investigation into any air traffic incidents with a view to determining the cause and take necessary measures to prevent such re-occurrence;
 - (w) the Agency shall charge fees which may be reviewed from time to time for all services provided by it
 - (x) co-ordinate the implementation of aeronautical search and rescue and may demand by requisition from any organisation any available equipment, facilities or personnel which may assist in the speedy and effective use in aeronautical search and rescue emergency situations;
 - (y) discharge the operational, technical and financial air traffic service commitments arising from Nigeria's membership to any international organisation and other air navigation agencies.
- (2) Further to the provisions of subsection (1) of this section, the Agency shall -
- (a) conduct routine safety surveys and where necessary make any improvement to conform compliance with applicable Safety Management System;
 - (b) ensure that the necessary safety measures are put in place to prevent compromise of air navigation safety standards within and outside the airport;
 - (c) ensure the continued operations and availability of airborne and ground components of the Air Traffic Management system through cooperation with relevant parties;
 - (d) cooperate with anybody through partnership or joint venture for the purpose of providing aeronautical telecommunication and telecommunications services within the airports and to discharge any other function of the Agency;
 - (e) deploy terrestrial and satellite communication facilities for air navigation services;
 - (f) conduct hazard identification and risk assessment and mitigation processes which may include a determination of the scope, boundaries and interfaces of the constituent part being considered, as well as the identification of the functions that the constituent part is to perform and the environment of operations in which it is intended to operate;
 - (g) maintain a data bank that will provide accurate, dependable and reliable information to the entire Aviation sector for effective planning and advisory to industry users and

stakeholders to build capacity for safe air transportation;

- (h) carry out the design, regular and periodic review of national airspace architecture including appropriate instrument approach procedures for aircraft operations to enhance airspace capacity;
 - (i) undertake the publication and distribution of aeronautical information and any other guidance material in the form of Aeronautical Information Publications (AIPS), Notices to Airmen (NOTAM), Aeronautical Information Circulars (AICs) etc;
 - (j) produce charts that will provide flight crew with detailed information on the airport or aerodrome to facilitate the ground movement of aircraft between the taxiways and the aircraft stands and the parking or docking of aircraft within the airport or aerodrome;
 - (k) develop and manage the framework for cyber-resistance to help mitigate cyber-threats and risks to air navigation systems and facilities and share cyber related incident information with relevant aviation stakeholders
 - (l) undertake the classification and allocation of the use of the Nigerian airspace for aircraft operations in collaboration with the relevant Government Agency.
- (3) A person other than the Agency shall not provide air navigation services in respect of the Nigerian airspace or any other airspace which Nigeria has responsibility to provide such services.
- (4) The Agency may with the approval of the Minister, introduce or increase, terminate, or reduce air navigation services, and close or relocate facilities used by it in connection with navigation services within the Nigerian airspace or any other airspace which Nigeria has responsibility for the provision of air navigation services.
- (5) A person shall not commence construction or reconstruction of an aerodrome in Nigeria without the necessary input of the Agency in line with its functions under this Act.
- (6) The functions of the Agency in this Act is vested in the Managing Director of the Agency who may exercise them directly or through the Directors or any other staff of the Agency he may deem fit.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

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

Clause 9: Powers of the Agency

Subject to the provision of this Act, the Agency shall have powers to -

- (a) make, alter and revoke rules, byelaw and guidelines for the purpose of giving effect to the provisions of this Act;

- (b) charge cost and sustainability recovery charges for services rendered by the Agency to users;
 - (c) levy such charges or fees on aircraft operators, private and state aerodrome operators for air traffic control services, international and domestic en-route flight services, over-flight services, terminal navigation services and any other charges or fees as may be determined by the Agency from time to time;
 - (d) deny or withhold flight clearance to any operator until the amount of charges or fees imposed by the Agency has been paid by the operator or a security or guarantee has been given to the satisfaction of the Agency for the payment of the charges or fees;
 - (e) inspect or examine accounts, records and memoranda required to be kept by aircraft and aerodrome operators; or
 - (f) cooperate and collaborate with the relevant authority within and outside Nigeria to ensure coordinated search and rescue operations for missing aircraft and aircraft in distress; and
 - (g) do anything, which in its opinion is calculated at facilitating the execution of its functions under the provisions of this Act.
- (2) Notwithstanding the provision of any other law, policy or circular in force, any fees and charges imposed by the Agency shall not be subject to any deductions or remittance to any other body.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

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

Clause 10: Functions and powers of the Board

— The Board shall -

- (a) provide the general policies and guidelines relating to the discharge of the functions of the Agency;
- (b) monitor the implementation of the policies and programmes of the Agency;
- (c) consider terms and conditions of service including remuneration of the employees of the Agency; and
- (d) do such other things which in the opinion of the Board is considered necessary or expedient to ensure the performance of the Board's functions under this Act.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

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

Clause 11: Managing Director of the Agency

- (1) There shall be appointed for the Agency a Managing Director -
 - (a) by the President on the recommendation of the Minister; and
 - (b) on such terms and conditions as may be specified in the letter of appointment or as may be determined, from time to time, by the Government of the Federation.
- (2) The Managing Director shall be -
 - (a) the chief executive and accounting officer of the Agency;
 - (b) responsible for the day-to-day administration of the Agency;
 - (c) appointed for a term of 5 years and may subject to satisfactory performance be re-appointed for a further term of 5 years and no more;
 - (d) a person who possesses relevant and adequate professional qualification in a senior management cadre; and
 - (e) a person who has been qualified in air navigation services for a period of not less than 15 years, 5 of which shall be in the senior management cadre in an air navigation services provider environment.
- (3) Without prejudice to the foregoing provisions of this section, the Managing Director may be removed from office by the President where he -
 - (a) has demonstrated inability to effectively perform the duties of his office;
 - (b) has been absent from 5 consecutive meetings of the Board without the consent of the Chairman or good reason for such absence;
 - (c) is guilty of serious misconduct;
 - (d) is disqualified or suspended from practicing his profession in any part of the world by an order of competent authority; or
 - (e) is guilty of conflict of interest as stipulated under section 114 of this Act.

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

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

Clause 12: Appointment of Secretary of the Board

There shall be appointed for the Board a secretary who shall -

- (a) be the Director Legal Services and Legal Adviser of the Agency and a legal practitioner and shall have been so qualified for a period of not less than 12 years;
- (b) have power to conduct the correspondences and keep the records of

the Board; and

- (c) perform such other functions as the Board or the Managing Director, may assign to him from time to time.

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

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

Clause 13: Other Staff of the Agency

- (1) The Agency shall appoint such number of employees which in its opinion is expedient and necessary for the proper and efficient performance of its function under this Act.
- (2) The composition of the Directors and Senior Management staff of the Agency appointed under sub-section (1) of this Section shall reflect equity and fairness as enshrined in Section 14(3) of the 1999 Constitution (as amended)
- (3) The staff of the Agency appointed under subsection (1) of this section shall be appointed on such terms and conditions of service as the Agency may determine in accordance with the approved Government Policy.
- (4) Notwithstanding the provisions of subsections (1) and (2) of this section, the Agency shall have power to appoint either directly or on secondment from any public service in the Federation, such number of employees as may in the opinion of the Board be required to assist the Agency in the discharge of any function under this Act.
- (5) Nothing in subsection (3) of this section shall preclude the Agency from appointing such number of persons from outside the public service of the Federation or of the State, where it deems it necessary so to do.
- (6) The Agency may subject to the approval of the Board, make regulations relating generally to the terms and conditions of service of its employees providing for -
 - (a) the appointment, promotion and staff discipline;
 - (b) remuneration, allowances, benefits and pension of the employees of the Agency;
 - (c) appeals by employees against disciplinary measures; and
 - (d) such other matters to ensure the efficient performance of the functions of the Agency under this Act.

