



SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Wednesday, 27th April, 2022

1. The Senate met at 10:50 a.m. The President of the Senate read prayers.
2. **Votes and Proceedings:**
The Senate examined the Votes and Proceedings of Tuesday, 26th April, 2022.

Question was put and the Votes and Proceedings were approved.

3. **Announcements:**

(a) **Change of Political Party:**

The President of the Senate read a letter from Senator Ibrahim D. Abdullahi (Sokoto South) as follows:



Sen. Ibrahim Danbaba Abdullahi

SOKOTO SOUTH SENATORIAL DISTRICT
SENATE DEPUTY MINORITY WHIP

26th April, 2022

*His Excellency,
Distinguished Senator Ahmad Lawan
President of the Senate.*

CHANGE OF POLITICAL PARTY

I write to formally inform you and my Distinguished Colleagues of my decision to join the All Progressive Congress (APC) from the Peoples Democratic Party (PDP). My decision is anchored on the Continuing and Multi-Faceted crises that have bedeviled the PDP especially at the zonal level which has created not only credibility problems but has undermined Party discipline, cohesion and focus.

The situation at the state level has not helped matters either as depicted by lack of political sanity, focus and credible leadership. I have in APC the Political ideology in consonance with my personal political philosophy. This ideology also seems best suited to meet the expectations and aspirations of my Constituents.

While thanking you Mr. President, please accept the assurances of my highest consideration.

(Signed)

Sen. Ibrahim Abdullahi Danbaba.

(b) *Invitation:*

The President of the Senate read a letter from Senator Ibikunle O. Amosun (Ogun Central) as follows:



Senator Ibikunle Oyelaja Amosun

25th April, 2022

Senator Ahmad Ibrahim Lawan, CON
President of the Senate
National Assembly Complex, Abuja.

Our Dear Senate President,

NOTIFICATION AND INVITATION TO THE FORMAL DECLARATION TO CONTEST FOR THE OFFICE OF PRESIDENT OF THE FEDERAL REPUBLIC OF NIGERIA UNDER THE ALL PROGRESSIVES CONGRESS (APC)

I bring you warm greetings from my family, my constituents, the entire people of Ogun State, and my support groups across Nigeria.

It is with the greatest respect that I write to notify you and my Distinguished Colleagues of my intention to contest for the Office of President of our dear country, the Federal Republic of Nigeria and to respectfully invite you and my Distinguished Colleagues to the formal declaration ceremony.

I have been blessed by God to serve as Senator of the Federal Republic of Nigeria between 2003 and 2007 and as a two-term Governor of Ogun State between 2011 and 2019. I have also had the privilege to be elected a second time to the Senate of the Federal Republic in 2019 where I currently serve the good people of Ogun Central Senatorial District.

My varied experience in private and public life has imbued me with requisite insights, experiences and network of relationships adequate to provide a leadership that will galvanize our dear country to achieve her manifest destiny as leader in Africa and of the black race.

I will be honoured with your esteemed presence and that of my Distinguished Colleagues at the Declaration event which is scheduled as follows:

Date: Thursday 05 May, 2022. **Time:** 11.00 A.M.

Venue: Shehu Musa Yar'Adua Centre, CBD, Abuja, FCT.

I seek the prayers of all of you for a successful declaration ceremony, victory at the party primaries and the 2023 presidential election.

Please accept the assurances of my highest regard.

Yours Sincerely,

(Signed)

Senator Ibikunle Amosun CON, FCA

4 **Personal Explanation:**

Rising on Order 43, Senator Anayo R. Okorochoa (Imo West) drew the attention of the Senate to an the explosion at the site of illegal refinery at Agbaezi Community in Ohaji-Egbema Local

Government Area of Imo State on Friday, 22nd April, 2022 which led to the death of 110 persons. He stated that the incident has thrown the State into a mourning mood. He further stated that though the incident was as a result of illegal refining activities, it is also a clarion call for the Federal Government of Nigeria to look into the legislation for local technology for artisanal and modular refineries considering the gap in our refining capacity.

One minute silence accordingly observed in honour of the deceased.

5. Presentation of Bills

- (i) Federal Medical Centre Umuawulu (Establishment) Bill, 2022 (SB. 881) — *Read the First Time.*
- (ii) Federal College of Agriculture Isuochi, Abia State (Establishment) Bill, 2022 (SB.987) — *Read the First Time.*
- (iii) Vigilante Group of Nigeria (Establishment) Bill, 2022 (HB. 437) — *Read the First Time.*
- (iv) National Cashew Production and Research Institute Idah, Kogi State (Establishment) Bill, 2022 (SB. 1000) — *Read the First Time.*
- (v) National Institute of Information and Communication Technology Warake, Edo State (Establishment) Bill, 2022 (SB. 1001) — *Read the First Time.*

6. Motion:

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

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

- (a) Counselling Practitioners Council of Nigeria; and
- (b) Federal University of Agriculture, Jalingo;

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

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

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

Accordingly resolves to:

rescind its decision on the Bills as passed and re-commit same to the Committee of the Whole for re-consideration and passage.

Debate:

Proposed Resolution:

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

Resolved:

That the Senate do rescind its decision on the Bills as passed and re-commit same to the Committee of the Whole for re-consideration and passage (*S/Res/092/03/22*).

- (a) *Motion made:* Pursuant to Resolution No. (*S/Res/092/03/22*) that the Senate do resolve into the Committee of the Whole to consider the Counselling Practitioners Council of Nigeria Bill, 2022 (*Senate Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO ESTABLISH THE COUNSELLING PRACTITIONERS COUNCIL OF NIGERIA CHARGED WITH THE RESPONSIBILITY OF ADVANCING THE STUDY, TRAINING AND PRACTICE OF COUNSELLING PROFESSION AND FOR RELATED MATTERS, 2022.

PART I — ESTABLISHMENT OF THE COUNSELLING PRACTITIONERS COUNCIL OF NIGERIA

Clause 1: Establishment of the Council.

- (1) There is established the Counselling Practitioners Council of Nigeria (in this Bill referred to as "the Council").
- (2) The Council:
- (a) is a body corporate with perpetual succession and a common seal kept in its custody;
 - (b) may sue or be sued in its corporate name;
 - (c) may acquire, hold or dispose of any movable or immovable;
 - (d) property for the purpose of its functions under this Bill.

Committee's Recommendation:

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

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

Clause 2: Functions of the Council.

The Council shall:—

- (a) determine the standard of knowledge and skill, to be attained by persons seeking to become registered members of the counselling profession (in this Bill referred to as "the Profession") and review the standard as circumstances may require;
- (b) establish and maintain in accordance with the provisions of this Bill, a register of certified members of the Profession and the publication of the list of such members from time to time;
- (c) promote the highest standard of competence, practice and conduct among members of the Profession;
- (d) organize and conduct seminars, workshops, conferences and research in all aspects of counselling management and administration; and also provide professional training for persons aspiring to qualify and practice as chartered Counsellors in Nigeria;

- (e) secure the professional status and do all such things as may be necessary to promote the interest of its members and the advancement of the art and science of Counselling, knowledge and efficiency in Counselling management and administration in the public and private sectors of the Nigerian economy;
- (f) perform such other functions as may be required of the Council under this Bill.

Committee's Recommendation:

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

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

Clause 3: Establishment of Governing Board.

- (1) There is established for the Council, a Governing Board (in this Bill referred to as "the Board") which shall be charged with the responsibility for Policy making, administration and general management of the Council.

Amendment Proposed:

Immediately after the word "Policy" in line 3, *leave out* the word "making" and *insert* the word "formulation" instead thereof (*Senator Bala Ibn Na'Allah — Kebbi South*).

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

- (2) The Board shall consist of:—
 - (a) the President and Vice-President of the Council;
 - (b) the Registrar;
 - (c) one person to be nominated by the Minister for education charged with the responsibility of matters relating to counselling to represent the Ministry;
 - (d) six persons with professional background in counselling to be appointed by the Minister to represent each geopolitical zone of Nigeria, no two of them shall come from the same State;
 - (e) six persons appointed by the Counselling Association of Nigeria (CASSON); and
 - (f) two persons to represent the universities offering courses leading to approved qualification in Guidance and Counselling and a university shall not have more than one representative at a time.
- (3) The provisions of the First Schedule to this Bill shall have effect with respect to the qualification, tenure of office of members of the Council, powers and procedure of the Council and other matters (*Senate Leader*).

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

PART II — FINANCIAL PROVISIONS

Clause 4: Funds of the Institute.

- (1) There is established for the Council a fund (in this Bill referred to as "the Fund") which shall be controlled by the Board.
- (2) The Fund shall consist of:—
 - (a) all fees and other moneys payable to the Council under this Bill; and
 - (b) money as may be payable to the Council whether in the course of the performance of its functions or not.
- (3) There shall be paid out of the Fund:—
 - (a) the remuneration and allowances of the Registrar and other employees of the Council;
 - (b) such reasonable travelling and subsistence allowance of members of the Council in respect of the time spent on the business of the Council as the Council may approve;
 - (c) any other expenses approved and incurred by the Council in the discharge of its functions under this Bill.
- (4) The Council may invest money in the Fund in any security created or issued by or on behalf of the Government of the Federation or in any other securities in Nigeria approved by the Board.
- (5) The Council shall keep proper accounts on behalf of the Board in respect of each financial year and proper records in relation to those accounts, and the Board shall cause the accounts to be audited by an Auditor, approved for that purpose and when the accounts is audited, the Auditor's report shall be submitted to the Members of the Board, for approval at a meeting of the Board.

Committee's Recommendation:

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

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

PART III — THE REGISTRAR AND THE REGISTER

Clause 5: Appointment of the Registrar, etc, and preparation of register.

