



SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Wednesday, 22nd June, 2022

1. The Senate met at 10:41 a.m. The President of the Senate read prayers.
2. **Votes and Proceedings:**
The Senate examined the Votes and Proceedings of Tuesday, 21st June, 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:

Confirmation of Appointment:



**PRESIDENT
FEDERAL REPUBLIC OF NIGERIA**

21st June, 2022

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

Dear Distinguished Sen. President,

**REQUEST FOR CONFIRMATION OF APPOINTMENT OF MOHAMMED
BELLO AS CHAIRMAN REVENUE MOBILIZATION ALLOCATION
AND FISCAL COMMISSION**

In accordance with the provision of Section 154(1) of 1999 Constitution of the Federal Republic of Nigeria (as amended), I am pleased to forward for confirmation by the Senate, the appointment of Mohammed Bello Shehu as the Chairman, Revenue Mobilization Allocation and Fiscal Commission. His CV is attached herewith.

It is my hope that the Senate will consider and confirm the nominee in the usual expeditious manner.

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

*Yours sincerely,
(Signed)
Muhammadu Buhari*

4. Announcements:

(a) APC Caucus Meeting:

The President of the Senate read a letter from Senator Robert Ajayi Boroffice (*Deputy Leader*) as follows:



**SENATOR ROBERT A. BOROFFICE
DEPUTY LEADER**

TO: THE PRESIDENT OF THE SENATE
FROM: DEPUTY LEADER
DATE: June 22, 2022

APC CAUCUS MEETING

This is to inform you that there will be an APC caucus meeting with the Party Chairman, His Excellency Abdullahi Adamu today, 22nd June, 2022.

Venue: Meeting Room 1, White House, National Assembly Complex.

Time: 2pm

*(Signed)
Senator Robert A. Boroffice*

(b) Letter of Defection:

The President of the Senate read a letter from Senator Ezenwa F. Onyewuchi (*Imo East*) as follows:



Senator Ezenwa Francis Onyewuchi
Representing Imo East Senatorial District
THE SENATE
FEDERAL REPUBLIC OF NIGERIA

22nd June, 2022

Ref: NASS/SEN. 2022/C -VOL. 1/006

*Your Excellency ,
Distinguished Senator Ahmad Lawan,
Senate President,
National Assembly,
Three Arms Zone, Abuja.*

LETTER OF DEFECTION

I wish to inform Mr. President and Distinguished Senators of my defection from the Peoples Democratic Party (PDP) to the Labour Party (LP).

This is after due consultation with my family, constituents and supporters.

This will enable me participate fully in the movement for a new Nigeria.

Accept the assurances of my highest esteem.

Yours Obi-diently,

(Signed)

Senator Ezenwa Onyewuchi FNIM, FIPMA

(c) Notification of Defection:

The President of the Senate read a letter from Senator Dauda H. Jika (*Bauchi Central*) as follows:



SEN. HALLIRU DAUDA JIKA
BAUCHI CENTRAL SENATORIAL DISTRICT, BAUCHI STATE
CHAIRMAN, SENATE COMMITTEE ON POLICE AFFAIRS
FEDERAL REPUBLIC OF NIGERIA

21st June 2022

*The President of the Senate,
Federal Republic of Nigeria,
National Assembly Complex,
Abuja.*

NOTIFICATION OF MY DEFECTION FROM THE ALL PROGRESSIVES CONGRESS (APC) TO NEW NIGERIA PEOPLES PARTY (NNPP)

I hereby wish to notify you of my defection from the All Progressives Congress (APC) to the New Nigeria Peoples Party (NNPP) whose ideas is in line with my Political Aspirations.

Please accept the assurances of my esteemed personal regards.

(Signed)

Sen. Halliru Dauda Jika

(Dokajin Bauchi)

Chairman, Senate Committee on Police Affairs

(d) 2022 Easter Pilgrimage:

The President of the Senate read a letter from Senator Adamu M. Bulkachuwa (*Bauchi North*) as follows:



THE SENATE
FEDERAL REPUBLIC OF NIGERIA
COMMITTEE ON FOREIGN AFFAIRS
*National Assembly Complex,
Three-Arms Zone, Abuja-Nigeria*

22nd June 2022

NASS/SCFA/17/9TH/01/113

*Senator Ahmad Ibrahim Lawan, Ph.D, CON,
President of the Senate,
National Assembly,
Three Arms Zone,
Abuja.*

**COMMENCEMENT OF COMBINED 2021 GENERAL/2022 EASTER
PILGRIMAGE**

The Nigerian Christian Pilgrims Commission (NCPC) has commenced the Combined 2021 General/2022 Easter Pilgrimage and has allocated 100 seats to Distinguished Senators who may wish to sponsor pilgrims to Israel-Jordan at a total cost of ₦1,010,00 (One Million and Ten Thousand Naira) only.

Interested Senators can contact the Committee Secretariat in Room 4.1, Senate Wing, White House for further details.

Kindly bring this information to attention of the Distinguished Senator.

Please accept the assurances of my esteemed regards.

(Signed)

Senator Adamu M. Bulkachuwa
Chairman

(e) Closure of National Assembly Main Gate:

The President of the Senate announced that the National Assembly Main Gate will undergo reconstruction.

The re-construction will have full complements of security gadgets with accreditation, screening and waiting areas when completed.

Consequently, traffic into the National Assembly would be diverted. Legislators and Top Management staff would make use of the Presidential Gate, while other staff and visitors would utilize the Annex Gate from Monday 27th June 2022.

5. Petitions:

Rising on Order 41, Senator Ayo P. Akinyelure (*Ondo Central*) drew the attention of the Senate to the following petitions:

- (i) S.A. Ayesa Esq., on behalf of Festus H. Ilegbusi against the Nigeria Police Force over an alleged wrongful dismissal from the Force;
- (ii) Akpoh Monday against the Nigeria Police Force over an alleged wrongful dismissal from the Force;
- (iii) A.S. Ajibola Esq., on behalf of Taiwo O. Obale against the Federal Airports Authority of Nigeria (FAAN) over non-reinstatement into service;
- (iv) Olanrewaju Aiyedun Esq., on behalf of Mrs. Ude Godwill and others over criminal trespass, violence, threat to life and illegal use of officers of the Nigeria Police and the Nigeria Army; and
- (v) Ilemobayo Akinbote Esq., on behalf of Mr. Solomon Ibikun and Mr. Osunlana Joel against the Police Service Commission and Nigeria Pension Commission over non-payment of gratuities.

He urged the Senate to look into the matters.

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

6. Presentation of Bills:

- (i) Business Facilitation (Miscellaneous Provisions) Bill, 2022 (SB. 1028) — *Read the First Time.*

- (ii) National Social Investment Programmes (Establishment) Bill, 2022 (HB. 1153) — *Read the First Time.*
- (iii) Armed Forces Act (Amendment) Bill, 2022 (SB. 1014) — *Read the First Time.*
- (iv) National Automotive Council Act (Amendment) Bill, 2022 (SB. 1025) — *Read the First Time.*
- (v) Trustee Investment Act (Amendment) Bill, 2022 (SB. 1027) — *Read the First Time.*

7. **Executive Communication:**

Confirmation of the Nomination of Joe Aniku Michael Ohiani for Appointment as Substantive Director-General/CEO for the Infrastructure Concession Regulatory 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 nomination of Joe Aniku Michael Ohiani for appointment as Substantive Director-General/CEO for the Infrastructure Concession Regulatory Commission (*Senate Leader*).

Question put and agreed to.

Request accordingly referred to Committee on Works to report within four (4) weeks.

8. **Executive Communication:**

Confirmation of the Nomination of Umar Yahaya for Appointment as Co-Chairman of the Governing Council of Unclaimed Funds Trust Fund:

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 Umar Yahaya for appointment as Co-Chairman of the Governing Council of Unclaimed Funds Trust Fund (*Senate Leader*).

Question put and agreed to.

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

9. **Re-Committal:**

Re-Committal of Bills to the Committee of the Whole.

Motion made: The Senate recalls that the following Bills were passed by the Senate and the House of Representatives and were transmitted to the Clerk of the National Assembly for onward transmission to the President, Commander-in-Chief of the Armed Forces of the Federation for Assent;

The Bills are:

1. Federal Medical Centre Mubi, Adamawa State (Establishment) Bill 2022; and
2. National Dermatology Specialist Hospital, Garkida, Adamawa State [Establishment] Bill, 2022.

observes that some fundamental issues which require fresh legislative action by both Chambers of the National Assembly emerged after a critical analysis of the Bills by Mr. President, Commander-in-Chief of the Armed Forces of the Federation;

aware that a Technical Committee of the Senate, House of Representatives and Directorate of Legal Services met and worked on the Bills;

relying on orders 1(b) and 52(6) of Senate Standing Order, 2022 as amended.

The Senate accordingly resolves to:

Rescind its decision on the Bills as passed and re-commit same to the Committee of the Whole for re-consideration and passage (*Senate Leader*).

Debate:

Proposed Resolution:

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

Resolved:

That the Senate do rescind its decision on the affected Clauses of the Bills as passed and re-commit same to the Committee of the Whole for re-consideration and passage (*S/Res/005/04/22*).

Motion made: Pursuant to Resolution No. (*S/Res/005/04/22*), that the Senate do resolve into the Committee of the Whole to consider the Bills (*Senate Leader*).

Question put and agreed to.

1. Federal Medical Centre Mubi, Adamawa State (Establishment) Bill 2022

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF THE REPORT ON A BILL FOR AN ACT TO PROVIDE A LEGAL FRAMEWORK TO ESTABLISH THE FEDERAL MEDICAL CENTRE MUBI; AND FOR RELATED MATTERS, 2022

PART I — ESTABLISHMENT OF THE FEDERAL MEDICAL CENTRE MUBI

Clause 1: Establishment of the Federal Medical Centre Mubi

Second Schedule

- (1) There is established the Federal Medical Centre Mubi (in this Act referred to as "the Centre") specified in the Second Schedule to this Act.
- (2) The Centre —
 - (a) shall be a body corporate;
 - (b) may sue and be sued in its corporate name; and
 - (c) shall have perpetual succession and a common seal.

Committee's Recommendation:

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

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

Clause 2: Establishment of the Board of Centre

There is established for the management of the Centre, a Board of Management (in this Act referred to as the "Board") which shall be constituted and have the functions and powers set out in this Act.

Committee's Recommendation:

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

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

Clause 3: Membership of the Board

- (1) The Board shall consist of —
 - (a) a Chairman;
 - (b) the Chief Medical Director of the Centre;
 - (c) the Head of Clinical Services;
 - (d) the Director of Administration who shall be the Secretary of the Board;
 - (e) three persons nominated by the Minister to represent a wide variety of community interests in health matters;
 - (f) one representative of the Federal Ministry of Health;
 - (g) one representative of the medical profession not being a person who is a member of the Centre;
 - (h) one representative from allied health professionals, not being a staff of the Centre; and
 - (i) one representative of Adamawa State Ministry of Health.
- (2) The Chairman and members of the Board, other than ex-officio members, shall be -
 - (a) appointed by the President; and
 - (b) persons of proven integrity and ability.
- (3) The supplementary provisions set out in the First Schedule to this Act shall have effect with respect to the proceedings of the Board and the other matters contained in it.

Committee's Recommendation:

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

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

Clause 4: Tenure of office

Subject to the provisions of section 5 of this Act, members of the Board, other than ex-officio members, shall each hold office -

- (a) for a term not more than four years;
- (b) on such terms and conditions as may be specified in his letter of appointment.

Committee's Recommendation:

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

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

Clause 5: Cessation of membership

- (1) Notwithstanding the provisions of section 4 of this Act a person shall cease to hold office as a member of the Board if he -
 - (a) becomes bankrupt;
 - (b) is convicted of a felony or any offence involving dishonesty or fraud;
 - (c) becomes of unsound mind or is incapable of carrying out his duties;
 - (d) is guilty of a serious misconduct in relation to his duties;
 - (e) in the case of a person possessed of professional qualifications, is disqualified or suspended, other than at his own request, from practicing his profession in any part of the world by an order of a competent court; or
 - (f) resigns his appointment by a letter addressed to the President.
- (2) Where a member of the Board ceases to hold office for any reason, before the expiration of the term for which he is appointed, another person representing the same interest as that member shall be appointed to the Board for the unexpired term.
- (3) A member of the Board may be removed by the President if the President is satisfied that it is not in the interest of the Centre or the public that the member continues in office.

Committee's Recommendation:

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

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

Clause 6: Allowances of members

There shall be paid to every member of the Board such allowances and expenses as the Revenue Mobilisation Allocation and Fiscal Commission may direct.

Committee's Recommendation:

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

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

PART II — FUNCTIONS AND POWERS OF THE BOARD**Clause 7: Functions of the Board**

- (1) The Board shall —
 - (a) equip, maintain and operate the Centre so as to provide facilities for diagnosis, curative, promotion and rehabilitative services in medical treatment;
 - (b) construct, equip, maintain and operate such training schools and similar institutions as the Board considers necessary for providing the Centre at all times with proper staff, technicians and nurses;

- (c) construct, equip, maintain and operate such clinics, out-patient departments, laboratories, research or experimental stations and other like institutions as the Board considers necessary for the efficient functioning of the Centre.
- (2) The Board shall ensure that the standards of teaching provided at all establishments under its control and the standards of treatment and care provided for patients at those establishments do not fall below those usually provided by similar establishments of international repute.
- (3) Subject to this Act, the Board shall perform such other functions which in its opinion shall facilitate the performance of its functions under this Act.

Committee's Recommendation:

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

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

Clause 8: Powers of the Board

The Board shall have power to —

- (a) provide the general policies and guidelines relating to major expansion programs of the Centre;
- (b) manage and superintend the affairs of the Centre;
- (c) subject to the provisions of this Act, make, alter and revoke rules and regulations for performance of the functions of the Centre; and
- (d) do other things which in the opinion of the Board are necessary to ensure the efficient performance of the functions of the Centre.

Committee's Recommendation:

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

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

PART III — STAFF OF THE MEDICAL CENTRE

Clause 9: Medical Director of the Centre

- (1) There shall be for the Center a Chief Medical Director who shall be appointed by the President on the recommendation of the Minister on such terms and conditions as may be specified in his letter of appointment or as may be determined by the Revenue Mobilisation Allocation and Fiscal Commission (RMAFC).
- (2) The Chief Medical Director shall -
 - (a) be the chief medical director and accounting officer of the Centre;
 - (b) be responsible to the Board for the day-to-day administration of the Centre;

- (c) be appointed for a term of four years in the first instance and may be reappointed for a further term of four years subject to satisfactory performance;
- (d) be a person who is a medical practitioner and shall have been so qualified for a period of at least 15 years;
- (e) have considerable administrative experience in matters of health;
- (f) hold a post-graduate fellowship of the National Post-Graduate Medical College of Nigeria or equivalent qualification obtained at least five years prior to the appointment as Chief Medical Director.

Committee's Recommendation:

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

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

Clause 10: Appointment of Head of Clinical Services, Director of Administration and other staff

- (1) The Board shall appoint for the Centre a —
 - (a) Head of Clinical Services; and
 - (b) Director of Administration, who shall -
 - (i) be responsible to the Chief Medical Director for the effective functioning of all the administrative divisions of the Medical Centre,
 - (ii) conduct the correspondence of the Board and keep the records of the Centre, and
 - (iii) perform such other functions as the Board or the Chief Medical Director, as the case may be, may assign to him.
- (2) The Head of Clinical Services appointed under subsection (1) (a) shall be responsible to the Chief Medical Director for the effective running of the clinical services and training activities of the Centre.
- (3) The Board shall appoint for the Centre such number of employees as may, in the opinion of the Board, be expedient and necessary for the proper and efficient performance of the functions of the Centre.
- (4) Notwithstanding the provisions of subsections (1) and (2), the Board shall have power to appoint for the Centre, 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 Centre in the performance of any of its functions under this Act.
- (5) Nothing in subsection (4) shall preclude the Board from appointing persons from outside the public service of the Federation or of a State whenever it deems it necessary to do so.

- (6) The terms and conditions of service, including remuneration, allowances, benefits and pensions, of the employees of the Centre shall be as determined by the National Salaries Income and Wages Commission.

Committee's Recommendation:

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

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

Clause 11: Service in the Center to be pensionable

- (1) Service in the Centre shall be approved service for the purpose of the Pension Reform Act.

Act No. 4 2014

- (2) The officers and other persons employed in the Centre shall be entitled to pensions, gratuities and other retirement benefits as are enjoyed by persons holding equivalent grades in the civil service of the Federation.
- (3) Nothing in subsections (1) and (2) shall prevent the appointment of a person to any office on terms which preclude the grant of pension and gratuity in respect of that office.

Committee's Recommendation:

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

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

Clause 12: Establishment of the Medical Advisory Committee

- (1) There shall be for the Centre a Medical Advisory Committee which shall -
- (a) consist of a chairman who shall be the Head of Clinical Services and such number of other members as may be determined from time to time;
- (b) be responsible to the Chief Medical Director for all the clinical and training activities of the Centre; and
- (c) be appointed by the Board.

Committee's Recommendation:

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

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

PART IV — FINANCIAL PROVISIONS

Clause 13: Fund of the Medical Centre

There shall be established and maintained for the Medical Centre a fund into which shall be paid and credited -

- (a) all subventions and budgetary allocation from the Government of the Federation;
- (b) all fees and funds accruing from the sale of drugs and other services;

- (c) all sums accruing to the Centre by way of gifts, endowments, bequests, grants or other contributions by persons and organisations;
- (d) foreign aid and assistance from bilateral agencies; and
- (e) all other sums which may accrue to the Centre.

Committee's Recommendation:

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

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

Clause 14: Expenditure of the Medical Centre

The hospital shall apply the funds at its disposal to —

- (a) the cost of administration and maintenance of the Centre;
- (b) publicise and promote the activities of the Centre;
- (c) pay allowances, expenses and other benefits of members and committees of the Board;
- (d) pay the salaries, allowances and benefits of employees of the Centre;
- (e) pay other overhead allowances, benefits and other administrative costs of the Centre; and
- (f) undertake other activities as are connected with all or any of the functions of the Centre under this Act.