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

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

Clause 14: Conflict of Interest, Insider Dealing and Confidentiality

- (1) The Members of the Governing Board, the Managing Director, Directors and the employees of the Agency shall not control, manage or operate any aviation enterprise while in office.
- (2) Any of the persons specified in subsection (1) of this section, having a financial or other interest in any aviation enterprise shall make full disclosure of such interest to their respective appointing authorities.
- (3) Any of the persons mentioned in subsection (1) of this section is prohibited from participating in any action or decision that may, whether directly or indirectly affect their financial interest in any aviation enterprise.
- (4) A member of the Board, the Managing Director or any other officer or employee of the Agency shall-
 - (a) not for his personal gain, make use of any information which has come to his knowledge in the exercise of his powers or is obtained by him in the ordinary course of his duty as a member of the Board, the Managing Director, officer or employee of the Agency;
 - (b) treat as confidential any information which has come to his knowledge in the exercise of his powers or is obtained by him in the performance of his duties under this Act; and
 - (c) not disclose any information referred to under paragraphs (a) and (b) of this subsection, except when required to do so by a court of competent jurisdiction or in such other circumstances as may be prescribed by the Board, from time to time.
- (5) Any person who contravenes the provisions of subsection (4) of this section, commits an offence and is liable on conviction to a fine of not less than ₦200,000.00 or to a term of not less than 6 months imprisonment or to both.

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

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

Clause 15: Service in the Agency to be pensionable

- (1) Service in the Agency shall be the approved service for the purposes of the Pension Reform Act.
- (2) Officers and other persons employed in the Agency shall be entitled to pensions, severance and other retirement benefits, as are enjoyed by persons holding equivalent grades in the Civil Service of the Federation.
- (3) Nothing in subsections (1) and (2) of this section shall prevent the appointment of a person to any office on terms which preclude the grant of pension and severance package in respect of that office.

- (4) For the purpose of the application of the provisions of the Pension Reform Act, No. 4 of 2014, any power exercisable under the Act by the Minister or other authority of the Government of the Federation, other than the power to make regulations is hereby vested in and shall be exercisable by the Board and not by any other person or authority.

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

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

Clause 16: Appointment of Experts

In exercising and performing the powers, functions and duties conferred on it under this Act, the Agency may appoint, contract, liaise or co-operate with experts, including specialised agencies, academic or technical institutes in order to assist it in carrying out its functions.

Committee's Recommendation:

That the provision in Clause 16 be retained (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

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

Clause 17: Delegation of Powers

- (1) For the effective discharge of the functions conferred on the Managing Director under this Act, the Managing Director may discharge any of the functions through the directors in charge of any of the following Directorates -

- (a) Air Traffic Services;
- (b) Safety, Electronics and Engineering Services;
- (c) Finance and Accounts;
- (d) Human Resources and Administration;
- (e) Legal and Compliance Services;
- (f) any other Directorate as may be established from time to time by the Agency.

- (2) Notwithstanding the provisions of subsection (1) of this section, the Agency shall with the approval of Board have the powers to -

- (a) set up special units, technical Committee, working groups and task forces to assist the Agency in the performance of its duties and functions under this Act; and
- (b) make changes to its structure, including the review or merging of Directorates.

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

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

PART V — FINANCIAL PROVISIONS

Clause 18: Funds of the Agency

- (1) There shall be established and maintained by the Agency, a fund into which shall be paid and credited—
 - (a) all subventions and budgetary allocations from the Government of the Federation;
 - (b) all fees and funds accruing from—
 - (i) over flight and enroute international charges,
 - (ii) domestic enroute charges,
 - (iii) charges on Class B messages,
 - (iv) 23 percent of the air ticket sales charges,
 - (v) 23 percent of the cargo sales charges,
 - (vi) 23 percent of charter sales charges,
 - (vii) terminal navigation charges,
 - (viii) sales of information,
 - (ix) violation of airspace fines,
 - (x) rentage of property, plant and equipment,
 - (xi) calibration fees,
 - (xii) obstacle evaluation fees,
 - (xiii) telecommunications services,
 - (xiv) provision of air traffic services at private and state aerodromes,
 - (xv) hajj or pilgrimage operations,
 - (xvi) cartographic survey and cartography charges,
 - (xvii) aerial operations charges,
 - (xviii) consultancy services, and
 - (xix) sales, rents or lease of landed properties;
 - (c) sums accruing to the Agency by way of gifts, endowments, bequests, grants or other contributions by persons and organisations;
 - (d) return on investments;
 - (e) domestic and foreign aids and assistance;

- (f) any other fund that may be approved for the development of Civil Aviation in Nigeria; and
 - (g) other sums which may, from time to time, accrue to the Agency.
- (2) The owner and operator of an aircraft or aerodrome shall jointly and severally be liable for any charges for air navigational services rendered by the Agency in respect of their aircraft.
 - (3) The Agency may impose charges or fees which may be reviewed from time to time for services provided by the Agency under this Act.
 - (4) Charges and fees payable in respect of the services performed by the Agency shall be paid within 30 days from the commencement of the service. If the Charges or fees are not paid within the period specified, the Agency may apply a 6 percent compound interest on the amount of charges or fees until the time the charges or fees are paid or a security satisfactory to the Agency has been posted as evidence of payment of the charges or fees.

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senator Smart Adeyemi — Kogi West*) — *Agreed to.*

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

Clause 19: Duty to be financially prudent

- (1) The Managing Director shall conduct the Agency's affairs with prudence and due diligence to ensure that the Agency does not become insolvent.
- (2) Where the Agency suffers any financial loss as a result of any waiver granted by any person, body or institution, the Agency shall be compensated for the financial loss sustained in complying with the waiver by the person, body or institution that grants such a waiver.

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senator Smart Adeyemi — Kogi West*) — *Agreed to.*

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

Clause 20: Collection of unpaid or overdue charges

- (1) The Agency may suspend the provision of service to any aircraft or aerodrome operator who fails to pay overdue charges until payment of such amount is made or bond or any other security satisfactory to the Agency for the amount due is deposited with the Agency.
- (2) In addition to any other remedy provided for in this Act or guidelines made pursuant to this Act in relation to collection of unpaid and overdue charges imposed by the Agency for air navigation services, whether or not a Judgment for the collection of the charges has been obtained, the Agency may apply to the Federal High Court, for an order authorising the Agency to seize and detain any aircraft belonging to the defaulting operator until the charges are paid or a

bond or collateral security acceptable to the Agency is provided for the unpaid and overdue amount.

- (3) An application for an order referred to in subsection (1) of this section, may be made ex-parte if the Court has reason to believe that the person liable to pay the charges is about to leave Nigeria, or remove from Nigeria any aircraft owned or operated by him.
- (4) The Agency may release from detention, an aircraft seized and detained under this section, where -
 - (a) the amount in respect of which the seizure is made has been paid; or
 - (b) a bond or other security in a way that is satisfactory to the Agency for the amount in respect of which the seizure was made is discharged.
- (5) Any person who collects and fails to remit to the Agency any such monies due to the Agency pursuant to this Act commits an offence and shall be liable on conviction to a term of 2 years imprisonment or a fine of ₦5,000,000.00 or both in addition to the refund of total monies unremitted.

Committee's Recommendation:

That the provision in Clause 20 be retained (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

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

Clause 21: Expenditure of the Agency

The Agency may, from time to time, apply the proceeds of the fund established in pursuance of section 18 of this Act -

- (a) to pay overhead allowances, benefits and other administrative costs of the Agency;
- (b) for the reimbursement of members of the Board or any Committee set up by the Board or the Agency for such expenses as may be authorised in accordance with the rates approved by the Government of the Federation;
- (c) for the payment of salaries, fees and other remunerations or allowances, payable to members of the Board, employees, experts or professionals appointed by the Agency;
- (d) to publicise and promote the activities of the Agency;
- (e) for the maintenance of any property acquired or vested in the Agency; and
- (f) to undertake any other activity or matter connected with all or any of the functions of the Agency under this Act.

Committee's Recommendation:

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

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

Clause 22: Power to accept gifts

- (1) The Agency may accept gifts of land, money or other property on such terms and conditions, if any, as may be specified by the person or organisation making the gift.
- (2) The Agency shall not accept any gift, where the conditions attached by the person or organisation making the gift are inconsistent with the functions of the Agency under this Act.