- (1) The Board shall appoint a person to be Registrar of the Council for the purpose of this Bill, the person appointed shall hold at least a degree certificate and must have possessed at least ten years cognate experience in the required field.
- (2) The Registrar shall:—
 - (a) hold office for four years; and
 - (b) subject to satisfactory performance, be eligible for re-appointment for another four years and no more.
- (3) The Registrar shall prepare and maintain in accordance with the rules made by the Council under this section, a Register of Professional Counsellors (in this Bill referred to as "the Register").

- (4) The Register shall contain the names, addresses, approved qualifications and other particulars as may be specified by the Council, of all persons who are entitled, in accordance with the provisions of the Act, to be registered as Professional Counsellors and who apply in the specified manner, to be so registered.
- (5) The Register shall consist of:—
- (a) fully registered persons; and
 - (b) provisionally registered persons.
- (6) Subject to the provision of this section, the Council shall make rules with respect to the formal keeping of the register and the making of entries in the Register, and in particular:—
- (a) making of applications for registration and provide for the evidence to be produced in support of an application;
 - (b) providing for the notification to the Registrar, by the person to whom the registered particulars relate, of any change in those particulars;
 - (c) authorising a registered person to have any qualification which is registered in relation to his name in addition to or, as he may elect in substitution for any other qualification so registered as either a corrected edition of the register or a list of alteration made to the Register since it was last printed; and
 - (d) specifying anything failing to be specified under the provisions of this section.
- (7) The Registrar shall:—
- (a) correct, in accordance with the Council's direction, any entry in the register, which the Council directs him to correct as being in the Council's entry, which was incorrectly made;
 - (b) make any necessary alteration to the registered particulars of registered persons; and
 - (c) remove from the relevant part of the Register, the name of any registered person who has died, or ceased to be entitled to be registered.
- (8) If the Registrar:—
- (a) sends by post to any registered person a letter addressed to him at his address on the Register enquiring whether the registered particulars relating to him are correct and receives no reply to the letter within the period of six months from the date of posting the letter; and
 - (b) upon the expiration of the six months, sends in like manner to the person in question, a second letter and receives no reply to that letter within three months from the date of posting the letter, the Registrar may remove the particulars relating to the person in question from the relevant part of the register.

- (9) The Council may, for any reason which seems to be sufficient, direct the Registrar to restore to the appropriate part of the register any particulars removed under this section.

Committee's Recommendation:

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

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

Clause 6: Publication of the register.

- (1) The Registrar shall:—
- (a) cause a list of persons whose name and qualifications are indicated in the register to be printed, published and put on sale to members of the public not later than two years from the beginning of the year in this Bill comes into effect;
 - (b) in each year, after the register is first published under paragraph (a), cause to be printed, published and put on sale as either a corrected edition of the register or a list of alterations made to the register since it was last printed; and
 - (c) cause a print of a copy of each edition of the register and list of correction to be deposited at the principal office of the Council and the Council shall keep the register and list so deposited at all reasonable times for inspection by members of the public.
- (2) A document purporting to be a print of an edition of a Register published:—
- (a) under this section by authority of the Registrar in the current year; or
 - (b) in a previous year and a list of corrections to that edition so published in the current year, shall, without prejudice to any other mode of proof, be admissible in any proceeding as evidence that a person specified in the document, as being fully or provisionally registered, is so registered, and that any person not so specified is not so registered.

Committee's Recommendation:

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

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

PART IV — REGISTRATION

Clause 7: Registration.

- (1) Subject to the provision of this Bill and to rules made under section 6, a person shall not be entitled to be fully registered under this Bill as a Professional Counsellor, unless:—
- (a) he has attended a course of training approved by the Council under section 9;
 - (b) he has passed the Professional practice competence examination conducted by the Association and moderated by the Council; and

- (c) he is a certified member of the Association;
 - (d) he renders professional service or assistance in or about matters of principles or details relating to counselling management and administration: or
 - (e) he renders other service which may by rules or Bye-Laws made by the Council be designated as service constituting practice as a professional counseling Administration practitioner.
- (2) An Applicant for registration under this Bill shall, in addition to the evidence of qualification, satisfy the Council that:—
- (a) he is of good character;
 - (b) he has not been convicted in Nigeria or elsewhere of an offence involving fraud or dishonesty.
- (3) A fully registered Professional Counsellor is entitled to a seal from the Council but any seal presented under this subsection may be withdrawn by the Council from a member on:—
- (a) his ceasing to become a registered member;
 - (b) being convicted of an offence under this Bill; or
 - (c) disciplinary grounds, and his ceasing to become a member of the Association.
- (4) The Council may in its discretion, provisionally accept a qualification produced in respect of an application for registration under this section, or direct that the application be renewed within such period as may be specified in the direction.
- (5) The Council shall publish in the Federal Government Gazette, particulars of the qualification accepted for registration under this Bill.
- (6) The Council may impose further conditions for the purpose of any registration under this Bill but such conditions shall not come into force until published in the Federal Government Gazette.

Committee's Recommendation:

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

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

Clause 8: Approval of qualifications and training institutions.

- (1) Subject to subsection (2), the Council may approve for the purpose of section 7:—
- (a) any course of training which is intended for persons who are seeking to become, or are already qualified as, Professional Counsellors;
 - (b) any institution, either in Nigeria or elsewhere which the Council, on the recommendations of the Association, considers properly organised and equipped for conducting the whole or any part of a course of training approved by the

Council under this section; and

- (c) any qualification which, as a result of examination taken in conjunction with a course of training approved by the Council under this section, is granted to candidates reaching a standard at the examination, indicating, in the opinion of the Council that they have sufficient knowledge and skills to practise counselling as a profession.
- (2) The Council shall publish in the Federal Government Gazette a list of qualifications in the Profession of Professional Counsellors approved by it and the Council shall not approve, for the purposes of subsection (1), qualifications granted by an institution unless the qualifications have been so published by the Council.
- (3) The Council shall, on the recommendation of the Association, withdraw any approval given under this section in respect of any course, qualifications or institution, but before withdrawing the approval the Council shall:—
- (a) give notice that it proposes to do so to each person in Nigeria appearing to the Council to be a person by whom the course is conducted, the qualification is granted or the institution is controlled, as the case may be; and
- (b) give such a person an opportunity of making to the Council, representations with regard to the proposal under paragraph (b).
- (4) A period during which the approval of the Council under this section for a course qualification or institution is withdrawn, the course qualification or institution shall not be treated as approved under this section but the withdrawal of such an approval shall not prejudice the registration or eligibility for registration of any person who by virtue of the approval was registered or eligible for registration immediately before the approval was withdrawn.
- (5) The giving or withdrawal of an approval under this section, shall have the effect from the date, before or after the execution of the instrument signifying the giving or withdrawal of the approval, as the Council may specify in the instrument, and the Council shall:—
- (a) immediately publish a copy of every such instrument in the Federal Government Gazette and supervise instructions and examination leading to approved qualifications; and
- (b) not later than seven days before its publication, send a copy of the instrument to the Minister.

Committee's Recommendation:

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

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

Clause 9: Supervision.

- (1) The Board shall keep itself informed of the nature of the instruction given at the certified institutions to persons sent for approved course of training and the examinations as a result of which approved qualification is granted.
- (2) The Board shall appoint persons, either from its own members or from outside, to visit the approved institutions, monitor their examinations and make recommendations to the Board.
- (3) The Board shall determine and make recommendations to the Council on:—
 - (a) the competence of the instructors;
 - (b) the adequacy of the instruction given to persons attending approved courses at the institutions visited;
 - (c) the adequacy and quality of the examination conducted; and
 - (d) any other matter relating to the institution or examination on which the Board may request the persons appointed under subsection (2) to report.
- (4) Any person appointed by the Board under this section, shall not interface with the giving of any instruction or the holding of any examination.
- (5) On receiving a report made under this section, the Board shall, immediately send a copy of the report to the person appearing to the Board to be in charge of the institution or responsible for the examinations to which the report relates, requesting that person to make observations on the report to the Council within such period as may be specified in the request, at least one month beginning with the date of the request.

Committee's Recommendation:

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

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

Clause 10: Persons deemed to practice as professional Counsellors.

- (1) Any person who:—
 - (a) has been approved and endorsed by the Council as a "Foundation Member", this includes all persons present at the preliminary inaugural meetings of the Association held on 15 November, 1975, 17 -18 June, 1976, and all persons who though absent, expressed the desire to be members at those times; or
 - (b) holds the accepted qualification or its equivalent, obtained 10 years before the commencement of this Bill and satisfies the conditions mentioned in section 7 (2), may be exempted from taking the professional practice competence examination, but issued the certificate of professional competence after payment of the prescribed fees to enable him register fully as a Professional Counsellor, if the Council is satisfied that he

has acquired adequate professional practice experience as a Professional Counsellor to deserve the exemption.

- (2) A person shall be issued a Certificate of Professional Competence if:—
- (a) during his employment after qualification, he has acquired practical experience under the personal supervision and guidance of one or more fully registered Counsellors for the period of two years; and
- (b) the manner in which he carried out the duties of his employment and his conduct during the period of his employment, are satisfactory.
- (3) The employer, being a fully registered Counsellor supervising the work of persons employed with a view to obtaining a certificate of professional competence, shall ensure that the person is given opportunity of acquiring the practical experience for the purposes of subsection (2) (a).
- (4) The Registrar shall, immediately after the entry in the Register of any person's name, or removal of such name from the register, give notice in writing to the institution of the entry or removal together with all the relevant particulars.

Committee's Recommendation:

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

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

PART V — PROFESSIONAL DISCIPLINE

Clause 11: Establishment of disciplinary tribunal and investigative panel.