Committee's Recommendation:

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

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

Clause 15: Power to accept gifts

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

Committee's Recommendation:

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

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

Clause 16: Annual estimates and expenditure

- (1) The Board shall, not later than 30th September in each year, submit to the Minister an estimate of the expenditure and income of the Centre during the next year.

- (2) The Centre shall cause to be kept proper accounts of the Centre in respect of each year and proper records in relation thereto and shall cause the accounts to be audited not later than six months after the end of each year by auditors appointed from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation.

Committee's Recommendation:

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

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

Clause 17: Annual report

The Board shall prepare and submit to the Minister, not later than 30th June in each year, a report in such form as the Minister may direct on the activities of the Centre during the immediate preceding year, and shall include in the report a copy of the audited accounts of the Centre for that year and the auditor's report.

Committee's Recommendation:

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

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

Clause 18: Power to borrow

- (1) The Centre may borrow by overdraft or otherwise, such sums as it may require for the performance of its functions under this Act.
- (2) The Centre shall not, without the approval of the President, borrow money which exceeds, at any time, the limit set by the President.
- (3) Notwithstanding subsection (1), where the sum to be borrowed is in foreign currency, the Centre shall not borrow the sum without the prior approval of the President.

Committee's Recommendation:

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

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

Clause 19: Exemption from tax

- (1) The Centre shall not pay income tax on any income derived by the Centre under this Act or accruing to it from any of its investments.
- (2) The provisions of any enactment relating to the taxation of companies or trust funds shall not apply to the Board of the Centre.

Committee's Recommendation:

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

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

Clause 20: Exemption from customs duties

The Centre shall not pay customs duty, or be restricted or prohibited from importing any equipment, material, supply or any other thing required by the Centre for the purpose of this Act:

Provided that nothing in this section shall be construed as preventing the Nigeria Customs Service from inspecting any equipment, or material imported by the Centre.

Committee's Recommendation:

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

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

PART V — GENERAL PROVISIONS

Clause 21: Discipline of students

- (1) Notwithstanding anything to the contrary contained in any other enactment, where it appears to the Board that a student of the Centre is guilty of a misconduct, the Board may, without prejudice to any other disciplinary powers conferred on it by regulations, direct that the -
 - (a) student shall not, during such period as may be specified in the direction, participate in such activities of the Centre, or make use of facilities of the Centre as may be so specified;
 - (b) activities of the student shall, during such period as may be specified in the direction, be restricted in the manner as may be so specified;
 - (c) student be rusticated for such period as may be specified in the direction; or
 - (d) student be expelled from the Centre.
- (2) An appeal from a direction brought under subsection (1) shall not affect the operation of the direction while the appeal is pending.
- (3) The Board may delegate its powers under this section to a disciplinary committee consisting of such members of the Centre as the Board may nominate.
- (4) Nothing in this section shall be construed as preventing the restriction or termination of student's activities at the Centre otherwise than on the ground of misconduct.
- (5) A direction issued under subsection (1) (a) may be combined with a direction issued under subsection (1) (b).
- (6) Nothing in this Act shall affect the provisions of any enactment relating to the discipline of medical practitioners, pharmacists, midwives, nurses or members of any other profession or calling.

Committee's Recommendation:

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

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

- Clause 22: Removal and discipline of clinical, administrative and technical staff**
- (1) Where it appears to the Board that there are reasons for believing that any person employed as a member of the clinical, administrative or technical staff of the Centre, other than the Chief Medical Director, should be removed from his office or employment, the Board shall require the Director of Administration to -
 - (a) give notice of those reasons to the person in question;
 - (b) afford him an opportunity of making representations in person on the matter to the Board; and
 - (c) if the person in question so requests, within a period of one month beginning with the date of the notice, make arrangements for -
 - (i) a committee to investigate the matter and report on it to the Board, and
 - (ii) the person in question to be afforded an opportunity of appearing before and being heard by an investigating committee set up with respect to the matter, and if the Board, after considering the report of the investigating committee, is satisfied that the person in question should be removed, the Board may remove him by a letter signed on the direction of the Board.
 - (2) The Chief Medical Director may, in a case of misconduct by a member of the staff which in the opinion of the Chief Medical Director is prejudicial to the interest of the Centre, suspend any such member and the suspension shall forthwith be reported to the Board.
 - (3) For good cause, any member of staff may be suspended from his duties, his appointment may be terminated or he may be dismissed by the Board and for the purposes of this section, "good cause" means -
 - (a) a conviction for any offence which the Board considers to be such as to render the person concerned unfit for the discharge of the functions of his office;
 - (b) any physical or mental incapacity which the Board, after obtaining medical advice, considers to be such as to render the person concerned unfit to continue to hold his office;
 - (c) conduct of a scandalous or other disgraceful nature which the Board considers to be such as to render the person concerned unfit to continue to hold his office; or
 - (d) conduct which the Board considers to be such as to constitute a failure or inability of the person concerned to discharge the functions of his office or to comply with the terms and conditions of his service.
 - (4) Any person suspended shall, subject to subsections (2) and (3) be on half pay and the Board shall before the expiration of a period of three months after the date of the suspension consider the case against that person and come to a decision as to whether to -

- (a) continue the person's suspension and if so, on what terms (including the proportion of his emoluments to be paid to him);
 - (b) reinstate the person, in which case the Board shall restore his full emoluments to him with effect from the date of suspension;
 - (c) terminate the appointment of the person concerned, in which case he shall not be entitled to the proportion of his emoluments withheld during the period of suspension; or
 - (d) take such lesser disciplinary action against the person (including the restoration of his emoluments that might have been withheld), as the Board may determine, and in any case where the Board, under this section, decides to continue a person's suspension or decides to take further disciplinary action against the person, the Board shall before the expiration of a period of three months from such decision come to a final determination in respect of the case concerning the person.
- (5) It shall be the duty of the person by whom a letter of removal is signed under subsection (1) to use his best endeavors to cause a copy of the letter to be served as soon as reasonably practicable on the person to whom it relates.
 - (6) Nothing in the foregoing provisions of this section shall preclude the Board from making such regulations not inconsistent with the provisions of this Act for the discipline of students and all other categories of employees of the Centre as the Board may prescribe.
 - (7) Regulations made under subsection (6) need not be published in the Gazette but the Board shall cause them to be brought to the notice of all affected persons in such manner as it may determine.

Committee's Recommendation:

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

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

Clause 23: Discipline of junior staff

- (1) If any junior staff is accused of misconduct or inefficiency, the Chief Medical Director may suspend him for a period of not more than three months and shall direct a committee to -
 - (a) consider the case; and
 - (b) make recommendations as to the appropriate action to be taken by the Chief Medical Director.
- (2) In all cases under this section of this Act, the officer shall be informed of the charge against him and given a reasonable opportunity to defend himself.

- (3) The Chief Medical Director may, after considering the recommendation made pursuant to subsection (1) (b), dismiss, or take such other disciplinary action against the officer concerned.
- (4) Any person aggrieved by a decision of the Chief Medical Director made under subsection (3) may, within a period of 21 days from the date of the letter communicating the decision to him, address a petition to the Board to reconsider his case.

Committee's Recommendation:

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

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

PART VI — MISCELLANEOUS PROVISIONS

Clause 24: Regulations

- (1) The Board may, with the approval of the President, make regulations
 - (a) as to the access of members of the public either generally or of a particular class, to premises under the control of the Board and as to the orderly conduct of members of the public on those premises; and
 - (b) for safeguarding any property belonging to or controlled by the Board from damage by members of the public.
- (2) Regulations under this section shall not come into effect until they are confirmed, with or without modification, by the National Assembly and published in such manner as the Board may direct.

Committee's Recommendation:

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

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

Clause 25: Power to give directives

The Minister may give to the Board directions of a general character or relating generally to particular matters (but not to any individual person or case) with regard to the exercise by the Board of its functions under this Act, and it shall be the duty of the Board to comply with the directions; but no direction shall be given which is inconsistent with the duties of the Board under this Act.

Committee's Recommendation:

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

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

Clause 26: Transition and Savings Provision

- (1) On the commencement of this Act, any person employed by or serving in, the Centre shall be deemed to have been employed or serving in the Centre established under this Act.
- (2) All assets or liabilities belonging to the Centre shall be deemed to belong to the Center established under this Act.

Committee's Recommendation:

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

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

Clause 27: Interpretation

In this Act -

"Board" means the Board of Management of the Centre;

"chairman" means the Chairman of the Board;

"functions" include powers and duties;

"junior staff" means staff of such grade as may be determined by the Board;

"Minister" means the Minister charged with responsibility for matters relating to health and

"Ministry" shall be construed accordingly; and

"student" means a person enrolled at an institution controlled by the Board for the purpose of pursuing a course of instruction at the institution.

Committee's Recommendation:

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

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

Clause 28: Citation

This Bill may be cited as the Federal Medical Centre Mubi (Establishment) Bill, 2022.

Committee's Recommendation:

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

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

FIRST SCHEDULE

Section 3 (3)

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

Proceedings of the Board

1. (1) Subject to this Act and section 27 of the Interpretation Act, the Board may make standing orders regulating its proceedings or those of any of its committees.
- (2) The quorum of the Board shall be the Chairman or the person presiding at the meeting and five other members of the Board, two of whom shall be ex-officio members, and the quorum of any committee of the Board shall be as determined by the Board.
2. (1) The Board shall meet whenever it is summoned by the Chairman and if the Chairman is required to do so by notice given to him by not less than eight other members, he shall summon a meeting of the Board to be held within 14 days from the date on which the notice is given.

- (2) At any meeting of the Board, the Chairman shall preside but if he is absent, the members present at the meeting shall appoint one of their members to preside at the meeting.
- (3) Where the Board desires to obtain the advice of any person on a particular matter, the Board may co-opt him to the Board for such period as it deems fit, but a person who is in attendance by virtue of this subparagraph shall not be entitled to vote at any meeting of the Board and shall not count towards a quorum.

Committees

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

Miscellaneous

4. (1) The affixing of the seal of the Centre shall be authenticated by the signatures of the Chairman, the Chief Medical Director or any person generally or specifically authorised by the Board to act for that purpose.
 - (2) Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the Centre by the Chief Medical Director or any person generally or specifically authorised by the Board to act for that purpose.
 - (3) A document purporting to be a document duly executed under the seal of the Centre shall be received in evidence and shall, unless the contrary is proved, be presumed to be so executed.
5. The validity of any proceedings of the Board or of a committee shall not be adversely affected by -
 - (a) a vacancy in the membership of the Board or committee;
 - (b) a defect in the appointment of a member of the Board or committee; or
 - (c) reason that a person not entitled to do so took part in the proceedings of the Board or committee.

Question that the provision in the First Schedule Stand part of the Bill — Agreed to.

SECOND SCHEDULE*Section 1 (1)***Federal Medical Centres**

1. Federal Medical Centre, Abeokuta
2. Federal Medical Centre, Abuja
3. Federal Medical Centre, Asaba

4. Federal Medical Centre, Azare
5. Federal Medical Centre, Bida
6. Federal Medical Centre, Birni-Kebbi
7. Federal Medical Centre, Birni-Kudu
8. Federal Medical Centre, Ebute-Meta
9. Federal Medical Centre, Gusau
10. Federal Medical Centre, Jalingo
11. Federal Medical Centre, Katsina
12. Federal Medical Centre, Keffi
13. Federal Medical Centre, Lokoja
14. Federal Medical Centre, Makurdi
15. Federal Medical Centre, Mubi
16. Federal Medical Centre, Nguru
17. Federal Medical Centre, Owerri
18. Federal Medical Centre, Owo
19. Federal Medical Centre, Umuahia
20. Federal Medical Centre, Yenagoa
21. Federal Medical Centre, Yola

Question that the provision in the Second 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 on a Bill for an Act to Provide a Legal Framework to Establish the Federal Medical Centre Mubi; and for Related Matters, 2022 and approved as follows:

Clauses 1-28 — As Recommended

Schedules 1-2 — As Recommended

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

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

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

2. ***National Dermatology Specialist Hospital, Garkida, Adamawa State [Establishment] Bill, 2022.***

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION ON THE REPORT ON A BILL FOR AN ACT TO ESTABLISH THE SPECIALISED NATIONAL DERMATOLOGY HOSPITAL, GARKIDA, AND A MANAGEMENT BOARD FOR THE HOSPITAL, TO PROVIDE DERMATOLOGICAL TREATMENT, RESEARCH AND TRAINING; AND FOR RELATED MATTERS, 2022

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

- (1) There is established the Specialised National Dermatology Hospital, Garkida (in this Act referred to as "the Hospital").
- (2) The Hospital —
 - (a) shall be a body corporate;
 - (b) may sue and be sued in its corporate name; and
 - (c) shall have perpetual succession and a common seal.
- (3) The Hospital shall be a national hospital, specialised in dermatology, with facilities for the training of dermatology personnel at all levels.

Committee's Recommendation:

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

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

Clause 2: Functions of the Hospital

- (1) The Hospital shall —
 - (a) provide services in connection with the diagnosis and treatment of diseases or defects of the skin;
 - (b) supply appliances and other supplementary dermatological services;
- (2) The Hospital shall have power to —
 - (a) provide diagnostic, curative, promotive and rehabilitative dermatological services;
 - (b) provide cosmetic dermatology, allergy service, all skin and hair treatment and employ the services of dermatologists and other medical practitioners;
 - (c) provide facilities for the clinical training of dermatologists;
 - (d) provide facilities for the training of dermatologists for the care and treatment of the skin, hair, nails and mucous membrane, cosmetic dermatology, and allergy service;

- (e) create facilities for research into all aspects of a wide range of dermatology treatments including scalpel surgery, electrosurgery, injections, chemical peels, and pharmacovigilance; and
 - (f) develop new diagnostic and therapeutic dermatologic instruments and appliances better suited to the practice of dermatology in Nigeria.
- (3) For the purpose of the discharge of its functions under this section, the Hospital may —
- (a) arrange periodic conferences, seminars, study groups and like activities in dermatology;
 - (b) advise the Government of the Federation or of a State on all matters relating to defects and prevention of diseases of the skin;
 - (c) offer such assistance to hospitals or units in various parts of the Federation, as the Board may deem necessary;
 - (d) do anything in connection with or incidental to the functions conferred on it by this Act.

Committee's Recommendation:

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

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

Clause 3: **Constituent parts of the Hospital**

The Hospital shall consist of —

- (a) management board;
- (b) an education committee;
- (c) the clinical and other departments of the Centre;
- (d) all members of the administrative, clinical and technical staff; and
- (e) all students of the Hospital.

Committee's Recommendation:

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

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

Clause 4: **The Management Board**

- (1) There is established for the Hospital, the Specialised National Dermatology Hospital Board (in this Act referred to as "the Board"), which shall be responsible for the administration of the Centre and shall consist of -
 - (a) the Chairman;
 - (b) the Director of Administration;

- (c) four persons, broadly representative of the whole Federation and representing a variety of interests, who shall be appointed by the President;
 - (d) two persons appointed by the consultant staff of the hospital from among their number;
 - (e) representative of Medical practitioners;
 - (f) representative of the Federal Ministry of Health not below the rank of a Director;
 - (g) representative of Dermatologists Association; and
 - (h) representatives of Allied Health Professionals.
- (2) The Chairman and other members who are not ex officio shall be appointed by the President.
- (3) The Chairman shall be a person of proven integrity, with experience and outstanding ability in administration and professional or technical education.
- (4) The members specified under subsection (1) (b), (d), (e) and (f) are "ex-officio members".
- (5) The supplementary provisions in the Schedule to this Act, shall have effect with respect to the constitution and proceedings of the Board, the education committee and the other matters therein.

Committee's Recommendation:

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

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

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

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

Provided that members of the Board appointed under section 4 (1) (d) of this Act, shall hold office for two years and shall not be eligible for re-appointment.

- (2) A member of the Board, other than an ex-officio member, shall be paid out of monies at the disposal of the Board such remuneration and allowances in accordance with scales approved by the President.
- (3) In the event of the death or incapacity of the Chairman of the Board, or if for any reason other than effluxion of time, the office of the Chairman is vacant, the President shall, on the recommendation of the Minister, appoint another person as Chairman for the residue of the term of the Chairman of the Board.

- (4) The office of a member of the Board shall become vacant if —
- (a) he resigns his office by notice in writing given to the Minister;
 - (b) the period of his appointment has expired; or
 - (c) the Board passes a resolution declaring that he has —
 - (i) become unfit for membership of the Board, due to the fact that he has become incapable of discharging his duties by reason of mental or bodily infirmity; or
 - (ii) been absent from three consecutive meetings of the Board without leave of the Board; or
 - (iii) been convicted of an offence which involves moral turpitude.
- (5) Where the office of a member becomes vacant, a new member shall be appointed to fill the vacancy in accordance with the provisions of this Act.
- (6) Any member of the Board other than an ex-officio member may, by notice to the Board, resign his appointment.

Committee's Recommendation:

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

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

Clause 6: General duty of the Board

- (1) The Board shall be —
- (a) the governing body of the Hospital; and
 - (b) charged with the general control and superintendence of the policy, finances and property of the Hospital, including its public relations.
- (2) Without prejudice to subsection (1), the Board shall construct, equip, maintain and operate —
- (a) the hospital, to provide comprehensive services, teaching and clinical research in dermatology;
 - (b) such training schools and similar institutions as the Board considers necessary, for providing the Hospital at all times with adequate and sufficiently qualified staff, including dermatologists, dermatological technicians, nurses and members of other allied professions and callings, relevant to the practice of dermatology; and
 - (c) such clinics, units, out-patient departments, laboratories, research or experimental stations and other like institutions, as the Board may consider necessary for the efficient functioning of the Hospital.