Committee's Recommendation:

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

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

Clause 23: Annual estimates and expenditure

- (1) The Agency shall, not later than 30th September in each year, submit to the National Assembly through the President, an estimate of the expenditure and income of the Agency during the next succeeding year.
- (2) The Agency shall cause to be kept, proper accounts and records of the Agency in respect of each year and shall cause the accounts to be audited not later than 6 months after the end of each year by auditors appointed from the list and in accordance with the guidelines supplied by the Auditor-General of the Federation.

Committee's Recommendation:

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

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

Clause 24: Annual reports

- (1) The Board shall receive and review annual report from the management of the Agency and submit same to the President, through the Minister, not later than 30th June of each year.
- (2) The report shall be in such form as the President may direct on the activities of the Agency during the immediate preceding year and shall include the accurate statistical data on traffic of aircraft and passenger movement, over-flights and en-routes, a copy of the audited accounts of the Agency for the year and the auditor's report on it.

Committee's Recommendation:

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

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

Clause 25: Power to Borrow

- (1) The Agency may from time to time, obtain loan in form of an overdraft or otherwise, such sums as it may require for the performance of its functions under this Act.

- (2) The Agency shall not without the approval of the President borrow money which exceeds at any time the limit set by the Government of the Federation.
- (3) Notwithstanding the provisions of subsection (1) of this section, where the sum to be borrowed is in foreign currency, the Agency shall not borrow the sum without the prior approval of the President.

Committee's Recommendation:

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

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

Clause 26: Power to Invest Funds

- (1) The Agency may invest any of its funds in securities or any other profit yielding investment as may be approved by the Board.
- (2) The Agency may, subject to the provisions of this Act, invest any of its funds as may be financially prudent and maintain a general reserve.

Committee's Recommendation:

That the provision in Clause 26 be retained (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

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

Clause 27: Exemption from tax

- (1) The Agency shall be exempted from the payment of tenement rates and income tax or any other tax on any income accruing from investments made by the Agency.
- (2) The provisions of any law relating to the taxation of income of companies or contribution to any funds or trust funds shall not apply to the Agency.

Committee's Recommendation:

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

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

PART VI — GENERAL POWERS OF THE AGENCY

Clause 28: Power to obtain Information

- (1) For the purposes of obtaining relevant information for the proper discharge of the functions conferred upon it under this the Act, any authorised officer of the Agency may by notice in writing-
 - (a) require any person who undertakes the business of carrying passengers or cargo in an aircraft for reward, to furnish him with such information relating to such flights or class of flights, either at the beginning or at the end of the same point or at different points;
 - (b) as may be specified in the notice, furnish the Agency with

such information relating to the flight plan, instrument carried on the aircraft and any other information required for the safe landing within and exit of any aircrafts from the Nigerian airspace; and

- (c) specify the times at which, the form and manner in which, any information required under paragraph (a) or (b) of this subsection shall be made.

- (2) For the purposes of this section, "authorized officer" means the Managing Director or any other officer of the Agency specifically or generally authorised by the Managing Director to carry out the functions of an authorized officer under this section.

Committee's Recommendation:

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

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

Clause 29: Penalties for refusal to give information

- (1) A person or entity who fails to give information as required under section 28 of this Act, commits an offence and is liable on conviction
- (a) in the case of an individual, to a fine of not less than ₦200,000.00 or a term of 6 months imprisonment or to both; and
 - (b) in the case of an entity or body corporate, a fine of not less than ₦500,000.00.
- (2) A person or entity who knowingly makes a false statement to any particulars given pursuant to a request made by the Agency under section 28 of this Act, commits an offence and is liable on conviction
- (a) in the case of an individual, to a fine of not less than ₦200,000.00 or a term of 6 months imprisonment or to both; and
 - (b) in the case of an entity or body corporate, a fine of not less than ₦500,000.00.

Committee's Recommendation:

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

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

Clause 30: Restriction on disclosure of information

- (1) The estimates, returns or information relating to an air transport undertaking to obtain the foregoing provisions of this Act shall not, without prior consent of the person carrying on the undertaking, which is the subject of the estimate, returns or information, be

disclosed except-

- (a) in accordance with directions given by the Agency, for the purpose of exercising any of its functions under this Act; or
 - (b) for the purpose of any proceedings for which an offence under this Act or any report of those proceedings is required.
- (2) Any person who discloses any estimates, returns or any information in contravention of the provisions of this section, commits an offence and is liable on conviction to a fine of not less than ₦200,000.00 or to a term of not less than 6 months imprisonment or to both.

Committee's Recommendation:

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

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

Clause 31: Power to enter land to make a survey, etc.

- (1) The Agency may through its authorised officers or agents, enter any land for the purposes of -
 - (a) discharging its functions under this Act;
 - (b) inspecting and examining lands, buildings and equipment of any air carrier;
 - (c) the cutting and removal of trees, underwood or structures that may interfere with survey and any installation which constitute a hazard to safety of air navigation.
- (2) The Agency shall, where practicable, serve on the occupier of any land which it intends to enter pursuant to subsection (1) of this section, a notice which shall be in writing, giving a description of the work intended to be carried out on the land.
- (3) In the discharge of its function pursuant to subsection (1) of this section, the officers or agents of the Agency may remain on any of such land for a reasonable time as to enable them execute and do all such work as may be necessary.

Committee's Recommendation:

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

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

Clause 32: Compensation for damages, etc.

- (1) In the exercise of the powers conferred by section 31 of this Act, the Agency or its officers, or agent shall ensure that buildings, crops, and economic trees are protected from damages and Agency shall pay compensation for any damage done to any building, crops and economic trees.
- (2) In the case of dispute as to the amount of compensation payable, the same shall be determined by the Federal High Court.

Committee's Recommendation:

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

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

Clause 33: Grant of Aircraft Flight Clearance

- (1) The Agency may on application made to it by an airline or airline handling agent, grant an aircraft flight clearance to -
 - (a) operate scheduled flight within the Nigerian airspace;
 - (b) operate non-scheduled flights within the Nigerian Airspace;
or
 - (c) overfly the Nigerian airspace.
- (2) Any person who operates an aircraft without flight clearance commits an offence under this Bill and shall be liable on conviction to a fine of not less than ₦3,000,000 for body corporate and where the contravention is by an individual, to a fine not less than ₦1,000,000.

Committee's Recommendation:

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

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

Clause 34: Conditions for the grant of aircraft flight clearance

The Agency shall by guideline published in the Aeronautical Information Publication (AIP), Aeronautical Information Circular (AIC) or Gazette prescribe the terms and conditions for granting aircraft flight clearance.

Committee's Recommendation:

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

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

PART VII — AIR TRAFFIC INCIDENT INVESTIGATION REPORT**Clause 35: Air Traffic Incident Investigation and Report not to be Admissible in Evidence.**

- (1) The Agency shall investigate air traffic incidents and provide report to appropriate Government Agencies.
- (2) The reports provided under subsection (1) of this section shall provide remedial or corrective measures.

Committee's Recommendation:

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

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

Clause 36: Air Traffic Incident Investigation Report not admissible in evidence
Notwithstanding the provisions of the Evidence Act, No.18 of 2011 and any

other law, the proceedings and other contents of an air traffic incident investigation report including papers, air traffic control (ATC) strips, tape recording, flight plan, log book, and records used for the investigation shall be treated as confidential materials and shall not be admissible in evidence as to form the basis of liability in any criminal or civil proceedings.