- (1) There is established the Counsellors Investigating Panel (in this Bill referred to as "the Panel") charged with the duties of:—
- (a) conducting a preliminary investigation into any case where it is alleged that a person registered has misbehaved in his capacity as a Professional Counsellor, or should for any other reason be the subject of proceedings before the Tribunal; and
- (b) deciding whether the case shall be referred to the Tribunal.
- (2) The Panel shall be constituted by the Council and shall consist of seven members.
- (3) There is established the Counsellors Disciplinary Tribunal (in this Bill referred to as "the Tribunal") charged with the duty of considering and determining any case referred to it by the Panel.
- (4) The Tribunal shall consist of:—
- (a) the President of the Council; and
- (b) 10 other members, appointed by the Council of which:—

- (i) at least, four shall be members of the Council, holding office by virtue of section 3 (2) (e); or
- (ii) all members holding office by virtue of this section where the number of those members is for the time being less than four of those members.

Committee's Recommendation:

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

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

Clause 12: Professional misconduct.

- (1) The provisions of the Second Schedule to this Bill shall, be applicable to the Tribunal and the Panel respectively.
- (2) Where:—
 - (a) a person fully registered or provisionally registered under this Bill is judged by the Tribunal to be guilty of infamous misconduct in any professional respect;
 - (b) such a person is convicted of any offence in Nigeria or elsewhere by any Court having power to impose imprisonment (whether or not such offence is punishable with imprisonment), which in the opinion of the Tribunal is incompatible with the status of the Professional Counsellor; or
 - (c) the Tribunal is satisfied that the name of any person has been fraudulently registered, the Tribunal may, if it deems fit, give a direction reprimanding that person or ordering the Registrar to strike his name off the relevant part of the Register.
- (3) The Tribunal may, if it deems fit, defer its decision as to the giving of a direction under subsection (2), until a subsequent meeting of the Tribunal, but:—
 - (a) no decision shall be deferred under this subsection for a period exceeding two years in the aggregate; and
 - (b) no person shall be a member of the Tribunal for the purpose or reaching a decision which has been deferred, unless he was present as member of the Tribunal when the decision was deferred.
- (4) For the purpose of subsection (2), a person shall not be treated as convicted, unless the conviction stands at a time when no appeal or further appeal is pending or may (without extension of time) be brought in connection with the conviction.
- (5) When the Tribunal gives a direction under subsection (2), it shall cause notice of the direction to be served on the person to whom it relates.
- (6) A person to whom a direction relates may, at any time within 28 days from the date of service on him of the notice of the direction, appeal against the direction to the Court of Appeal, and the Tribunal may

appear as respondent to the appeal and for the purpose of enabling directions to be given as to the cost of the appeal and of proceedings before the Tribunal, shall be deemed to be a party thereto whether or not it appears to the hearing of the appeal.

- (7) A direction of the Tribunal under subsection (2) shall take effect:—
- (a) where no appeal under this section is brought against the direction within the time for the appeal, on the expiration of that time;
 - (b) where an appeal is brought and is withdrawn or struck out for want of diligent prosecution, on the withdrawal or striking out of the appeal; and
 - (c) where an appeal is brought and is not withdrawn or struck out if and when the appeal is dismissed.
- (8) A person whose name is removed from the Register in pursuance of a direction of the Tribunal under this section, shall not be entitled to be registered again, except in pursuance of a direction in that behalf given by the Tribunal on the application of that person, and a direction under this section of the removal of a person's name from the Register may prohibit an application under this subsection by that person until the expiration of period from the date of the direction, and where he has duly made an application, from the date of his last application, as may be specified in the direction.

Committee's Recommendation:

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

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

PART VI — MISCELLANEOUS

Clause 13: Registration of temporary practitioners.

- (1) Where a person satisfies the Council that he:—
- (a) has been selected for employment for a specified period in a capacity in which a person registered as a Counsellor under this Bill is qualified to be employed and that he is or intends to be in Nigeria temporarily for the purpose of serving for that period in the employment in question;
 - (b) holds a qualification or has passed the necessary examination;
 - (c) obtained some qualification granted outside Nigeria which is for the time being accepted by the Council as respects the capacity in which if employed, he is to serve, the Council may, if it deems fit, give a direction that the person shall be temporarily registered as a Counsellor.
- (2) The temporary registration of a person shall continue while the person is in employment as is mentioned in subsection (1) (a) and shall cease at the end of the period of the employment specified to the Council under this section or the prior determination of the employment whichever occurs.

- (3) Nothing in subsection (2) shall preclude the Council from giving a further direction under subsection (1) in respect of specified period, whose commencement coincides with the termination or prior determination of another employment.
- (4) A person who is temporarily registered shall, in relation to his employment and to things done or omitted to be done in the course of that employment, be deemed to be fully registered, but in relation to all matters, he shall be treated as not so registered.
- (5) In determining whether a person's employment has been terminated, the decision of the Council shall be conclusive for the purpose of subsection (2).
- (6) The Registrar, as directed by the Council, shall remove from the Register, the name of any person ceasing to be entitled to the benefit of this section.

Committee's Recommendation:

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

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

Clause 14: Offences and penalties.

- (1) A person, not being a registered Professional Counsellor, who:—
 - (a) for or in expectation of reward, practices or holds himself out to practice as such; or
 - (b) without reasonable excuse takes or uses any name, title addition or description, implying that he is authorised by law to practice as a registered Counsellor, Commits an offence under this Bill.
- (2) A person who, for the purpose of procuring the registration of any name, qualification or other matter:—
 - (a) makes a statement which he believes to be false; or
 - (b) recklessly makes a statement which is false, commits an offence under this Bill.
- (3) A Registrar or any other person employed by the Council who, willfully makes any falsification in any matter relating to the register, commits an offence under this Bill.
- (4) Any person who commits an offence under subsections (1) - (3) or any section for which no punishment is provided under this Bill is liable on conviction:—
 - (a) to a fine of at least 500,000.00 or imprisonment for a term of two years or both; and
 - (b) where the offence is a continuous one, to a further fine, of at least 50,000 for each day the offence continues.
- (5) Where an offence under this section is committed by a body corporate and is proved to have been committed with the consent or connivance of or is attributable to any neglect on the part of any director,

manager, secretary or any person purporting to act in any such capacity, he, as well as the body corporate, commits an offence under this Bill.

Committee's Recommendation:

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

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

Clause 15: Proof of validity of certificate.

- (1) A certificate required by any written law from any class of persons for whom a Register is maintained under this Bill, shall not be valid unless the person signing it is registered in accordance with this Bill.
- (2) Subject to the provisions of this section, a person not exempted, shall not hold an appointment requiring status of a Professional Counsellor under this Bill in the Public and Civil Service of the Federation, State or in the Armed Forces of the Federation or public or private limited or unlimited liability organisations, unless he is a Counsellor, registered under this Bill.
- (3) A Counsellor shall, to the extent only of his particular qualification, be entitled to practice as a registered Counsellor throughout the Federation.
- (4) A person in charge of any university in the Federation, offering courses leading to an approved qualification intended for persons who are seeking to become registered as Professional Counsellors under this Bill shall furnish the Registrar, not later than 31 March in every year, with a list of the names and or such other particulars as the Council may specify, of all persons who attended any course at the university in question at any time during the preceding year.
- (5) In this section, "public service" includes services as a registered Professional Counsellor in or with any educational institution, Commission, Corporation or State.

Committee's Recommendation:

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

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

Clause 16: Powers of the Minister to give directives.

- (1) The Minister may give to the Council directions of a general character relating generally to particular matters with regard to the exercise by the Council of its functions and the Council shall comply with the directions: —
Provided the direction does not infringe on the ethics and codes of conduct of the Profession.
- (2) Before giving a direction under subsection (1), the Minister shall serve a copy of the proposed direction on the Council, which shall afford the Council an opportunity of making representations to him with respect to the direction, and after considering any representation made to him under this subsection, the Minister may give the direction, either without modification or with such modifications as

appear to him to be appropriate having regard to the representations.

Committee's Recommendation:

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

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

Clause 17: Regulations.

- (1) The Council shall have power to make regulations, which in its opinion, is necessary or expedient for giving full effect to the provisions of this Bill.
- (2) Any power to make regulations, rules and orders under this section shall include power to make:—
 - (a) provision for such incidental or supplemental provision, as the person or authority making the instrument considers expedient for the purpose of the instrument; and
 - (b) different provisions for different circumstances.

Committee's Recommendation:

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

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

Clause 18: Interpretation.

In this Bill:—

"Counselling" means to assist individual and corporate bodies to explore their environments, Discover their strength, weakness, talents and skills, so as to determine their needs, set personal realistic goals, and adjust suitably to achieve them in harmony with their environments;

"approved qualification" means qualification which is approved for the time being by the Council;

"Association" means the Counselling Association of Nigeria (CASSON);

"Board" means Governing Board of the Council;

"Council" means the Counselling Practitioners Council of Nigeria established under section 1 of this Bill;

"Counsellor" means a professionally trained Guidance and Counselling personnel, which also includes professionals from therapeutic counselling, etc.;

"Minister" means the Minister of Education charged with the responsibility of matters, relating to counselling, Education and Allied Profession;

"Professional Counsellor" means any person fully registered as such under this Bill;

"Register" means the Register maintained under this Bill and "Registered" shall be constructed accordingly; and

"Registrar" means the Registrar appointed under section 6 of this Bill.

Committee's Recommendation:

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

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

Clause 19: Citation.

This Bill may be cited as the Counselling Practitioners Council of Nigeria Bill, 2022.