- (3) The duty of running the Hospital under subsection (2) shall include, without prejudice to the extent of that duty apart from this subsection, the duty to provide proper courses of instruction for students but the Board shall not —
- (a) have power to award degrees; or
 - (b) be prevented from arranging for students to attend courses at or take higher qualifications awarded by other institutions not controlled by the Board.
- (4) The Board shall ensure that the standards of treatment and care for patients provided at all establishments controlled by the Board and the standards of training at those establishments, do not fall below those usually provided by similar establishments of internationally high repute.
- (5) Subject to this Act, the Board shall have power to do anything, which in its opinion, is calculated to facilitate the carrying out of its functions under this Act.

Committee's Recommendation:

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

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

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

The Board shall be responsible for laying down general policies and guidelines relating to the management of the affairs of the Hospital, including the management of the hospital and the provision of facilities relating to the training of all categories of dermatology personnel and it shall be the duty of the Director to execute such policies and to keep within such guidelines.

Committee's Recommendation:

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

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

Clause 8: The Director

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

Committee's Recommendation:

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

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

Clause 9: Appointment of other staff**Schedule**

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

Committee's Recommendation:

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

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

Clause 10: Power of the Minister to give directions

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

Committee's Recommendation:

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

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

Clause 11: Financial provisions

- (1) The Board shall establish a fund into which it shall pay —
 - (a) such sums as may be provided by the Government of the Federation or of a State for the Hospital; and
 - (b) all sums accruing to the Hospital by way of fees, gifts, testamentary disposition, contributions from philanthropic persons or organisations.
- (2) Except with the approval of the Minister, the Hospital shall not have power to borrow money.

- (3) The Board shall prepare and submit to the Minister, not later than 31 December in each financial year, an estimate of the income and expenditure of the Hospital during the next financial year.
- (4) The Hospital shall —
 - (a) keep proper accounts in respect of each financial year and proper records in relation to those accounts; and
 - (b) cause its accounts to be audited immediately after the end of the financial year to which the accounts relate by a firm of auditors appointed, as respects that year, by the Board from the list and in accordance with the guidelines supplied by the Auditor-General of the Federation.

Committee's Recommendation:

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

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

Clause 12: Fees for services

The Board may, with the approval of the Minister, prescribe the scale of fees chargeable for services provided by the Hospital.

Committee's Recommendation:

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

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

Clause 13: Power to accept gifts

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

Committee's Recommendation:

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

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

Clause 14: Discipline of students

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

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

Committee's Recommendation:

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

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

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

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

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

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

- (5) It shall be the duty of the person by whom a letter of removal is signed under subsection (1), to cause a copy of the letter to be served as soon as reasonably practicable on the person to whom it relates.
- (6) Nothing in this section shall prevent the Board from making regulations for the discipline of students and all other categories of employees of the Hospital, as the Board may prescribe.
- (7) Regulations made under subsection (6), need not be published in the Federal Government Gazette, but the Board shall bring them to the notice of all affected persons in such manner as it may determine.

Committee's Recommendation:

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

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

Clause 16: Discipline of junior staff

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

Committee's Recommendation:

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

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

Clause 17: Exclusion of discrimination

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

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

Committee's Recommendation:

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

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

Clause 18: Annual reports

The Board shall prepare and submit to the President, through the Minister, not later than 30 June in each year, a report in such form as the Minister may direct on the activities of the Board during the immediate preceding year and shall include in such report a copy of the audited accounts of the Hospital for that year and of the auditors' report.

Committee's Recommendation:

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

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

Clause 19: Interpretation

In this Act —

"the Board" means the governing Board for the Hospital, appointed under section 4 (1) of this Act;

"the Hospital" means the Specialised National Dermatology Hospital, established under section 1 of this Act;

"functions" includes powers and duties;

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

"student" means a person enrolled at an institution controlled by the Board, for the purpose of pursuing a course of instruction at the institution.

Committee's Recommendation:

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

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

Clause 20: Citation

This Bill may be cited as the Specialised National Dermatology Hospital Bill, 2022.

Committee's Recommendation:

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

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

SCHEDULE

Section 4 (5)

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD,
THE EDUCATION COMMITTEE, ETC.**Proceedings of the Board**

1. Subject to the provisions of this Act, the Board may make standing orders regulating the proceedings of the Board or any committee thereof.
2. The quorum of the Board shall be five, which shall include the Chairman and at least one other member, who is not an ex-officio member; and the quorum of any committee of the Board shall be determined by the Board.
3.
 - (1) Subject to the provisions of any standing orders of the Board, the Board shall meet whenever it is summoned by the Chairman; and if the Chairman is required to do so by notice given to him by at least five other members, he shall summon a meeting of the Board to be held within 14 days of the date of the receipt of the notice by him.
 - (2) At any meeting of the Board, the Chairman of the Board shall preside and if the Chairman is absent, the members present shall elect one of their number to preside at the meeting.
 - (3) Where the Board desires to obtain the advice of any person on any particular matter, the Board may co-opt him as a member for such period as it deems fit, but a person who is a member by virtue of this subparagraph, shall not be entitled to vote and shall not count towards a quorum.
 - (4) Notwithstanding anything in the foregoing provisions of this paragraph, the first meeting of the Board shall be summoned by the Minister, who may give such directions as he thinks fit as to the procedure which shall be followed at that meeting.
4.
 - (1) The Board may appoint one or more committees to carry out on behalf of the Board such of its functions as the Board may determine, but a decision of a committee shall be of no effect until it is confirmed by the Board.
 - (2) The Education Committee may appoint one or more committees to carry out on behalf of the Education Committee such of its functions as the Committee may determine, but a decision of a committee shall be of no effect until it is confirmed by the Education Committee.
 - (3) Without prejudice to the generality of subparagraphs (1) and (2), the Board shall appoint the following committees —
 - (a) the Appointments and Promotions Committee, which shall —
 - (i) consist of at least five members, including the Director, who shall be the chairman of the Committee; and
 - (ii) be charged with the responsibility for making recommendations to the Board on the appointment and promotion of the clinical, administrative and technical staff of the Hospital and have a quorum of three members; and
 - (b) the Junior Staff Appointments and Promotions Committee, which shall have the powers set out in section 16 of this Act.

Employees of the Centre

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

Miscellaneous

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

Education Committee

9. The provisions of this Schedule shall apply mutatis mutandis to the Education Committee, so that in relation to the quorum, it shall be as may be determined by the Education Committee.

Question that the provision in this 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 on a Bill for an Act to Establish the Specialised National Dermatology Hospital, Garkida, and a Management Board for the Hospital, to Provide Dermatological Treatment, Research and Training; and for Related Matters, 2022 and approved as follows:

Schedule — As Recommended

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

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

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

10. Committee on Electoral Matters:

Confirmation of the Nomination of Dr. Hale Gabriel Longpet for Appointment as Resident Electoral Commissioner for Independent National Electoral Commission (INEC):

Motion made: That the Senate do receive and consider the Report of the Committee on Electoral Matters on the confirmation of the nomination of Dr. Hale Gabriel Longpet for Appointment as Resident Electoral Commissioner for Independent National Electoral Commission (INEC) (*Senator Kabiru I. Gaya — Kano South*).

Question put and agreed to.

Report Laid and presented.

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

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF THE REPORT OF THE COMMITTEE ON ELECTORAL MATTERS ON THE CONFIRMATION OF THE NOMINATION OF DR. HALE GABRIEL LONGPET FOR APPOINTMENT AS RESIDENT ELECTORAL COMMISSIONER FOR INDEPENDENT NATIONAL ELECTORAL COMMISSION (INEC).

Nominee recommended for confirmation:

Dr. Hale Gabriel Longpet — *Agreed to*

Chairman to report progress.

(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 Electoral Matters on the confirmation of the nomination of Dr. Hale Gabriel Longpet for Appointment as Resident Electoral Commissioner for Independent National Electoral Commission (INEC) and approved the nomination.

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

Confirmation of nomination:

Question:

“Will the Senate confirm the nomination of Dr. Hale Gabriel Longpet for Appointment as Resident Electoral Commissioner for Independent National Electoral Commission (INEC)?”
— *Resolved in the Affirmative.*

Nomination of Dr. Hale Gabriel Longpet for Appointment as Resident Electoral Commissioner for Independent National Electoral Commission (INEC) accordingly confirmed.

11. Committee on Establishment and Public Service:

Report on the Chartered Institute of Electrical and Electronic Engineering of Nigeria (Establishment) Bill, 2022 (SB. 741):

Motion made: That the Senate do receive and consider the Report of the Committee on Establishment and Public Service on the Chartered Institute of Electrical and Electronic Engineering of Nigeria (Establishment) Bill, 2022 (*Senator Emmanuel Y. Orker-Jev — Benue North West*).

Question put and agreed to.

Report Laid and 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)

CONSIDERATION OF THE REPORT OF THE COMMITTEE ON ESTABLISHMENT AND PUBLIC SERVICE ON A BILL FOR AN ACT TO PROVIDE FOR ESTABLISHMENT OF THE CHARTERED INSTITUTE OF ELECTRICAL AND ELECTRONIC ENGINEERING OF NIGERIA TO CERTIFY, REGULATE AND DETERMINE THE STANDARDS OF KNOWLEDGE AND PRACTICE TO BE ATTAINED BY PERSONS SEEKING TO BECOME CHARTERED ELECTRICAL AND ELECTRONIC ENGINEERING PERSONNEL; AND FOR RELATED MATTERS, 2022.

Clause 1: Establishment of Chartered Institute of Electrical and Electronic Engineering of Nigeria:

- (1) There is established a body to be known as the Chartered Institute of Electrical and Electronic Engineering of Nigeria (in this Bill referred to as "the Institute")
- (2) The Institute —
 - (a) Shall be a body corporate with perpetual succession and a common seal;
 - (b) May sue and be sued in its corporate name; and may acquire, hold and dispose of any property, movable and immovable.
 - (c) Shall comprise of all personnel in the field of electric power engineering, electronic engineering, clean energy engineering, telecommunications engineering, systems engineering, computer engineering, radio-frequency engineering, signal processing, broadcasting, instrumentation, optics and photonics, hardware engineering, power electronics, electromagnetics and waves, microwave engineering, nanotechnology, electrochemistry, mechatronics, biomedical engineering, electrical materials science, robotics, artificial intelligence, machine learning, control and automation, avionics, quantum engineering, embedded/emerging technologies which cover Internet of Things, Big Data, blockchain technology, Electrical Manufacturing Industry, Electrical Maintenance, Construction

and Contracting Industries. Application of electricity and electronics to medical science, aeronautics, maritime, automobiles; Study, teaching, research and development pertaining to any field of engineering or applied sciences of Electricity and Electronics.

- (d) Shall be charged with the duty of —
- (i) Determining what standards of knowledge and skill are to be attained by persons seeking to practice or become members of the Electrical and Electronic Engineering profession and raising those standards, from time to time, as circumstances may permit;
 - (ii) Provide for the registration, certification and standardization, where required, of professional Electrical and Electronic engineering personnel;
 - (iii) Register, certify and standardize the practice, education and qualifications of EE engineering personnel;
 - (iv) Register, certify and standardize corporations, partnerships, limited liability partnerships and limited partnerships, etc;
 - (v) Securing in accordance with the provisions of this Bill, the establishment and maintenance of the register of electrical and electronic engineering personnel entitled to practice as electrical and electronic engineering personnel and the publication, from time to time, of lists of those persons;
 - (vi) Conducting examinations leading to the award of professional competency certificates as may be prescribed by the Institute and in conformity with international standards;
 - (vii) Ensuring synergy between the industry and academia in the electrical and electronic engineering field; and
 - (viii) performing through the Council under this Bill the functions conferred on it by this Bill.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senator Emmanuel Y. Orker-Jev — Benue North West*) — *Agreed to.*

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

Clause 2: Membership of the Institute

- (1) Any Chartered Electrical and Electronic Engineering Personnel and firm practicing under this Act is eligible to be registered by the Institute in any of the following categories-
 - (i) Engineer
 - (ii) Technologist

- (iii) Technician
 - (iv) Craftsman
 - (v) Corporate Firms
- (2) The privileges and entitlements of members of the institute shall be-
- (a) affixing of a suffix after their names according to the following categories;
 - (i) Engineer- CEE
 - (ii) Technologist - CET
 - (iii) Technician- Cet
 - (iv) Craftsman- CEC
 - (v) Corporate Firms - CEF
 - (b) The right to affix a member's seal and stamp on every document endorsed by or emanating from them. The seal shall bear the member's name, membership number and area of specialization.
- (3) The provisions of the first schedule to this Bill shall, so far as applicable to the question of admission to the Institute, have effect concerning the categories of members listed in sub-clause (1) of this clause.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senator Emmanuel Y. Orker-Jev — Benue North West*) — *Agreed to.*

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

Clause 3: Election of President, Vice-President and Other Officers of the Institute

- (1) There shall be a President and a Vice President of the Council, who shall be fellows of the professions, to be elected by the members of the Council by simple majority and shall hold office each for a term of two years from the date of the election.
- (2) The President shall be the Chairman at meetings of the Council, so however that, in the event of the death, incapacity or inability, for any reason of the President, the Vice-President shall act in his stead for the unexpired portion of the term of office, or as the case may require, and references in this Act to the President shall be construed accordingly.
- (3) The President and the Vice-President shall respectively be Chairman and Vice-Chairman of the Council and meetings of the registered members.
- (4) If the President or the Vice-President ceases to be a member of the Institute he shall cease to hold any of the offices designated under this Bill.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senator Emmanuel Y. Orker-Jev — Benue North West*) — *Agreed to.*

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

Clause 4: Membership of Governing Council of the Institute, etc

- (1) There is established for the Institute a Governing Council (in this Bill referred to as "the Council") which shall be charged with the responsibility for providing the guiding policy administration of the Institute and setting the standards therein.
- (2) The Council shall consist of the following members being fellows or members of the profession as follows:
 1. President
 2. Vice President
 3. The Registrar
 4. One representative of each of the Certification and Standardization Board of the Nigerian Institute of Electrical and Electronic Engineers (NIEEE) is listed below:
 - i. Electronic and Computing engineering certification and standardization Board
 - ii. Power and Clean Energy engineering certification and standardization Board
 - iii. Information and Communications Technology engineering certification and standardization Board
 - iv. Instrumentation /Automation and Control engineering certification and standardization Board
 - v. Avionic and Space engineering certification and standardization Board
 - vi. Embedded/Emerging Technologies [AI, Robotics, ML, Drones etc] certification and standardization Board
 5. One representative of each of the EEE technologist, technician and craftsman categories recognized by COREN
 6. Three representatives of NIEEE
 7. One representative each from COREN, NUC, OEM, SON, NCC, NBC, NBTE, NERC, NITDA and NEMSA

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senator Emmanuel Y. Orker-Jev — Benue North West*) — *Agreed to.*

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

Clause 5: Power of the Council

- (1) The Council shall exercise the responsibilities for policy formulation and direct organs of the Institute for the execution and general administration.
- (2) The Council shall create a conducive atmosphere to enable it to be consulted by industry stakeholders as it relates to electrical and electronic engineering practice and training.
- (3) The Council shall have power to-
 - (a) manage and superintend the affairs of the Institute;
 - (b) make rules and regulations for the proper functioning of the Institute;
 - (c) appoint, promote, discipline and pay the staff of the Institute appropriate remuneration commensurate in scale with that of staff in organizations of similar stature; and
 - (d) enter into any negotiation, agreement and contractual relationship as may be necessary or expedient for the discharge of the functions of the Institute.
- (4) The Council shall sit every quarter to consider issues brought before it.
- (5) The Council shall perform the other functions conferred on it by this Act.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senator Emmanuel Y. Orker-Jev — Benue North West*) — *Agreed to.*

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

Clause 6: Tenure of Council members

Subject to the provisions of this Act, the Chairman and members of the Council shall each hold office

- (1) for a term of two years and may be re-elected or re-appointed for a further term of two years and no more;
- (2) A person shall cease to hold office as a member of the Council if -
 - (a) he dies;
 - (b) he becomes bankrupt;
 - (c) he is convicted of a felony or any offence involving dishonesty or fraud;
 - (d) he becomes of unsound mind or is incapable for any reason of carrying out his duties;
 - (e) he is guilty of serious misconduct concerning his duties;

- (f) in the case of a person dispossessed of professional qualification, he is disqualified or suspended, other than at his request, from practicing his profession in any part of the world by an order of a competent authority made in respect of that member; or
- (g) he resigns his appointment by written notice under his hand to the Council Chairman (Institute President).

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senator Emmanuel Y. Orker-Jev — Benue North West*) — *Agreed to.*

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

Clause 7: Financial Provisions

- (1) The Institute shall be self-funding save for grants, donations and gifts in support of its statutory activities
- (2) The Council shall establish and maintain a fund, the management and control of which shall be in the hands of the Council, and into which shall be paid
 - (a) all subventions, fees, fines, penalties and charges for services rendered or publications made by the Council;
 - (b) gifts, endowments, bequests, loans, donations, grants or aids;
 - (c) foreign aids and assistance from bilateral and multilateral agencies such as affiliated bodies on electrical engineering; donations, charges and monies payable to the institute in pursuance of this Bill;
 - (d) Such other monies as may be received by the institute in the course of its operations or concerning the exercise of any of the functions under this Act.
- (3) There shall be paid out of the fund of the Institute-
 - (a) The remuneration and allowance of the Institute's Council members and employees of the institute.
 - (b) Such reasonable travelling and subsistence allowance of members of the council in respect of the time spent on the business of the council as the council may determine and
 - (c) Any other expenses incurred by the council in the discharge of its functions under this Bill.
- (4) The council may invest monies from the fund in any security created or insured by or on behalf of the Federal Republic of Nigeria or in any other securities in Nigeria approved by the council.
- (5) The council may from time to time, borrow money for the Institute and any interest payable on monies so borrowed shall be paid out of the fund.
- (6) All the members shall be caused to pay to the fund, annual dues and levies as may be agreed by the council from time to time.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senator Emmanuel Y. Orker-Jev — Benue North West*) — *Agreed to.*

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

Clause 8: Proper account keeping and annual audited institute account

- (1) The council shall on behalf of the Institute keep proper books of accounts in respect of each year and proper records concerning these accounts and the council shall cause the accounts to be audited by an external auditor and when audited the accounts shall be submitted annually to the members of the institute for approval at a General Assembly of the institute. Such annual audited account shall be deemed to have fulfilled the requirement of the Financial Reporting standards
- (2) The audit of the Institute's books shall be by the provisions of the subsisting Constitution of the Federal Republic of Nigeria.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senator Emmanuel Y. Orker-Jev — Benue North West*) — *Agreed to.*

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

Clause 9: Appointment of Registrar, Tenure, Remunerations, etc

- (1) The Council shall appoint a fit and proper person who shall be a member of the Institute to be the Registrar, and such other persons as the council may from time to time, deem necessary to assist the registrar in the performance of this functions under this Bill.
- (2) The Registrar shall in addition to his other functions under this Act, be the Secretary to the Council and shall keep minutes of proceedings of all meetings of the Council.
- (3) The Registrar shall be the Chief Executive Officer and Accounting Officer to the Institute. He/She is to be responsible for the day to day administration of the Institute and responsible to the Council for the execution of policies and directives thereof.
- (4) A graduate of Electrical and Electronic Engineering as in 1(2)(c) with at least 20 years of work experience.
- (5) The Registrar
 - (a) shall be appointed for a 3-year term in the first instance; and
 - (b) may be re-appointed for another three years and no more.
- (6) The Registrar shall be paid such remuneration as may be specified in his letter of appointment or as determined by the Council using a scale commensurate with that of organizations of similar stature.
- (7) The Registrar shall cease to hold office if any of the conditions specified in clause 5 (3) (1) on cessation of membership of the Institute and Council applies to him.