Committee's Recommendation:

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

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

PART VIII — PROVISIONS RELATING TO THE ACQUISITION OF LAND

Clause 37: Power to acquire Land

- (1) The Agency may subject to Land Use Act, Cap. L4 Laws of the Federation of Nigeria, 2004 acquire any land for the purpose of discharging its functions under this Act.
- (2) Where there is any hindrance to the acquisition of any land under this Act including any failure by the Agency to reach an agreement as to the amount to be paid in respect of the acquisition, the Agency may apply to the Minister to request for a declaration under subsection (3) of this section.
- (3) The Minister on receiving an application from the Agency and after such enquiry as he may deem necessary, may request the Governor, or his equivalent, of the state in which the land situate to declare that the land is required for the service of the Agency and accordingly, for an overriding public interest.
- (4) Where a declaration is made under subsection (3) of this section, the land to which the declaration relates shall be deemed to be land required for the overriding public interest purpose of the Federation within the meaning of the Land Use Act, Cap. L4 Laws of the Federation of Nigeria, 2004 and the Agency shall acquire the land accordingly.
- (5) Where a declaration has been made under subsection (3) of this Act in respect of any land and the land has been acquired pursuant to subsection (4) of this section; or the Governor of the State concerned is satisfied that there are no rights subsisting in respect of the land, the Governor may vest the land in the Agency by issuing a Certificate of Occupancy in respect of the land, in favour and in the name of the Agency.
- (6) The compensation, if any, payable under the Land Use Act, Cap. L4 Laws of the Federation of Nigeria, 2004 for the revocation of rights relating to the land and other incidental expenses, where applicable, shall be borne by the Agency.
- (7) The plan of the land referred to in subsection (2) of this section -
 - (a) containing measurement of the boundaries of the land;
 - (b) showing the relationship of the land to any sufficient identifying mark; and

(c) signed by the Surveyor-General;

shall be a sufficient description of the land for the purpose of an application under that subsection.

- (8) The Agency shall not, without the approval in writing of the Governor of the State in which the land situates alienate, mortgage, charge or otherwise demise any immovable property which has been vested in the Agency under this section or in respect of which a right of occupancy has been granted to the Agency.

Committee's Recommendation:

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

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

Clause 38: Establishment of estate scheme

- (1) The Agency may with the approval of the Minister engage in the development of estate, land building, real properties, staff housing scheme and any other commercially viable venture or any description including leasehold on such terms and conditions as the Agency may from time to time determine.
- (2) The Agency shall with the approval of the Minister issue guidelines for development of estate, land building, real properties, staff housing scheme and any other commercially viable venture or any description including leasehold referred to under subsection (1) of this section.

Committee's Recommendation:

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

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

Clause 39: Calibration of Navigational Aids and Equipment

- (1) The Agency shall establish and operate calibration workshop at designated locations for purposes of carrying out regular calibration of navigational aids and equipment.
- (2) The Agency shall have power to certify that a calibrated navigational aids or equipment meets the standards as may be specified by relevant national and international organisations.

Committee's Recommendation:

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

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

PART IX — LEGAL PROCEEDINGS

Clause 40: Service of Notice

- (1) Any notice required under this Act or authorised by this Act, shall be served either by -
- (a) delivering it to the person or his agents or servant;

- (b) leaving it at the person's proper address; or
 - (c) posting it to the person's principal office through registered post or courier and addressed to the person at his principal office.
- (2) Where a notice is served by post otherwise than in registered letters, service shall not be deemed to have been effected if it is proved that the notice was not received by the person to whom it was addressed.
 - (3) Any notice required or authorised to be served upon a body corporate shall be deemed to have been duly served if it is served on a director or the secretary to the body corporate.
 - (4) For the purposes of this section, the proper address of any person on whom such a notice is to be served shall in-
 - (a) the case of a body corporate, be the registered or principal address of the body corporate; and
 - (b) any other case, be the last known address of the person to be served.
 - (5) Where the name of a person carrying on an air transport undertaking at any premises is not known and any of such notice is sent by post in a registered letter, the letter shall be deemed for the purposes of this section to have been properly addressed if addressed to the premises at which the undertaking is carried on.

Committee's Recommendation:

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

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

Clause 41: Service of documents

- A notice, summons or other documents required or authorised to be served on the Agency under the provisions of this Act or any other law, may be served by delivering it to the office of the Managing Director situate at the headquarters of the Agency.

Committee's Recommendation:

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

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

Clause 42: Limitation of suits against the Agency

- (1) Subject to the provisions of this Act, the provisions of the Public Officers Protection Act, Cap P41 Laws of the Federation of Nigeria, 2004 shall apply in relation to any suit instituted against any officer or employee of the Agency.
- (2) Notwithstanding anything contained in any other law, no suit shall lie or be instituted in any court against the Agency, any member of the Board, the Managing Director or any other officer or employee of the Agency for an act done in pursuance or execution of this Act or any

law, or any public duty or authority or in respect of any alleged neglect or default in the execution of this Act or such law, duty or authority, unless-

- (a) it is commenced within 3 months after the act, neglect or default complained of; or
 - (b) in the case of a continuation of damage or injury, within 6 months next after the ceasing of it.
- (3) A suit shall not be commenced against the Agency, a member of the Board, the Managing Director, officer or employee of the Agency before the expiration of a period of 1 month after written notice of intention to commence the suit have been served upon the Agency by the intending plaintiff or his agent.
- (4) The notice referred to in subsection (3) of this section shall clearly and explicitly state the cause of action, the particulars of the claim, the name and place of abode of the intending plaintiff and the relief which he claims.

Committee's Recommendation:

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

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

Clause 43: Restriction on Execution of an Order against the Property of the Agency

- (1) In any action or suit against the Agency, no execution or attachment in any nature thereof shall be issued or levied against the Agency, unless -
 - (a) at least 3 months' notice of the intention to execute judgment or attach the Agency's property has been given to the Agency; and
 - (b) the consent or approval of the Attorney-General of the Federation obtained.
- (2) Subject to any direction given by a competent court where notice of appeal has been given, any sum of money, which may by the Judgment of any court be awarded against the Agency, shall be paid from the fund of the Agency.
- (3) In any proceeding before a court of law or tribunal, the Agency may, with the consent of the Attorney-General of the Federation, be represented by its legal officers or any legal practitioner authorised by the Agency who shall have the right to appear at any stage of a proceedings and who shall satisfy the court that he is duly authorized by the Agency in that behalf.

Committee's Recommendation:

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

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

Clause 44: Arrest of Employee of the Agency on Essential Duty

(1) An employee of the Agency shall not be arrested while on essential duty.

(2) Notwithstanding the provisions of subsection (1) of this section, where such arrest is unavoidable and might result in danger to life or goods or safety of airspace in the execution of a warrant or otherwise during the performance of his lawful duty -

(a) the head of Department in which the person to be arrested is employed; or

(b) the officer in charge of the person to be arrested,

shall be given a reasonable time within which to make provision for the replacement of the officer to be arrested before he is released to the person carrying out the arrest.

Committee's Recommendation:

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

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

Clause 45: Indemnity of officers

A member of the Board, the Managing Director, any officer or employee of the Agency, shall be indemnified out of the assets of the Agency, against any proceedings, whether civil or criminal, if any of such proceeding -

(a) is brought against him in his personal capacity as a member of the Board, the Managing Director, officer and other employee of the Agency; and

(b) arose from the lawful discharge of any of his functions or in the exercise of any of the powers conferred on the Agency under this Act.

Committee's Recommendation:

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

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

PART X — OFFENCES AND PENALTIES**Clause 46: Obstruction of services**

(1) A person, entity or group of persons shall not obstruct or hinder the provision of civil air navigation services to a flight.

(2) Any person or group of persons who contravenes the provisions of subsection (1) of this section commits an offence and shall on conviction be liable -

(a) in the case of an individual, to a fine of not less than ₦200,000.00 or a term of 6 months imprisonment or to both; and

(b) in the case of an entity, body corporate or group of persons, a fine of not less than ₦500,000.00.

- (3) Where any person or an entity violates any of the provisions of this section, such person or entity shall during the subsistence of the offence be liable to a fine for each day or part of the day the offence continues to-
- (a) ₦100,000.00 in the case of a corporation;
 - (b) ₦50,000.00 in the case of a person acting in the capacity of an officer or representative of the Agency or where the offence was committed; and
 - (c) ₦25,000.00 in any other case.

