



# SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

## VOTES AND PROCEEDINGS

Wednesday, 23<sup>rd</sup> March, 2022

1. The Senate met at 10:55 a.m. The President of the Senate read prayers.
2. Closed Session:  
Closed Session — 10:56 a.m.  
Open Session — 11:14 a.m.

The President of the Senate reported that the Senate, in a Closed Session, deliberated on issues bordering on the workings of the Senate in particular and the National Assembly in general.

3. **Votes and Proceedings:**  
The Senate examined the Votes and Proceedings of Tuesday, 22<sup>nd</sup> March, 2022.

*Question was put and the Votes and Proceedings were approved.*

4. **Announcements:**  
(a) **APC Senate Caucus Meeting:**  
The President of the Senate read a letter from Senator Yahaya A. Abdullahi (Kebbi North) as follows:



**SENATOR YAHAYA A. ABDULLAHI**  
Kebbi North Senatorial District

23<sup>rd</sup> March, 2022

*The President of the Senate,  
National Assembly,  
Three Arms Zone,  
Abuja.*

### **ANNOUNCEMENT**

#### **APC SENATE CAUCUS NOTICE OF MEETING**

*There will be APC Senate Caucus Meeting with CECPC at the National Headquarters on Thursday, March 24, 2022.*

*Buses conveying Distinguished Senators will leave by 3:30 p.m. at the Senate entrance.*

**Venue:** No. 40, Blantyre Street, Wuse 2.  
**Time:** 4:00pm.

(Signed)

*Sen. Yahaya A. Abdullahi, OON, Ph.D*

*Senate Leader*

(b) *Invitation:*

The President of the Senate read a letter from Senator Solomon O. Adeola (Lagos West) as follows:



**SENATOR SOLOMON OLAMILEKAN ADEOLA**

Lagos West Senatorial District  
CHAIRMAN, SENATE COMMITTEE ON FINANCE

17<sup>th</sup> March, 2022

*His Excellency,  
Senator Ahmad Lawan,  
The President,  
Senate of Federal Republic of Nigeria,  
National Assembly, Abuja, FCT.*

*Your Excellency,*

**INVITATION TO MY CONFERMENT OF INSTITUTIONAL FELLOWSHIP HONOURS  
AWARD AT FEDERAL POLYTECHNIC, ILARO, OGUN STATE.**

*I have the pleasure to extend warm greetings to you and your exalted office.*

*It is with utmost pleasure that I wish to inform you that I received a notice from the Federal Polytechnic, Ilaro, one of the leading technological training institutions in Nigeria, of the management's unanimous decision to confer on me "The Federal Polytechnic, Ilaro Fellowship Award".*

*It is pertinent to note that this award came about as a result of my impact in the Educational Sector and my unreserved proclivity for promoting academic excellence.*

*In line with the above, I write to formally invite you and my colleagues to the convocation ceremony where I will be formally decorated with the academic robe and presented with certificate and medals as a Distinguish Fellow of the Polytechnic, Ilaro.*

*The event is scheduled to hold as follows:*

**DATE: WEDNESDAY, 30TH MARCH, 2022**

**VENUE: FEDERAL POLYTECHNIC, ILARO, OGUN STATE.**

**TIME: 11AM PROMPT**

*Your presence at this event will be highly appreciated.*

*Kindly accept the assurances of my highest regards.*

*Thank you.*

(Signed)

*Senator Solomon Adeola FCA, FCTI.*

*Chairman, Senate Committee on Finance.*

(c) **Appreciation:**

The President of the Senate read a letter from Senator Kola A. Balogun (*Oyo South*) as follows:



**SENATOR (DR.) KOLA A. BALOGUN**  
Oyo South Senatorial District  
VICE CHAIRMAN: SPORTS AND YOUTH DEVELOPMENT

16<sup>th</sup> March, 2022

*His Excellency,  
Dr. Ahmad Lawan (GCON),  
Senate President,  
Federal Republic of Nigeria,  
National Assembly Complex,  
Three Arms Zone,  
Abuja.*

*Mr. President,*

**APPRECIATION AND GRATITUDE.**

*My heart is fully filled with unlimited joy and happiness as I put pen to paper to express my heart felt satisfaction with the glaring display of love and affection your good self and members of the Red Chamber showed to my family, the people of Ibadanland, Government and the people of Oyo state at the recently concluded coronation ceremony of my Senior brother, Dr Senator Moshood Olalekan Ishola Balogun, Ali Okunmade II, the new Olubadan of Ibadanland.*

*My words of thanks and praise are due to all of you who supported in making the coronation the most glorious day, the most important, more widely attended event of our time in Ibadan by dignitaries of note from all over the country.*

*You all came together and created a venue that was unparalleled. I think that everyone who sat at the ancient Mapo Hall will remember the spectacle for years to come. You have all created a day that will always be a source of pride and pleasure for us.*

*I appreciate your presence and I will always be grateful to every one of you.*

*On behalf of the newly crowned Kabiyesi, my family, the Olubadan-in-Council, the Government and the people of Oyo State, I thank you immensely for sharing the joyful occasion with us. From the bottom of our hearts, we truly and sincerely appreciate your time, prayers and moral support that went a long way to making the event a resounding success. I am forever indebted to you all.*

*I thank you.*

*(Signed)*

*Senator Dr. Prince Kola Balogun*

**5. Presentation of Bills:**

- (i) Nigeria Start-up Bill, 2022 (SB. 966) — *Read the First Time.*
- (ii) Pharmacy Council of Nigeria Act CAP 49 P 17 LFN 2004 (Repeal & Re-enactment) Bill, 2022 (HB. 334) — *Read the First Time.*

- (iii) National Biosafety Management Agency Act 2015 (Amendment) Bill, 2022 (SB. 968) — *Read the First Time*.
- (iv) Federal College of Agriculture Ise-Orun, Ekiti State (Establishment) Bill, 2022 (SB.964) — *Read the First Time*.
- (v) Finance (Management & Control) Act 1958 (Repeal & Re-enactment) Bill, 2022 (SB.969) — *Read the First Time*.
6. **National Inspector-General for Tax Crimes Commission (Establishment) Bill, 2022 (SB. 951):**  
*Motion made:* That a Bill for an Act to Establish the National Inspector-General for Tax Crimes Commission to address revenue leakages emanating from non-payment and under-payment of taxes; irregularities in the assessment, reporting and remittances of taxes; to prevent and combat tax-related crimes; to plug all leakages in the tax administration system; to ensure the protection of tax payers rights; and for Related Matters, 2022 be read the Second Time (*Senator Orji U. Kalu — Abia North*).
- Debate:*
- Question put and agreed to.*
- Bill accordingly read the Second Time and referred to the Committee on Finance to report within four (4) weeks.*
7. **Nigerian Economic Diversification (Establishment) Bill, 2022 (SB. 875):**  
*Motion made:* That a Bill for an Act to Enact the Nigerian Economic Diversification Bill to Establish the Nigerian Economic Diversification Council and to provide for comprehensive framework, structures, programmes and schemes for strengthening Nigerian capacity development in order to diversify the Nigerian economy for self-sufficiency, job creation, international competitiveness of Nigeria domestic businesses and for Other Related Matters, 2022 be read the Second Time (*Senator Aliyu S. Abdullahi — Niger North*).
- Debate:*
- Question put and agreed to.*
- Bill accordingly read the Second Time and referred to the Committee on National Planning to report within four (4) weeks.*
8. **Federal Medical Centre Osogbo, Osun State (Establishment) Bill, 2022 (SB. 364):**  
*Motion made:* That a Bill for an Act to provide the Legal Framework to Establish the Federal Medical Centre Osogbo, Osun State and for Related Matters, 2022 be read Second Time (*Senator Surajudeen A. Basiru — Osun Central*).
- Debate:*
- Question put and agreed to.*
- Bill accordingly read the Second Time and referred to the Committee on Health (Secondary and Tertiary) to report within four (4) weeks.*

9. **Committee on Banking, Insurance and other Financial Institutions:**

*Report on the Confirmation of Appointment of Members of the Monetary Policy Committee in the Central Bank of Nigeria (CBN):*

*Motion made:* That the Senate do receive and consider the Report of the Committee on Banking, Insurance and Other Financial Institutions on the confirmation of the following persons for appointment as Members of the Monetary Policy Committee in the Central Bank of Nigeria (CBN):

S/No.	Name	Remarks
1.	Prof. Mohammed Adaya Salisu	New Appointment
2.	Dr. Mo' Onamegbe	New Appointment
3.	Prof. Michael Obadan	Renewal
4.	Prof. Festus Adeola Adenikinju	Renewal
5.	Prof. Aliyu Sanusi Rafindadi	Renewal
6.	Dr. Robert Asogwa	Renewal
7.	Alhaji Aliyu Ahmed	Renewal

(Senator Uba Sani — Kaduna Central).

*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 BANKING, INSURANCE AND OTHER FINANCIAL INSTITUTIONS ON THE CONFIRMATION OF APPOINTMENT OF MEMBERS OF THE MONETARY POLICY COMMITTEE IN THE CENTRAL BANK OF NIGERIA (CBN).