- (8) The Registrar may resign his appointment by written notice under his hand-delivered to the Chairman of Council (Institute's President).
- (9) It shall be the duty of the Registrar -
- (a) to prepare and maintain in accordance with rules made by the council, a Register of names, addresses and approved qualifications and of such other particulars, as may be specified in the rules of all persons who are entitled in accordance with the provisions of this Bill to be registered as members of the Institute.
 - (b) to correct, in accordance with the direction of the council, any entry in the register, which the council, directs him to correct as being in the opinion of the council an entry, which was incorrectly made;
 - (c) to make from time to time, any necessary alterations to the registered particulars of registered persons;
 - (d) to record the names of members of the institute who are in debt for more than One year in the payment of annual or practicing fee and to take such action in relation thereto including removal of the name of defaulter from the register as the council may direct or require;
- (10) Subject to the following provisions of this clause, the Council shall make rules with respect to the form and keeping of the Register and the making of entries therein, and in particular-
- (a) regulating the making of applications for enrolment or registration as the case may be, and providing for the evidence to be produced in support of applications;
 - (b) providing for the notification to the registrar, by the person to whom any registered particulars relate, of any change in those particulars;
 - (c) authorizing a registered person to have any qualification which is, in relation to the relevant division of the profession, either an approved qualification or an accepted qualification for purposes of this Bill, registered in relation to his name in addition to or, as he may elect, in substitution for any other qualifications so registered;
 - (d) specifying the fees, including an annual subscription, to be paid to the Institute in respect of the entry of names on the Register, and authorizing the registrar to refuse to enter a name on the register until any fee specified for the entry has been paid;
 - (e) specifying anything failing to be specified under the foregoing provisions of this clause, but rules made for paragraph (d) of this sub-clause shall not come into force until they are confirmed at a special meeting of the Institute convened for the purpose thereafter, or at the next annual general assembly, as the case may be.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senator Emmanuel Y. Orker-Jev — Benue North West*) — *Agreed to.*

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

Clause 10: Approval of Qualifications, etc.

- (1) The Council may approve any qualification for this Bill and may, for such purpose, approve-
 - (a) Any course of training in any institution approved by NUC, COREN, or NBTE which is intended for persons seeking to become members of the Electrical and Electronic Engineering profession and which the Council consider is designed to confer on persons completing it, sufficient knowledge and skill for registration with the Institute.
 - (b) Any qualification which as a result of an examination taken in conjunction with a course of training approved by the council under this clause is granted to candidates having reached a standard at the examination, indication in the opinion of the Council that the candidates have sufficient knowledge and skill to be registered with the Institute.
- (2) The Council may, if it thinks fit, withdraw any approval given under this clause in respect of any course, qualification of the Institution, but before withdrawing such approval the council shall -
 - (a) give notice that it proposes to do so, to each person in Nigeria appearing to the Council to be a person by whom the course is conducted or the qualification is granted or the institution is controlled, as the case may be;
 - (b) afford such a person an opportunity of making to the council representations concerning the proposal; and
 - (c) take into consideration any representations made in respect of the proposal in pursuance of paragraph (b) of this sub-clause.
- (3) A course, qualification or institution shall not be recognized as approved during any period the approval is withdrawn under sub-clause (2) of this clause.
- (4) Notwithstanding the provisions sub-clause (3) of this clause, the withdrawal of an approval under sub-clause (2) of this clause shall not prejudice the registration or eligibility for registration of any person who, under the approval, was registered or was eligible for registration (either unconditionally or subject to the obtaining a certificate or experience) immediately before the approval was withdrawn.
- (5) The granting or withdrawal of an approval under this clause shall have effect from such date whether before or after the execution of the instrument signifying the giving or withdrawal of the approval, as the Council may specify in the instrument and the Council shall-
 - (a) as soon as may be possible, publish a copy of every such instrument; and

- (b) not later than seven days before its publication, as aforesaid a copy of the instrument to the institution affected.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senator Emmanuel Y. Orker-Jev — Benue North West*) — *Agreed to.*

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

Clause 11: Conduct of competency examination leading to certification as EE Engineering Personnel

- (1) It shall be the duty of the Council to conduct competency examination in the nature;
- (a) The training is given to a person who has graduated or completed his course of study in EE engineering and have post qualification practice experience of three years in any of its category.
- (b) The examination is conducted periodically to certify members' competency and enable career progression.
- (c) The Council shall constitute an examination board, formulate policies and guidelines from time to time to certify members and firms as shall be required.
- (d) There shall be 5 levels of competency with the following grades for the Engineer's Category;
- (i) Level 1,2,3,4 and 5 shall respectively be known as Grade 5,4,3,2 and 1 where Grade 1 is highest in certification
- (ii) There shall be 4 levels of competency for the Technologist Category as follows; Level 1,2,3, and 4 shall respectively be known as Grade 4,3,2 and 1 where Grade 1 shall be the highest level of certification.
- (iii) There shall be 6 levels of competency with the following grades for Technician and Craftsman. Levels 1,2,3,4,5 and 6 shall respectively be known as Grade 6,5,4,3,2 and 1 where Grade 1 shall be the highest level of certification.
- (e) The following shall be grades of EE engineering personnel as would be attained through competency examination with years of practice;
- (1) Engineer:
- (i) Chartered EE Engineer - to attain after three years post qualification experience with certification examination from the Council. The person shall choose a field of specialty or as would be prescribed by the Council to pursue his career among the EE Engineering fields.

- (ii) Chartered EE Engineering Consultant - to attain after 3 years of the first certification
 - (iii) Chartered Senior Engineering Consultant - to attain after 3 years of the second certification
 - (iv) Chartered Principal EE Engineering Consultant - to attain after 5 years of the third certification
 - (v) Chartered Chief Engineering Consultant - to attain after 5 years of the fourth certification.
- (2) Technologist:
- (i) Chartered EE Engineering Technologist - to attain after three years post qualification experience with certification examination from the Council. The person shall choose a field of specialty or as would be prescribed by the Council to pursue his career among the EE Engineering fields.
 - (ii) Chartered Senior EE Engineering Technologist - to attain after 3 years of the first certification.
 - (iii) Chartered Principal EE Technologist - to attain after 5 years of the second certification
 - (iv) Chartered Chief Engineering Technologist - to attain after 5 years of the third certification
- (3) Technician/Craftsman:
- (i) Chartered EE Engineering Craftsman - to attain after certification examination from the Council. The person shall choose a field of specialty or as would be prescribed by the Council to pursue his career among the EE Engineering fields.
 - (ii) Chartered Senior EE Engineering Craftsman - to attain after 3 years of the first certification. Entry-level for technician
 - (iii) Chartered Chief EE Engineering Craftsman - to attain after 3 years of the second certification. The second level is for the technician.
 - (iv) Chartered CAD EE Technician/Engineering Technician - to attain after 3 years of the third certification. Third level for the technician.
 - (v) Chartered CAD EE Technician/Engineering Technician - to attain after 5 years of the fourth certification. Fourth level for technician
 - (vi) Chartered Senior CAD EE Technician - to attain after 5 years of the fifth certification. Fifth level for the technician.

- (vii) Chartered Chief CAD EE Technician - to attain after 5 years of the sixth certification. Sixth level for the technician.
- (2) Member with proven and exceptional field experience above level 3 for engineer category, level 2 for technologist category, level 3 for technician category and level 2 for craftsman category may apply to the Council for consideration to sit for the next level examination.
- (3) This privilege can only be offered to a member once in a lifetime.
- (4) Corporate Firm Certification;
 - (i) Only a firm whose director or Board of Directors are certified in a particular field(s) as would be prescribed by the Council shall be registered in the field(s).
 - (ii) A firm whose Board of Directors are certified in different fields shall be registered in such fields.
 - (iii) Corporate firms are renewed on submission of required CAC documents to ascertain the certification of directors.
 - (iv) It shall be the prerogative of members to report to the Council their withdrawal of membership of the Board of any firm as directors so that appropriate certification is effected.

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senator Emmanuel Y. Orker-Jev — Benue North West*) — *Agreed to.*

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

Clause 12: Standardization of Practice

The Institute shall adopt and promote National and global standards as applicable in the practice of EE Engineering profession;

- (1) Such standards shall include but not be limited to NIS-IEC, ITU, AFSEC, ISO, IEC, NESI-Regulation, NEMSA-Guidelines etc
- (2) The institute shall promote the development and adoption of these standards by ensuring collaboration with a relevant agency such as the Standards Organisation of Nigeria, SON.

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senator Emmanuel Y. Orker-Jev — Benue North West*) — *Agreed to.*

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

Clause 13: Establishment of Investigating Panel and Disciplinary Tribunal

- (1) There shall be constituted a body to be known as the chartered Institute of Electrical and Electronic Engineering of Nigeria investigating panel (in this Bill referred to as "Investigating panel") which shall be charged with the duty to-
 - (a) conduct a preliminary investigation into any case where it is alleged a member of the Institute has violated the provisions of the Institute's Code of Conduct or shall for any other reason be the subject of a proceeding before the Disciplinary Tribunal;
 - (b) decide whether the case should be referred to the Disciplinary Tribunal or not.
- (2) The Investigation Panel shall be appointed by Council as the incident arises and shall consist of 5 members who are experts in the field of the incident.
- (3) the tenure of the investigating panel shall be as specified by the council.
- (4) The Council may make rules limited to the provisions of this Bill as regard acts that constitute professional misconduct.
- (5) The Investigating Panel shall act independently in the receiving and investigation of allegations under sub-clause (1) (a) of this clause and shall have the power to receive complaints directly from any individual or organization.
- (6) There shall be established the Chartered Institute of Electrical and Electronic Engineering of Nigeria Disciplinary Tribunal (in this Bill referred to as "The Disciplinary Tribunal") which shall be charged with the duty of considering and determining any case referred to it by the Investigating Panel constituted.
- (7) The Disciplinary Tribunal shall be appointed by the council and shall consist of a Vice-President of the institute who shall be the Chairman, three other members of the council and three members of the Institute who are not members of the council.
- (8) The provisions of the third schedule to this Bill shall, so far as applicable to the Investigating Panel and Disciplinary Tribunal respectively, have to affect with respect to all those bodies aforementioned.

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senator Emmanuel Y. Orker-Jev — Benue North West*) — *Agreed to.*

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

Clause 14: Penalties for Unprofessional Conduct

- (1) Where-
 - (a) A person is adjudged by the Disciplinary Tribunal to be guilty of unprofessional conduct in any professional respect; or

- (b) A person is convicted, by any court or tribunal in the jurisdiction in Nigeria or elsewhere having the power to award imprisonment for an offence (where or not punishment with imprisonment) which in the opinion of the tribunal is incompatible with the conduct required of a member of the Electrical and Electronic Engineering profession; or
- (c) The Disciplinary Tribunal is satisfied that the name of the person has been fraudulently registered, and the person involved has been allowed for a fair hearing to defend his/herself before the Tribunal

The Tribunal shall, after receiving the confirmation of its decision from the council, convey a direction to the person concerned reprimanding that person ordering the registrar to strike his name off the relevant part of the registered.

- (2) A person who commits an offence and is found guilty by the decisions of the Disciplinary Tribunal shall be liable to the maximum sanction of having his name being struck out from the register of members provided such offence is related to the practice of the profession.
- (3) The Disciplinary Tribunal may if deems it fit refer or further defer its decision as to the giving of a direction under sub clause (1) of this clause until a subsequent meeting of the disciplinary Tribunal, but-
 - (a) No decision shall be deferred under this sub-clause for periods exceeding three months from the conclusion of proceedings in the case; and
 - (b) No person shall be a member of the Disciplinary Tribunal to reach a decision that has been deferred or further deferred unless he was present as a member of the Disciplinary Tribunal when the decision was deferred.
- (4) For sub-clause (1) (b) of this clause, a person shall be treated as guilty as therein mentioned, unless the guilt stands at a time when no appeal or further appeal is pending or may (without extension of time) be brought in connection with the direction.
- (5) When the Disciplinary Tribunal gives a direction under sub clause (1) of this clause, the Disciplinary Tribunal shall cause notice of the direction to be served on the person to whom it relates.
- (6) The person to whom such a direction relates may, at any time within twenty-eight days from the date of service on him/her of the notice of the direction, appeal against the direction to the Federal High Court and were necessary to the Court of appeal and the Disciplinary Tribunal shall appear as the respondent to the appeal and, to enable directions to be given as to the costs of the appeal and of proceeding before the Federal High Court of appeal the Disciplinary Tribunal shall be deemed to be a party thereto, whether or not it appeals the hearing of the appeal.
- (7) A direction of the Disciplinary Tribunal given under sub-clause (1) of this clause shall take effect where-

- (a) no appeal under this Clause is brought against the direction, within the time limit for such an appeal, or on the expiration of that time,
 - (b) such an appeal is brought and is withdrawn or struck out for want prosecution, on the withdrawal or striking out of the appeal;
 - (c) such an appeal is brought and is not withdrawn or struck out as aforesaid, if and when the appeal is dismissed and shall not take effect except in accordance with the foregoing provisions of this sub-clause.
- (8) A person whose name is struck off the register in pursuance of a direction of the Disciplinary Tribunal under this clause shall not be entitled to be registered again, except, in pursuance of a directive in that behalf and a direction under this clause for the striking off of a person's name from the register prohibit him from making an application for membership or restoration of his membership until after the period specified by the direction that his name should be struck off, and if he makes an application during the currency of the prohibition such as application shall be invalid.

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senator Emmanuel Y. Orker-Jev — Benue North West*) — *Agreed to.*

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

Clause 15: Application of this Bill to yet to be Registered Engineering Persons

- (a) A person who is not a member of any Engineering professional body established before the commencement of this Bill who but for this Bill, is qualified to apply for membership of the Chartered Institute of Electrical and Electronic Engineering established by this Bill, in such manner as may be prescribed by rules made by the Council, shall be given such opportunity to be registered in the category of membership appropriate in the current period for holders of the qualification he/she possesses.
- (b) A person who is not registered as EE Engineering professional with COREN but a practising electrical and electronic engineering personnel registered under any other engineering field with COREN, in such manner as may be prescribed by rules made by the Council shall be given opportunity to be registered in the category of membership appropriate in the current period for holders of such experience he/she possesses.

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senator Emmanuel Y. Orker-Jev — Benue North West*) — *Agreed to.*

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

Clause 16: Practice as a member of the Electrical and Electronic Engineering profession

A person other than a registered member of the Institute shall be deemed to practice as a member of the Engineering profession if, in consideration of remuneration received or to receive and whether by himself or in partnership with any other person-

- (a) he engages himself in the practice of Electrical and Electronic Engineering services or holds himself out to the public as a member of the Electrical and Electronic Engineering profession;
- (b) he renders professional service or assistance in or about matters of principle or detail relating to procedures; or
- (c) he renders any other service which may be by regulations made by the Council, be designated as service constituting practice as a member of the Electrical and Electronic Engineering profession.

Committee's Recommendation:

That the provision in Clause 16 be retained (*Senator Emmanuel Y. Orker-Jev — Benue North West*) — *Agreed to.*

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

Clause 17: Rules as to Practice etc.

- (1) The Council may make rules to guide training in Electrical and Electronic Engineering methods and practice.
- (2) The Council may also make rules-
 - (a) prescribing the amount and date for payment of the annual subscription and such purposes, a different amount may be prescribed by the rules according to the category of registration.
 - (b) Restricting the right to membership of the Institute in default of payment of the amount of the annual subscription where the default continues for more than one year or such period as may be prescribed by the rules.
 - (c) to the annual subscription, as may be prescribed, the Institute shall be obliged to issue the annual practicing certificate for all registered personnel in the Institute's register, spanning 12 calendar months upon the payment of the prescribed fee.
- (3) Rules when made under this clause, shall be published through the institute's communication media.
- (4) Any member of the institute who fails to pay the annual practicing fee for one year or such period as may be prescribed by the council may have his name removed from the register of members.

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senator Emmanuel Y. Orker-Jev — Benue North West*) — *Agreed to.*

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

Clause 18: Provision of Library Facilities etc.

The Institute shall-

- (a) provide and maintain relevant holdings both physical and electronics across the spectrum of Electrical and Electronic Engineering
- (b) encourage research into Electrical and Electronic Engineering theory and practice and allied subjects to the extent that the council may, from time to time, consider necessary.

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senator Emmanuel Y. Orker-Jev — Benue North West*) — *Agreed to.*

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

Clause 19: Offences and penalties, etc.