Committee's Recommendation:

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

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

Clause 47: Damage or theft to Air Navigation Equipment or Facilities

- (1) Any person who destroys, vandalises or damages air navigation equipment or facilities, shall be liable to -
 - (a) pay compensation to the Agency for the value of the equipment or facility destroyed, damaged or vandalized; or
 - (b) replace or repair the damaged equipment or facility; as the Agency may determine.
- (2) Any person who steals or causes to be stolen any air navigation equipment or facility commits an offence and is liable on conviction to a fine of not less than ₦1,000,000.00 or a term of not less than 1 year imprisonment or to both.
- (3) Any person who willfully disrupts air navigation services in such manner that is likely to interfere with software, communication or the signals transmitted to aircrafts commits an offence and is liable on conviction to a fine of not less than ₦10,000,000.00 or a term of not less than 5 years imprisonment or to both.

Committee's Recommendation:

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

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

Clause 48: Offences by a body corporate or unincorporated body

- (1) Where an offence under this Act is committed by a body corporate, a firm or association of individuals, every -
 - (a) director, manager, secretary or other similar officers of the body corporate;
 - (b) partner or officer of the firm;
 - (c) person concerned in the management of the affairs of the association; or
 - (d) person who was purporting to act in any of such capacity aforesaid, who had knowledge or believed to have had

knowledge of the offence and who did not exercise due diligence to ensure compliance with this Act;

Shall be deemed to have committed the offence and shall be proceeded against in accordance with this Act unless he proves that the Act or omission constituting the offence took place without his knowledge, consent, connivance or neglect or he took reasonable steps to prevent the commission of the offence.

- (2) Where a person is convicted of an offence under subsection (1) of this section, he shall in the case of-
- (a) an individual, be liable to a fine of not less than ₦500,000.00 or to a term of 6 months imprisonment or to both; and
 - (b) corporate body be liable to a fine of not less than ₦2,000,000.00.

Committee's Recommendation:

That the provision in Clause 48 be retained (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

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

Clause 49: Prevention of further violation of the provisions of this Act

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

Committee's Recommendation:

That the provision in Clause 49 be retained (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

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

PART XI — JURISDICTION

Clause 50: Jurisdiction

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

Committee's Recommendation:

That the provision in Clause 50 be retained (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

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

PART XII — MISCELLANEOUS**Clause 51: Power of Minister to give Directives**

- (1) The Minister may give directives of a general character with regards to the performance or exercise by the Agency or Board of its functions or powers under this Act and it shall be the duty of the Agency or Board to comply with the directives.
- (2) The general directives referred to in subsection (1) of this section shall relate to matters of policy and shall not be inconsistent with the provisions of this Act and shall be in-
 - (a) the interest of the national security;
 - (b) relation to any matter that appears to the Minister that it may likely affect the relations of Nigeria with a country or territory outside Nigeria;
 - (c) order to discharge or facilitate the discharge of any obligation binding on Nigeria by virtue of its being a member of an international organisation or a party to an international agreement;
 - (d) order to obtain or facilitate the attainment of any object, which in his opinion is considered as appropriate in view of Nigeria's being a member of an international organisation or a party to an international agreement; or
 - (e) order to enable Nigeria become a member of an international organisation or a party to an international agreement.
- (3) The Agency in the exercise of carrying out its functions and powers in accordance with the provisions of this Act shall be guided by such directions.

Committee's Recommendation:

That the provision in Clause 51 be retained (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

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

Clause 52: Designation of Essential Services

- (1) All services which facilitate and maintain the smooth, orderly and safe take off, flight and landing of aircrafts and the disembarkation and evacuation of passengers and cargo respectively in all aerodromes in Nigeria are hereby designated as essential services pursuant to the provisions of section 11(1) of the Constitution of the Federal Republic of Nigeria, 1999.
- (2) The Minister may by regulations prohibit all or such class or classes of workers, officers and other employees of persons whether corporate or natural, engaged in the provision of the services specified

in subsection (1) of this section from taking part in a strike or other industrial action.

- (3) In this section, -
"strike" means the cessation of work by a body of persons employed, acting in combination or a concerted refusal or a refusal under a common understanding of persons employed to continue to work for an employer in consequence of a dispute, done as a means of compelling their employer, or the Government of the Federation of Nigeria or any part of it, or to aid other workers in compelling their employer or any persons or body of persons employed, to accept or not to accept terms of employment and physical conditions of work or any government economic policy or pricing of any essential product;

"cessation of work" includes working at less than usual speed or with less than usual efficiency without reasonable operational justification; and

"refusal to continue to work" includes a refusal to work at usual speed or with usual efficiency.

Committee's Recommendation:

That the provision in Clause 52 be retained (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

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

Clause 53: Regional co-operation in the provision of air navigation services

The Agency shall encourage national and regional cooperation in the provision of air navigation services and may -

- (a) enter into agreements for co-operative endeavours in air navigation services with other bodies; and
- (b) in conjunction with the Ministry negotiate, agree to and manage such regional co-operative agreements.

Committee's Recommendation:

That the provision in Clause 53 be retained (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

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

Clause 54: Repeal and Saving Provisions.

- (1) The Nigerian Airspace Management Agency Act, Cap N90, Laws of the Federation of Nigeria, 2004, is repealed.
- (2) Without prejudice to section 6 of the Interpretation Act, Cap I23, Laws of the Federation of Nigeria, 2004, the repeal of the Act specified in subsection (1) of this section, shall not affect anything done under or pursuant to the repealed Act.
- (3) Every regulation, order, requirement, contract, certificate, notice, direction, decision, authorisation, consent, application, ongoing cases in the courts, request or thing made, issued, given or done under the repealed Act shall, if in force at the commencement of this Act, continue to be in force and have effect as if made, issued, given or

done under the corresponding provisions of this Act.

- (4) Every reference to the Agency established under the repealed Act (in this Act referred to as "the former Agency"), Minister, Board, Managing Director or any person under their control, or a document issued in the name of the former Agency, Minister, Board, Board Chairman, Managing Director or employee of the former Agency shall be read, unless the context otherwise requires, as a reference to the Agency, Minister, Board, Board Chairman, Managing Director or an employee of the Agency established under this Act, as the case may be.
- (5) The statutory functions, rights, interests, obligations and liabilities of the Agency established under the repealed Act, existing before the commencement of this Act, under any contract or instrument or in law or in equity shall, by virtue of this Act, be deemed to have been assigned to and vested in the Agency established under section 3 of this Act; and shall be of the same force and effect against or in favour of the Agency established by this Act and shall be enforceable as fully and effectively as if instead of the Agency existing before the commencement of this Act, the Agency established by this Act has been named in it or had been party to it.

Committee's Recommendation:

That the provision in Clause 54 be retained (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

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

Clause 55: Transitional Provisions

- (1) Subject to the provisions of this Act, the Managing Director of the Agency established under the repealed Act is deemed to have been transferred to the Agency established under this Act under the same terms and conditions as Managing Director.
- (2) Any person who immediately before the commencement of this Act was a staff of the Agency established under the repealed Act shall continue in office and be deemed to have been appointed under this Act for purposes of Pension.
- (3) Any proceeding or cause of action pending or existing immediately before the commencement of this Act by or against the Agency established under the repealed Act in respect of any right, interest, obligation or liability of the Agency may be continued or commenced, as the case may be, and any determination of a court of law, tribunal or other Commission or person may be enforced by or against the Agency established by this Act to the same extent that such proceeding, cause of action or determination might have been continued, commenced or enforced by or against the Agency established under the repealed Act.
- (4) As from the commencement of this Act, any disciplinary proceeding pending or existing against any employee of the Agency shall be continued and completed by the Agency established under this Act.

- (5) All rights, liabilities, assets, funds, resources and other movable or immovable property which immediately before the commencement of this Act, were vested in the former Agency established under the repealed Act, shall by virtue of this Act, and without further assurance be vested in the Agency established under section 3 of this Act.

Committee's Recommendation:

That the provision in Clause 55 be retained (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

Question that Clause 55 do stand part of the Bill, put and agreed to.