Committee's Recommendation:

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

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

SCHEDULES

FIRST SCHEDULE

SECTION 3 (3)

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

1. (1) A person shall not be appointed as a member of the Board unless he is a citizen of Nigeria and he is registered as a Professional Counsellor under this Bill.
- (2) Subject to the provisions of this paragraph, a person who is a member of the Board other than by virtue of section 3 (3) (d) of this Bill shall hold office for a period not exceeding five years beginning with the date of his appointment or election as the case may be:—
Provided that a person shall not hold office, whether appointed or elected, for five years unless the Minister after consultation with the Board otherwise directs.
- (3) Any member of the Board holding office other than as mentioned in subparagraph (2) may, with notice to the Board, resign his office.
- (4) Subject to this Bill, a person who has ceased to be a member of the Council may be eligible again to become a member of the Board.
- (5) When a member of the Board ceases to hold office before his term of office expire by effluxion of time, the body or person by whom he was appointed or elected shall, immediately appoint or elect a person to fill the vacancy for the residue of the term, but the provisions of this subparagraph shall not apply where a person holding office as a member of the Board ceases to hold office at a time when the residue of his term does not exceed one year.
- (6) The power of appointing a person as President of the Council shall:—
 - (a) during the period beginning with the date when this Bill comes into effect, be exercisable by the Minister on the recommendations of the Association; and
 - (b) after the expiration of that period, be exercisable by the Board and where an existing member of the Board is appointed President, his office as an existing member shall become vacant and his term of

office as President shall begin on the date of his appointment as President.

- (7) Notwithstanding that the term of office of a member of the Board has expired by effluxion of time, a person appointed as President, Vice President and one other member shall continue in that office until a fresh appointment is made to the office.
- (8) The quorum of the Board shall be seven and at least two of the persons elected by the Association and two of the representatives of the States of the Federation are present at the particular meeting, and the quorum of any committee of the Board shall be determined by the Council.

Power of Board

2. (1) The Board shall have power to do anything, which in its opinion is calculated to facilitate the carrying on of its activities.
- (2) The Board shall have power to borrow money, dispose off any property and pay remuneration (including pensions) allowances, or expenses to any member, officer or servant of the Board or any person.

Proceedings of the Board

3. Subject to the provision of this Bill and of section 27 of the Interpretation Act (which provides for decisions of a body to be taken by a majority of the members of the body and for the President of the Board to have a second or casting vote), the Board may make standing orders regulating the proceedings of the Council or of any of its committee.

Vice-President of the Board

4. (1) The Board shall appoint one of its members to be the Vice-President of the Board for such period as the Board may determine and the Vice-President who ceases to be a member shall cease to be a Vice-President;
- (2) At any time while the office of the President is vacant or the President is, in the opinion of the Board permanently or temporarily unable to perform the function of his office, the Vice-President shall perform those functions, and references in this schedules to the President shall be constructed accordingly.

Meetings of the Board

5. (1) Subject to the provisions of any standing orders of the Board, the Board shall meet whenever it is summoned by the President and if the President is required so to do, by notice given to him by not less than six other members, he shall summon a meeting of the Board to be held within seven days from the date of which the notice is given.
- (2) At any meeting of the Board, the President or in his absence the Vice-President shall preside, but if both are absent, the members present at the meeting shall appoint one of them to preside at that meeting.
- (3) Where the Board desires to obtain the advice of any person on a particular matter, the Board may co-opt him as a member for such period as it deems fit, but a person who is a member by virtue of this subparagraph shall not be entitled to vote at any meeting of the Board and shall not count towards a quorum.

- (4) Notwithstanding anything in this paragraph, the first meeting of the Board shall be summoned by the Minister who may give such directions as he thinks fit as to the member who shall preside and as to the procedure which shall be followed at the meeting.

Committee

6. (1) The Board may appoint one or more Committees to carry out on its behalf such functions as the Board may determine.
- (2) A Committee appointed under this paragraph shall consist of such number of persons to be determined by the Board, and not more than one-third of those persons may be persons who are not members of the Board and a person other than a member of the Board shall hold office on the committee in accordance with the terms of the instrument by which he is appointed.
- (3) A decision of a committee of the Board shall be of no effect until it is confirmed by the Board.

Miscellaneous

7. (1) The fixing of the seal of the Council shall be authenticated by the signature of the President or of some other member authorised generally or specifically to act for that purpose by the Board.
- (2) Any contract or instrument which, if made or executed by a person not being a body corporate would not be required to be under seal, may be made or executed on behalf of the Board by any person authorized to act for that purpose by the Board.
- (3) Any document purporting to be a document duly executed under the seal of the Council shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

8. The validity of any proceeding of the Council or its Committee shall not be affected by any vacancy in the membership of the Council or its Committee, defect in the appointment of a member of the Board or its committee, or by reason that a person not entitled to do so took part in the proceedings.
9. A member of the Board or any person holding office on a committee of the Board who has a personal interest in any contractual arrangement entered into or proposed to be considered by the Board or its committee, shall immediately disclose his interest to the Board and shall not vote on any question relating to the contractual arrangement.

Question that the Provisions in the First Schedule stand Part of the Bill —Agreed to.

SECOND SCHEDULE

SECTION 12 (1)

SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY TRIBUNAL AND INVESTIGATIVE PANEL

The Tribunal

The Quorum of the Tribunal

1. The quorum of the Tribunal shall be four of whom at least two shall be members of Council.

2. (1) The Attorney-General of the Federation may make rules with regard to the procedure to be followed by the Tribunal and the Panel and on the rules of evidence in such proceedings.
- (2) Until the rules are made, the Tribunal and the Panel shall conduct their proceedings in such manner as to provide:—
 - (a) that notice of the proceedings is given in good time and shall clearly specify the complaint, to the person who is the subject of the proceedings;
 - (b) for determining who, in addition to the person under subparagraph (a), shall be a party to the proceedings;
 - (c) that any party to the proceedings shall, if so required, be entitled to be heard by the Tribunal;
 - (d) that any party to the proceedings may be represented by a legal practitioner;
 - (e) subject to the provisions of section 12 (5) of this Bill, as to the costs of proceedings before the Tribunal;
 - (f) for requiring, in a case where it is alleged that the person who is the subject of the proceedings is guilty of infamous conduct in any professional respect, that where the Tribunal adjudges that the allegation has not been proved, it shall record a finding that the person is not guilty of such conduct in respect of the matters to which the allegation relates; and
 - (g) for publishing in the Federal Government Gazette, notice of any direction of the Tribunal, which has taken effect, providing that a person's name shall be struck off a register.
3. For the purposes of any proceedings before the Tribunal, any member of the Tribunal may administer oath and any party to the proceedings may issue out of the Registry of the High Court, writs of subpoena ad testificandum and ducestecum but no person appearing before the Tribunal shall be compelled to:—
 - (a) make any statement before the Tribunal tending to incriminate himself; or
 - (b) produce any document under such a writ, which he can could not be compelled to produce at the trial.
4. (1) For the purpose of advising the Tribunal on questions of law arising in proceedings before it, there may in all proceedings be an assessor to the Tribunal (who may be the legal adviser to the Council or may be appointed by the Board) and who shall be a legal practitioner of not less than ten years standing.
- (2) The Attorney-General of the Federation may make rules as to the functions of assessors appointed under this paragraph and in particular, such rules shall contain provisions for securing:—
 - (a) that where an assessor advises the Tribunal on any question of law as to evidence, procedure or any other matter specified by the rules, he shall do so in the presence of every party or person representing a party to the proceeding who appear thereat or, if the advice is tendered while the Tribunal is deliberating in private, that every such party or person shall be informed, what advice the assessor has

tendered; and

- (b) that every party or person shall be informed, if in any case, the Tribunal does not accept the advice of the assessor on such a question.
- (3) An assessor may be appointed under this paragraph, either generally or for any particular proceeding or class of proceedings, and shall hold and vacate office in accordance with the terms of his appointment.

The Investigative Panel

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

Miscellaneous

7. A person may, if eligible, be a member of both the Tribunal and the Panel but no person who acted as a member of the Panel with respect to any case shall act as a member of the Tribunal with respect to that case.
8. The Tribunal or the Panel may act notwithstanding any vacancy in its membership, and the proceedings of either body shall not be invalidated by any irregularity in the appointment of a member of that body or subject to paragraph 7 of this Schedule, by reason of the fact that any person who was not entitled to do so took part in the proceedings of that body.
9. Any document authorised or required by virtue of this Bill to be served on the Tribunal or the Panel shall be served on the Secretary to the Council.
- ~~10. All expenses of the Disciplinary Tribunal or the Investigative Panel shall be defrayed by the Council.~~
11. A person shall not, by reason only of his appointment as an assessor to the Tribunal or as a member of the Panel, be treated as holding an office in the public service of the Federation or of any State.

Question that the Provisions in the Second Schedule stand Part of the Bill — Agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The President of the Senate reported that the Senate, in the Committee of the Whole, considered the Report on a Bill for an Act to Establish the Counselling Practitioners Council of Nigeria Charged with the Responsibility of Advancing the Study, Training and Practice of Counselling Profession and for Related Matters, 2022 and approved as follows:

Clauses 1-2	—	As Recommended
Clause 3	—	As Amended
Clauses 4-19	—	As Recommended
Schedules 1 - 2	—	As Recommended

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

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

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

(b) *Motion made:* Pursuant to Resolution No. (S/Res/092/03/22) that the Senate do resolve into the Committee of the Whole to consider a Bill for an act to Establish the Federal University of Agriculture, Jalingo Bill, 2022 (*Senate Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO ESTABLISH THE FEDERAL UNIVERSITY OF AGRICULTURE, JALINGO AND FOR RELATED MATTERS, 2022.

Clause 1; Establishment and objects of University of Agriculture.