- (1) A person for the purpose of procuring the registration of any name, qualification or other matter who-
 - (a) makes a statement which he believes to be false in a material particular; or
 - (b) recklessly makes a statement which is false in a material particular, is guilty of an offence.
- (2) If, on or after the relevant date, any person who is not a member of the Institute practices or holds himself out to practices as Electrical and Electronic Engineering personnel for or in expectation of reward or takes or use the name, titles, addition or description implying that he is in practice as Electrical and Electronic Engineering personnel, he shall be guilty of an offence and be liable to prosecution under this Bill.

Provided that, in the case of a person falling within clause 17 of this Bill-

- (a) this sub-clause shall not apply in respect of anything done by him during the period of three months mentioned in that clause; and
 - (b) If within that period he duly applies for membership of the Institute then, unless within that period he is notified that his application has not been approved, this sub-clause shall not apply in respect of anything done by him between the end of that period and the date on which he is enrolled or registered or is notified as aforesaid.
- (3) The registrar or any other person employed by or on behalf of the institute who willfully makes any falsification in any matter relating to the register, shall be guilty of an offence.
 - (4) Where an offence under this clause which has been committed by a body corporate is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of any director, manager, secretary or other similar officers of the body corporate or any person purporting to act in any such capacity, he, as well as the body corporate, shall be deemed to have committed the offence and is liable on conviction by a court of competent jurisdiction

in the case of an individual to the punishment prescribed in sub-clause (4) of this clause and the case of a body corporate, to a fine of not less than ₦2,000,000.00

- (5) Any Client who engages a quack (unregistered EEE practitioner) has committed an offence under this Bill and is liable to a penalty.
- (6) A person who shall be guilty of an offence under this clause is liable on conviction to imprisonment for a term not exceeding two years or to a fine not less than ₦300,000.00 or both imprisonment and fine.

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senator Emmanuel Y. Orker-Jev — Benue North West*) — *Agreed to.*

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

Clause 20: Regulations

- (1) Any regulations, made under this Bill shall be published in the Institute's Journal or website.
- (2) Rules made for this Bill shall be subject to confirmation by the council at its next General Assembly or any special meeting of the Institute convened for the purpose, and if annulled shall cease to have an effect on the day after the date of annulment, but without prejudice, anything is done in pursuance or intended pursuance of any such rules.

Committee's Recommendation:

That the provision in Clause 20 be retained (*Senator Emmanuel Y. Orker-Jev — Benue North West*) — *Agreed to.*

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

Clause 21: Interpretation

In this Bill-

In this bill, the words imparting singular shall include the plural and vice versa, and the words imparting masculine shall include the feminine and vice versa.

"Bill" shall mean Chartered Institute of Electrical and Electronic Engineering of Nigeria, Bill, 2021

"Chartered Electrical and Electronic Engineering Personnel" means a person who has passed the professional competency examinations in his area of specialty and category of the Chartered Institute of Electrical and Electronic Engineering of Nigeria (CIEEN).

CIEEEN shall be the official abbreviation of the Chartered Institute of Electrical and Electronic Engineering of Nigeria

"The Profession" shall mean Electrical and Electronic Engineering

The generic name "Electrical and Electronic Engineering shall include among others the following fields engineering and engineering science: power engineering, electronics, clean energy, telecommunications, systems engineering, computer engineering, radio-frequency engineering, signal processing, broadcasting, instrumentation, optics and photonics, hardware engineering, power electronics, electromagnetics and waves, microwave

engineering, nanotechnology, electrochemistry, mechatronics, biomedical engineering, electrical materials science, robotics, artificial intelligence, machine learning, control and automation, avionics, quantum engineering, embedded/emerging technologies which cover Internet of Things, Big Data, blockchain technology, Electrical Manufacturing Industry, Electrical Maintenance, Construction and Contracting Industries. Application of electricity and electronics to medical science aeronautics, maritime, automobiles; Study, teaching, research and development pertaining to any field of engineering or applied sciences of Electricity and Electronics. "Certificate" means a certificate to practice as a chartered Electrical and Electronic Engineering Personnel issued by the institute;

"Council" means the council established as the governing body of the institute under clause 5 (1).

"Disciplinary Tribunal" means the chartered Institute of Electrical and Electronic Engineering of Nigeria Disciplinary Tribunal established under clause 14.

"Fees" includes Registration and annual practicing Certificate;

"Fit Person" means a person of good character, who is not an undercharged bankrupt and has not been convicted in Nigeria or elsewhere of any offence involving fraud or dishonesty or has not been so convicted since a period to be specified from time to time by the council.

"the Institute" means the Chartered Institute of Electrical and Electronic Engineering of Nigeria (CIEEEN) established under clause 1;

"Investigation panel" means the chartered Institute of Electrical and Electronic Engineering of Nigeria (CIEEEN) Investigation Panel established under clause 13.

"Member of The Electrical and Electronic Engineering" means a person registered by the institute as a member in his area of specialty and category

"President" and "Vice President" means the officeholders under those names in the Electrical and Electronic Engineering Institute respectively.

"Profession" Means the Electrical and Electronic Engineering profession;

"Register" means the register kept in pursuance of clause 9(9)(a) of this Act.

Committee's Recommendation:

That the provision in Clause 21 be retained (*Senator Emmanuel Y. Orker-Jev — Benue North West*) — *Agreed to.*

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

Clause 22: Citation

This Bill may be cited as the Chartered Institute of Electrical and Electronic Engineering of Nigeria Bill, 2022.

Committee's Recommendation:

That the provision in Clause 22 be retained (*Senator Emmanuel Y. Orker-Jev — Benue North West*) — *Agreed to.*

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

FIRST SCHEDULE

Clause 3 (5)

Qualification for Membership Categories

A person registered under this Bill is enrolled in any of the following categories:

1. Engineer
 2. Technologist
 3. Technician
 4. Craftsman
 5. Corporate Firm
1. Engineer; Qualifications for registration as an engineer (B.Eng, B.Sc and B.Tech)
 2. Technologist; Qualifications for registration as technologist [HND]
 3. Technician; Qualifications for registration as technician [OND]
 4. Craftsman; Qualifications for registration as craftsman [TTC]
 5. Corporate Firm; a company in which the director or one of the board of directors must be an electrical or electronic engineer as in 1(2)[©].

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

SECOND SCHEDULE

[Clause 5 (3)]

Qualifications and tenure of office of a member of the council

1. (1) Subject to the provisions of this paragraph, a member of the council shall hold office for two (2) years beginning with the date of his appointment or election.
- (2) A member of the Institute who ceases to be a member thereof shall if he is also a member of the Council cease to hold office in the Council.
- (3) A member of the council may, by notice in writing under his hand addressed to the President resign his office.
- (4) Member of the council shall at its meeting next before the general meeting of the Institute, arrange for the replacement of elected members of the council who are longest in office to retire at that general meeting.
- (5) Election to the council shall be held in such manner as may be prescribed by rules made by the council and until so otherwise decided, they shall be decided by secret ballot
- (6) If for any reason there is a vacation of office by a member and
 - (a) Such member was appointed by the council or any other body, the Council or that body may appoint another fit person from the area in respect of which the vacancy occurs; or
 - (b) Such member was elected, the Council may if the time between the unexpired term of office and the next general meeting of the Institute appears to warrant the filling of the vacancy, co-opt some fit person for such time as aforesaid.

Power of the Council

2. The Council shall have the power to carry out the activities of the Institute within the scope of this bill.

Standing Orders

3. (1) Subject to the provision of this Bill, the Council may in the name of the Institute make standing orders regulating the proceedings of the Institute or the Council, and in the exercise of its power under this Bill, may set up committees in the general interest of the institute and make standing orders thereof.
- (2) Standing orders shall provide for the decision to be taken by a majority of the members, and in the event of an equality of votes, the President or the chairman, as the case may be, shall have a second or casting vote.
- (3) Standing orders made for a committee shall provide for the committee to report back to the council on any matter referred to it by the council.
- (4) The quorum of the Council shall be 50% or the nearest highest whole number. However, if the meeting is unable to form a quorum on the first instant, the number of members in attendance in the next meeting will be considered a quorum. This meeting shall only hold after wide publicity has been given.

General Assembly of the Institute

4. (1) The Council shall convene the annual General Assembly of the Institute as may be determined by the council.

Provided that, a notice of the annual general meeting shall be given to all members at any time and if not later than twenty-one day from the date of the meeting. The General Assembly may be wholly in persons, or virtual or both

- (2) A special general meeting of the Institute may be convened by the council at any time and if not less than twenty members of the institute so required, by notice in writing addressed to the chairman of the council setting out the object of the proposed meeting, the chairman of the council shall convene a special general meeting of the institute.

Provided that, a notice of the special general meeting shall be given to all members of the institute not later than twenty-one day from the date of the meeting.

- (3) The quorum of any general meeting of the Institute and that of a special general meeting of the institute shall each be fifty members.

Meeting of the Council

5. (1) Subject to the provisions of any standing order of the council, the council shall meet whenever it is summoned by the council and the chairman is required to do so, by notice in writing given to him by no less than five other members, he shall summon a meeting of the council to be held within fourteen days from that date on which the notice is given. The Council meeting shall be held in the following forms; wholly in person, or virtual or both.
- (2) At the meeting of the council, the chairman or in his absence, the Vice-Chairman shall preside.
- (3) Where the Council desires to obtain the service of any person on a matter, the council may co-opt him as a member for such period as the council may think fit, but a person who is a member under sub-paragraph shall not count towards a quorum.

Committee

6. (1) The Council may appoint one or more committees to carry out on behalf of the institute or council such function as the council may determine.
- (2) A committee appointed under this paragraph shall consist of the number of persons determined by the council, of whom not more than one-third may be the persons who are not members of the council and a person other than a member of the council shall hold office on the committee in accordance with the terms of the letter by which he/she is appointed.
- (3) Decisions of a Committee of the council shall be of no effect until it is confirmed by the Council. Committee meetings may be wholly in persons, or virtual or both

Miscellaneous

7. (1) The fixed seal of the institute shall be authenticated by the signature of the Registrar or some other member of the council authorized generally or especially by the institute to act for that purpose.
- (2) Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the institute or of the council, as the case may require, by any person generally or specially authorized to act for that purpose by the council.
- (3) Any document purporting to be a document, duly executed under the seal of the Institute shall be received in evidence and shall unless the contrary is proved to be deemed to be so executed.
8. The validity of any proceedings of the institute or the council or a committee of the council shall not be adversely affected by any vacancy in membership or by any defect in the appointment of a member of the institute or the council or of a person to serve on the committee or by reason that a person not entitled to do so, took part in the proceeding.
9. Any member of the institute or of the council or any person holding office on a committee of the council, who has a personal interest in any contract or arrangement entered into or proposed to be considered by the council on behalf of the institute or by a committee of the council on behalf of the council, shall forthwith disclose his interest to the committee or the council, as the case may be and shall not vote on any question relating to the contract or arrangement.
10. A person shall not by reason only of his membership of the institute be treated as holding an office in the public service of the Federation.

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

THIRD SCHEDULE

[Clause 14 (9)]

Supplementary provisions relating to the disciplinary Tribunal and Investigating Panel

The Disciplinary Tribunal

1. The quorum of the Disciplinary Tribunal shall be five members

2. (1) The Attorney - General of the Federation shall make rules as to the selection of members of the Disciplinary Tribunal for any proceedings and as to the procedure to be followed and the rules of evidence to be observed in proceedings before the Disciplinary Tribunal.
- (2) The rules shall in particular provide:
 - (a) For securing that notice of the proceeding shall be given at such time and in such manner, as may be specified by the rules, to the person who is the subject of the proceedings.
 - (b) For determine who, in addition to the person who is the subject of the proceedings;
 - (c) For securing that any party to the proceeding shall, if he so requires, be entitled to be heard by the Tribunal.
 - (d) For securing that any party to the proceeding may be represented by a legal practitioner;
 - (e) Subject to the provisions of clause 14 (6) of this Bill, as to the cost of proceedings before the Disciplinary Tribunal.
 - (f) For requiring, in any case where it is alleged that the person who is the subject of the proceedings involved himself in unprofessional conduct in any professional respect, that where the Disciplinary Tribunal adjudges that the alleged has not been provided, it shall record a finding that the person is not guilty of such conduct in respect of the matter to which the allegation relates; and
 - (g) For publishing notice of any direction of the Tribunal which has taken effect, providing that a person's name shall be struck off a register.
3. For any proceedings before the Tribunal, any member of the Tribunal may administer oaths and any party to the proceedings may issue out of the registry of the Federal High Court writs of subpoena and testudinatium and deuces tecum, but no person appearing before the Disciplinary Tribunal shall be compelled-
 - (a) To make any statement before the Tribunal tending to incriminate himself; or
 - (b) To produce any document under such a writ which he could not be compelled to produce at the trial of an action.
4. (1) To advise the Tribunal on the question of law arising in the proceedings before it, there shall in all such proceedings by an assessor to the Disciplinary Tribunal who shall be appointed by the Council on the nomination of the Attorney - General of the Federation and shall be a legal practitioner of not less than seven years standing.
- (2) The Attorney General of the Federation shall make rules as to the functions of assessor appointed under this paragraph and in particular such rules shall contain a provision for securing that-
 - (a) Where an assessor advises the Disciplinary Tribunal on any question of law as to evidence, procedure or any other matters specified by the rules, he shall do so in the presence of every party or a person representing a party to the proceedings who appears there or if the advice is tendered while the Tribunal is deliberating in private that every such party or person as aforesaid shall be informed of the assessor on such a question as aforesaid.

- (b) Every such party or person as aforesaid shall be informed if in any case, the Tribunal does not accept the advice of the assessor on such a question as aforesaid.
- (3) An Assessor may be appointed under this paragraph either generally or for any particular proceedings or class proceedings and shall hold and vacate office in accordance with the terms of the letter by which he was appointed.

The Investigation Panel

5. The quorum of the Investigation Panel shall be Five
6. (1) The Investigation panel may, at any of its meetings attended by all the members of the investigating panel, make standing orders concerning the Investigation Panel.
- (2) Subject to the provisions of any such standing orders, the Investigation Panel may regulate its proceeding.

Miscellaneous

7. (1) A person ceasing to be a member of the investigation panel of the Disciplinary Tribunal shall be eligible for re-appointment as a member of the Investigation Panel or Disciplinary Tribunal as the case may be; however, nobody shall serve in the Investigation Panel for more than two consecutive terms totalling four years and nobody shall serve in 2 investigation panels at the same time
- (2) A person may, if otherwise eligible, be a member of both the Disciplinary Tribunal and the Investigating Panel, but no person who acted as a member of the Investigating panel concerning any case shall act as a member of the Disciplinary Tribunal with respect to that case.
8. The Investigating Panel or the Disciplinary Tribunal may act, notwithstanding any vacancy in its membership, and the proceedings of either body shall be invalidated by any irregularity in the appointment of a member of that body or subject to paragraph 7 (2) of this schedule by reason of the fact that any person who was not entitled to do so took part in the proceedings of that body.
9. Any document authorized or required by virtue of this Act to be served on the Disciplinary Tribunal or the Investigating Panel shall be served on the Registrar.
10. Any expenses of the Disciplinary Tribunal or the Investigation panel shall be defrayed by the Institute.

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

Chairman to report Bill.

(SENATE IN PLENARY)

The President of the Senate reported that the Senate in the Committee of the Whole considered the Report of the Committee on Establishment and Public Service on a Bill for an Act to Provide for Establishment of the Chartered Institute of Electrical and Electronic Engineering of Nigeria to Certify, Regulate and Determine the Standards of Knowledge and Practice to Be Attained by Persons Seeking to Become Chartered Electrical and Electronic Engineering Personnel; and for Related Matters, 2022 and approved as follows:

Schedules 1-3 — As Recommended

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

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

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

12. **Committee on Works:**

Report on the Public Private Partnership Regulatory Commission Bill, 2022 (SB. 823):

Motion made: That the Senate do receive and consider the Report of the Committee on Works on the Public Private Partnership Regulatory Commission Bill, 2022 (*Senator Muhammad A. Adamu — Kebbi Central*).

Question put and agreed to.

Report Laid and 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)

CONSIDERATION OF THE REPORT OF THE COMMITTEE ON WORKS ON A BILL FOR AN ACT TO REPEAL THE INFRASTRUCTURE CONCESSION REGULATORY COMMISSION (ESTABLISHMENT) ACT 2005 AND ENACT THE PUBLIC PRIVATE PARTNERSHIP REGULATORY COMMISSION ACT, 2022 TO STRENGTHEN AND ENHANCE THE SUPERVISORY ROLE OF THE COMMISSION AND EFFECTIVELY POSITION IT IN REGULATING THE PARTICIPATION OF THE PUBLIC AND PRIVATE SECTORS IN THE FINANCING OF CONSTRUCTION, DEVELOPMENT, DESIGNING, OPERATION OR MAINTENANCE OF INFRASTRUCTURE OR DEVELOPMENT PROJECTS OF THE FEDERAL GOVERNMENT THROUGH PUBLIC PRIVATE PARTNERSHIP ARRANGEMENTS; AND FOR RELATED MATTERS, 2022

PART 1 — PRELIMINARY

Clause 1: Private Sector Participation In Federal Infrastructure

- (1) As From the commencement of this Bill any Federal Government Ministry, Department, Agency Corporation or Body" (in this Bill referred to as Public Infrastructure Entity) involved in the financing, construction, operation, management or maintenance of infrastructure by whatever name called may enter into a Public Private Partnership Contract with any project proponent in the private sector for the design, finance, construction, operation, management or maintenance of any infrastructure, service or any development facility of the Public Infrastructure Entity in accordance with the provisions of this Bill.
- (2) A Public Infrastructure Entity proposing to enter into a Public Private Partnership arrangement with a private entity shall do so by means of a duly executed contractual agreement in accordance with the provisions of this Bill.