Clause 56: Interpretation

- (1) In this Act, unless the context otherwise requires -
"aerodrome" means a defined area of land on land or water including any buildings, installations and equipment intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft;

"Agency" means the Nigerian Airspace Management Agency established by section 3 of this Act;

"airport" means a defined area on land or water including any building, installation and equipment intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft;

"air navigation services" includes air traffic control services, aeronautical communication, telecommunication, navigational aids, surveillance services, calibration, aeronautical information services, flight information services, signals and other facilities furnished,

issued or provided in connection with the navigation or movement of aircraft and the control of movement of vehicles in any part of an airport used for the movement of an aircraft;

"Board" means the Governing Board of the Agency as established and constituted under section 4 of this Bill;

"cargo" includes mail;

"essential duties" are the job duties that are fundamental to the operations of the Agency and in some cases are highly specialised in line with section 52 of this Act, and -

- (a) shall be performed to ensure public order, health, safety and security,
- (b) the person in the position is hired for special expertise or ability to perform it, and
- (c) there are a limited number of other employees available to perform the function, or among whom the function can be distributed;

"flight" means a journey by air beginning when the first person boards the aircraft in question with intent to fly and ending when the last person disembarks;

"Managing Director" means the Managing Director appointed pursuant to section 11 of this Act;

"member" means a member of Board and includes the chairman and Managing Director;

"Minister" means the Minister charged with responsibility for matters relating to aviation;

"Ministry" means the Ministry charged with responsibility for matters relating to Civil Aviation;

"operator" or "air carrier" in relation to an aircraft means the person for the time being having the management of the aircraft;

"owner" in respect of section 18 (2) of this Act includes -

- (a) the person in whose name the aircraft was registered,
- (b) a person in possession of an aircraft as a purchaser under a conditional sale or hire purchase agreement that reserves to the vendor the title to the aircraft until payment of the purchase price or performance of certain conditions,
- (c) a person in possession of the aircraft as charter, mortgagor under charter mortgage, and
- (d) a person in possession of the aircraft under a bonafide lease or agreement of hire;

"power" includes functions and duties;

"premises" includes lands, plants and ancillary works;

"President" means the President and Commander-in-Chief of the Armed Forces of the Federal Republic of Nigeria;

"reward" in relation to a flight, includes any form of consideration received or required to be received, wholly or partly in connection with the flight irrespective of the person whom or to whom the consideration has been or is to be given; and

"Regulations" in this Act, where the context so permits, is a reference to the Civil Aviation Regulations made pursuant to the Civil Aviation Act.

- (2) Every other term shall have the same meaning as contained in the Convention on International Civil Aviation, 1944.

Committee's Recommendation:

That the provision in Clause 56 be retained (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

Question that Clause 56 do stand part of the Bill, put and agreed to.

Clause 57: Short title

This Bill may be cited as the Nigerian Airspace Management Agency (Establishment, etc.) Bill, 2022.

Committee's Recommendation:

That the provision in Clause 57 be retained (*Senator Smart Adeyemi — Kogi West*) — Agreed to.

Question that Clause 57 do stand part of the Bill, put and agreed to.

SCHEDULE**SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD**

[Section 4 (6)]

Proceedings of the Board

1. Subject to this Act and section 27 of the Interpretation Act, the Board shall have power to regulate its proceedings and may make standing orders with respect to the holding of its meetings, and those of its committees, notices to be given, the keeping of minutes of its proceedings, the custody and production for inspection of such minutes and such other matters as the Board may, from time to time determine.
2. There shall be at least 1 ordinary meeting of the Board in each quarter of the year and subject to it, the Board shall meet whenever it is convened by the Chairman, and if the Chairman is requested to do so by notice given to him by not less than 4 other members, he shall convene a meeting of the Board to be held within 30 days from the date on which the notice was given.
3. Every meeting of the Board shall be presided over by the Chairman and where the Chairman is unable to attend a particular meeting, the members present at the meeting shall elect 1 of them to preside at the meeting.
4. The Minutes of the Board shall be recorded by the Secretary and signed by the Chairman or the person who presided at the meeting, after confirmation by the Board.
5. A quorum at a meeting of the Board shall be one-third of the total number of members

Convening of Meetings of the Board

6. The Chairman shall, at any time, if 5 other members request in writing, convene an emergency meeting of the Board, provided that not less than 48 hours' notice is given to members for the meeting.
7. If the office of Chairman is at any time vacant, or the Chairman is absent from Nigeria or is in the opinion of the Board permanently or temporarily unable to perform the functions of his office, the Managing Director shall convene such meetings of the Board as are required during the period of vacancy, absence or otherwise.
8. The Board shall meet for the conduct of its business at such places and on such days as the Chairman may appoint.
9. A question put before the Board at a meeting shall be decided by consensus and where this is not possible, by a majority of the votes of the members present and voting.
10. The Chairman shall, in the case of an equality of votes, have a casting vote in addition to his deliberative vote.
11. Where the Board seeks the advice of any person on a particular matter, the Board may

invite that person to attend its meeting for such period as it may deem fit provided that a person who is invited by virtue of this paragraph shall not be entitled to vote at any meeting of the Board and shall not count towards the quorum.

Committees

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

Seal of the Agency

16. The Common Seal of the Agency shall be in the custody of the Legal Adviser and shall be authenticated by the signature of the Managing Director on behalf of the Agency.
17. A contract or an instrument which, if made or executed by any person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the Agency by the Managing Director or by any person generally or specifically authorised to act for that purpose by the Board.
18. A document purporting to be a contract, an instrument or other document signed or sealed on behalf of the Agency shall be received in evidence and, unless the contrary is proved, be presumed without further proof, to have been properly signed or sealed.

Conflict of Interest

19. Members of the Board and staff of the Agency shall not control, manage or operate any aviation enterprise during the subsistence of their office.
20. Where any of the persons specified in subsection (1) of this section is having financial interest in any aviation enterprise, he shall make full disclosure of such interest to their respective appointing authorities.
21. Where any of the persons specified in subsection (1) of this section is appointed into the Board of the Agency, he is prohibited from participating in any action or decision that may, whether directly or indirectly, affect their financial interest in the aviation enterprise in which they have interest."
22. Any member of the Board or Committee who has a personal interest in any arrangement entered into or proposed to be considered by the Board or any committee shall -
 - (a) disclose his interest to the Board or Committee; and
 - (b) not vote on any question relating to the arrangement.

Miscellaneous

23. The validity of any proceeding of the Board or its Committees shall not be affected by

- (a) any vacancy in the membership of the Board or its Committees;
 - (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.
24. A resolution of the Board is valid, even though it is not passed at a meeting of the Board, where -
- (a) the notice in writing of the proposed resolution was given to each member; and
 - (b) the resolution is signed or assented to by a majority of members of the Board, including the Managing Director.

Chairman to report Bill.

(SENATE IN PLENARY)

The President of the Senate reported that the Senate in the Committee of the Whole considered A Bill for an Act to Repeal the Nigerian Airspace Management Agency Act, Cap N90, Laws of the Federation of Nigeria, 2004 and to Re-enact the Nigerian Airspace Management Agency Act for the Purposes of Providing Effective Air Navigation Services in Nigeria; Ensuring Safety and Regularity of Air Navigation in Nigeria and to Any Other Place Which Nigeria Has Responsibility of Providing Air Navigation Services; and Other Related Matters, 2022 and approved as follows:

Clauses 1-57 — 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. Committee on Agriculture and Rural Development:

Report on the National Rice Development Council Bill, 2022 (SB. 53):

Motion made: That the Senate do consider the Report of the Committee on Agriculture and Rural Development on the National Rice Development Council Bill, 2022 (*Senator Muhammad E. Bima — Niger South*).

Question put and agreed to.

Report Presented.

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

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

A BILL FOR AN ACT TO ESTABLISH THE NATIONAL RICE DEVELOPMENT COUNCIL OF NIGERIA TO PROVIDE GUIDANCE ON THE RICE RESEARCH, COMPREHENSIVE DEVELOPMENT OF THE RICE

SECTOR AND THE ORGANISATION OF THE RICE STAKEHOLDERS TO ENHANCE THE LOCAL PRODUCTION OF RICE IN NIGERIA; AND FOR RELATED MATTERS, 2022

Clause 1: Establishment of the National Rice Development Council

- (1) There is established the National Rice Development Council of Nigeria (in this Bill referred to as "the Council").
- (2) The Council —
 - (a) shall be a body corporate with perpetual succession,
 - (b) a common seal, and
 - (c) may sue and be sued in its corporate name.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senator Muhammad E. Bima — Niger South*) —
Agreed to.