**Nominees recommended for confirmation:**

(i)	Prof. Mohammed Adaya Salisu ( <i>New Appointment</i> )	—	<i>Agreed to.</i>
(ii)	Dr. Mo' Onamegbe ( <i>New Appointment</i> )	—	<i>Agreed to.</i>
(iii)	Prof. Michael Obadan ( <i>Renewal</i> )	—	<i>Agreed to.</i>
(iv)	Prof. Festus Adeola Adenikinju ( <i>Renewal</i> )	—	<i>Agreed to.</i>
(v)	Prof. Aliyu Sanusi Rafindadi ( <i>Renewal</i> )	—	<i>Agreed to.</i>
(vi)	Dr. Robert Asogwa ( <i>Renewal</i> )	—	<i>Agreed to.</i>
(vii)	Alhaji Aliyu Ahmed ( <i>Renewal</i> )	—	<i>Agreed to.</i>

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 Banking, Insurance and Other Financial Institutions on the confirmation of appointment of Members of the Monetary Policy Committee in the Central Bank of Nigeria (CBN) and approved the nominations.

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

**Confirmation of nominations:***Question:*

“Will the Senate confirm the nomination of Prof. Mohammed Adaya Salisu (*New Appointment*) for appointment as Member of the Monetary Policy Committee in the Central Bank of Nigeria (CBN)?” — *Resolved in the Affirmative.*

*Nomination of Prof. Mohammed Adaya Salisu (New Appointment) for appointment as Member of the Monetary Policy Committee in the Central Bank of Nigeria (CBN) accordingly confirmed.*

*Question:*

“Will the Senate confirm the nomination of Dr. Mo' Oamegbe (*New Appointment*) for appointment as Member of the Monetary Policy Committee in the Central Bank of Nigeria (CBN)?” — *Resolved in the Affirmative.*

*Nomination of Dr. Mo' Oamegbe (New Appointment) for appointment as Member of the Monetary Policy Committee in the Central Bank of Nigeria (CBN) accordingly confirmed.*

*Question:*

“Will the Senate confirm the nomination of Prof. Michael Obadan (*Renewal*) for appointment as Member of the Monetary Policy Committee in the Central Bank of Nigeria (CBN)?” — *Resolved in the Affirmative.*

*Nomination of Prof. Michael Obadan (Renewal) for appointment as Member of the Monetary Policy Committee in the Central Bank of Nigeria (CBN) accordingly confirmed.*

*Question:*

“Will the Senate confirm the nomination of Prof. Festus Adeola Adenikinju (*Renewal*) for appointment as Member of the Monetary Policy Committee in the Central Bank of Nigeria (CBN)?” — *Resolved in the Affirmative.*

*Nomination of Prof. Festus Adeola Adenikinju (Renewal) for appointment as Member of the Monetary Policy Committee in the Central Bank of Nigeria (CBN) accordingly confirmed.*

*Question:*

“Will the Senate confirm the nomination of Prof. Aliyu Sanusi Rafindadi (*Renewal*) for appointment as Member of the Monetary Policy Committee in the Central Bank of Nigeria (CBN)?” — *Resolved in the Affirmative.*

*Nomination of Prof. Aliyu Sanusi Rafindadi (Renewal) for appointment as Member of the Monetary Policy Committee in the Central Bank of Nigeria (CBN) accordingly confirmed.*

*Question:*

“Will the Senate confirm the nomination of Dr. Robert Asogwa (*Renewal*) for appointment as Member of the Monetary Policy Committee in the Central Bank of Nigeria (CBN)?” — *Resolved in the Affirmative.*

*Nomination of Dr. Robert Asogwa (Renewal) for appointment as Member of the Monetary Policy Committee in the Central Bank of Nigeria (CBN) accordingly confirmed.*

*Question:*

“Will the Senate confirm the nomination of Alhaji Aliyu Ahmed (*Renewal*) for appointment as Member of the Monetary Policy Committee in the Central Bank of Nigeria (CBN)?” — *Resolved in the Affirmative.*

*Nomination of Alhaji Aliyu Ahmed (Renewal) for appointment as Member of the Monetary Policy Committee in the Central Bank of Nigeria (CBN) accordingly confirmed.*

10. **Joint Committee on Judiciary, Human Rights & Legal Matters; and Anti-Corruption: Report on the Proceeds of Crimes (Recovery and Management) Bill, 2022 (SBs. 553 & 645):** Motion made: That the Senate do receive and consider the Report of the Joint Committee on Judiciary, Human Rights & Legal Matters; and Anti-Corruption on the re-committal of Clause 74 of the Proceeds of Crimes (Recovery and Management) Bill, 2022 (*Senator Micheal O. Bamidele — Ekiti Central*).

*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 ON THE REPORT OF THE JOINT COMMITTEE ON JUDICIARY, HUMAN RIGHTS & LEGAL MATTERS; AND ANTI-CORRUPTION ON THE RE-COMMITTAL OF CLAUSE 74 OF THE PROCEEDS OF CRIMES (RECOVERY AND MANAGEMENT) BILL, 2022:

**Clause 74:** Subject to the provisions of this Bill, the defendant in any proceedings under this Bill bears the burden of proving that he is the legitimate owner of the assets suspected to be proceeds of crime or derived from unlawful activity or that the assets is of legitimate origin and is not proceeds of unlawful activity.

**Committee's Recommendation:**

That the provision in Clause 74 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — Agreed to.

*Question that Clause 74 do stand part of the Bill, put and agreed to.*

Chairman to report Bill.

(SENATE IN PLENARY)

The President of the Senate reported that the Senate, in the Committee of the Whole, considered a Report of the Joint Committee on Judiciary, Human Rights & Legal Matters; and Anti-Corruption on the re-committal of Clause 74 of the Proceeds of Crimes (Recovery and Management) Bill, 2022 and approved as follows:

Clause 74           —           As Recommended

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

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

*Question put and agreed to.*

*Bill accordingly Read the Third Time and Passed.*

11. **Joint Committee on Anti-Corruption; and Ethics, Privileges & Public Petitions:**  
*Report on the Public Interest Disclosure and Complaints (Enactment) Bill, 2022 (SB. 644):*  
*Motion made:* That the Senate do receive and consider the Report of the Joint Committee on Anti-Corruption; and Ethics, Privileges & Public Petitions on the Public Interest Disclosure and Complaints (Enactment) Bill, 2022 (*Senator Suleiman A. Kwari — Kaduna North*).

*Question put and agreed to.*

*Report Laid and presented.*

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

*Question put and agreed to.*

#### (SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO REPEAL THE PUBLIC COMPLAINTS COMMISSION ACT, CAP P37, LAWS OF THE FEDERATION OF NIGERIA, 2004 AND ENACT THE PUBLIC COMPLAINTS COMMISSION ACT, FOR THE ESTABLISHMENT OF THE PUBLIC COMPLAINTS COMMISSION WITH WIDE POWERS TO INQUIRE INTO COMPLAINTS BY MEMBERS OF THE PUBLIC CONCERNING THE ADMINISTRATIVE ACTIONS OF ANY PUBLIC AUTHORITY AND COMPANIES OR THEIR OFFICIALS, AND TO PROVIDE A LEGAL FRAMEWORK FOR MAKING PUBLIC INTEREST DISCLOSURE FROM WHISTLEBLOWERS AND FOR OTHER MATTERS, 2022.

#### PART I — ESTABLISHMENT OF THE PUBLIC COMPLAINTS COMMISSION

**Clause 1: Establishment of the Public Complaints Commission:**

- (1) There is established a Commission to be known as the Public Complaints 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 and may sue and be sued in its corporate name, and
  - (b) may acquire, hold, mortgage, purchase and deal with property, whether movable or immovable.
- (3) The Commission may establish such number of branches in the States of the Federation as the National Assembly may from time to time determine.

***Committee's Recommendation:***

That the provision in Clause 1 be retained (*Senator Suleiman A. Kwari — Kaduna North*) — *Agreed to.*

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

#### PART II — COMPOSITION OF THE COMMISSIONERS OF THE COMMISSION

**Clause 2: Establishment and Membership of the body of Commissioners of the Commission**

- (1) There is established for the Commission, a Body of Commissioners (in this Bill, referred to as "the Commissioners") which shall have

oversight control of the Commission.

- (2) The Commissioners shall consist of —
  - (a) a Chief Commissioner, who shall be a person with cognizant experience in law, humanities, sciences or administrative matters;
  - (b) such other number of Commissioners as may from time to time be appointed by the National Assembly; and
  - (c) the Secretary of the Commission who shall be the Secretary of the Body of Commissioners.
- (3) The Commissioners who shall be persons of proven integrity, shall be appointed by the National Assembly, provided that no person shall be qualified to be appointed to be a Commissioner if that person —
  - (a) is not a citizen of Nigeria;
  - (b) has not attained the age of 35 years; and
  - (c) has not been educated up to at least a first degree certificate or its equivalent in an institution recognized by the Federal Ministry of Education.
- (4) The Body of Commissioners shall meet for the conduct of its ordinary meetings at least 4 times in a calendar year.
- (5) Notwithstanding the provision of subsection (4) of this section, the Commissioners may meet to conduct such other business as exigency demands.

***Committee's Recommendation:***

That the provision in Clause 2 be retained (*Senator Suleiman A. Kwari — Kaduna North*) —  
*Agreed to.*

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

**Clause 3: Tenure of Office**

- (1) The Chief Commissioner and other Commissioners, shall each hold office—
  - (a) for a term of five (5) years in the first instance and may be reappointed for a further term of five (5) years and no more, and on such terms and conditions as may be specified in their respective letters of appointment; and
  - (b) be paid such remuneration and allowances as the Revenue Mobilization and Fiscal Commission may, from time to time determine.
- (2) There shall be paid to a Commissioner upon completion of his or her period of service, severance gratuity calculated in such a manner as the Revenue Mobilisation, Allocation and Fiscal Commission may determine.
- (3) A Commissioner shall not, while holding office, hold any other office of emolument whether in the public service or elsewhere.