- (1) There is hereby establish a University of Agriculture, which is to be located in Jalingo, Taraba State, (in this Bill referred to as "the University").
- (2) The University shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.
- (3) The objects of the University shall be:
 - (a) to encourage the advancement of learning and to hold out to all persons without distinction of race, creed, sex or political conviction, the opportunity of acquiring a higher education in agriculture;
 - (b) to develop and offer academic and professional programmes leading to the award of diplomas, first degrees, postgraduate research and higher degrees which emphasise planning, adaptive, technical, maintenance, developmental and productive skills in agriculture, agricultural engineering and allied professional disciplines with the aim of producing socially matured persons with capacity to improve on those disciplines and develop new ones, but also to contribute to the scientific transformation of agriculture in Nigeria;
 - (c) to act as agents and catalysts, through postgraduate training, research and innovation for the effective and economic utilisation, exploitation and conservation of Nigeria's natural, agricultural, economic and human resources;
 - (d) to offer to the general population, as a form of public service, the results of training and research in agriculture and allied disciplines and to foster the practical application of those results;
 - (e) to establish appropriate relationships with other national institutions involved in training, research and development of

- agriculture;
- (f) to identify the agricultural problems and needs of Nigeria and to find solutions to them within the context of overall national development;
 - (g) to provide and promote sound basic scientific training as a foundation for the development of agriculture and allied disciplines, taking into account indigenous culture, the need to enhance national unity, the need to vastly increase the practical content of student training, and adequate preparation of graduates for self-employment in agriculture and allied professions;
 - (h) to promote and emphasise teaching, research and extension of agricultural knowledge, including agriculture extension services and outreach programmes, in-service training, continuing education, and on-farm adaptive research;
 - (i) to offer academic programmes in relation to the training of manpower for agriculture in Nigeria;
 - (j) to organise research relevant to training of agriculture with emphasis on small- scale farming;
 - (k) to organise extension services and out-reach programmes for technology transfer;
 - (l) to establish institutional linkages in order to foster collaboration and integration of training, research, and extension activities; and
-
- (m) to undertake any other activities appropriate for a University of Agriculture.

Committee's Recommendation:

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

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

Clause 2: Constitution and principal officers of the University.

- (1) The University shall consist of:—
 - (a) a Chancellor;
 - (b) a Pro-Chancellor and a Council;
 - (c) a Vice-Chancellor and a Senate;
 - (d) a Deputy Vice-Chancellor;
 - (e) a body to be called Congregation;
 - (f) a body to be called Convocation;
 - (g) campuses and colleges of the University;

- (h) schools, institutes and other teaching and research units;
- (i) persons holding the offices constituted by the First Schedule to this Bill other than those mentioned in paragraph (a) to (d) of this subsection;
- (j) all graduates and undergraduates of the University; and
- (k) all other persons who are members of the University in accordance with the provisions made by statute in that behalf.

First Schedule

- (2) The First Schedule to this Bill shall have effect with respect to the principal officers of the University therein mentioned.
- (3) Subject to section 5 of this Bill, provision shall be made by statute with respect to the constitution of the following bodies, namely the Council, the Senate, Congregation and Convocation.

Committee's Recommendation:

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

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

Clause 3: Powers of the University and their exercise.

- (1) For the carrying out of its objects as specified in section 1 of this Bill, the University shall have power:—
 - (a) to establish such campuses, colleges, institutes, schools, extra-mural departments and other teaching and research units within the University as may, from time to time, be deemed necessary or desirable, subject to the approval of the Federal Ministry responsible for Agriculture;
 - (b) to establish agricultural and rural extension services in various parts of Nigeria;
 - (c) to institute professorships, readerships or associate professorships, and other posts and offices and to make appointments thereto;
 - (d) to institute and award fellowships, scholarships, exhibitions, bursaries, medals, prizes and other titles, distinctions, awards and other forms of assistance;
 - (e) to provide for the discipline and welfare of members of the University;
 - (f) to hold examinations and grant degrees, diplomas, certificates and other distinctions to persons who have pursued a course of study approved by the University and have satisfied such other requirements as the University may lay down;
 - (g) to grant honorary degrees, fellowships or academic titles;
 - (h) to demand and receive from any student or any other person attending the University for the purpose of instruction such

fees as the University may, from time to time, determine subject to the overall directives of the Minister;

- (i) subject to section 22 of this Bill, to acquire, hold, grant, charge or otherwise deal with or dispose of movable and immovable property wherever situate;
 - (j) to accept gifts, legacies and donations, but without obligation to accept the same for a particular purpose unless it approves the terms and conditions attaching thereto;
 - (k) to enter into contracts, establish trusts, act as trustee, solely or jointly with any other person, and employ and act through agents;
 - (l) to erect, provide, equip and maintain libraries, laboratories; lecture halls, halls of residence, refectories, sports grounds, playing fields and other buildings or things necessary or suitable or convenient for any of the objects of the University;
 - (m) to hold public lectures and to undertake printing, publishing and book-selling;
 - (n) subject to any limitations on conditions imposed by statute, to invest any money appertaining to the University by way of endowment, not being immediately required for current expenditure, in any investments or securities or the purchase or improvement of land, with power from time to time to vary any such investments and to deposit any money for the time being not invested with any bank on deposit or current account;
-
- (o) to borrow, whether on interest or not if need be upon the security of any or all of the property, movable or immovable, of the University, such moneys as the Council may, from time to time, in its discretion find it necessary or expedient to borrow or to guarantee any loan, advances or credit facilities;
 - (p) to do anything which it is authorised or required by this Bill or by statute to do; and
 - (q) to do all such acts or things, incidental to the foregoing powers, as may advance the objects of the University.
- (2) Subject to the provisions of this Bill and of the statutes and without prejudice to section 8 (2) of this Bill, the powers conferred on the University by subsection (1) of this section shall be exercisable on behalf of the University by the Council or by the Senate or in any other manner, which may be authorised by statute.
 - (3) The power of the University to establish further campuses and colleges within the University shall be exercisable by statute and not otherwise.

Committee's Recommendation:

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

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

Clause 4: Functions of the Chancellor.

- (1) The Chancellor shall take precedence before all other members of the University and when he is present shall preside at all meetings of Convocation held for conferring degrees.
- (2) Every proposal to confer an honorary degree shall be subject to the confirmation of the Chancellor.
- (3) The Chancellor shall exercise such other powers and perform such other duties as may be conferred or imposed on him by this Bill or the statutes.

Committee's Recommendation:

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

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

Clause 5: Functions of the Pro-Chancellor.

- (1) The Pro-Chancellor shall take precedence before all other members of the University, except the Chancellor and except the Vice-Chancellor when acting as chairman of Congregation or Convocation and the Pro-Chancellor shall, when he is present, be the chairman at all meetings of the Council.
- (2) Subject to the provisions of this Bill, the Pro-Chancellor shall hold office for a period of five years beginning with the date of his appointment.

Committee's Recommendation:

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

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

Clause 6: Composition of the Council.

The Council of the University shall consist of:—

- (a) the Pro-Chancellor;
- (b) the Vice-Chancellor;
- (c) the Deputy Vice-Chancellor;
- (d) one person from the Ministry responsible for education;
- (e) nine persons representing a variety of interests and broadly representative of the whole Federation to be appointed by the President;
- (f) four persons appointed by the Senate from among its members;
- (g) two persons appointed by Congregation from among its members;

- (h) one person appointed by Convocation from among its members.

Committee's Recommendation:

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

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

Clause 7: Functions of the Council and its finance and general purposes committee.

- (1) Subject to the provisions of this Bill relating to the Visitor, the Council shall be the governing body of the University and shall be charged with the general control and superintendence of the policy, finance and property of the University.
- (2) There shall be a committee of the Council to be known as the Finance and General Purposes Committee, which shall, subject to the directions of the Council, exercise control over the property and expenditure of the University and perform such other functions of the Council as the Council may, from time to time, delegate to it.
- (3) Provision shall be made by statute with respect to the constitution of the Finance and General Purposes Committee.
- (4) The Council shall ensure that proper accounts of the University are kept and that the accounts of the University are audited annually by an independent firm of auditors approved by the Council and that an annual report shall be published by the University together with certified copies of the said accounts as audited.
- (5) Subject to this Bill and the statutes, the Council and the Finance and General Purposes Committee may each make rules for regulating their own procedure.
- (6) Rules made under subsection (5) of this section by the Finance and General Purposes Committee shall not come into force unless approved by the Council; and in so far and to the extent that any rules so made by that Committee conflict with any directions given by the Council (whether before or after the coming into force of the rules in question), the direction of the Council shall prevail.
- (7) There shall be paid to the members of the Council, the Finance and General Purposes Committee respectively and of any other committee set up by the Council an allowance in respect of travelling and other reasonable expenses, at such rates as may, from time to time, be fixed by the Minister.
- (8) The Council shall meet as and when necessary for the performance of its functions under this Bill and shall meet at least three times in every year.
- (9) If requested in writing by any five members of the Council the chairman shall within 28 days after the receipt of such request call a meeting of the Council.
- (10) Any request made under subsection (9) of this section shall specify the business to be considered at the meeting and a business not so specified shall not be transacted at the meeting.

Committee's Recommendation:

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

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

Clause 8: Functions of the Senate.