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

Clause 2: Membership of the Council

- (1) The Council shall consist of —
 - (a) a Chairman who is appointed by the President, on the recommendation of the Minister;
 - (b) representative of the Federal Ministry of —
 - (i) Agriculture and Rural Development,
 - (ii) Industry, Trade and Investment,
 - (iii) Water Resources,
 - (iv) Finance,
 - (v) Science and Technology
 - (vi) Environment;
 - (c) Representative of the —
 - (i) Central Bank of Nigeria,
 - (ii) Rice Farmers Association of Nigeria (RIFAN),
 - (iii) Paddy Rice Dealers Association of Nigeria (PRIDAN),
 - (iv) Civil Society Advocacy Organisations, and
 - (v) National Cereals Research Institute (NCRI);
 - (d) Rice Processors Association of Nigeria (RIPAN).
 - (e) Rice Millers Association of Nigeria (RIMAN);
 - (f) Association of Small and Medium Scale Modular Rice Millers of Nigeria (ASMERIMON);

- (g) Rice Policy Advocacy Initiative of Nigeria (RIPAIN); and
- (h) the Executive Secretary of the Council.

Amendment Proposed:

Immediately after subclause 2(1)(h), insert the following:

- “(i) Standard Organization of Nigeria (SON);
- (j) Consumer Protection Council (CPC);”

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

- (2) The Minister shall appoint other members of the Council on the recommendation of the bodies they represent.
- (3) The supplementary provisions contained in the Schedule to this Bill shall have effect on the proceedings of the Council and on other matters contained therein.
- (4) Appointment of Chairman and Executive Secretary of the Council —
 - (a) The appointment of the Chairman of the Council shall be based on the relevant experience, expertise and integrity of the appointee.
 - (b) The appointment of the Executive Secretary of the Council shall be based on relevant education, training, experience and integrity (*Senator Muhammad E. Bima — Niger South*).

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

Clause 3: Functions of the Council

The Council shall —

- (a) draw policy guidelines and action programmes for the entire rice value chain;
- (b) provide guidelines on the development of rice estates and the organization of the rice stakeholders to enhance the viability of rice varieties;
- (c) facilitate the availability of credit for rice farmers for land preparation and farm inputs in liaison with Federal, State and Local Government institutions and corporate bodies, whose objectives relate to the objectives of the rice stakeholders;
- (d) establish, maintain and supervise the Rice Research and Development Centre
- (e) design and implement the local adaptation of machinery and facilitate technology transfer for rice processing;
- (f) set targets and measurements for the performance of local rice producers;
- (g) set and regulate quality standards for local rice producers;

- (h) advise, based on improvements in local rice production, the Government of the Federation on the rate of tariff to be charged on imported rice; and
- (i) consider and advise on any other matter which is aimed at enhancing the objectives of the Council.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senator Muhammad E. Bima — Niger South*) — Agreed to.

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

Clause 4: Tenure of Office of the Chairman and members of the Council

- (1) The Chairman and Members of the Council, other than Ex-Officio Members, shall each hold office for a single term of five years
- (2) Without prejudice to subsection (1) of this section the Minister may appoint from among the members any person to act as the Chairman during the absence or temporary incapacitation, illness or otherwise of the Chairman and the person so appointed shall, while the appointment subsists, have the same powers as exercised by the Chairman.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senator Muhammad E. Bima — Niger South*) — Agreed to.

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

Clause 5: Secretariat and other Officers of the Council

- (1) The Minister shall appoint an Executive Secretary who is the Chief Executive of the Council and is responsible to the Council and the Chairman for the administration of the Council.
- (2) The Council, may appoint other staff as may be required for the purpose of the efficient performance of the functions of the Council.
- (3) The Council shall pay the staff appointed under this section such remuneration and allowances as are payable to persons of equivalent grades in the public service of the Federation.
- (4) The secretariat of the Council shall be located in the Federal Capital Territory, Abuja.
- (5) The Secretariat shall be responsible to the Council.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senator Muhammad E. Bima — Niger South*) — Agreed to.

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

Clause 6: Funding of the Council

- (1) The Council shall establish and maintain a fund (in this Bill referred to as "the Fund") which shall be applied towards the promotion of the

objectives of the Council.

- (2) There shall be paid and credited to the Fund the following —
- (a) 25% surcharge on all rice imports;
 - (b) 1% of profit after tax of corporate organizations involved in the rice value chain.
 - (c) Fees charged for services rendered by the Council;
 - (d) A token farmers levy of ₦50 per annum in consultation with the Associations represented on the Council; and
 - (e) All sums accruing to the Council as gifts, testamentary disposition and endowments or contributions from philanthropic organizations or persons.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senator Muhammad E. Bima — Niger South*) —
Agreed to.

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

Clause 7: Power to accept gifts

- (1) The Council shall, by the approval of the Minister, accept gifts of land, money or other property upon such terms and conditions if any, as may be specified by the person or organization making the gift.
- (2) The Council shall not accept any gift if the conditions attached by the person or organisation making the gift are inconsistent with the functions of the Council.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senator Muhammad E. Bima — Niger South*) —
Agreed to.

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

Clause 8: Power to borrow

- (1) The Council shall, by the consent of the Chairman or in accordance with any general guidelines as may be approved by the Council, borrow by way of loan or overdraft from any source any money required by the Council for meeting its obligations and discharging its functions under this Bill:

Provided that where the sum or the aggregate of the sum involved at any time shall not exceed One Third of the Council's income urging the consent or authority of the Council.

- (2) The Council shall, subject to the provisions of this Bill and the conditions of any trust created in respect of any property, invest all or any of its funds with the consent of the Chairman or in accordance with any general guidelines approved by the Council.
- (3) The Council shall invest any surplus in such securities as may be approved by the Chairman in Council.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senator Muhammad E. Bima — Niger South*) — Agreed to.

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

Clause 9: Annual Estimate and Accounts

- (1) The Council shall cause to be prepared not later than 30th July in each year, an estimate of the expenditure and income of the Council for the next succeeding year which shall be submitted to the Minister.
- (2) The Council shall cause to be kept proper accounts and proper records in relation thereto and when certified by the Council, such accounts shall be audited as provided in subsection (3) of this section.
- (3) The accounts of the Council shall be audited not later than six months after the end of the year to which the accounts relate by Auditors appointed by the Council from the list and in supplied by the Auditor-General for the Federation.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senator Muhammad E. Bima — Niger South*) — Agreed to.

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

Clause 10: Annual Report

The Council shall, not later than 30 June in each year, submit to the Minister a report on the activities of the Council during the immediate preceding year and shall include in such report a copy of the audited accounts of the Council for that year and the Auditor's report thereon.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senator Muhammad E. Bima — Niger South*) — Agreed to.

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

Clause 11: Staff Regulations

- (1) The Council shall, subject to the provisions of this Bill, make staff regulations relating generally to the conditions of service of the staff of the Council including provision for —
 - (a) the appointment, promotion, termination, dismissal and disciplinary action of the staff of the Council; and
 - (b) appeals by such staff against dismissal or other disciplinary measures, shall comply with the condition of service of the Federation.
- (2) Action on staff pursuant to subsection (1) does not have effect until approved by the Council, and, when so approved, the same shall not be published in the Federal Gazette, but the Council shall cause them to be brought to the notice of the affected persons.

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senator Muhammad E. Bima — Niger South*) —

Agreed to.

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

Clause 12: Service of documents

A notice, summons or any, other document required or authorised to be served upon the Council under this Bill or any other law, may be served by delivering the same to the office of the Executive Secretary of the Council by sending it by registered post addressed to the Executive Secretary of the Council.