***Committee's Recommendation:***

That the provision in Clause 3 be retained (*Senator Suleiman A. Kwari — Kaduna North*) —  
*Agreed to.*

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

**Clause 4:      Resignation, cessation or removal from membership of the Body of Commissioners**

- (1) A Commissioner appointed by the National Assembly may resign his or her appointment by notice in writing addressed to the National Assembly through the President of the Senate, and that Commissioner shall on the date of the receipt of the notice of resignation by the Senate President cease to be a Commissioner.
- (2) A Commissioner shall cease to hold office, if he or she —
  - (a) lacks physical or mental capacity to perform his or her functions;
  - (b) becomes of unsound mind;
  - (c) becomes bankrupt, and
  - (d) is convicted of a felony, misconduct or of any offence involving dishonesty.
- (3) A Commissioner may at any time be removed from office by the National Assembly acting on an address supported by two - thirds (2/3) majority of the Senate and the House of Representatives praying that the person be removed for inability to discharge the functions of office, whether arising from matters provided under subsection (2).
- (4) Where a vacancy occurs in the membership of the Commission, it shall be filled by the appointment of a successor to hold office for the remainder of the term of office of the predecessor.

***Committee's Recommendation:***

That the provision in Clause 4 be retained (*Senator Suleiman A. Kwari — Kaduna North*) —  
*Agreed to.*

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

**Clause 5:      Standing Orders**

The Chief Commissioner in consultation with other Commissioners may make Standing Orders for regulating the Commission's proceedings or those of any of its Committees.

***Committee's Recommendation:***

That the provision in Clause 5 be retained (*Senator Suleiman A. Kwari — Kaduna North*) —  
*Agreed to.*

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

**PART III — FUNCTIONS AND POWERS OF THE COMMISSIONERS**

**Clause 6:      Staff Regulations**

- (1) All Commissioners shall be responsible to the National Assembly, but the Chief Commissioner shall be responsible for coordinating the work of other Commissioners.

- (2) A Commissioner shall have power to investigate either on his/her own initiative or following complaints lodged before him/her by any person, any administrative action taken by —
- (a) any Ministry, Department or Agency of the Federal or any State Government;
  - (b) any Department of any Local Government Authority (howsoever designated) set up in any State in the Federation;
  - (c) any statutory corporation or public institution set up by any Government in Nigeria;
  - (d) any entity incorporated under or pursuant to the Companies and Allied Matters Act whether owned by any Government aforesaid or by private individuals in Nigeria;
  - (e) any business concern employing more than 2 (two) persons whether or not incorporated under the Companies and Allied Matters Act; and
  - (f) any officer or official of any of the bodies mentioned above.
- (3) For the purposes of this Bill —
- (a) the Chief Commissioner may determine the manner by which complaints are to be lodged;
  - (b) a Commissioner may determine in his or her absolute discretion whether, and if so, in what manner to notify the public of his or her actions or intended actions in any particular case;
  - (c) a Commissioner shall have access to all information necessary for the efficient performance of his or her duties under this Bill and for this purpose may visit and inspect any premises belonging to any person or body mentioned in subsection (2) of this section;
  - (d) a Commissioner shall ensure that administrative action by any person or body mentioned in subsection (2) of this section will not result in the commitment of any act of injustice against any citizen of Nigeria or any other person resident in Nigeria and for that purpose shall investigate with special care administrative acts which are or appear to be —
    - (i) contrary to any law or regulation,
    - (ii) mistaken in law or arbitrary in the ascertainment of fact,
    - (iii) unreasonable, unfair, oppressive or inconsistent with the general functions of administrative organs,
    - (iv) improper in motivation or based on irrelevant considerations,
    - (v) unclear or inadequately explained, or

- (vi) otherwise objectionable; and
- (e) a Commissioner shall be competent to investigate administrative procedures of any court of law in Nigeria.
- (4) Where concurrent complaints are lodged with more than one Commissioner, the Chief Commissioner shall decide which Commissioner shall deal with the matter and the decision of the Chief Commissioner thereon shall be final.
- (5) All Commissioners and all staff of the Commission shall maintain confidentiality in respect of all matters that come to their knowledge in the exercise of their duties.
- (6) In the exercise of the powers conferred upon a Commissioner under this section, the Commissioner shall not be subject to the direction and control of any other person or authority.
- (7) It shall be the duty of anybody or person required by a Commissioner to furnish information pursuant to subsection 3 (c) of this section to comply with such requirements not later than 14 days from receipt thereof.

***Committee's Recommendation:***

That the provision in Clause 6 be retained (*Senator Suleiman A. Kwari — Kaduna North*) —  
*Agreed to.*

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

**Clause 7:      Limitation of Jurisdiction**

- (1) A Commissioner shall not investigate —
  - (a) any matter that is outside the Commissioner's terms of reference;
  - (b) that is pending before the National Assembly, the Federal Executive Council or the National Council of State;
  - (c) that is pending before any court of law in Nigeria;
  - (d) in which the complainant has not, in the opinion of the Commissioner, exhausted all available administrative procedures;
  - (e) relating to any act or thing done in respect of which the complaint is lodged later than twenty four (24) months after the date of the act or thing done from which the complaint arose;
  - (f) in which the complainant has no personal interest.
- (2) For the purposes of paragraph (b) of subsection (1) of this section, a notice signed by the Secretary to the Government of the Federation and addressed to a Commissioner certifying that any matter is pending before any of the bodies mentioned in that paragraph, shall be conclusive as to the pendency of the matter.

- (3) in every case where a Commissioner decides not to investigate a complaint, the Commissioner shall inform the complainant in writing of the reason for that decision.

***Committee's Recommendation:***

That the provision in Clause 7 be retained (*Senator Suleiman A. Kwari — Kaduna North*) — Agreed to.

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

**Clause 8: Discretion not to investigate certain cases**

A Commissioner may decline to investigate a complaint if the Commissioner considers that —

- (a) there are in existence adequate remedies under any written law or administrative practice; or
- (b) the complaint is trivial, frivolous, vexatious or is not made in good faith.

***Committee's Recommendation:***

That the provision in Clause 8 be retained (*Senator Suleiman A. Kwari — Kaduna North*) — Agreed to.

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

**Clause 9: Power not limited by other laws**

- (1) The provisions of this Bill are in addition to and do not in any manner derogate from the provisions of any other laws guaranteeing liberty of access to courts of law for redress.
- (2) The powers granted to a Commission under this Bill may be exercised despite a provision in any written law to the effect that any action is final or cannot be appealed, challenged, reviewed, or called to question.

***Committee's Recommendation:***

That the provision in Clause 9 be retained (*Senator Suleiman A. Kwari — Kaduna North*) — Agreed to.

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

**PART IV — REPORTS, RECOMMENDATIONS AND ENFORCEMENT**

**Clause 10: Recommendations after investigation**

- (1) The Commission may recommend to the appropriate person or responsible Administrative Agency after due investigation of any complaint any of the following steps, that is —
- (a) that a further consideration of the matter be made;
- (b) that a modification or cancellation of the offending administrative or other act be effected;
- (c) that an alteration of a regulation or administrative decision be effected; or

- (d) that full reasons behind a particular administrative or other act be given.
- (2) Where appropriate, the Commission may refer cases where existing laws or administrative regulations or procedures are inadequate, to the National Assembly or any State Assembly or to any other appropriate person or body.
- (3) In every case where it is discovered that a crime may have been committed by any person, the Commission shall report such findings to the appropriate authority or recommend that the person be prosecuted.
- (4) In every case the Commission is of the opinion that the conduct of any person is such that disciplinary action against such a person be taken, the Commission shall make a report in that regard to the appropriate authority which shall take further actions as may be necessary in the circumstances.
- (5) The Commission may require the Respondent or Organisation that is subject of investigation to submit a report to the Commission within a specified period on the steps, if any, taken to implement the recommendations of the Commission.
- (6) If there is failure or refusal to implement the recommendations of the Commission within a specified period, a report may be prepared and submitted to the President and the National Assembly, detailing the failure or refusal to implement the recommendations and the President or the National Assembly shall take appropriate action to ensure compliance with the recommendations.

***Committee's Recommendation:***

That the provision in Clause 10 be retained (*Senator Suleiman A. Kwari — Kaduna North*) —  
*Agreed to.*

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

**Clause 11: Recognition and enforcement of Decisions and Recommendations**

- (1) Without prejudice to any other provision in this Bill, a decision or recommendation made by the Commission shall be effective and binding and subject to the provisions of this Bill, shall, upon application in writing to the Court, be registered and enforced by the Court.
- (2) Where a complaint is heard and determined by the Court, the decisions of the court shall be enforced accordingly.

***Committee's Recommendation:***

That the provision in Clause 11 be retained (*Senator Suleiman A. Kwari — Kaduna North*) —  
*Agreed to.*

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

**Clause 12: Report to Complainants**

The Commission shall inform Complainants of the results of the investigation in writing.

**Committee's Recommendation:**

That the provision in Clause 12 be retained (*Senator Suleiman A. Kwari — Kaduna North*) — Agreed to.