- (1) Subject to section 7 of this Bill and subsections (3) and (4) of this section and to the provisions of this Bill relating to the Visitor, it shall be the general function of the Senate to organise and control the teaching by the University, the admission (where no other enactment provides to the contrary, of students) and the discipline of students; and to promote research at the University.
- (2) Without prejudice to the generality of subsection (1) of this section and subject as there mentioned, it shall in particular be the function of the Senate to make provision for:—
 - (a) the establishment and organisation and control of campuses, colleges, schools, institutes and other teaching and research units of the University and allocation of responsibility for different branches of learning;
 - (b) the organisation and control of courses of study in the University and of the examinations held in conjunction with those courses, including the appointment of examiners, both internal and external;
 - (c) the award of degrees, and such other qualifications as may be prescribed, in connection with examinations held as aforesaid;
 - (d) the making of recommendations to the Council with respect to the award to any person of an honorary fellowship or degree or the title of professor emeritus;
 - (e) the establishment, organisation and control of halls of residence and similar institutions at the University;
 - (f) the supervision of the welfare of students at the University and the regulation of their conduct;
 - (g) the granting of fellowships, scholarships, prizes and similar awards in so far as the awards are within the control of the University; and
 - (h) determining what description of dress shall be academic dress for the purposes of the University, and regulating the use of academic dress.
- (3) The Senate shall not establish any new campus, college, school, department, institute or other teaching and research units of the University without the approval of the Council.
- (4) Subject to this Bill and statutes, the Senate may make regulations for the purpose of exercising any function conferred on it either by the foregoing provisions of this section or otherwise or for the purpose of making provisions for any matter for which provision by regulations is authorised or required by this Bill or by statute.

- (5) Regulations shall provide that at least one of the persons appointed as the examiners at each final or professional examination held in conjunction with any course of study at the University, as may be prescribed by the Senate from time to time, is not a teacher at the University but is a teacher of the branch of learning to which the course relates at some other university of high repute or a person engaged in practicing the profession in a reputable organisation or institution.
- (6) Subject to a right of appeal to the Council from a decision of the Senate under this subsection, the Senate may deprive any person of any degree, diploma or other award of the University which has been conferred upon him if after due enquiry he is shown to have been guilty of dishonourable or scandalous conduct in gaining admission into the University or obtaining that award.

Committee's Recommendation:

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

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

Clause 9: Functions of the Vice-Chancellor.

- (1) The Vice-Chancellor shall, in relation to the University, take precedence before all other members of the University, except the Chancellor, and any other person for the time being acting as chairman of the Council.
- (2) Subject to sections 7, 8, and 14 of this Bill, the Vice-Chancellor shall have the general function, in addition to any other functions conferred on him by this Bill or otherwise, of directing the activities of the University and shall be the chief executive and academic officer of the University and ex-officio chairman of the Senate.

Committee's Recommendation:

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

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

STATUTES OF THE UNIVERSITY

Clause 10: Powers of the University to make statutes.

- (1) Subject to this Bill, the University may make statutes for any of the following purposes, that is to say:—
- (a) making provision with respect to the composition and constitution of any authority of the University;
- (b) specifying and regulating the powers and duties of any authority of the University and regulating any other matter connected with the University or any of its authorities;
- (c) regulating the admission of students (where no other enactment provides to the contrary), and their discipline and welfare;

- (d) determining whether any particular matter is to be treated as an academic or non-academic matter for the purposes of this Bill and of any statute, regulation or other instrument made thereunder;
 - (e) making provision for any other matter for which provision by statute is authorised or required by this Bill.
- (2) Subject to section 26 (6) of this Bill, the Interpretation Act shall apply in relation to any statute made under this section as it applies to a subsidiary instrument within the meaning of section 27 (1) of that Act.

Second Schedule.

- (3) The statute contained in the Second Schedule to this Bill shall be deemed to have come into force on the commencement of this section of this Bill and shall be deemed to have been made under this section by the University.

Second Schedule.

- (4) The power to make statutes conferred by this section shall not be prejudiced or limited in any way by reason of the inclusion or omission of any matter in or from the statute contained in the Second Schedule to this Bill or any subsequent statute.

Committee's Recommendation:

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

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

Clause 11: Mode of exercising power to make statutes.

- (1) The power of the University to make statutes shall be exercised in accordance with the provisions of this section and not otherwise.
- (2) A proposed statute shall not become law unless it has been approved:—
 - (a) at a meeting of the Senate, by the votes of not less than two thirds of the members present and voting; and
 - (b) at a meeting of the Council, by the votes of not less than two thirds of the members present and voting.
- (3) A proposed statute may originate either in the Senate or in the Council, and may be approved as required by subsection (2) of this section by either one of those bodies before the other.
- (4) A statute which makes provision for or alters the composition or constitution of the Council, the Senate or any other authority of the University shall not come into operation unless it has been approved by the National Assembly.
- (5) For the purposes of section 1 (2) of the Interpretation Act a statute shall be treated as being made on the date on which it is duly approved by the Council after having been approved by the Senate, as the case may be or, in the case of a statute falling within subsection (4) of this section, on the date on which it is approved by the National Assembly.

- (6) In the event of any doubt or dispute arising at any time:—
- (a) as to the meaning of any provision of a statute; or
 - (b) as to whether any matter is for the purpose of this Bill an academic matter as they relate to such doubt or dispute, the matter may be referred to the Visitor, who shall take such advice and make such decision therein as he shall think fit.
- (7) The decision of the Visitor on any matter referred to him under subsection (6) of this section shall be final and binding upon the authorities, staff and students of the University and where any question as to the meaning of any provision of a statute has been decided by the Visitor under that subsection, the question as to the meaning of that provision shall be subject to review of a competent court of law.
- (8) Nothing in subsection (7) of this section shall affect any power of a court of competent jurisdiction to determine whether any provision of a statute is wholly or partially void as being ultra vires or as being inconsistent with the Constitution of the Federal Republic of Nigeria, 1999.

Committee's Recommendation:

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

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

Clause 12: Proof of statutes.

A statute may be proved in any court by the production of a copy thereto bearing affixed to it a certificate purporting to be signed by the Vice-Chancellor or the secretary to the Council to the effect that the copy is a true copy of a statute of the University.

Committee's Recommendation:

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

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

SUPERVISION AND DISCIPLINE

Clause 13: The visitor.

- (1) The President shall be the Visitor of the University.
- (2) The Visitor shall as often as the circumstances may require, not being less than once every five years, conduct a visitation of the University or direct that such a visitation be conducted by such person or persons as the Visitor may deem fit and in respect of any of the affairs of the University.
- (3) It shall be duty of the bodies and persons comprising the University to make available to the Visitor and to any other person conducting a visitation in pursuance of this section, such facilities and assistance as he or they may reasonably require for the purposes of a visitation.

Committee's Recommendation:

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

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

Clause 14: Removal of certain members of Council.

- (1) If it appears to the Council that a member of the Council (other than the Pro-Chancellor or the Vice-Chancellor) should be removed from office on the ground of misconduct or inability to perform the functions of his office or employment, the Council shall make a recommendation to that effect through the Minister to the President after making such enquiry, if any, as may be considered appropriate, and if the President approves the recommendation he may direct the removal of the person in question from office.
- (2) It shall be the duty of the Minister to use his best endeavour to cause a copy of the instrument embodying a direction under subsection (1) of this section to be served as soon as reasonably practicable on the person to whom it relates.

Committee's Recommendation:

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

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

Clause 15: Removal and discipline of academic, administrative and professional staff.

- (1) If it appears to the Council that there are reasons for believing that any person employed as a member of the academic, administrative or professional staff of the University, other than Vice-Chancellor, should be removed from his office or employment on the ground of misconduct or of inability to perform the functions of his office or employment, the Council shall:—
 - (a) give notice of those reasons to the person in question;
 - (b) afford him an opportunity of making representations in person on the matter;
 - (c) appoint a Staff Disciplinary Committee, and if the Council, after considering the report of the Staff Disciplinary Committee} is satisfied that the person in question should be removed as aforesaid, the Council may so remove him by an instrument in writing signed on the directions of the Council.
- (2) The Vice-Chancellor may, in case of misconduct by a member of staff which in the opinion of the Vice-Chancellor is prejudicial to the interests of the University, suspend such member and any such suspension shall forthwith be reported to the Council.
- (3) For good cause, any member of staff may be suspended from his duties or his appointment may be terminated by the Council; and for the purposes of this subsection "Good cause" means:—
 - (a) conviction for any offence which the Council considers to be such as to render the person concerned unfit for the discharge of the functions of his office;
 - (b) any physical or mental incapacity which the Council, after obtaining medical advice, considers to be such as to render the person concerned unfit to continue to hold his office;

- (c) conduct of a scandalous or other disgraceful nature which the Council considers to be such as to render the person concerned unfit to continue to hold his office;
 - (d) conduct which the Council considers to be such as to constitute failure or inability of the person concerned to discharge the functions of his office or to comply with terms and conditions of his service; or
 - (e) conduct which the Council considers to be generally of such nature as to render the continued appointment or service of the person concerned prejudicial or detrimental to the interest of the University.
- (4) Any person suspended pursuant to subsection (2) or (3) of this section shall be on half pay and the Council shall before the expiration of a period of three months after the date of such suspension consider the case against that person and come to a decision as to:—
- (a) whether to continue such person's suspension and if so on what terms (including the proportion of his emoluments to be paid to him);
 - (b) whether to re-instate such person in which case the Council shall restore his full emoluments with effect from the date of suspension;
 - (c) whether to terminate the appointment of the person concerned in which case such person shall not be entitled to the proportion of his emoluments withheld during the period of suspension; or
 - ~~(d) whether to take such lesser disciplinary action against such person (including the restoration of such proportion of his emoluments as might have been withheld) as the Council may determine.~~
- (5) In any case where the Council, pursuant to this section, decides to continue a person's suspension or decides to take further disciplinary action against a person, the Council shall before the expiration of a period of three months from such decision come to a final determination in respect of the case concerning any such person.
- (6) It shall be the duty of the person by whom an instrument of removal is signed in pursuance of subsection (1) of this section to use his best endeavour to cause a copy of the instrument to be served as soon as reasonably practicable on the person to whom it relates.
- (7) Nothing in the foregoing provisions of this section shall:—
- (a) apply to any directive given by the Visitor in consequence of any visitation; or
 - (b) prevent the Council from making regulations for the discipline of other categories of workers of the University as may be prescribed.