- (3) The provisions of this Bill shall govern all Public Private Partnership contracts involving every Public Infrastructure Entity.
- (4) In all Public Private Partnership project procurement, the provisions of this Bill shall prevail. If any other law on Public Private Partnership project procurement is inconsistent with the provisions of this Bill, that other law shall to the extent of the inconsistency be void.
- (5) Failure to comply with the provisions of this Bill or any regulation issued by the Commission under this Bill in Public Private Partnership contract shall render such contract unlawful and ineffective.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senator Muhammad A. Adamu — Kebbi Centra*)
— Agreed to.

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

PART II — OBJECTIVES OF PUBLIC PRIVATE PARTNERSHIP

Clause 2: Objectives of Public Private Partnership

- (a) facilitate private sector investment in the provision of new and maintenance of existing infrastructure and other public assets in an effective and efficient manner;
- (b) attract private and public financial resources for investment in necessary social services relevant to national development;
- (c) ensure the provision of reliable public services by deploying private sector skills in project financing, risk management, project planning, use of new technologies and ensure greater efficiency and value for money in the provision of public infrastructure and services;
- (d) strengthen institutional governance by improving public sector management skills and accountability in the construction, financing, designing, rehabilitation and provision of infrastructure and services; and
- (e) provide a clear, transparent, and well-defined legal regulatory and institutional framework for enhancing investment and proper allocation of risks in the provision of infrastructure and related services.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senator Muhammad A. Adamu — Kebbi Centra*)
— Agreed to.

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

Clause 3: Prioritization of projects

- (1) Every Public Infrastructure Entity shall prioritize its infrastructure projects and identify priority projects that qualify for Public Private Partnership under this Bill. Annually every Federal Government Ministry, Department, Agency, Corporation or body" shall priorities its infrastructure projects and identify projects that qualify for Public Private Partnership under and this Bill in line with the guidelines that

may be issued by the Commission from time to time to time.

- (2) In all Public Private Partnership project procurement relating to Transaction Advisory Services, the Public Procurement Act 2007, and the Public Procurement Regulations shall apply.
- (3) The National Public Private Partnership pipeline of projects shall be submitted to the Federal Executive Council for approval by the Commission.
- (4) The Federal Executive Council shall approve the Full Business Case for projects above the given threshold as stipulated in the regulations to be issued by the Commission.
- (5) The Commission shall publish periodically, in the official Gazette and in at least 3 newspapers having wide circulation in Nigeria and on the websites of the Federal Ministry of Finance and the Commission, the list of infrastructure projects eligible for Public Private Partnership and related arrangements under this Bill.
- (6)
 - (1) There is hereby established a National Council on Public Private Partnerships (in this Bill referred to as the "Council")
 - (2) Except as otherwise provided under this Bill, the Council shall provide advice generally to the Board having regard to the objects of the Commission under this Bill
 - (3) The Council shall, in the discharge of its duties, observe the independence of the of the Board and officers of the Commission.
 - (4) The Council shall hold meetings as frequently and at intervals as required but not less than one (1) meeting every quarter.
 - (5) Unless otherwise stated in this Bill, any resolution of the Council shall be passed by simple majority vote of members of the Council.
 - (6) The Public Private Partnership Approval Committee shall consist of —
 - (a) The Secretary to the Government of the Federation
 - b) The Minister of Budget and National Planning
 - (c) The Minister of Finance
 - (d) The Minister of Justice and Attorney General of the Federation
 - (e) The Minister of Trade and Investment
 - (f) The Governor of the Central Bank of Nigeria
 - (g) The Director-General of the Commission who shall be the Secretary to the Committee.

- (7) The National Council on Public Private Partnerships shall consist of —
- (a) The Vice-President, as Chairman
 - (b) The Secretary to the Government of the Federation, as Vice-Chairman
 - (c) The Minister of Budget and National Planning
 - (d) The Minister of Finance
 - (e) The Minister of Justice and Attorney General of the Federation
 - (f) The Minister of Trade and Investment
 - (g) The Governor of the Central Bank of Nigeria
 - (h) The Director-General of the Commission who shall be the Secretary to the Committee
- (8) The Public Private Partnership Approval Committee shall have powers to approve final business case for projects below a given threshold as stipulated in the regulations to be issued by the Commission.
- (9) The Commission shall provide, at least every 12 months, a report, in writing, on its performance and issues relating to the Commission's objectives under this Bill.
- (10) Notwithstanding the provisions of clause 3(5) of this clause, the Council may co-opt the supervising Minister of an affected Public Infrastructure Entity to attend relevant meetings of the council

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senator Muhammad A. Adamu — Kebbi Centra*)
— *Agreed to.*

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

**PART III — PROCUREMENT RULES RELATING TO PUBLIC
PRIVATE PARTNERSHIP AGREEMENTS**

Clause 4: Guarantees on Undertakings

- (a) In entering into any contract or granting any concession under sub-clause (1) of this clause, the Public Infrastructure Entity shall ensure that the project proponent possesses the financial capacity, relevant expertise and experience to undertake the infrastructure development or maintenance
- (b) A Public Infrastructure Entity shall not give any guarantee, letter of comfort or undertaking in respect of any Public Private Partnership Agreement, except with the approval of the Federal Executive Council

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senator Muhammad A. Adamu — Kebbi Centra*)
— *Agreed to.*

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

Clause 5: Advertisement Requirement

- (1) Where approval is granted under clause 1 subclauses (2) and (3) for the procurement of a project by way of Public Private Partnership under this Bill, the Public Infrastructure Entity shall, through advertisement in at least 3 newspapers having wide circulation in Nigeria invite public bids for such a Project approved under this Bill.

All projects above the threshold approval pursuant to this Bill shall be advertised in at least one internationally recognized publication.

- (2) Notwithstanding subclause (1) above and if after advertisement in accordance with clause 5 (1) where
- (i) only one Private sector Entity apply or submit s a bid or proposal, or
- (ii) only one private sector entity meets the prequalification requirements,

The Public Infrastructure Entity may undertake direct negotiation without competitive bidding for any contract to be entered into pursuant to clause 1 of this Act.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senator Muhammad A. Adamu — Kebbi Centra*)
— *Agreed to.*

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

Clause 6: Solicited bids

A project which is a solicited or unsolicited project may be presented to Federal Executive Council by the relevant Public Infrastructure Entity for approval on recommendation of the Commission to enter into contract with the Private Sector Entity by direct invitation and direct appointment without undergoing the bidding process in clause 5 in the following instance — where the project is for public benefit or public interest and involves the protection of national security and where the Federal Executive Council authorizes such an exception, the Commission shall issue guidelines on direct invitation and direct appointment of Private Sector Entities by the Public Infrastructure Entities.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senator Muhammad A. Adamu — Kebbi Centra*)
— *Agreed to.*

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

Clause 7: Unsolicited bids

Unsolicited proposals to Public Infrastructure Entity shall be governed by the regulation and guidelines issued by the Commission, from time to time.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senator Muhammad A. Adamu — Kebbi Centra*) — Agreed to.

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

Clause 8: Participation by Consortium

- (a) Where a consortium participates in a bid under this Bill, the consortium shall give an undertaking that all its members shall be bound jointly and severally under the contract.
- (b) Where a consortium has been contracted, there shall be proof by the consortium that all its members shall be bound jointly and severally under the contract and the withdrawal of any member of the consortium before or during the implementation of the project may be a ground for review or possible cancellation of the contract.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senator Muhammad A. Adamu — Kebbi Centra*) — Agreed to.

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

Clause 9: Duration of Concession

The duration of any Public Private Partnership Agreement shall be as may be specified in the agreement or contract governing the Public Private Partnership Agreement.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senator Muhammad A. Adamu — Kebbi Centra*) — Agreed to.

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

Clause 10: Payment of Incurred Costs

The amount expended by any Private Sector Entity who enters into and executes any contract for planning, designing, financing, construction, operation, maintenance of infrastructure or services under any Public Private Partnership Agreement under this Bill, may subject to the Public Private Partnership Agreement be recovered by user charges and/or by payments from the Public Infrastructure Entity, to such proponent or contractor, by way of annuity, availability, or performance payment.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senator Muhammad A. Adamu — Kebbi Centra*) — Agreed to.

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

Clause 11: Payment to Public Infrastructure Entity from Proceeds of concession

There is hereby established in the Central Bank of Nigeria an account to be known as the Special Public Private Partnership Account into which shall be paid the net proceeds of money accruing to the Government and received from Public Private Partnership Projects in such sums and at such intervals as may be provided in the Public Private Partnership Agreement, including but not limited to payments such as signature fees, license fees, royalties, leases and penalties.

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senator Muhammad A. Adamu — Kebbi Centra*) — *Agreed to.*

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

Clause 12: Special Concession Account

Any Private Sector Entity that has been granted a Public Private Partnership Agreement shall make payments to the Special Public Private Partnership Account established by Clause 11 of this Act, under the name of the relevant Public Infrastructure Entity, of such sums and at such intervals, from the proceeds realized from the implementation of the Project as may be provided in the Public Private Partnership Agreement.

Provided that statutory payment such as taxes and other statutory fees which are subject to any other legislation shall not be paid in the Special Public Private Partnership Account.

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senator Muhammad A. Adamu — Kebbi Centra*) — *Agreed to.*

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

Clause 13: Supervision of Projects

Subject to the provisions of this Bill, the Public Infrastructure Entity shall supervise the Project in respect of which a Private Partnership Agreement has been granted by it under this Bill.

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senator Muhammad A. Adamu — Kebbi Centra*) — *Agreed to.*

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

Clause 14: Inspection of Projects

The Commission or the Public Infrastructure Entity shall on reasonable notice to the Private Sector Entity, have the power at any time, to demand or inspect any documents, enter into and inspect any land or asset comprised in any Project granted or Private Partnership Agreement executed pursuant to this Bill, and it shall be the duty of the Private Sector Entity, the Contractor or any one acting on its behalf to permit and grant access for any such purposes.

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senator Muhammad A. Adamu — Kebbi Centra*) — *Agreed to.*

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

Clause 15: Prohibition against suspension, cancellation. Etc of agreements

Public Private Partnership Agreements under this Bill shall not be suspended, stopped, cancelled or altered except as provided for in the Agreement, or under the provisions of this Bill or other legislation.

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senator Muhammad A. Adamu — Kebbi Centra*)
— Agreed to.

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

Clause 16: Right of way

A Private Sector Entity that has been awarded a Public Private Partnership Contract shall have a right of way or easement in respect of the project area and it shall be the responsibility of the Public Infrastructure Entity to ensure that the Private Sector Entity has unfettered access to the project area.

Committee's Recommendation:

That the provision in Clause 16 be retained (*Senator Muhammad A. Adamu — Kebbi Centra*)
— Agreed to.

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

PART IV— ESTABLISHMENT OF THE PUBLIC PRIVATE
PARTNERSHIP REGULATORY COMMISSION

Clause 17: Establishment of the Public Private Partnership Regulatory Commission

- (1) There is established the Public Private Partnership Regulatory Commission (in this Bill referred to as "the Commission").
- (2) The Commission —
 - (a) shall be a body corporate with perpetual succession and a common seal;
 - (b) may sue or be sued in its corporate name; and
 - (c) may acquire, hold or dispose of any property, movable or immovable for the purpose of carrying out any of its functions under this Bill.
- (3) The head office of the Commission shall be situated in the Federal Capital Territory, Abuja, and the Commission may establish other offices as may be necessary.

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senator Muhammad A. Adamu — Kebbi Centra*)
— Agreed to.

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

Clause 18: Establishment of the Governing Board

- (1) There is established for the Commission, a governing Board (in the Bill referred to as "the Board") and shall have general supervision over the affairs of the Commission
- (2) The Board shall consist of —
 - (a) a part-time Chairman;
 - (b) part-time members consisting of one person each from the six geo-political zones of Nigeria, with cognate experience and expertise in law, business administration, engineering,

economics, public administration, or any other relevant qualification, provided that not less than two of the six members shall be women,

- (c) the Director-General of the Commission who shall be the Secretary of the Board.
- (3) The Chairman and members of the Commission, other than ex-officio members, shall be appointed by the President subject to confirmation by the Senate.
- (4) The supplementary provisions set out in the Schedule to this Act shall have effect with respect to the proceedings of the Board and the other matters mentioned therein.

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senator Muhammad A. Adamu — Kebbi Centra*) — *Agreed to.*

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

Clause 19: Tenure of Office

The Chairman and other members of the Commission, other than ex-officio members shall hold office —

- (a) for a term of 4 years in the first instance and may be re-appointed for another term of 4 years and no more; and
- (b) on such other terms and conditions as may be specified in their respective letters of appointment.

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senator Muhammad A. Adamu — Kebbi Centra*) — *Agreed to.*

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

Clause 20: Cessation of membership

- (1) Notwithstanding the provisions of Clause 19 of this Bill, a member of the Board shall cease to hold office if the member —
 - (a) resigns his appointment as a member of the Board by notice, under his hand, addressed to the President;
 - (b) becomes of unsound mind;
 - (c) becomes bankrupt or makes a compromise with his creditors;
 - (d) is convicted of a felony or of any offence involving dishonesty or corruption; or
 - (e) becomes incapable of carrying out the functions of his office either as a result of an infirmity of mind or body.
- (2) The President may also remove a member if he is satisfied that it is not in the interest of the Commission or in the interest of the public for the member to continue in office.

- (3) Where a vacancy occurs in the membership of the Board, it shall be filled by the appointment of a successor to hold office for the remainder of the term of office of his predecessor, so however that the successor shall represent the same interest as his predecessor.

Committee's Recommendation:

That the provision in Clause 20 be retained (*Senator Muhammad A. Adamu — Kebbi Centra*)
— *Agreed to.*

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

Clause 21: Remuneration of members

The Chairman and members of the Commission, other than ex-officio members shall be paid such emoluments, allowances and benefits as may be recommended by the Revenue Mobilization Allocation and Fiscal Commission.

Committee's Recommendation:

That the provision in Clause 21 be retained (*Senator Muhammad A. Adamu — Kebbi Centra*)
— *Agreed to.*

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

PART V — POWERS OF THE BOARD AND FUNCTIONS OF THE COMMISSION

Clause 22: Power of the Board

The Board shall have power to—

- (a) set the general policy guidelines relating to the functions of the Commission;
- (b) superintend over the policies and management of the affairs of the Commission;
- (c) subject to the provisions of this Bill, make and alter rules and regulations for carrying out the functions of the Commission;
- (d) determine the terms and conditions of service of staff and employees of the Commission;
- (e) fix the remuneration, allowances and benefits of the staff and employees of the Commission in consultation with the National Salaries, Income and Wages Commission;
- (f) prescribe a code of conduct for the Commission; and
- (g) do such other things which in the opinion of the Board are necessary to ensure the efficient performance of the functions of the Commission under this Bill.

Committee's Recommendation:

That the provision in Clause 22 be retained (*Senator Muhammad A. Adamu — Kebbi Centra*)
— *Agreed to.*

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

Clause 23: Functions of the Commission

The Commission shall —

- (a) set policies and guidelines for Public Private Partnership Projects.
- (b) take custody of every Public Private Partnership Contract, and monitor compliance with the terms and conditions of such contracts
- (c) disclose information on key features of all Public Private partnership Contracts to the general public in line with the Commission's guidelines on disclosure.
- (d) provide regulatory guidance to a Public Infrastructure Entity or Private Sector Entity in planning, designing, financing, constructing, operating, maintaining or managing any Public Private Partnership Project and Public Private Partnership Contract
- (e) ensure efficient implementation of concession agreements or contracts entered into by the Public Infrastructure Entity for the provision of infrastructure;
- (f) enforce compliance with the provisions of this Bill in the structuring of Public Private Partnership projects; and
- (g) perform such other duties as may be directed by the President, from time to time, and as are necessary or expedient to ensure the efficient performance of the functions of the Commission under this Bill.

Committee's Recommendation:

That the provision in Clause 23 be retained (*Senator Muhammad A. Adamu — Kebbi Centra*)
— *Agreed to.*

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

Clause 24: Power of the Commission.

In the exercise of its functions under this Bill, the Commission shall have power to —

- (a) provide guidance on the review of any Public Private Partnership Agreement where the Commission considers such review necessary;
- (b) direct any parties to Public Private Partnership Contract to provide any necessary information that may be required;
- (c) inspect and monitor performance of Public Private Partnership Agreement under this Bill to ensure the fulfilment of obligations and the efficient execution and compliance of all parties with the terms and conditions of the contract;
- (d) investigate any report or complaints of noncompliance with the provision of any contract or violation of any of the provision of this Bill;
- (e) issue certificate of compliance on Public Private Partnership Projects where the project satisfies the provisions of this Bill, the National Policy on Public Private Partnership, and other guidelines issued by the Commission from time to time.

- (f) engage the services of consultants and technical advisers as may be required to effectively carry out the functions of the Commission
- (g) facilitate an Alternative Dispute Resolution Process arising from the Public Private Partnership procurement process or Public Private Partnership Agreement;
- (h) impose sanctions or appropriate penalties to ensure compliance with the provisions of this Bill, regulations or guidelines issued by the Commission;
- (i) approve outline business cases submitted to the Commission by Public Infrastructure Entities.
- (j) recommend to the Federal Executive Council projects which Public Infrastructure Entities may enter into by direct invitation and direct appointment as provided by clause 5(1).
- (k) develop guidelines and policies for PPP practitioners involved in the delivery of PPP projects.
- (l) carry out Public Private Partnership development capacity and programmes.
- (m) charge fees for its services; and
- (n) exercise such other powers as are necessary to enable the Commission to effectively carry out its functions under this Bill.

Committee's Recommendation:

That the provision in Clause 24 be retained (*Senator Muhammad A. Adamu — Kebbi Centra*)
— *Agreed to.*

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

PART VII — STAFF OF THE COMMISSION

Clause 25: Appointment of Director-General

- (1) There shall be for the Commission a Director-General who shall be —
 - (a) appointed by the President subject to confirmation by the Senate;
 - (b) the chief executive and accounting officer of the Commission;
 - (c) responsible for the execution of the policy and day-to-day, administration of the Commission; and
 - (d) a member and the secretary to the Board
- (2) The Director-General shall hold office —
 - (a) for a term of 4 years in the first instance, and may be reappointed for another term of 4 years and no more; and
 - (b) on such other conditions as may be specified in his letter of appointment.