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

**PART V — PUBLIC INTEREST DISCLOSURE****Clause 13: Functions of the Commission in respect of Public Interest Disclosure.**

The Commission shall -

- (a) be responsible for the management of public interest disclosure and complaint in the manner specified under this Bill;
- (b) monitor the management of public interest disclosures and complaint, including -
  - (i) monitoring compliance with this Bill,
  - (ii) collecting statistics about public interest disclosures and complaint,
  - (iii) monitoring trends in relation to public interest disclosures and complaint, and
  - (iv) review, from time to time, the way in which public interest disclosures and complaint are dealt with under this Bill by persons and authority concerned with the handling of public interest disclosures;
- (c) shall perform an educational and advisory role, including -
  - (i) promoting the objectives of this Bill,
  - (ii) providing advice about public interest disclosures and complaint, and
  - (iii) providing, or co-coordinating the provision of education and training programmes about public interest disclosures and complaint.
- (d) determine the type of protective measures to be applied for persons making public interest disclosures under the provisions of this Bill;
- (e) advise any public authority or any other person on the adoption of strategies and measures on public interest disclosures;
- (f) collate, analyse, store and disseminate information relating to public interest disclosures;
- (g) give such instructions to a protected person as the Commission may consider necessary;
- (h) provide guidelines for the protection of the identity and anonymity of a discloser of public interest disclosure including the allocation of appropriate identifier to be used by all parties involved;
- (i) recommend to the appropriate or competent authority any line of action considered appropriate following any investigation or enquiry

into any public interest disclosure; and

- (j) perform such other functions as may be necessary for effective implementation of the objectives of this Bill.

***Committee's Recommendation:***

That the provision in Clause 13 be retained (*Senator Suleiman A. Kwari — Kaduna North*) —  
*Agreed to.*

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

**Clause 14: Powers of the Commission in respect of Public Interest Disclosure.**

The Commission shall have power to -

- (a) enter into arrangements with other persons, bodies or organisations within or outside Nigeria as it may consider desirable or appropriate in furtherance of the objectives and purpose of this Bill;
- (b) enter into confidential agreements with relevant foreign authorities, international criminal courts or tribunals and other regional or international bodies relating to the relocation of protected persons and witness protection measures;
- (c) search a protected person and his property and seize items regarded by the Commission to be a threat to the protected person or another person or the integrity of the Public Interest Disclosure;
- (d) request for any public record or document from any department, agency or office with the appropriate order of court;
- (e) demand from any appropriate or competent authority the report and the action taken with respect to any public interest disclosure referred for investigation by the appropriate or competent authority;
- (f) represent Nigeria at any international fora on issues relating to public interest disclosure and witness protection;
- (g) issue Guidelines in respect of -
  - (i) minimum standards of conduct and integrity to be complied with by a person making a public interest disclosure and complaint under this Bill, and ways in which appropriate or competent authorities are to deal with public interest disclosures; and
  - (ii) internal procedures relating to how public interest disclosures are handled, and the responsibilities of appropriate or competent authorities in connection with public interest disclosures under this Bill and ensure that all appropriate or competent authorities have copies of the Guidelines; and
- (h) carry out such other activities as are necessary or expedient for the full discharge of the functions conferred on it under this Bill.

***Committee's Recommendation:***

That the provision in Clause 14 be retained (*Senator Suleiman A. Kwari — Kaduna North*) —  
*Agreed to.*

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

**Clause 15: Making public interest disclosure.**

- (1) A person makes a public interest disclosure as provided under this Bill if the person -
  - (a) believes on reasonable grounds that the disclosure is true; or
  - (b) has no reasonable grounds on which to form a belief about the truth of the information but believes on reasonable grounds that the disclosure may be true and not solely for personal gain.
- (2) A person may make a public interest disclosure about events that -
  - (a) happened or may have happened, whether before or after the commencement of this Bill;
  - (b) are or may be happening at the time of making the disclosure; or
  - (c) will or may happen at a later date.
- (3) The making of a public interest disclosure in accordance with the provisions of this Bill, does not excuse, absorb or pardon a person from liability in respect of his conduct or involvement in the matter of the public interest disclosure.

***Committee's Recommendation:***

That the provision in Clause 15 be retained (*Senator Suleiman A. Kwari — Kaduna North*) — Agreed to.

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

**Clause 16: Mode of making public interest disclosure.**

- (1) A person may make a public interest disclosure orally, in writing or in such other manner as may be prescribed by the Commission in a regulation made under this Bill to -
  - (a) the Commission; or
  - (b) an appropriate authority listed in the Schedule to this Bill and responsible for the matter to which a public interest disclosure relates.
- (2) Where a public interest disclosure is made to the Commission or an appropriate authority, the Commission or an appropriate authority, as the case may be, is considered to have received the disclosure for the purpose of this Bill.

***Committee's Recommendation:***

That the provision in Clause 16 be retained (*Senator Suleiman A. Kwari — Kaduna North*) — Agreed to.

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

**Clause 17: Public interest disclosure in respect of an unidentified person.**

A person may make a public interest disclosure whether or not the person is able to identify a particular person to whom the disclosure relates.

***Committee's Recommendation:***

That the provision in Clause 17 be retained (*Senator Suleiman A. Kwari — Kaduna North*) —  
*Agreed to.*

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

**Clause 18: Public interest disclosure made under legal requirement**

- (1) A person may make a public interest disclosure under a legal obligation.
- (2) The fact that a person made a public interest disclosure under a particular provision of this Bill does not prevent the person from making the disclosure under another provision of this Bill or any other applicable law.

***Committee's Recommendation:***

That the provision in Clause 18 be retained (*Senator Suleiman A. Kwari — Kaduna North*) —  
*Agreed to.*

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

**Clause 19: Public interest disclosure in court proceedings**

- (1) Where a person —
  - (a) has information that he may disclose as a public interest disclosure to the Commission; and
  - (b) discloses the information to a court in which the information is relevant and admissible, the disclosure is considered to be a public interest disclosure made to the court.
- (2) The court may, after due consideration, refer the disclosure, for the purpose of this Bill to the Commission or directly to the appropriate or competent authority.

***Committee's Recommendation:***

That the provision in Clause 19 be retained (*Senator Suleiman A. Kwari — Kaduna North*) —  
*Agreed to.*

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

**PART 6 — OFFENCES AND PENALTIES, ETC.****Clause 20: Immunity for public interest disclosure.**

A person who makes a public interest disclosure under this Bill —

- (a) does not incur civil or criminal liability for doing so; and
- (b) is not, for doing so, liable —
  - (i) to any disciplinary action under a written law,
  - (ii) to be dismissed,
  - (iii) to have his services dispensed with or otherwise terminated, or
  - (iv) for any breach of a duty of secrecy or confidentiality or any

other restriction on disclosure, whether or not imposed by a written law, applicable to the person.

***Committee's Recommendation:***

That the provision in Clause 20 be retained (*Senator Suleiman A. Kwari — Kaduna North*) — Agreed to.

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

***Committee's Recommendation:***

That the provision in Clause 20 be retained (*Senator Suleiman A. Kwari — Kaduna North*) — Agreed to.

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

**Clause 21: Offence of Reprisal**

- (1) A person who takes or threatens to take detrimental action against another person because a person has made, or intends to make, a public interest disclosure under this Bill commits an offence and is liable on conviction to a fine not exceeding N500,000.00 or imprisonment for a term of not exceeding two years or both.
- (2) A person who -
  - (a) attempts to commit an offence created by subsection (1);
  - (b) intends that an offence provided under subsection (1) be committed; or
  - (c) incites another person to commit that offence,commits an offence and is liable on conviction to a fine not exceeding N500,000.00 or imprisonment for a term not exceeding two years or both.

***Committee's Recommendation:***

That the provision in Clause 21 be retained (*Senator Suleiman A. Kwari — Kaduna North*) — Agreed to.

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

**Clause 22: Remedies for acts of victimisation**

- (1) A person who takes or threatens to take detrimental action against another person because such a person has made, or intends to make a public interest disclosure under this Bill, commits an act of victimisation which may be dealt with as a tort.
- (2) Proceedings in tort under subsection (1) may be taken against the perpetrator of an act of victimisation or an employer of the perpetrator.
- (3) In proceedings against an employer of the perpetrator of an act of victimisation, it is a defence for the employer to prove that the employer -
  - (a) was not knowingly involved in the act of victimisation;

- (b) did not know and could not reasonably be expected to have known about the act of victimisation; and
  - (c) could not, by the exercise of reasonable care, have prevented the act of victimisation.
- (4) Notwithstanding any other provision in this Bill, this section has no retrospective effect and no proceeding may be taken under this section in relation to an act of victimisation that occurred before the commencement of this Bill.

***Committee's Recommendation:***

That the provision in Clause 22 be retained (*Senator Suleiman A. Kwari — Kaduna North*) — Agreed to.

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

**Clause 23: Compensation for victimisation**

- (1) A person may present to the Commission a complaint that he has been subjected to an act of victimisation in contravention of this Bill.
- (2) Where a complaint is presented under this Bill and the act of victimisation to which the person is subjected to is -
  - (a) the termination of the person's employment, he shall be paid such compensation for any loss he has suffered, as the authority or court hearing the complaint determines to be just and equitable; or
  - (b) dismissal, he shall be paid such compensation as shall be prescribed by regulations made under this Bill.
- (3) Compensation may be paid under this section, even if a prosecution in relation to an offence under sections 22 and 23 of this Bill has not been brought, or cannot be brought.

***Committee's Recommendation:***

That the provision in Clause 23 be retained (*Senator Suleiman A. Kwari — Kaduna North*) — Agreed to.

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

**Clause 24: Duty as to secrecy and confidentiality**

- (1) A person receiving, investigating, or otherwise dealing with a public interest disclosure under this Bill, shall regard and deal with, as secret and confidential -
  - (a) the identity of the person making the public interest disclosure and the disclosure made; and
  - (b) any statement given, or document, information or thing provided to the person in the course of carrying out an investigation, except that any statement given, or document, information or thing provided, in furtherance of an investigation, or any legal or disciplinary proceedings, shall not be regarded as being inconsistent with the obligation for secrecy and confidentiality.