Committee's Recommendation:

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

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

Clause 16: Procedures for staff discipline.

- (1) The Vice-Chancellor or Senate shall constitute an Investigation Panel to determine whether or not a prima facie case has been established against any member of staff.
- (2) The Investigation Panel shall include the President or the chairman of the union to which the staff being investigated belongs.
- (3) The Vice-Chancellor shall constitute a Staff Disciplinary Committee which shall consist of such members of the Senate as he may determine, to consider the report of the Investigating Panel.
- (4) The report and recommendation of the Staff Disciplinary Committee shall be forwarded to the Council for consideration and decision.

Committee's Recommendation:

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

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

Clause 17: Appointment of external examiners.

External Examiners shall be appointed by the Senate.

Committee's Recommendation:

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

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

Clause 18: Removal of examiners.

- (1) If on the recommendation of the Senate, it appears to the Vice-Chancellor that a person appointed as an examiner for any examination of the University ought to be removed from his office or appointment, then except in such cases as may be prescribed, the Vice-Chancellor may, after affording the examiner an opportunity of making representations in person on the matter to the Vice-Chancellor, remove the examiner from the office or appointment by an instrument in writing signed by the Vice-Chancellor.
- (2) Subject to the provisions of regulations made in pursuance of section 9 (5) of this Bill, the Vice-Chancellor may, on the recommendation of the Senate, appoint an appropriate person as examiner in place of the examiner removed in pursuance of subsection (1) of this section.
- (3) It shall be duty of the Vice-Chancellor to sign an instrument of removal in pursuance of this section, to use his best endeavour to cause a copy of this instrument to be served as soon as is reasonably practicable on the person to whom it relates.

Committee's Recommendation:

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

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

Clause 19: Discipline of students.

- (1) Subject to the provisions of this section, where it appears to the Vice-Chancellor that any student of the University has been guilty of misconduct, the Vice-Chancellor may, in consultation with the Senate and, without prejudice to any other disciplinary power conferred on him by statute or regulations, direct that:—
 - (a) the student shall not, during such period as may be specified in the direction, participate in such activities of the University, or make use of such facilities of the University, as may be so specified;
 - (b) the activities of the student shall, during such period as may be specified in the direction, be restricted in such manner as may be so specified;
 - (c) the student be rusticated for such period as may be specified in the direction; or
 - (d) the student be expelled from the University.
- (2) Where a direction is given under subsection (1) (c) or (d) of this section in respect of any student, that student may, within the prescribed period and in the prescribed manner, appeal to the Council; and where such an appeal is brought, the Council shall after causing such inquiry to be made in the matter as the Council considers just, confirm or set aside the direction or modify it in such manner as the Council thinks fit.
- (3) The fact that an appeal from a direction is brought in pursuance of subsection (2) of this section shall not affect the operation of the direction while the appeal is pending.
- (4) The Vice-Chancellor may delegate his powers under this section to a Disciplinary Committee consisting of such members of the University as he may nominate.
- (5) Nothing in this section shall be construed as preventing the restriction or termination of a student's activities at the University otherwise than on the ground of misconduct.
- (6) Without prejudice to the provision of subsection (1) of this section, nothing shall prevent the Vice-Chancellor from taking an immediate disciplinary action against a student where he deems fit, and report thereafter to the Senate.
- (7) It is hereby declared that a direction under subsection (1) (a) of this section may be combined with a direction under subsection (1) (b) of this section.
- (8) No staff or student shall resort to a law court without proof of having exhausted the integral avenues for settling disputes or grievances or for seeking redress.

- (9) The Visitor shall be the final arbiter on staff and student discipline, and his decision shall be subject to appeal by a competent Court of Law.
- (10) Nothing in this subsection shall affect any power of a court of competent jurisdiction to enforce the fundamental right of any aggrieved citizen as enshrined in the Constitution of the Federal Republic of Nigeria 1999.

Committee's Recommendation:

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

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

MISCELLANEOUS AND GENERAL

Clause 20: Exclusion of discrimination on account of race, religion, etc.

- (1) No person shall be required to satisfy the requirements as to any of the following matters, that is to say, race (including ethnic grounding), sex, place of birth or family origin, or religious or political persuasion, as a condition of becoming or continuing to be a student at the University, the holder of any degree of the University or of any appointment or employment at the University or a member of anybody established by virtue of this Bill; and no person shall be subjected to any disadvantage or accorded any advantage in relation to the University, by reference to any of those matters.
- (2) Nothing in subsection (1) of this section shall be construed as preventing the University from imposing any disability or restriction on any of the aforementioned persons where such person wilfully refuses or fails on grounds of religious belief to undertake any duty generally and uniformly imposed on all such persons or any group of them which duty, having regard to its nature and the special circumstance pertaining thereto, is in the opinion of the University reasonably justifiable in the national interest.

Committee's Recommendation:

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

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

Clause 21: Restriction on disposal of land by University.

Without prejudice to the provisions of the Land Use Act, the University shall not dispose of or charge any land or an interest in any land (including any land transferred to the University by this Bill) except either with the prior written consent either general or special, of the President:

Provided that such consent shall not be required in the case of any lease or tenancy at a rack-rent for a term not exceeding 21 years or lease or tenancy to a member of the University for residential purposes.

Committee's Recommendation:

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

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

Clause 22: Quorum and procedure of bodies established by this Bill.
 Except as may be otherwise provided by statute or by regulations, the quorum and procedure of anybody of persons established by this Bill shall be as determined by that body.

Committee's Recommendation:

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

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

Clause 23: Appointment of committees, etc.

- (1) Anybody of persons established by this Bill shall, without prejudice to the generality of the powers of that body, have power to appoint committees, which need not consist exclusively of members of that body and to authorise a committee established by it:—
 - (a) to exercise, on its behalf, such of its functions as it may determine;
 - (b) to co-opt members, and may direct whether or not co-opted members (if any) shall be entitled to vote in that committee.
- (2) Any two or more such bodies may arrange for the holding of joint meetings of those bodies or for the appointment of committees consisting of members of those bodies or any of them and either of dealing with it or of reporting on it to those bodies or any of them.
- (3) Except as may be otherwise provided by statute or by regulations, the quorum and procedure of a committee established or meeting held in pursuance of this section shall be such as may be determined by the body or bodies which have decided to establish the committee or hold the meeting.
- (4) Nothing in the foregoing provisions of this section shall be construed as:—
 - (a) enabling statutes to be made otherwise than in accordance with section 11 of this Bill; or
 - (b) enabling the Senate to empower any other body to make regulations or to award degrees or other qualifications.
- (5) The Pro-Chancellor and the Vice-Chancellor shall be members of every committee of which the members are wholly or partly appointed by the Council (other than a committee appointed to inquire into the conduct of any officer in question); and the Vice-Chancellor shall be a member of the Council and the Vice-Chancellor shall be a member of every committee of which the members are wholly or partly appointed by the Senate.

Committee's Recommendation:

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

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

Clause 24: Retiring age of academic staff of the University.

- (1) Notwithstanding anything to the contrary in the Pensions Act, the compulsory retiring age of an academic staff of a University shall be 65 years except professors who shall retire at 70 years.
- (2) A law or rule requiring a person to retire from the public service after serving for 35 years shall not apply to an academic staff of the University.

Committee's Recommendation:

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

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

Clause 25: Special provisions relating to pension of professors.

A person who requires as a professor having served:—

- (a) a minimum period of fifteen years as a professor in the University or continuously in the service of a university in Nigeria up to the retiring age; and
- (b) who during the period of service was absent from the University only on approved national or University assignments, shall be entitled to pension at a rate equivalent to his last annual salary and such allowances as the Council may, from time to time, determine as qualifying for pension and gratuity, in addition to any other retirement benefits to which he may be entitled.

Committee's Recommendation:

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

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

Clause 26: Miscellaneous administrative provisions

- (1) The seal of the University shall be such as may be determined by the Council and approved by the Chancellor, and the affixing of the seal shall be authenticated by any member of the Council and by the Vice-Chancellor, secretary to the Council or any other person authorised by statute.
- (2) Any document purporting to be a document executed under the seal of the University shall be received in evidence and shall, unless the contrary is proved, be presumed to be so executed.
- (3) Any contract or instrument which if made or executed by a person not being a body corporate would not be required to be under seal, may be made or executed on behalf of the University by any person generally or specifically authorised to do so by the Council.
- (4) The validity of any proceedings of anybody established in pursuance of this Bill shall not be affected by any vacancy in the membership of the body, or by any defect in the appointment of a member of the body or by reason that any person not entitled to do so took part in the proceedings.
- (5) Any member of any such body who has a personal interest in any matter proposed to be considered by that body shall forthwith disclose

his interest to the body and shall not vote on any question relating to that matter.

- (6) Nothing in section 10 of the Interpretation Act (which provides for the application in relation to subordinate legislation of certain incidental provisions) shall apply to statutes or regulations made in pursuance of this Bill.

Second Schedule.

- (7) The power conferred by this Bill on anybody to make statutes or regulations shall include power to revoke or vary any statute (including the statute contained in the Second Schedule of this Bill) or any regulation by a subsequent statute, or, as the case may be, by a subsequent regulation and statute and regulations may make different provisions in reaction to different circumstances.
- (8) No stamp duty or other duty shall be payable in respect of any transfer of property to the University by virtue of any provision of this Bill.
- (9) Any notice or other instrument authorised to be served by virtue of this Bill may, without prejudice to any other mode of service, be served by post.

Committee's Recommendation:

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

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

Clause 27: Interpretation.