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senator Muhammad E. Bima — Niger South*) —
Agreed to.

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

Clause 13: Restriction on execution against the property of the Council

In any action or suit against the Council, no execution attachment or process shall be issued against the Council, but any sum of money which may, by the judgment of the court, be awarded against the Council shall, subject to any direction given by the Council, be paid from the Fund of the Council.

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senator Muhammad E. Bima — Niger South*) —
Agreed to.

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

Clause 14: Regulations

The Council shall make regulations to guide the conduct of all stakeholders in the entire rice value chain.

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senator Muhammad E. Bima — Niger South*) —
Agreed to.

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

Clause 15: Interpretation

In this Bill —

"Council" means the National Rice Development Council established under section 1 (1) of this Bill;

"Chairman" means the Chairman of the Council;

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

"Minister" means the Minister charged with responsibility for Agriculture and Rural Development.

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senator Muhammad E. Bima — Niger South*) —
Agreed to.

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

Clause 16: Short title

This Bill may be cited as the Rice Council Bill, 2022.

Committee's Recommendation:

That the provision in Clause 16 be retained (*Senator Muhammad E. Bima — Niger South*) —
Agreed to.

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

SCHEDULE**PROCEEDINGS OF THE COUNCIL**

1. (1) The Council shall meet for the conduct of its business at such time, place and on such day as the Chairman may appoint, but shall meet at least twice in a year.
- (2) At every meeting of the Council, the Chairman shall preside but if he is absent, the members present at the meeting shall appoint one of them to preside at that meeting.

Power of the Council to regulate its proceedings

2. The Council shall have power to regulate its proceedings or those of any of its committees and may make standing orders for that purpose and subject to any standing order under paragraph 3 of this Schedule, may function notwithstanding —
 - (a) any vacancy in its membership or the absence of any of its members;
 - (b) Any defect in the appointment of a member; or
 - (c) That a person not entitled to do so took part in its proceedings.

Quorum

3. The quorum at any meeting of the Council shall be one third of the members present at the meeting.

Co-opted Members

4. Where the standing orders made under paragraph 2 of this Schedule provide for the Council to co-opt persons who are not members of the Council, but with the requisite education and experience relevant to the entire rice value chain, such persons may attend meetings of the Council and advise it on any matter referred to them by the Council, but shall not count as part of the quorum and entitled to vote at any meeting of the Council.

Committees

5. The Council may set up one or more Committees to advise it on the exercise and performance of its functions under this Bill and shall have power to regulate the proceeding of its Committees.

Authentication of instruments not under seal and personal interest in contract

6. (1) Any contract or instrument, which if entered into or executed by a person not being a body corporate would not be required to be under seal, may be entered into or executed on behalf of the Council by any person generally or specifically authorised in that behalf by the Council.

- (2) Any member of the Council or a Committee who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Council or a Committee, shall immediately disclose his interest to the Council or the Committee, and he shall not vote on any question relating to the contract or arrangement.

Seal of the Council

7. (1) The common seal of the Council shall not be used or affixed to any document except in pursuance of a resolution duly passed at a properly constituted meeting of the Council and recorded in the minutes of the meeting.
- (2) The affixing of the seal of the Council shall be authenticated by the Executive Secretary of the Council.
- (3) Any document purporting to be a document duly executed under the seal of the Council shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

Question that the provision in the First Schedule stand part of the bill — Agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The President of the Senate reported that the Senate in the Committee of the Whole considered the Report of the Committee on Agriculture and Rural Development on A Bill for an Act to Establish the National Rice Development Council of Nigeria to Provide Guidance on the Rice Research, Comprehensive Development of the Rice Sector and the Organisation of the Rice Stakeholders to Enhance the Local Production of Rice in Nigeria; and for Related Matters, 2022 and approved as follows:

Clause 1	—	As Recommended
Clause 2	—	As Amended
Clauses 3-16	—	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. Federal University of Medical Sciences and Biomedical Technology (Establishment) Bill, 2022 (SB. 678):

Motion made: That a Bill for an Act to provide for the Establishment of Federal University of Medical Sciences and Biomedical Technology in Six Geo-political Zones and for matters connected therewith, 2022 be read the Second Time (*Senator Patrick A. Akinyelure — Ondo Central*).

Debate:

Question put and agreed to.

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

15. Health Education Practitioners Regulation Bill, 2022 (SB. 299):

Motion made: That a Bill for an Act to provide for the Regulation of Health Education Practitioners and for Matters Connected Therewith, 2022 be read the Second Time (*Senator Yahaya I. Oloriegbe — Kwara Central*).

Debate:

Question put and agreed to.

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

16. Motion:

Urgent need to upgrade infrastructure and standardize traveling processes at the Margaret Ekpo International Airport, Calabar, Cross-River State:

Motion made: That the Senate notes that the Calabar Airport, Cross River State was commissioned in July, 1983 by former President Shehu Shagari and was equipped with modern facilities at the time and was soon raised to the status of an International airport;

further notes that in the 1980's and 1990's, the National Carrier; Nigeria Airways, used to fly regionally from Calabar to Cameroun and Equatorial Guinea. This impacted positively on the economy of Cross River State, Nigeria and the sub-region at large;

aware that the airport had standard facilities at that time, which were being maintained by the Federal Government. Most of these facilities while still being used, are now obsolete and need to be upgraded or replaced;

further aware that although the Airport still has the "International" status, the airport does not operate any international or regional flights anymore. In fact, until recently, only one commercial airline plied the Calabar route;

worried that if the international status of the airport is not restored, most of these facilities will further deteriorate and waste; and

concerned that the lack of International/Regional flights has greatly affected the economy and tourism drive of the State in particular and Nigeria at large.

The Senate accordingly resolves to:

- (i) urge the Federal Ministry of Aviation and all other relevant agencies to functionally restore the International flight status of the Margaret Ekpo International Airport, Calabar;
- (ii) urge the Federal Ministry of Aviation and all relevant agencies to ensure adequate security cover in and around the airport to protect equipment such as the Navigational Aids, lighting cables and the perimeter fence that are constantly vandalized by criminally minded people; and
- (iii) urge the Federal Ministry of Aviation and other relevant agencies to provide any facility needed to restore the International status of the airport, such as the Instrument

Landing System (ILS) for night landings and the approach lights, which have been vandalized due to inadequate security cover (*Senator Sandy O. Onor — Cross River Central*).

Debate:

Proposed Resolution (i):

Question: That the Senate do urge the Federal Ministry of Aviation and all other relevant agencies to functionally restore the International flight status of the Margaret Ekpo International Airport, Calabar — *Agreed to.*

Proposed Resolution (ii):

Question: That the Senate do urge the Federal Ministry of Aviation and all relevant agencies to ensure adequate security cover in and around the airport to protect equipment such as the Navigational Aids, lighting cables and the perimeter fence that are constantly vandalized by criminally minded people — *Agreed to.*

Proposed Resolution (iii):

Question: That the Senate do urge the Federal Ministry of Aviation and other relevant agencies to provide any facility needed to restore the International status of the airport, such as the Instrument Landing System (ILS) for night landings and the approach lights, which have been vandalized due to inadequate security cover — *Agreed to.*

Resolved:

That the Senate do:

- (i) urge the Federal Ministry of Aviation and all other relevant agencies to functionally restore the International flight status of the Margaret Ekpo International Airport, Calabar;
- (ii) urge the Federal Ministry of Aviation and all relevant agencies to ensure adequate security cover in and around the airport to protect equipment such as the Navigational Aids, lighting cables and the perimeter fence that are constantly vandalized by criminally minded people; and
- (iii) urge the Federal Ministry of Aviation and other relevant agencies to provide any facility needed to restore the International status of the airport, such as the Instrument Landing System (ILS) for night landings and the approach lights, which have been vandalized due to inadequate security cover (*S/Res/058/03/22*).

17. Adjournment:

Motion made: That the Senate do adjourn till Tuesday, 25th January, 2022 at 10:00 a.m. (*Deputy Senate Leader*).

Question put and agreed to.

Senate adjourned accordingly at 1:58 p.m.

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