- (2) A person shall not make a disclosure that might identify or tend to identify a person as the person who has made a public interest disclosure under this Bill, unless the person who made the public interest disclosure consents to the disclosure that might identify or tend to identify him.
- (3) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding five hundred thousand naira or imprisonment for a term not exceeding two years or to both.

***Committee's Recommendation:***

That the provision in Clause 24 be retained (*Senator Suleiman A. Kwari — Kaduna North*) — Agreed to.

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

**Clause 25: Preservation of confidentiality**

- (1) Without prejudice to section 25 of this Bill, if a person gains any other confidential information because of the person's involvement in the administration of this Bill, the person shall not make a record of the information, or intentionally or recklessly disclose the information to anyone, other than as provided under subsection (4) of this section.
- (2) A person who contravenes subsection (1), commits an offence and is liable on conviction to a fine not exceeding five hundred thousand naira or imprisonment for a term not exceeding two years or to both.
- (3) A person gains information because of his involvement in the administration of this Bill if the person gains the information, including receiving information relating to a public interest disclosure for an appropriate or competent authority, because of being involved, or an opportunity given to him by being involved, in the administration of this Bill.
- (4) A person may make a record of confidential information or disclose it to another person -
  - (a) for the purposes of this Bill;
  - (b) to discharge a function under another legislation, including the investigation of matters disclosed by a public interest disclosure;
  - (c) for a proceeding in a court;
  - (d) if the person to whom the confidential information relates consents in writing to the making of the record or disclosure of the information;
  - (e) where -
    - (i) the person cannot reasonably obtain the consent of the person to whom the confidential information relates, and

- (ii) making the record or disclosing the information is unlikely to harm the interests of the person to whom the confidential information relates and is reasonable in all the circumstances;
- (f) if there are reasonable grounds to believe that making the record or disclosing the information is necessary to -
  - (i) prevent or reduce the risk of injury to any person or damage to any property; and
  - (ii) provide for the safety or welfare of a person; or
- (g) if authorised under regulations made under this Bill or under any other law.
- (5) This section does not affect an obligation a person may have under the principles of natural justice to disclose information to a person whose rights would otherwise be adversely affected.
- (6) In this section, "confidential information" -
  - (a) includes information -
    - (i) disclosed by a public interest disclosure,
    - (ii) about an individual's personal affairs, and
    - (iii) that, if disclosed, may be detrimental to a person; and
  - (b) does not include information publicly disclosed in a public interest disclosure made to a court, tribunal or other body that may receive evidence under oath, unless further disclosure of the information is prohibited by law.

***Committee's Recommendation:***

That the provision in Clause 25 be retained (*Senator Suleiman A. Kwari — Kaduna North*) — *Agreed to.*

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

**Clause 26: Loss of Protection**

- (1) A person who makes a public interest disclosure under this Bill and -
  - (a) fails, without reasonable excuse, to assist a person investigating a matter to which the disclosure relates by supplying the person with any information requested, whether orally or in writing, by the person in such manner, and within such period, as is specified by the person making the request; or
  - (b) discloses information contained in a public interest disclosure otherwise than under this Bill, forfeits the protection given by this Bill.
- (2) Where a court is considering whether a person has pursuant to subsection (1) forfeited the protection under this Bill and is of the opinion that the failure or disclosure -
  - (a) has not materially prejudiced the public interest served by the

appropriate disclosure; and

- (b) is of a minor nature, it may make an order restoring, in whole or in part, the protection afforded under this Bill, and such consequential orders as are necessary to give effect to the order.

***Committee's Recommendation:***

That the provision in Clause 26 be retained (*Senator Suleiman A. Kwari — Kaduna North*) — Agreed to.

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

PART VI - STRUCTURE AND STAFF OF THE COMMISSION

**Clause 27: Appointment of the Secretary of the Commission**

- (1) There shall be for the Commission, a Secretary to the Commission who shall -
- (a) be appointed by the Chief Commissioners from among the serving Directors in the Commission through a competitive selection process;
- (b) the head of the Commission's Civil Service;
- (c) keep the books and proper records of the proceedings of the Body of Commissioners;
- (d) be responsible for the general direction and control of all other employees of the Commission;
- (e) be responsible for the execution of policy and day to day administration of the affairs of the Chief Commission; and
- (f) perform such other duties as the Body of Commissioners may, from time to time, assign.
- (2) A retired Secretary to the Commission shall be entitled to all retirement and fringe benefits applicable to a retired Permanent Secretary in the Federal Public Service, particularly 100% of total emolument as pension for life.

***Committee's Recommendation:***

That the provision in Clause 27 be retained (*Senator Suleiman A. Kwari — Kaduna North*) — Agreed to.

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

**Clause 28: Appointment of Other Staff of the Commission**

The Chief Commissioner shall have power to-

- (a) appoint such additional officers (not being Commissioners) as he may determine to assist him and other Commissioners for proper performance of the functions of the Commission;
- (b) employ either directly or on transfer or secondment from any civil or public service in the Federation such number of employees as may, in the opinion of the Commission, be required to assist the Chief

Commissioner and the Secretary of the Commission in the discharge of their functions;

- (c) pay to persons so employed such remuneration including allowance as the Commission may recommend, with the approval of the National Salaries, incomes and Wages Commission.

***Committee's Recommendation:***

That the provision in Clause 28 be retained (*Senator Suleiman A. Kwari — Kaduna North*) — Agreed to.

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

**Clause 29: Staff regulations**

- (1) Subject to the provisions of this Bill, the Chief Commissioner in consultation with other Commissioners shall make staff regulations relating to the Conditions of Service of employees of the Commission and without prejudice to the generality of the foregoing, the regulations may provide for -
  - (a) the appointment, promotion and disciplinary control (including dismissal) of employees of the Commission; and
  - (b) appeals by such employees against dismissal or other disciplinary measures, and until the regulations are made, any instrument relating to the conditions of service of officers in the Public Service of the Federation shall be applicable, with such modifications as may be necessary, to the employees of the Commission.
- (2) The Staff regulations made under subsection (1) shall not have effect until approved by the Commission, and when so approved, the Secretary to the Commission shall cause a notice of the Staff Regulations to be issued to all affected staff.

***Committee's Recommendation:***

That the provision in Clause 29 be retained (*Senator Suleiman A. Kwari — Kaduna North*) — Agreed to.

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

**Clause 30: Pension**

- (1) Service in the Commission shall be approved service for purposes of Pension Reform Act.
- (2) Employees of the Commission shall be entitled to pension and other retirement benefits as are enjoyed by persons holding equivalent grades in the Public Service of the Federation.
- (3) Nothing in this Bill shall prevent the appointment of a person to any office in the Commission on terms which preclude the grant of pension.

***Committee's Recommendation:***

That the provision in Clause 30 be retained (*Senator Suleiman A. Kwari — Kaduna North*) — Agreed to.

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

**Clause 31: Structure of the Commission**

- (1) The Commission shall establish Departments and Special Units for the effective and efficient discharge of its functions and powers under this Bill.
  - (a) All Departments and Special Units shall carry out such duties as may be required in the exercise, performance or carrying out of the powers, functions and duties of the Commission under this Bill.

***Committee's Recommendation:***

That the provision in Clause 31 be retained (*Senator Suleiman A. Kwari — Kaduna North*) — Agreed to.

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

**Clause 32: Fund of the Commission**

There shall be established and maintained for the Commission, a Fund (in this Bill referred to as "the Fund") into which shall be paid all, -

- (a) monies as may be appropriated to the Commission from time to time by the Federal Government;
- (b) monies, dividends, royalties, interest or income received from any transaction made under the power of the Commission under this Bill;
- (c) gifts, loans, grants, aids;
- (d) other assets that may from time to time be vested in or accrue to the Commission in the course of performing its functions under this Bill, and
- (e) monies received by the Commission from the disposal of lands and properties, movable or immovable as well as the income generated by investing the fund in other profit yielding ventures, and
- (f) other sums accruing to the Commission from time to time.

***Committee's Recommendation:***

That the provision in Clause 32 be retained (*Senator Suleiman A. Kwari — Kaduna North*) — Agreed to.

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

**Clause 33: Expenditure of the Commission**

- (1) The administrative expenses of the Commission, including all salaries and allowances payable to or in respect of persons serving with the Commission, shall be charged on the Consolidated Revenue Fund of the Federation.
- (2) All funds allocated to the Commission shall be under Statutory Transfer, provided that such funds shall not be disbursed by the Commission without appropriation.

**Committee's Recommendation:**

That the provision in Clause 33 be retained (*Senator Suleiman A. Kwari — Kaduna North*) — Agreed to.

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

**Clause 34: Annual Estimates and Expenditure**

- (1) The Commission shall not later than 30th September each year or other date stipulated by law or policy, submit to the National Assembly through Senate President and the Speaker of the House of Representatives an estimate of expenditure or income of the Commission as approved by the Body of Commissioners for the next fiscal year for incorporation into the National budget.
- (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 List of Auditors and in accordance with the guidelines supplied by the Auditor-General of the Federation.

**Committee's Recommendation:**

That the provision in Clause 34 be retained (*Senator Suleiman A. Kwari — Kaduna North*) — Agreed to.

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

**Clause 35: Annual Report**

- (1) The Body of Commissioners shall prepare and submit to the National Assembly not later than 30th June in each year, a report in such form as the Chief Commissioner may direct, the activities of the Commission during the immediate preceding year.
- (2) The Chief Commissioner shall, upon receipt of the report referred to in subsection (1) of this section, cause a copy of the report and the audited accounts of the Fund and the auditor's report thereon to be submitted to each House of the National Assembly.