- (3) Notwithstanding the provisions of subclause (2) of this clause, the Director-General may —
- (a) resign his appointment by a notice in writing under his hand, addressed to the President through the Board; or
 - (b) be removed by the President for inability to discharge the functions of his office whether arising from infirmity of mind or body or for proven misconduct.

Committee's Recommendation:

That the provision in Clause 25 be retained (*Senator Muhammad A. Adamu — Kebbi Centra*)
— *Agreed to.*

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

Clause 26: Other staff of the Commission

The Commission may, subject to the approval of the Board, appoint such other staff as it may deem necessary and expedient, from time to time —

- (a) for the proper and efficient performance of the functions of the Commission; and
- (b) on such terms and conditions as may be determined by the Board.

Committee's Recommendation:

That the provision in Clause 26 be retained (*Senator Muhammad A. Adamu — Kebbi Centra*)
— *Agreed to.*

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

Clause 27: Pension

- (1) Officers and employees of the Commission shall be entitled to pensions and other retirement benefits as provided under the Pension Reform Act 2014.
- (2) Without prejudice to the provisions of subclause (1) of this clause, nothing in this Bill shall prevent the appointment of a person to any office on terms and conditions, which preclude the grant of pension, or other retirement benefits in respect of that office.
- (3) For the purposes of the application of the provisions of the Pension Reform Act in force, any power exercisable by a Minister or other authority of a Public Infrastructure Entity, other than the power to make regulations, under Clause 23 of the Pension Reform Act, 2014, is 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 27 be retained (*Senator Muhammad A. Adamu — Kebbi Centra*)
— *Agreed to.*

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

Clause 28: Funds of the Commission

The Commission shall establish and maintain a Fund into which shall be paid —

- (a) all subvention and budgetary allocations from the Federal Government;
- (b) grants from the Federal Government;
- (c) gifts, loans and grant-in-aid from national, bilateral and multilateral organizations and agencies; and
- (d) fees and funds accruing from internally generated funds of the Commission, including —
 - (i) amount due to the Commission from the Special Public Private Partnership Account,
 - (ii) penalties from violation of the provisions of this Bill,
 - (iii) fees that may be charged by the Commission for registering Public Private Partnership Agreements under this Bill,
 - (iv) training, workshop, consultancy and advisory services fees, and
 - (v) fees on publications and information bulletin.

Committee's Recommendation:

That the provision in Clause 28 be retained (*Senator Muhammad A. Adamu — Kebbi Centra*) — *Agreed to.*

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

Clause 29: Expenditure of the Commission

The Commission shall, from time to time, apply the proceeds of the Fund established under clause 28 of this Bill —

- (a) to the cost of administration of the Commission;
- (b) to the payment of the emoluments, allowances and benefits of members of the Board and for reimbursing members of the Board or of any committee set up by the Board in accordance with the amount prescribed by the Revenue Mobilization Allocation and Fiscal Commission;
- (c) to the payment of the salaries, fees or other remuneration, or allowances and pensions, and other benefits payable to the staff and other employees of the Commission, provided that no payment of any kind under this paragraph, except such as may be expressly authorized by the Board, shall be made to any person who is in receipt of emolument from any other Public Infrastructure Entity of the Federation or of a State;
- (d) for the development and maintenance of any property vested in or owned by the Commission;

- (e) for maintaining general financial reserves subject to general or specific directives that may be given on that behalf by the President in accordance with the provisions of this Bill; and
- (f) for and in connection with all or any of its functions under this Bill.

Committee's Recommendation:

That the provision in Clause 29 be retained (*Senator Muhammad A. Adamu — Kebbi Centra*)
— *Agreed to.*

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

Clause 30: Annual estimate and account

- (1) The Commission shall, not later than 30th September in each year, submit to the President an estimate of its expenditure and income for the next succeeding year.
- (2) The Commission shall keep proper accounts in respect of each year and proper records in relation to those accounts and shall cause its accounts to be audited within six months after the end of each year by auditors appointed from the lists and in accordance with the guidelines supplied by the Auditor-General of the Federation.

Committee's Recommendation:

That the provision in Clause 30 be retained (*Senator Muhammad A. Adamu — Kebbi Centra*)
— *Agreed to.*

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

Clause 31: Annual Report

The Commission shall prepare and submit to the President not later than 30th June in each year a report in such form as the President may direct on the activities of the Commission during the immediate preceding year, and shall include in the report a copy of the audited accounts of the Commission for that year and of the auditor's report.

Committee's Recommendation:

That the provision in Clause 31 be retained (*Senator Muhammad A. Adamu — Kebbi Centra*)
— *Agreed to.*

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

Clause 32: Power to accept gift

- (1) The Commission may accept gifts of land, money or other property.
- (2) The Commission shall not accept any gift if the conditions attached by the person or organization making the gift are inconsistent with the functions of the Commission.

Committee's Recommendation:

That the provision in Clause 32 be retained (*Senator Muhammad A. Adamu — Kebbi Centra*)
— *Agreed to.*

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

PART VII — INCENTIVE FOR PUBLIC PRIVATE PARTNERSHIP PROJECTS

Clause 33: Financial Incentives or Investment Support

- (1) Where it is necessary to attract private investment into a specific Public Private Partnership project, the Federal Government may approve the grant of financial incentives or investment support to any approved project on the recommendation of the Commission.
- (2) The financial incentives or investment support referred to in sub-clause (1) of this clause may include —
 - (a) equity participation by Public Infrastructure Entity as may be determined by the Federal Ministry of Finance
 - (b) direct subsidies in respect to any project;
 - (c) granting of loans and other similar support to specific projects; and
 - (d) reduction of or exemption from certain fiscal regimes and incentives to investors which are provided for in existing laws.
 - (e) any other incentive as may, from time to time, be approved by the Government

Committee's Recommendation:

That the provision in Clause 33 be retained (*Senator Muhammad A. Adamu — Kebbi Centra*)
— *Agreed to.*

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

PART IX — LEGAL PROCEEDINGS

Clause 34: Service of documents

A notice, summons or other document required or authorised to be served on the Commission under the provisions of this Bill or any other law or enactment may be served by delivering it to the office of the Director-General or by sending it by registered post, addressed to the Director-General at the head office of the Commission

Committee's Recommendation:

That the provision in Clause 34 be retained (*Senator Muhammad A. Adamu — Kebbi Centra*)
— *Agreed to.*

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

Clause 35: Pre-action notice

- (1) In any action or suit against the Commission, a process shall not be issued against the Commission except not less than one month notice of the intention to commence the action has been given to the Commission.
- (2) Any sum of money which by the judgment of any court has been awarded against the Commission shall, subject to any direction given by the court, where no notice of appeal against the judgment has been given, be paid from the Fund of the Commission.

Committee's Recommendation:

That the provision in Clause 35 be retained (*Senator Muhammad A. Adamu — Kebbi Centra*)
— *Agreed to.*

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

Clause 36: Indemnity for members of the Board, the Director-General and staff of the Commission

The Chairman or member of Council, or the Chairman member of the Board, the Director-General, or any officer or employee of the Commission shall be indemnified out of the assets of the Commission against any liability incurred by him in his official capacity in defending any proceeding, whether civil or criminal, if the proceeding is brought against him in his capacity as a member, Director-General, officer or employee of the Commission.

Committee's Recommendation:

That the provision in Clause 36 be retained (*Senator Muhammad A. Adamu — Kebbi Centra*)
— *Agreed to.*

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

Clause 37: Jurisdiction

- (1) Subject to the provisions of this Bill, the provisions of the Public Officers Protection Act shall apply in relation to any suit instituted against any member, officer or employee of the Commission.
- (2) Notwithstanding anything contained in any other law or enactment, no suit against the Chairman or member of Council, or the Chairman or member of the Board, Director-General or any other officer or employee of the Commission for any act done in pursuance or execution of this Bill or any other law or enactment, or of any public duty or authority or in respect of any alleged neglect or default in the execution of this Bill or any other law or enactment, duty or authority, shall lie or be instituted in any court unless it is commenced —
 - (a) within three months after the act, neglect or default complained of; or
 - (b) in the case of a continuation of damage or injury, within six months next after the ceasing thereof.
- (3) No suit shall be commenced against the Chairman or member of Council, or the Chairman or member of the Board, Director-General or any other officer or employee of the Commission before the expiration of a period of one month after written notice of the intention to commence the suit shall have been served on the Service by the intending plaintiff or his agent.
- (4) The notice referred to in subclause (3) of this clause shall clearly and explicitly state the —
 - (a) cause of action;
 - (b) particulars of claim;
 - (c) name and place of abode of the intending plaintiff; and
 - (d) relief which he claims.

5. The Federal High Court shall have and exercise jurisdiction over any matter arising from the application of the provisions of this Bill.

Committee's Recommendation:

That the provision in Clause 37 be retained (*Senator Muhammad A. Adamu — Kebbi Centra*)
— *Agreed to.*

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

PART X — OFFENCES AND PENALTIES

Clause 38: Offences

- (1) A person who —
- (a) willful refuses to allow the Commission or its officers to have access to any procurement records;
 - (b) fails or refuse to furnish a return or to supply information, in the manner and time, prescribed by the Commission;
 - (c) submits a false information or incomplete returns to the Commission;
 - (d) uses fake documents or encourages their use during the PPP procurement process;
 - (e) enters or attends to enter into a collusive agreement with a consultant, transaction adviser, project proponent or any other party related to the to the project, or
 - (f) alters any procurement document with the intent to influence the outcome of a PPP procurement process by means of fraudulent and corrupt acts, unlawful influence, undue interest, favour, agreement, bribery or corruption,
 - (g) directly or indirectly attempts to influence in any manner the PPP procurement process to obtain an unfair advantage in the award of a PPP contract.
 - (h) willfully delays or obstructs the Commission or any of its officers or any fully authorized persons to excise powers or dues conferred or imposed upon him by this Bill.
 - (i) split the tenders to avoid the monetary threshold set or for any other unauthorized purpose.
 - (j) bid-rigging.

Committee's Recommendation:

That the provision in Clause 38 be retained (*Senator Muhammad A. Adamu — Kebbi Centra*)
— *Agreed to.*

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

Clause 39: Penalties

- (1) Any person who contravenes the provisions of 38(1) (a), (b), (c), and (h) of this Bill, shall be liable to a fine not below the sum of ₦1,000,000.
- (2) any person who contravenes the provision of clause 38(1) (d), (e), (f), (i), (j) and (g) shall be liable on conviction to imprisonment for a term not exceeding two calendar years without an option of fine.

Violations of the provisions of clause 38 of this Bill may also constitute grounds for blacklisting.

Committee's Recommendation:

That the provision in Clause 39 be retained (*Senator Muhammad A. Adamu — Kebbi Centra*) — *Agreed to.*

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

PART XI — MISCELLANEOUS PROVISIONS**Clause 40: Directives by the President**

The President may give to the Commission directives of a general nature relating to matters of policy with regards to the exercise of its functions under this Bill as he may consider necessary.

Committee's Recommendation:

That the provision in Clause 40 be retained (*Senator Muhammad A. Adamu — Kebbi Centra*) — *Agreed to.*

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

Clause 41: Power to make regulation

- (1) The Commission may with the approval of the President, make regulations as in its opinion are necessary or expedient for giving full effect to the provisions of this Bill and for its due administration.
- (2) Without prejudice to the provision of this Bill, the Commission may make regulations prescribing the —
 - (a) type and extent of insurance to be procured by the parties to a Public Private Partnership agreement; and
 - (b) criteria for qualification by the private sector for the grants of incentives for investment support.
- (3) The Board may issue guidelines when required to give effect to the provisions of the Bill.

Committee's Recommendation:

That the provision in Clause 41 be retained (*Senator Muhammad A. Adamu — Kebbi Centra*) — *Agreed to.*

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

Clause 42: Duty to keep confidential information

- (1) A member of the Board, the Director-General or any other officer, employee of this Commission shall —

- (a) not uses for his personal gain, any information he obtains or knowledge he acquires in the exercise of his duties or in the ordinary course of his duty as a member of the Board, Director-General, officer or employee of the Commission;
- (b) treat, as confidential, any information which has come to his knowledge in the exercise of his duties under this Bill; and
- (c) not disclose any information referred to under paragraph (b) of this clause, except in the performance of his official duties or as required by law.

Committee's Recommendation:

That the provision in Clause 42 be retained (*Senator Muhammad A. Adamu — Kebbi Centra*)
— *Agreed to.*

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

Clause 43: Transitional provision

- (1) A person who, immediately before the commencement of this Bill was the holder of any office in the Infrastructure Concession Regulatory Commission established under the Public Partnership Regulatory Commission (Establishment, Etc.) Act 2005 shall continue in office and be deemed to have been appointed to the office under this Bill.
- (2) Properties held immediately before the commencement of this Bill by or on behalf of the Infrastructure Concession Regulatory Commission (Establishment) Act, No. 18, 2005 by any person shall by virtue of this Bill be vested in the Commission.
- (3) The Commission established under clause 17 of this Bill shall be subject to all the obligations and liabilities to which the former Infrastructure Concession Regulatory Commission was subjected immediately before the commencement of this Bill and all other persons shall have the same rights, powers and remedies against the Commission established by this Bill as they had against this Infrastructure Concession Regulatory Commission immediately before the commencement of this Bill.
- (4) Any proceeding or cause of action pending or existing immediately before the commencement of this Bill by or against the Infrastructure Concession Regulatory Commission in respect of any right, interest, obligation or liability of the Infrastructure Concession Regulatory Commission may be continued or, as the case may be, commenced and any determination of a court of law, tribunal or other Commission or person may be enforced by or against the Commission established by this Bill to the same extent that such proceeding, cause of action or determination might have been continued, commenced or enforced by or against the Infrastructure Concession Regulatory Commission as if this Bill had not been made.
- (5) An agreement entered into after the commencement of this Act shall comply with the provision of this Bill.

Committee's Recommendation:

That the provision in Clause 43 be retained (*Senator Muhammad A. Adamu — Kebbi Centra*)
— *Agreed to.*

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

Clause 44: Repeal and savings

- (1) The Infrastructure Concession Regulatory Commission (Establishment, Etc.) Act 2005 is repealed.
- (2) Without prejudice to clause 6 of the Interpretation Act, the repeal of the Act specified in subclause (1) of this clause shall not affect anything done under the repealed Act.
- (3) Every order, requirement, certificate, notice, direction, decision, authorization, consent, application, request or thing made, issued, given or done under the repealed Act shall, if in force at the commencement of this Bill, continue to be in force and have effect as if made, issued, given or done in this Bill.
- (4) Nothing in this Bill or any repeal effected shall affect the provisions of any statute not expressly repealed by this Bill.

Committee's Recommendation:

That the provision in Clause 44 be retained (*Senator Muhammad A. Adamu — Kebbi Centra*)
— *Agreed to.*

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

Clause 45: Interpretation

In this Bill —

"appropriate authority of the Federal Government" means the Federal Executive Council or its equivalent;

"Bid-rigging" means and includes circumstances where:

- (i) persons collude so that a contractor can secure a contract at pre-determined price;
- (ii) a commercial contract is promised to one party even though for the sake appearance several other parties also present a bid;
- (iii) competitors in a bid collude to fix prices or bids; or in other circumstances as may be determined by the Commission

"Blacklisting" means placing a firm, company or natural person on a list of persons ineligible to participate in any PPP procurement process under this Bill;

"Board" means the Governing Board of the Commission established under clause 18 of this Bill;

"Budget Office" means Budget Office of the Federation;

"Certificate of compliance" means the certificate issued by the Commission where an Outline Business Case or Full Business Case meets the Commission's requirements;

"Chairman" means the Chairman of the Governing Board of the Commission appointed under clause 19 of this Bill;

"Commission" means the Public Private Partnership Regulatory Commission established under clause 17 of this Bill;

"concession" means a contractual arrangement whereby the project proponent or contractor undertakes the construction, financing of any infrastructure, facility and the operation and maintenance, the supply of any equipment and machinery for any infrastructure and the provision of any services;

"Concession Contract" includes but limited to the following;

- (a) Design-Build-Finance-Operate(DBFO) and its variants, including Build- Own-Operate (BOO);
- (b) Buy-Build-Operate (BBO) and Lease - Develop-Operate (LDO);
- (c) Build-Operate-Transfer (BOT), Build-Own-Operate-Transfer(BOOT), Build-Lease-Operate-Transfer (BLOT) and Build-Transfer-Operate (BTO); and
- (d) Management Contract;

"contractor" means any person or body corporate who may or may not be a project proponent who enters into a contract or has been granted a Public Private Partnership Agreement by any Public Infrastructure Entity and undertakes to construct any infrastructure or facility or supply any equipment for any infrastructure, facility under this Bill; "construction" means any form of engineering work whether civil, structural, mechanical or electrical or rehabilitation, improvement, expansion, alteration and related works and activities, supply and installation of equipment or materials;

"CAMA" means the Companies and Allied Matters Act, CAP C21, Laws of the Federation of Nigeria 2004;

"Debts Management Office" (DMO) means Debts Management Office of the Federation;

"Direct appointment" means the appointment of Private Sector Entity without undergoing the process of open competitive bidding

"Director-General" means the Director-General of the Commission appointed under clause 25 of this Bill;

"infrastructure" includes assets, structures, facilities, and development projects which, before the commencement of this Bill, were financed, constructed, operated or maintained by the Government and which , after the commencement of this Bill, may be wholly or partly implemented by the private sector under an agreement made under this Bill including power plants, highways, seaports, airports, canals, dams, hydroelectric power projects, water supply, irrigation, telecommunications facilities, railways, interstate transport systems, land reclamation projects, environmental remediation and clean-up projects, industrial estates or township development, housing, public infrastructure entity buildings, tourism development projects, trade fair complexes, warehouses, solid wastes management, satellite and ground receiving stations, information technology networks and database infrastructure, education and health facilities, sewerage, drainage, dredging,

and other infrastructure, service and development projects as may be approved, from time to time, by the Federal Government;

"ex-officio member" means the Attorney-General of the Federation, Minister of Finance, Minister of Trade and Investment, Minister of Budget & Planning, Secretary to the Government of the Federation and Governor of Central Bank of Nigeria;

"equity participation" means equity participation defined under Companies and Allied Matters Act, CAP C21 Laws of the Federation of Nigeria 2004.