**Committee's Recommendation:**

That the provision in Clause 35 be retained (*Senator Suleiman A. Kwari — Kaduna North*) — Agreed to.

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

**Clause 36: Power to accept gifts.**

- (1) The Commission may accept gifts, endowments, aid and assistance from international bilateral and multilateral agencies provided that the purpose for such gifts, endowments, aids and assistance does not conflict with the objectives of this Bill.
- (2) The Commission shall not accept any gift if the conditions attached by the person or organization offering the gift are inconsistent with the functions of the Commission under this Bill.

**Committee's Recommendation:**

That the provision in Clause 36 be retained (*Senator Suleiman A. Kwari — Kaduna North*) — Agreed to.

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

**Clause 37: Power to borrow.**

The Commission may, with the approval of the National Assembly borrow, on such terms and conditions as the Commission may require in the exercise of its functions under this Bill.

***Committee's Recommendation:***

That the provision in Clause 37 be retained (*Senator Suleiman A. Kwari — Kaduna North*) — Agreed to.

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

**Clause 38: Power to invest**

The Commission may invest the Fund in any profitable venture that will project returns for the Commission on the approval of the National Assembly.

***Committee's Recommendation:***

That the provision in Clause 38 be retained (*Senator Suleiman A. Kwari — Kaduna North*) — Agreed to.

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

**PART VIII - OFFENCES AND PENALTIES**

**Clause 39: Offences and penalties in respect of investigation of administrative injustice.**

- (1) Any complaints lodged before the Commission shall not be made public by any person except a Commissioner, and any person who contravenes the provision of this sub-clause commits an offence, and shall be liable on conviction to a fine not exceeding ₦500,000.00 or imprisonment to a term not exceeding five years or to both.
- (2) If any person required to furnish information under this Bill fails to do so or in purported compliance with such requirement to furnish information knowingly or recklessly makes any statement which is false in any material particular, that person commits an offence, and shall be liable on conviction to a fine not exceeding ₦500, 000.00 or imprisonment to a term not exceeding five years or to both.
- (3) Any person who wilfully obstructs, interferes with, assaults or resists any Commissioner or any other officer or servant of the Commission in the execution of their duties under this Bill, or who aids, invites, induces, or abets any other person to obstruct, interfere with, assault or resist any such Commissioner, officer or servant of the Commission, commits an offence, and shall be liable on conviction to a fine not exceeding ₦500,000.00 or imprisonment to a term not exceeding five years or to both.
- (4) Any person who in respect of any complaint lodged knowingly makes to a Commissioner any statement, whether or not in writing, which is false in any material particular, commits an offence and shall be liable on conviction to a term of imprisonment not exceeding two years.
- (5) Any person who fails to appear before a Commission when required to testify on any matter, or to give evidence in the matter, commits an

offence, and shall be liable on conviction to a fine not exceeding ₦500,000.00 or to a term of imprisonment not exceeding five years or both.

***Committee's Recommendation:***

That the provision in Clause 39 be retained (*Senator Suleiman A. Kwari — Kaduna North*) — Agreed to.

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

**Clause 40: False or misleading disclosure.**

- (1) Any person who makes a statement to the Commission or to an appropriate or competent authority intending that it be acted on as a public interest disclosure and in the statement, or in the course of inquiries into the statement, intentionally gives information that the person -
  - (a) knows is false or misleading; or
  - (b) is reckless about whether it is false or misleading in a material particular, commits an offence, and shall be liable on conviction to a fine not exceeding ₦500,000.00 or to a term of imprisonment not exceeding five years or both.
- (2) For the purposes of subsection (1), a statement is made to the Commission or to an appropriate or competent authority if, were the statement truly a public interest disclosure, it is disclosed to Commission or to an appropriate or competent authority for the purposes of the Schedule to this Bill.
- (3) Any person who makes a statement in contravention of this section is not protected by this Bill in respect of that statement, whether or not it is truly a public interest disclosure.

***Committee's Recommendation:***

That the provision in Clause 40 be retained (*Senator Suleiman A. Kwari — Kaduna North*) — Agreed to.

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

**Clause 41: Offences and penalties for making untrue disclosure in relation to public funds, assets**

Any person who does not act in good faith or makes an allegation pertaining to wrongful or unlawful use of public funds or assets without having reasonable grounds for believing it to be substantially true, or makes it for purposes of personal gain or makes it maliciously, commits an offence and shall be liable on conviction to a fine not exceeding ₦500,000.00 or to a term of imprisonment not exceeding one year or both.

***Committee's Recommendation:***

That the provision in Clause 41 be retained (*Senator Suleiman A. Kwari — Kaduna North*) — Agreed to.

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

**Clause 42: Making untrue statement for the purpose of receiving a reward under the Protection**

Any person who for the purpose of receiving a reward under this Bill, provides information that is false or misleading in any way, commits an offence and shall be liable on conviction to a term of imprisonment not exceeding three years or both.

**Committee's Recommendation:**

That the provision in Clause 42 be retained (*Senator Suleiman A. Kwari — Kaduna North*) — Agreed to.

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

**Clause 43: Offences relating to disclosures concerning participants**

Any person who, without lawful excuse, discloses information -

- (a) about the identity or location of a person who is or has been a discloser under the Programme; or
- (b) which compromises the security of that discloser, commits an offence and is liable on conviction to a fine not exceeding ₦1,000,000.00 or imprisonment for a term not exceeding five years or to both.

**Committee's Recommendation:**

That the provision in Clause 43 be retained (*Senator Suleiman A. Kwari — Kaduna North*) — Agreed to.

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

**Clause 44: Prohibition of false representation**

Any person who, without prior written approval of the Commission, in connection with an activity carried on by him, takes, assumes, uses or in any manner publishes a name, description, title or symbol-

- (a) conveying or purporting to indicate or convey; or
- (b) which is calculated or is likely to lead other persons to believe or infer, that the activity is carried on under or by virtue of the provisions of this Bill or on behalf of the Commission,

commits an offence and is liable on conviction to a fine not exceeding ₦1,000,000.00 or imprisonment for a term not exceeding five years or both.

**Committee's Recommendation:**

That the provision in Clause 44 be retained (*Senator Suleiman A. Kwari — Kaduna North*) — Agreed to.

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

**PART IX - LEGAL PROCEEDINGS**

**Clause 45: Immunity from Legal Process and Limitation of civil Suits against the Commission, etc**

- (1) No Commissioner or any person holding an office or appointment under the Commission shall be liable to be sued in any court of law for an act done or omitted to be done in the due exercise of their duties under or pursuant to this Bill.

- (2) Any report, statement or other communications or record of any meeting, investigation or proceedings which a Commissioner, officer or servant of the Commission may make in the due exercise of their functions under this Bill shall be privileged in that its production may not be compelled in any legal proceedings unless the Attorney General of the Federation certifies that such production is in the public interest.
- (3) Subject to the provisions of this Bill, the provisions of the Public Officers Protection Act shall apply in relation to any suit instituted against any officer or employee of the Commission.
- (4) Notwithstanding any provision in any other law, no civil suit shall be brought against any Commissioner, the Secretary to the Commission 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 of any public duty or authority or in respect of any alleged neglect or default in the execution of this Bill or such law, duty or authority, shall lie or be instituted in any court unless-
  - (a) it is commenced within three months after the act, neglect or default complained of; or
  - (b) in the case of a continuation of damage or injury, within six months after the ceasing thereof.
- (5) No civil suit shall be commenced against any Commissioner, the Secretary to the Commission or any other officer or employee of the Commission before the expiration of a period of one month, after written notice of intention to commence the suit have been served on the Commission by the intending plaintiff or their agent.
- (6) The notice referred to in subsection (3) shall clearly and explicitly state the cause of action, the particulars of the claim, the name and place of abode of the intending plaintiff and the relief which he claims.

***Committee's Recommendation:***

That the provision in Clause 45 be retained (*Senator Suleiman A. Kwari — Kaduna North*) —  
*Agreed to.*

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

**Clause 46: Service of Documents.**

Any summons, notices or other documents required or authorized to be served on the Commission under the provisions of this Bill or any other law or enactment may be served by —

- (a) delivering same to the Secretary at the Head Office of the Commission, or
- (b) sending such document by registered post, addressed to the Secretary at the Head Office.

***Committee's Recommendation:***

That the provision in Clause 46 be retained (*Senator Suleiman A. Kwari — Kaduna North*) —  
*Agreed to.*

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

**Clause 47: Restriction on Execution against Property of the Commission**

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

***Committee's Recommendation:***

That the provision in Clause 47 be retained (*Senator Suleiman A. Kwari — Kaduna North*) — Agreed to.

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

**Clause 48: Indemnity of Officers.**

Every Commissioner, agents or employees of the Commission shall be indemnified from liability incurred in defending any proceeding brought against the persons under this Bill, in the person's capacity as member, agent or employee of the Commission.

***Committee's Recommendation:***

That the provision in Clause 48 be retained (*Senator Suleiman A. Kwari — Kaduna North*) — Agreed to.

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

**Clause 49: Secrecy**

A Commissioner, or the Secretary to the Commission, or agents or employees of the Commission shall —

- (a) not for their personal gain, make use of any information, which has come to their knowledge in the exercise or is obtained by them in the ordinary course of their duty as a Commissioner, agents or employees of the Commission;
- (b) treat as confidential any information which has come to their knowledge in the exercise of their power or is obtained by them in the performance of their duties under this Bill;
- (c) not disclose any information referred to under paragraph (b) of this subsection, except when required to do so by a court or in such other circumstances as may be prescribed by the Commission, from time to time.

***Committee's Recommendation:***

That the provision in Clause 49 be retained (*Senator Suleiman A. Kwari — Kaduna North*) — Agreed to.

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

**Clause 50: Prosecution of Offences**

Every prosecution for the offences under this Bill shall be undertaken by Counsel employed or engaged by the Commission and shall be deemed to be done with the consent of the Honourable Attorney General of the Federation.

***Committee's Recommendation:***

That the provision in Clause 50 be retained (*Senator Suleiman A. Kwari — Kaduna North*) —  
*Agreed to.*

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

**PART IX — MISCELLANEOUS****Clause 51: Power to Make Regulations**

The Chief Commissioner may make regulations for or with respect to any matter necessary or expedient to be prescribed for carrying out or giving effect to this Bill, especially in respect of the following —

- (a) procedural requirement for Public interest disclosure, protection and complaints;
- (b) Public interest disclosure protection programme;
- (c) reward and compensation of stolen or illegally concealed public funds or assets and from other public disclosure; and
- (d) matters relating to investigation of administrative injustice.

***Committee's Recommendation:***

That the provision in Clause 51 be retained (*Senator Suleiman A. Kwari — Kaduna North*) —  
*Agreed to.*

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

**Clause 52: Seal of the Commission**

- (1) The fixing of the seal of the Commission shall be authenticated by the signature of the Chief Commissioner and the Secretary of the Commission.
- (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, and may be made or executed on behalf of the Commission by the Secretary or any other person generally or specially authorized by the Commission.
- (3) Any document purporting to be a contract, instrument or other document duly signed and sealed on behalf of the Commission shall be received in evidence and shall, unless the contrary is proved, be presumed without further proof to have been so signed or sealed.

***Committee's Recommendation:***

That the provision in Clause 52 be retained (*Senator Suleiman A. Kwari — Kaduna North*) —  
*Agreed to.*

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

**Clause 53: Repeal**

The Public Complaints Commission Act, CAP P37, Laws of the Federation of Nigeria, 2004 is repealed.

**Committee's Recommendation:**

That the provision in Clause 53 be retained (*Senator Suleiman A. Kwari — Kaduna North*) — Agreed to.

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

**Clause 54: Savings**

Notwithstanding the provisions of this Bill —

- (a) any order, decision or notice made or issued by the Commission under the repealed Act shall be deemed to have been made or issued under this Bill;
- (b) any function carried out by the Commission under the repealed Act shall be deemed to have been carried out under this Bill;
- (c) all rights, powers, duties, whether arising under any written law or otherwise which immediately before the coming into operation of this Bill were vested in the Commission under the repealed Act shall be transferred to, vested, imposed on, or be enforceable by or against the Commission under this Bill;
- (d) all actions, suits or legal proceedings by or against the Commission under the repealed Act shall be carried out on, prosecuted by or against the Commission under this Bill and no such suit, action or legal proceedings shall abate or be affected by the coming into operation of this Bill; and
- (e) all assets and liabilities which immediately before the commencement of this Bill were vested in, or enforced against the Commission under the repealed Act shall, by virtue of this paragraph, vest in the Commission.

**Committee's Recommendation:**

That the provision in Clause 54 be retained (*Senator Suleiman A. Kwari — Kaduna North*) — Agreed to.

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

**Clause 55: Transitional Provisions.**

- (1) All complaints relating to administrative injustice, which immediately before the commencement of this Bill were made to the Commission at the commencement of this Bill, shall be deemed to have been made under this Bill.
- (2) The Commission shall be bound in all contracts, including contracts of service, if any, subsisting at the commencement of this Bill and to which the Commission was a party.

**Committee's Recommendation:**

That the provision in Clause 55 be retained (*Senator Suleiman A. Kwari — Kaduna North*) — Agreed to.

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

**Clause 56: Interpretation**

In this Bill, unless the context otherwise requires —

"Appropriate Authority" means a person or authority to which a public interest disclosure can be made or referred to for the purpose of investigation and contained in list in the Schedule to this Act and includes the National Judicial Board or the Presiding Officer of a Legislative House;

"Attorney-General" means the Attorney-General of the Federation and Minister of Justice;

"Commission" means the Public Complaints Commission established under Section 1 of this Bill.

"Commissioner" means any person appointed as such pursuant to Section 2 of this Bill and references to Commissioner or Commissioners includes where appropriate references to the Chief Commissioner;

"Competent authority" means any person or authority contained in the list in the Schedule to this Bill with responsibility to investigate and prosecute any of the offences referred in this Bill;

"Complaint" includes an allegation, application, charge, motion, objection, petition, report, request or summons;

"Detrimental Action" includes action causing, comprising, or involving —

- (a) injury, damage, or loss;
- (b) intimidation or harassment;
- (c) adverse discrimination, disadvantage, or adverse treatment in relation to a person's career, profession, employment, trade, or business; or
- (d) a reprisal; "discloser" means a person, his affiliate or agent including a complainant who makes a disclosure of public interest information or complaint under this Bill;

"Employee" includes a public officer and a worker of in a company registered under the Companies and Allied Matters Act;

"Employer" includes the Government of the Federation and a company registered under the Companies and Allied Matters Act;

"Environment" has the meaning given to it in the Environmental Impact Assessment Act (Cap. E121 LFN 2004);

"Family" means a spouse, child, adopted child, step child, grandchild, parent, grandparent, niece, nephew, aunt, uncle or any other relative or person with whom the witness maintains a close family relationship;

"Government" means the Federal Government of Nigeria;

"Judge" means a Judge of a Court;

"Legislative House" means the Senate or the House of Representatives;

"Law" means any Act or Law and includes subsidiary legislation made under any of them.

"Ministry, Department or Agency of the Federal Government" include the Nigeria Police, the Nigerian Army, the Nigerian Air Force, and the Nigerian Navy.

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

"Participant" means a witness who is included in the Programme;

"Proceedings" means any procedure conducted by or under supervision of the Judge or judicial officer, however described in relation to any alleged or proven offence, or any property derived from an offence, and include an inquiry, investigation, or preliminary or final determination of facts;

"Property derived from an offence" means any property derived or realized directly or indirectly from an offence and includes-

- (a) on a proportional basis, property into which any property derived or realized directly from the offence was later successfully converted, transformed or intermediate; and
- (b) income, capital or other economic gains derived or realized from the property at any time since the commission of the offence;

"Protected Person" means a witness included in the Programme;

"Public Authority" means —

- (a) a Ministry, a department, extra Ministerial Department or any public office or institution;
- (b) a Legislative House or the Judiciary;
- (c) a prescribed person; or
- (d) any other body that is established for a public purpose under a written law;

"Public Interest Disclosure":

- (1) means the disclosure of information that —
  - (a) shows or tends to show that, in relation to the performance of a public function, a public authority, a public officer, or a public sector contractor is, has been, or proposes to be, involved in a wrongful or unlawful activities in relation to his office, and shall include offences relating to public Funds/revenue.
  - (b) relates to any criminal act under any law in force in Nigeria.
- (2) includes assistance given by a discloser.
- (3) not a public interest disclosure if the discloser commits an offence by making it.
- (4) is not a public interest disclosure if it is information made in respect of which a claim to legal professional privilege could be maintained.

- (5) is a legal professional privilege only if it is disclosed in the course of obtaining legal advice in legal proceedings

"Public Officer" means an officer in the service of the Federation and includes—

- (a) a Minister of the Government of the Federation;
- (b) a member of a Legislative House;
- (c) a judicial officer;
- (d) a police officer;
- (e) a person authorised under a written law to execute or serve any process of a court or tribunal for remuneration;
- (f) a member, officer, or employee of a public authority;
- (g) the holder of —
  - (i) a public office that is established for a public purpose under a written law; or
  - (ii) an office that is established by a Minister;
- (h) and any other person holding public office under the Government of the Federation; and

"Public Sector Contractor" means —

- (a) a person who, other than as an employee, contracts with a public authority to supply goods or services to or on behalf of the authority or the Government of the Federation or as directed in accordance with the contract;
- (b) a person who, other than as an employee, contracts with a public authority or the Government of the Federation to perform a public function; or
- (c) a subcontractor or employee of a person referred to in paragraph (a) or (b) above and each person who contracts with another person for the execution of the whole or part of the requirements of a contract referred to in those paragraphs.

***Committee's Recommendation:***

That the provision in Clause 56 be retained (*Senator Suleiman A. Kwari — Kaduna North*) —  
*Agreed to.*

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

**Clause 57: Short title**

This Bill may be cited as the Public Complaints Commission Bill, 2022.