"Full Business Case - (FBC)" means the deliverable from the procurement phase of the PPP circle. Full Business Case is detailed recommendation o/justification of a prefer PPP partner or bidder from a competitive process usually managed by a qualified consultant or transaction adviser. The Full Business case is usually approved by the Feral Executive Council and Public Private Approval Committee after which a formal PPP contract can be signed by the Private and Public sectors

"Government" means the Federal Government of Nigeria or anybody or entity authorized to act for it under this Bill;

"member" means a member of the Governing Board of the Commission, and the Chairman;

"National Public Private Partnership Pipeline of Projects" means projects or a list of projects approved by the Federal Executive Council of projects proposed for Public Private Partnerships of eligible Public Private Partnership Projects approved by the Federal Executive Council from within priority projects eligible for Public Private Partnership submitted by Public Infrastructure Entities to the Commission;

"National Public Private Partnership Pipeline of Projects" means a list of proposed Public Private Projects submitted by the Public Infrastructure Entity to the Commission and approved by the Federal Executive Council;

"new investment and development projects" includes any project involving any infrastructure-

- (a) not existing at the time the Public Private Partnership Agreement is being made, that will require the injection of substantial funds or resources to design, construct, build, maintain or operate such infrastructure; or
- (b) existing at the time the Public Private Partnership Agreement is being made, that will require the injection of substantial funds or resources to repair, service, overhaul, improve, maintain or sustain such infrastructure;

"Outline Business Case-(OBC)" means a feasibility study deliverable from a project development phase of the PPP cycle that identifies the asset/service need via a detailed need analysis and global option analysis for delivering the needed assets/service via various ways including PPP procurement. The OBC normally demonstrates financial and economic viability of the preferred option for the asset/service delivery via PPP procurement and its potential to attract Private sector investors via appropriate financial and economic indices like return on investment (RoI) etc.

"President" means the President of the Federal Republic of Nigeria;

"Private Sector Entity" means any person or body corporate that has contractual responsibilities for the project;

"project" means an arrangement for the construction of works or the provision of goods and services which can be or is to be, implemented under Public Private Partnership Agreement;

"project proponent" means any person or body corporate who is proposing a Public Private Partnership project;

"preferred bidder" means the bidder, including any bidding consortium found after a competitive bid process to be in the lead position to be the private party to a Public Private Partnership Agreement;

"Public Infrastructure Entity" means a Ministry, Department, Agency or other entity with Federal Government participation whose primary role is to provide infrastructure in the country;

"Public Private Partnership" means a transaction between a Public Infrastructure Entity and a Private Sector Entity in which the Private Sector Entity -

- (a) undertakes a project or performs an institutional function on behalf of the Public Infrastructure Entity for service delivery;
- (b) acquires the use of public assets or public property for that purpose;
- (c) assumes substantial financial, technical, operational and management risk in connection; and
- (d) receives a financial or other benefit by way of —
 - (i) consideration to be paid by the Public Infrastructure Entity through an agreed payment mechanism; or
 - (ii) charges to be collected by the Private Sector Entity or users or customer of a service provided to them; or
 - (iii) grants, donation, endowment, charity, aid, corporate social responsibility or from other sources

"public sector" means the class to which all Public Infrastructure Entities belong as defined in this Bill;

"viable" means affordability and value for money for Public Infrastructure Entity and users as well as a reasonable return for private investors;

"Financing Agreement" means an agreement for financing the acquisition of the assets constituted into a project of a Public Private Partnership Agreement, and any agreement providing for the loan, a term sheet, fee letter and any other document designated as between the loan agent the security agent or the arranger, or lender under such an agreement and the borrower.

"service" means task, assignment or other functions that a Public Infrastructure Entity is entitled or obliged to perform-

- (a) in the public interest; or

(b) on behalf of the public generally;

"Threshold" means the maximum value set by guidelines to be issued by the Commission for projects which fall under the approving powers of the of the Public Private Partnership Approval Committee

"User charge" means the fees charged for use of service

Committee's Recommendation:

That the provision in Clause 45 be retained (*Senator Muhammad A. Adamu — Kebbi Centra*)
— Agreed to.

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

Clause 46: Citation

This Bill may be cited as the Public Private Partnership Regulatory Commission Bill, 2022.

Committee's Recommendation:

That the provision in Clause 46 be retained (*Senator Muhammad A. Adamu — Kebbi Centra*)
— Agreed to.

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

SCHEDULE
PROCEEDINGS OF THE BOARD

1. Subject to this Bill and clause 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 Commission may, from time to time, determine.
2. (a) There shall be at least 4 ordinary meetings of the Board in every calendar year and, 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 3 other members, he shall convene a meeting of the Board to be held within 14 days from the date on which the notice was given; and

(b) Every meeting of the Board shall be presided over by the Chairman and if the Chairman is unable to attend a particular meeting, the members present at the meeting shall elect one of their members to preside at the meeting.
3. The quorum of any meeting of the Board shall consist of the Chairman or the person presiding at the meeting under paragraph 2 of this Schedule and 4 other members.
4. The Board shall meet for the conduct of its business at such places and on such days as the Chairman may appoint.
5. 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

6. The Chairman shall, in the case of an equality of votes, have a casting vote in addition to his deliberative vote.
7. Where the Board seeks the advice of any person on a particular matter, the Board may invite that person to attend its meetings for such periods as it thinks fit, but a person who is invited by virtue of this paragraph shall not be entitled to vote at any meeting of the Board and shall not count towards the quorum.

Committees

8. The Board may appoint one or more committees to carry out its functions as the Board may determine and report on any matter with which the Board is concerned.
9. A Committee appointed under paragraph 8 of this Schedule shall be presided over by a member of the Board and 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.
10. A decision of a Committee of the Board shall be of no effect until it is confirmed by the Board.

Miscellaneous

11. The fixing of the seal of the Commission shall be authenticated by the signature of either the Chairman, the Director-General or such other person authorized by the Board to act for that purpose.
12. 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 Commission by the Chairman or the Director-General or by any person generally or specifically authorized to act for that purpose by the Board.
13. A document purporting to be a contract, an instrument or other document signed or sealed on behalf of the Commission shall be received in evidence and, unless the contrary is proved, be presumed without further proof, to have been properly signed or sealed.
14. The validity of any proceedings 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 proceeding; or
 - (c) any defect in the appointment of a member.
15. Any member of the Board or Committee who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Board or any committee shall-
 - (a) promptly disclose his interest to the Board or Committee; and
 - (b) not vote on any question relating to the contract or arrangement.

Question that the provision in this Schedule and 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 Works on a Bill for an Act to Repeal the Infrastructure Concession Regulatory Commission (Establishment) Act 2005 and Enact the Public Private Partnership Regulatory Commission Act, 2022 to Strengthen and Enhance the Supervisory Role of the Commission and Effectively Position it in Regulating the Participation of the Public and Private Sectors in the Financing of Construction, Development, Designing, Operation or Maintenance of Infrastructure or Development Projects of the Federal Government Through Public Private Partnership Arrangements; and for Related Matters, 2022 and approved as follows:

Clauses 1-46 — 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.

13. Regulations of in-vitro Fertilization (Establishment) Bill, 2022 (SB. 841):

Motion made: That a Bill for an Act for the Regulations of in-vitro fertilization, to prohibit certain practices in connection with in-vitro fertilization to establish an in-vitro fertilization authority to make provision in relation of children born of in-vitro fertilization process and for Connected Purposes, 2022 be read the Second Time (*Senator Barau I. Jibrin — Kano North*).

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.

14. National Commission on Child Destitution (Establishment) Bill, 2022 (SB. 42):

Motion made: That a Bill for an Act to provide for the Establishment of the National Commission on Child Destitution in Nigeria and for Other Connected Purposes, 2022 be read the Second Time (*Senator Aliyu M. Wamakko — Sokoto North*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committees on Establishment and Public Service; and Education (Basic and Secondary) to report within Four (4) weeks.

15. Motion:

Non Payment of the sum of \$200,000,000 accruals from Oil Mining Lease (OML), by Shell Petroleum Development Company of Nigeria Limited under the SPDC/NNPC Joint Venture Agreement and illegal and unlawful renewal of Oil Mining Leases by the Ministry of

Petroleum Resources, Department of Petroleum Resources (DPR) contrary to the provision of Paragraph 10 of the First Schedule to the Petroleum Act, 1969 (now Section 86(1) and 86(6) of the Petroleum Industry Act, 2021:

Motion made: The Senate notes that one of the major sources of revenue for the nation is through Oil exploration and exploitation business, which was founded and established in 1957;

understands that since the Oil exploration and exploitation is a specialized business venture, the Nigerian National Petroleum Corporation on behalf of the Federal Government initiated several Joint Venture (JV) agreements with the International Oil Companies (IOCs) operating in Nigeria;

aware that the joint venture agreements include: (a) Oil Exploration Licenses, (b) Oil Prospecting licenses, (c) Oil Mining Leases and (d) Assignments;

cognizant that the First Schedule to the Petroleum Act, 1969 gave a term of 20 years for any Oil Mining Lease and subject to renewal for another term of 20 years as enshrined in Paragraph 10 of the Petroleum Act, 1969 as given below:

"10. The term of an Oil Mining Lease shall not exceed twenty (20) years, but may be renewed in accordance with this Act";

further cognizant that the Petroleum Industry Act, 2021 recently assented to law by the President is also explicit in Section 86 (1) and 86(6);

observes that the SPDC/NNPC Joint Venture (JV) agreement, in contravention of the provisions of the Petroleum Act, 1969 by the defunct Department of Petroleum Resources (DPR) and the Ministry of Petroleum Resources, spuriously granted to the SPDC/NNPC a 30-year Oil Mining Lease from 1959 to 1989 thereby illegally extending the Oil Mining Lease by 10 years in the first instance instead of the prescribed term of 20 years without recourse to the provisions of the Petroleum Act, 1969 in paragraph 10 of the First Schedule as given above;

observes further that upon the expiration of the initial Oil Mining Lease in 1989, SPDC/NNPC JV, was granted another 30-year Oil Mining Lease again from 1st July, 1989 to 30th June, 2019, by the Ministry of Petroleum Resource/DPR instead of the 20 years lease period prescribed by the Petroleum Act, which is contrary to paragraph 10 of the First Schedule to the said Act;

concerned that in the initial additional 10 years Oil Mining Lease of 1969 to 1989, illegally granted to the SPDC/NNPC JV by the Ministry of Petroleum Resources/DPR, the Federal Government lost from fees, taxes, rents and royalties the sum of \$120,000,000 while in the second instance of the extra 10 years the Federal Government also lost a further sum of \$80,000,000, making a total of \$200,000,000;

regrets that a loss of \$200,000,000 which is equivalent to ₦83,130,000,000 is a colossal loss of money that could have been of great value to the economy of the nation;

notes that this illegal action by the Ministry of Petroleum Resources/DPR as regards the SPDC/NNPC JV may not be the only non-compliant grant as details of other Joint Venture agreements with: Chevron Nigeria Limited, ENI Joint Venture, EXXON Mobil Upstream JV, Total E & P Nigeria Limited JV, need to be ascertained through a thorough investigation to verify compliance with the provisions of the extant law;

notes further that the trend of illegal extension of Joint Venture (JV) period from 20 years to 30 years lease period without recourse to the Petroleum Act may have also applied to the above-mentioned Joint Ventures agreements with the IOCs and needs to be investigated;

informed that SPDC went to Court on the clarity of the lease period and the judgment was not in their favour as regards the additional 10 years lease period in the two instances. Regrettably, the court failed to order the SPDC to pay the arrears of the 20 years lease period to the tune of \$200,000,000 to the Federal Government for the illegal extensions;

further informed that a whistle blower, has petitioned the EFCC on the need to recover the sum of \$200,000,000 from SPDC for these illegal extensions by the Ministry of Petroleum Resources/DPR and to further investigate all other Joint Venture agreements that involved the aforementioned IOCs;

cognizant that the power to make laws for the Federation as vested in the National Assembly by the Constitution also encompasses the power to make laws for the promotion of national prosperity and dynamic self-reliant economy as provided in section 16(1)(a) of the 1999 Constitution of the Federal Republic of Nigeria as amended;

cognizant also that the same Constitution gives power to each House of the National Assembly to carry out appropriate investigation on observed misapplication of the laws enacted by the National Assembly, as provided in section 88 of the Constitution while section 89 of the same Constitution provides the process on how such investigation should be carried out;

believes that both the Petroleum Act of 1969 and the Petroleum Industry Act of 2021 are laws enacted by the National Assembly for the purpose of harnessing the resources of the nation effectively to promote national prosperity and create an efficient, dynamic and self-reliant economy; thus any misapplication of any section of the Petroleum Act, 1969 or the Petroleum Industry Act 2021 could be investigated to achieve the constitutional injunction of exposing corruption, inefficiency or waste in the execution or administration of laws within the purview of the National Assembly's legislative jurisdiction, especially with respect to the disbursement or administration of funds; and

understands that the opening paragraph of Section 88 (1) provides that this Senate is empowered to direct or cause to be directed investigation into any matter on which it has the power to make laws while Section 88-(2)(b) emphasizes that such investigation should be geared towards exposing corruption, inefficiency or waste in the execution or administration of laws within its legislative competence and in the disbursement or administration of funds appropriated by it, which is the subject matter of this motion.

The Senate accordingly resolves to:

- (i) urge the EFCC to investigate the Oil Mining Lease granted to SPDC between 1959 to 1989 and 1989 to 2019 under the SPDC/NNPC JV agreement and compel SPDC to refund to the Federal Government the sum of \$200,000,000 or any amount short of what was paid under the said lease agreements;
- (ii) urge the EFCC to investigate the separate Joint Venture agreements between the NNPC and the following IOCs: Chevron Nigeria limited, ENI Joint Venture, EXXON Mobil Upstream JV and Total E & P Nigeria Limited JV;
- (iii) urge EFCC to recover any sum short of what the IOCs ought to have paid to cover up the period under review; and
- (iv) mandate the Committee on Anti-Corruption to follow up on the implementation of the above prayers and regularly brief the Senate of progress made accordingly at four weeks intervals (*Senator George T. Sekibo — Rivers East*).

Debate:

Proposed Resolution (i):

Question: That the Senate do urge the EFCC to investigate the Oil Mining Lease granted to SPDC between 1959 to 1989 and 1989 to 2019 under the SPDC/NNPC JV agreement and compel SPDC to refund to the Federal Government the sum of \$200,000,000 or any amount short of what was paid under the said lease agreements.

Proposed Resolution (ii):

Question: That the Senate do urge the EFCC to investigate the separate Joint Venture agreements between the NNPC and the following IOCs: Chevron Nigeria Limited, ENI Joint Venture, EXXON Mobil Upstream JV and Total E & P Nigeria Limited JV.

Proposed Resolution (iii):

Question: That the Senate do urge EFCC to recover any sum short of what the IOCs ought to have paid to cover up the period under review.

Proposed Resolution (iv):

Question: That the Senate do mandate the Committee on Anti-Corruption to follow up on the implementation of the above prayers and regularly brief the Senate of progress made accordingly at four weeks intervals.

Amendment Proposed:

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

“That the Senate do constitute an Ad Hoc Committee to investigate the Non-compliance with the Petroleum Act and the Oil Mining Lease granted to SPDC between 1959 to 1989 and 1989 to 2019 under the SPDC/NNPC JV agreement and compel the SPDC to refund to the Federal Government sum of \$200,000,000 or any amount short of what was paid including penalties and interests under the said lease agreements and to report within four (4) weeks” (*Senator Aliyu S. Abdullahi – Niger North*).

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

Resolved:

That the Senate do constitute an Ad Hoc Committee to investigate the Non-compliance with the Petroleum Act and the Oil Mining Lease granted to SPDC between 1959 to 1989 and 1989 to 2019 under the SPDC/NNPC JV agreement and compel the SPDC to refund to the Federal Government sum of \$200,000,000 or any amount short of what was paid including penalties and interests under the said lease agreements and to report within four (4) weeks (*S/Res/006/04/22*).

Ad Hoc Committee to Investigate the Non-compliance with the Petroleum Act and the Oil Mining Lease:

The President of the Senate announced the Membership of the Ad Hoc Committee as follows:

(i)	Senator Aliyu S. Abdullahi	—	Chairman
(ii)	Senator George T. Sekibo	—	Member
(iii)	Senator Yahaya A. Abdullahi	—	Member
(iv)	Senator Albert B. Akpan	—	Member
(v)	Senator Solomon O. Adeola	—	Member
(vi)	Senator Smart Adeyemi	—	Member
(vii)	Senator Aishatu A. Dahiru	—	Member

16. **Orthopaedic Hospitals Management Board Act (Amendment) Bill, 2022 (HB. 1322) — Concurrence:**

Consideration of Bill deferred to another Legislative Day.

17. **Chartered Institute of Social Work Practitioners (Establishment) Bill, 2022 (HB. 358) — Concurrence:**

Consideration of Bill deferred to another Legislative Day.

18. **Nigerian Council for Social Work (Establishment) Bill, 2022 (HB. 655) — Concurrence:**

Consideration of Bill deferred to another Legislative Day.

19. **Chartered Institute of Professional Secretarial of Nigeria (Establishment) Bill, 2022 (HB.350) — Concurrence:**

Consideration of Bill deferred to another Legislative Day.

20. **Institute of Mortgage Brokers and Lenders of Nigeria Bill, 2022 (HB. 88) — Concurrence:**

Consideration of Bill deferred to another Legislative Day.

21. **Adjournment:**

Motion made: That the Senate do now adjourn till Tuesday, 28th June, 2022 at 10.00 a.m. (*Senate Leader*).

Question put and agreed to.

Adjourned accordingly at 1:48 p.m.

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