***Committee's Recommendation:***

That the provision in Clause 57 be retained (*Senator Suleiman A. Kwari — Kaduna North*) —  
*Agreed to.*

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

## SCHEDULE

## APPROPRIATE OR COMPETENT AUTHORITIES

For the purpose of this Bill, the appropriate or competent authorities includes where the disclosure relates to —

- (a) an act or omission that constitutes an offence under a written law, it is made to a police officer;
- (b) an unauthorised or irregular use of, or substantial mismanagement of public resources, it is made to, the —
  - (i) Auditor-General of the Federation,
  - (ii) Economic and Financial Crimes Commission, or
  - (iii) Fiscal Responsibility Commission;
- (c) a case of corruption, gratification or related offence, it is made to the Independent Corrupt Practices and other related offences Commission;
- (d) a case of money laundering, economic or financial crime, it is made to the Economic and Financial Crimes Commission;
- (e) a case of terrorism or related activities, to the Department of State Security;
- (f) drugs and drug trafficking, to the National Drug Law Enforcement Agency;
- (g) the trafficking or violence against persons, to the National Agency for the Prohibition of Trafficking in Persons;
- (h) the violation of the customs and excise laws, it is made to the Nigeria Customs Service;
- (i) the violation of any law on the recovery of proceeds of crime, to any agency of the Federal Government responsible for the recovery of proceeds of crime under any law passed by the National Assembly;
- (j) income tax and related taxes, it is made to the Federal Inland Revenue Services;
- (k) a matter of administration of funds or assets of a Government Ministry, department, agency or office, it is made to Presiding Officers of each of the Legislative House; Economic and Financial Crimes Commission, or Fiscal Responsibility Commission;
- (l) a person who holds an appointment made under the Police Act, it is made to the Inspector-General of Police;
- (m) a judicial officer, it is made to the National Judicial Board;
- (n) a legislator, it is made to the Presiding Officer of the Legislative House to which the legislator belongs;
- (o) an officer in the civil service of the Federation, it is made to the Federal Civil Service Commission;
- (p) a matter falling within the area of responsibility of a public authority, it is made to the Presiding Officers of each of the Legislative House;

- (q) a person or a matter of a prescribed class, it is made to any authority specified in this Bill or by regulations made under this Bill.
- (2) Where a "public interest disclosure" has the meaning given to it under this Bill; disclosure falls within two or more paragraphs of this Schedule, then it is made to an appropriate or competent authority if made to any or all of the authorities contemplated by the applicable paragraphs.

*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 a Bill for an Act to Repeal the Public Complaints Commission Act, Cap P37, Laws of the Federation of Nigeria, 2004 and Enact the Public Complaints Commission Act, for the Establishment of the Public Complaints Commission with Wide Powers to Inquire into Complaints by Members of the Public Concerning the Administrative Actions of Any Public Authority and Companies or Their Officials, and to Provide a Legal Framework for Making Public Interest Disclosure from Whistleblowers and for Other Matters, 2022 and approved as follows:

Clauses 1-57 — 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.*

**12. Motions:**

- (a) *Urgent need to name the New Head Office of the NDDC as Harold Dappa Biriye House:*

*Consideration of Motion deferred to another Legislative Day.*

- (b) *Urgent need to appeal the Judgement of the Federal High Court Umuahia on Suit No.: FHC/UM/CS/26/2022 on Section 84(12) of the Electoral Act, 2022:*

*Motion made:* That the Senate aware that the National Assembly passed the Electoral Bill, 2022 and a clean copy was forwarded to the President, Federal Republic of Nigeria for his assent;

*aware also* that the President, Federal Republic of Nigeria, assented the Bill into Act which, was widely appreciated by the citizens of the country;

*observes* that a court in Umuahia, Abia State in a suit marked FHC/MU/SC/26/2022 faulted the provision of Section 84(12) of the Electoral Act, 2022 and declared it unconstitutional, invalid, illegal, null, void and of no effect;

*aware* that the said Section 84(12) of the Electoral Act, 2022 states as follows:

*"No political appointee at any level shall be voting delegate or be voted for at the convention or congress of any political party for the purpose of the nomination of candidates for any election";*

*observes further* that the Judge, in the ruling said that Section 84(12) of the Electoral Act, 2022 was inconsistent with Sections 66(1)(f), 107(1)(f), 137(1)(g) and 182(1)(g) of the Constitution of the Federal Republic of Nigeria, 1999 as amended;

*notes* that for ease of reference, the Sections relied upon in the judgment as stated above are as follows:

Section 66(1)(f):

"66. (1) No person shall be qualified for election to the Senate or the House of Representatives if:

(f) he is a person employed in the public service of the Federation or of any State and has not resigned, withdrawn or retired from such employment 30 days before the date of election";

Section 107 (1)(j):

"(1) No person shall be qualified for election to a House of Assembly if-  
(f) he is a person employed in the public service of the Federation or of any State and he has not resigned, withdrawn or retired from such employment thirty days before the date of election";

Section 137(1)(g):

"(1) A person shall not be qualified for election to the office of President if:-  
(g) being a person employed in the civil or public service of the Federation or of any State, he has not resigned, withdrawn or retired from the employment at least thirty days before the date of the election";

Section 182(1)(g):

"182. (1) No person shall be qualified for election to the office of Governor of a State if-  
(g) being a person employed in the public service of the Federation or of any State, he has not resigned, withdrawn or retired from the employment at least thirty days to the date of the election";

*notes further* that Section 4 (1),(2) and (3) of the Constitution of the Federal Republic of Nigeria, 1999 as amended vests the power of law making for the Federal Republic of Nigeria on the National Assembly, and as stated below:

"4. (1) the legislative powers of the Federal Republic of Nigeria shall be vested in a National Assembly for the Federation, which shall consist of a Senate and a House of Representatives;

(2) The National Assembly shall have power to make laws for the peace, order and good governance of the Federation or any part thereof with respect to any matter included in the Exclusive Legislative List set out in Part I of the Second Schedule to this Constitution;

(3) The power of the National Assembly to make laws for the peace, order and good governance of the Federation with respect to any matter included in the Exclusive Legislative List shall, save as otherwise provided in this Constitution, be to the exclusion of the Houses of Assembly of States";

*aware also* that in furtherance to the powers vested in the National Assembly, the 1999 Constitution, under the roles of the Executive in ITEM D that deals with political

parties in Section 228 (a), (b) and (d) confers more powers on the National Assembly, more particularly on political parties and effective management of the electoral process by the Independent National Electoral Commission, see as below:

228. The National Assembly may by law provide -

“(a) guidelines and rules to ensure internal democracy within political parties, including making laws for the conduct of party primaries; party congresses and party conventions;

(b) the conferment on the Independent National Electoral Commission of powers as may appear to the National Assembly to be necessary or desirable for the purpose of enabling the Commission more effectively ensure that political parties observe the practices of internal democracy, including the fair and transparent conduct of party primaries, party congresses and party conventions; and

(d) for the conferment on the Commission of other powers as may appear to the National Assembly to be necessary or desirable for the purpose of enabling the Commission more effectively to ensure that political parties observe the provisions of this part of this chapter”;

*notes* that the Electoral Act, 2022 enacted by the National Assembly followed due process of the provisions of the 1999 Constitution as given above. The Senate opines that section 84 (12) of the 2022 Electoral Act exclusively refers to nomination, conventions and congresses called for candidate selection and not participation in the general election which Sections 66(1)(f), 107(1)(f), 137(1)(g) and 182(1)(g) were referring to;

*believes* that the interpretation of the meaning of the words 'civil service' and 'public service' as provided in Part IV: Interpretation, Citation and Commencement in Section 318 of the 1999 Constitution is unambiguous as given below:

#### Part IV: Interpretation, Citation and Commencement

318. (1) In this constitution, unless it is otherwise expressly provided or the context otherwise requires-

"civil service of the Federation" means service of the Federation in a civil capacity as staff of the office of the President, the Vice-President, a ministry or department of the government of the Federation assigned with the responsibilities for any business of the Government of the Federation;

"public service of the Federation" means the service of the Federation in any capacity in respect of the Government of the Federation, and includes service as-

(a) Clerk or other staff of the National Assembly or of each House of the National Assembly;

(b) member of staff of the Supreme Court, the Court of Appeal, the Federal High Court, the National Industrial Court, the High Court of the Federal Capital Territory, Abuja, the Sharia Court of Appeal of the Federal Capital Territory, Abuja, the Customary Court of Appeal of the Federal Capital Territory, Abuja, or other courts established for the Federation by this Constitution and by an Act of the National Assembly;

(c) member or staff of any commission or authority established for the Federation by this Constitution or by any Act of the National Assembly; Government of the Federation;

(g) staff of any company or enterprise in which the Government of the Federation or its agency owns controlling shares or interests; and

(h) members or officers of the armed forces of the Federation or the Nigerian Police Force or other government security agencies established by law;

*notes* that there is a difference between the civil service or public service and political appointment;

*believes* that the Senate of the Federal Republic of Nigeria should show concern on the judgement, especially when it was not given opportunity to represent itself in a matter such as this that emanated from her legitimate functions; and

*believes further* that letting this judgment go without challenge will become a precedence on which any person could go to the court and obtain judgment to ridicule the good intentions of the National Assembly as an institution.

*The Senate accordingly resolves to:*

Follow the appropriate channel and appeal the judgment in Suit marked FHC/UM/CS/26/2022 for the court to set aside the judgement as the judgement was reached without due consideration of the Constitutional interpretation in Section 318 of the 1999 Constitution as amended (*Senator George T. Sekibo — Rivers East*).

*Debate:*

***Proposed Resolution:***

*Question:* That the Senate do follow the appropriate channel and appeal the judgment in Suit marked FHC/UM/CS/26/2022 for the court to set aside the judgement as the judgement was reached without due consideration of the Constitutional interpretation in Section 318 of the 1999 Constitution as amended.

***Amendment Proposed:***

*Leave out* the provision in the proposed resolution and *insert* the following instead thereof: "That the Senate do appeal the judgement in Suit marked FHC/UM/CS/26/2022 for the court to set aside the judgement" (*Senator Abba P. Moro — Benue South*).

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

*Resolved:*

That the Senate do appeal the judgement in Suit marked FHC/UM/CS/26/2022 for the court to set aside the judgement (*S/Res/080/03/22*).

**13. Adjournment:**

*Motion made:* That the Senate do now adjourn till Tuesday, 29<sup>th</sup> March, 2022 at 10:00 a.m. (*Senate Leader*).

*Question put and agreed to.*

*Adjourned accordingly at 1:27 p.m.*

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