- (1) In this Bill:—
- "Campus" means any campus which may be established by the University;
- "College" means any college which may be established by the University;
- "Council" means the Council established by this Bill for the University;
- "Graduate" means a person on whom a degree, (other than an honorary degree) has been conferred by the University;
- "Minister" means the Minister charged with responsibility for agriculture;
- "Notice" means notice in writing;
- "Office" does not include the Visitor;
- "Prescribed" means prescribed by statutes or regulations;
- "Professor" means a person designated as a professor of the University in accordance with provisions made in that behalf by statute or regulations;

"Property" includes rights, liabilities and obligations;

"Regulations" means regulations made by the Senate or the Council;

"Senate" means the Senate of the University established pursuant to section 3 (1) (c) of this Bill;

"Statute" means a subsidiary Legislative made by the University under section 10 of this Bill and in accordance with the provisions of section 12 of this Bill, and "the statutes" means all such statutes as are in force from time to time;

"Teacher" means a person holding a full-time appointment as a member of the teaching or research staff of each University;

"Undergraduate" means a person in statu pupillari at each University other than:—

- (a) a graduate; and
- (b) a person of such description as may be prescribed for the purposes of this definition;

"University" means any of the Universities of Agriculture established under section 1 of this Bill.

- (2) It is hereby declared that where in any provisions of this Bill it is laid down that proposals are to be submitted or a recommendation is to be made by one authority to another through one or more intermediate authorities, it shall be the duty of every such intermediate authority to forward any proposals or recommendations received by it in pursuance of that provision to the appropriate authority, but any such intermediate authority may, if it thinks fit, forward therewith its own comments thereon.

Committee's Recommendation:

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

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

Clause 28: Citation.

This Bill may be cited as the Federal University of Agriculture, Jalingo (Establishment) Bill, 2022.

Committee's Recommendation:

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

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

FIRST SCHEDULE

[SECTION 2 (2)]

PRINCIPAL OFFICERS OF THE UNIVERSITY

The Chancellor

1. (1) The Chancellor shall be appointed by the President of Nigeria.
- (2) The Chancellor shall hold office for a period of five years.

- (3) If it appears to the Visitor that the Chancellor should be removed from his office on the ground of misconduct or of inability to perform the functions of his office, the Visitor may by notice in the Federal Gazette remove the Chancellor from office.

The Pro-Chancellor

2. (1) The Pro-Chancellor shall be appointed or removed by the President on the recommendation of the Minister.
- (2) Subject to the provisions of this Bill, the Pro-Chancellor shall hold office for a period of four years beginning with the date of his appointment.

The Vice-Chancellor

3. (1) There shall be a Vice-Chancellor of the University who shall be appointed by the President in accordance with the provisions of this paragraph.
- (2) Where a vacancy occurs in the post of a Vice-Chancellor, the Council shall:—
- (a) advertise the vacancy in a reputable journal or a widely read newspaper in Nigeria, specifying:—
- (i) the qualities of the persons who may apply for the post; and
- (ii) the terms and conditions of service applicable to the post, and thereafter draw up a short -list of suitable candidates for the post for consideration;
- (iii) two members of the Senate who are not members of the Council, one of whom shall be a professor;
- (b) constitute a search team consisting of:—
- (i) a member of the Council, who is not a member of the Senate, as chairman;
- (ii) two members of Congregation who are not members of the Council, one of whom shall be a professor, to identify and nominate for consideration, suitable persons who are not likely to apply for the post on their own volition because they feel that it is not proper to do so.
- (3) A joint Council and Senate Selection Board consisting of:—
- (a) the Pro-Chancellor, as chairman;
- (b) two members of the Council, not being members of the Senate;
- (c) two members of the Senate who are professors, but who were not members of the Search Team, shall consider the candidates and persons on the short list drawn up under subparagraph (2) of this paragraph through an examination of their curriculum vitae and interaction with them, and recommend to the Council suitable candidates for further consideration.
- (4) The Council shall select three candidates from among the candidates recommended to it under subparagraph (3) of this paragraph and may indicate its order of preference stating the reasons therefore and forward the names to the President.

- (5) The President may appoint as Vice-Chancellor anyone of the candidates recommended to him in accordance with the provisions of subparagraph (4) of this paragraph.
- (6) The Vice-Chancellor shall hold office for a single term of five years only on such terms and conditions as may be specified in his letter of appointment.
- (7) The Vice-Chancellor may be removed from office by the Visitor after due consultation with the Council and the Senate acting through the Minister of Education.

Deputy Vice-Chancellors

4. (1) There shall be for the University such number of Deputy Vice-Chancellors as the Council may, from time to time, deem necessary for the proper administration of the University.
- (2) Where a vacancy occurs in the post of Deputy Vice-Chancellor, the Vice-Chancellor shall forward to the Senate a list of two candidates for each post of Deputy Vice-Chancellor that is vacant.
- (3) The Senate shall select for each vacant post one candidate from each list forwarded to it under subparagraph (2) of this paragraph and forward his name to the Council for confirmation.
- (4) A Deputy Vice-Chancellor shall:—
 - (a) assist the Vice-Chancellor in the performance of his functions;
 - (b) act in the place of the Vice-Chancellor when the post of the Vice-Chancellor is vacant or if the Vice-Chancellor is, for any reason, absent or unable to perform his functions as Vice-Chancellor; and
 - (c) perform such other functions as the Vice-Chancellor or the Council may, from time to time, assign to him.
- (5) A Deputy Vice-Chancellor:—
 - (a) shall hold office for a period of two years beginning from the effective date of his appointment and on such terms and conditions as may be specified in his letter of appointment; and
 - (b) may be re-appointed for one further period of two years and no more.

Office of the Registrar

5. (1) There shall be for the University a Registrar, who shall be the chief administrative officer of the University and shall be responsible to the Vice-Chancellor for the day-to-day administrative work of the University except as regards matters for which the Bursar is responsible in accordance with paragraph 6 (2) of this Schedule.
- (2) The person holding the office of the Registrar shall by virtue of that office be secretary to the Council, the Senate, Congregation and Convocation.

Other principal officers of the University

6. (1) There shall be for the University the following principal officers, in addition to the Registrar, that is:—
 - (a) the Bursar; and

- (b) the University Librarian, who shall be appointed by the Council on the recommendation of the Selection Board constituted under paragraph 8 of this Schedule.
- (2) The Bursar shall be the chief financial officer of the University and be responsible to the Vice-Chancellor for the day-to-day administration and control of the financial affairs of the University,
- (3) The University librarian shall be responsible to the Vice-Chancellor for the administration of the university library and the co-ordination of the library services in the University and its campuses, colleges, faculties, schools, departments, institutes and other teaching or research units.
- (4) Any question as to the scope of the responsibilities of the aforesaid officers shall be determined by the Vice-Chancellor.

Selection Board for other principal officers

7. (1) There shall be, for the University, a Selection Board for the appointment of principal officers, other than the Vice-Chancellor or Deputy Vice-Chancellor, which shall consist of: —
- (a) the Pro-Chancellor, as chairman;
 - (b) the Vice-Chancellor;
 - (c) four members of the Council not being members of the Senate; and
 - (d) two members of the Senate.
- (2) The functions, procedure and other matters relating to the Selection Board constituted under sub-paragraph (1) of this paragraph shall be as the Council may, from time to time, determine.
- (3) The Registrar, Bursar and Librarian shall hold office for such period and on such terms as to the emoluments of their offices and otherwise as may be specified in their letters of appointment.

Resignation and re-appointment

8. (1) Any officer mentioned in the foregoing provisions of this Schedule may resign his office:—
- (a) in the case of the Chancellor, by notice to the President; and
 - (b) in any other case, by notice to the Council and the Council shall immediately notify the Minister in the case of the Vice-Chancellor.
- (2) Subject to paragraphs 4 and 5 of this Schedule, a person who has ceased to hold an office so mentioned otherwise than by removal for misconduct shall be eligible for re-appointment to that office.

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

SECOND SCHEDULE

[SECTION 9 (2)]

ARTICLES

The Council

1. (1) The composition of the Council shall be as provided in section 60 of the Bill.

- (2) Any member of the Council holding office otherwise than in pursuance of section 6 (a), (b), (c) or (d) of this Bill may, by notice to the Council, resign his office.
- (3) A member of the Council holding office otherwise than in pursuance of section 6 (a), (b), (c) or (d) of this Bill shall, unless he previously vacates it, vacate that office on the expiration of the period of five years beginning with effect from 1 August in the year in which he was appointed.
- (4) Where a member of the Council holding office otherwise than in pursuance of section 6 (a), (b), (c) or (d) of this Bill vacates before the expiration of the period aforesaid, the body or person by whom he was appointed may appoint a successor to hold office for the residue of the term of his predecessor.
- (5) A person ceasing to hold office as a member of the Council otherwise than by removal for misconduct shall be eligible for, re-appointment for only one further period of five years.
- (6) The quorum of the Council shall be five, at least one of whom shall be a member appointed pursuant to section 6 (d), (e) or (h) of this Bill.
- (7) If the Pro-Chancellor is not present at a meeting of the Council, such other member of the Council present at the meeting as the Council may appoint as respects that meeting, shall be the chairman at that meeting, and subject to sections 4 and 5 of this Bill and the foregoing provisions, the Council may regulate its own procedure.
- (8) Where the Council desires to obtain advice with respect to any particular matter, it may co-opt not more than two persons for that purpose and the persons co-opted may take part in the deliberations of the Council at any meeting but shall not be entitled to vote.

The Finance and General Purposes Committee

2. (1) The Finance and General Purposes Committee of the Council shall consist of:—
 - (a) the Pro-Chancellor, who shall be the chairman of the Committee at any meeting at which he is present;
 - (b) the Vice-Chancellor and Deputy Vice-Chancellors;
 - (c) six other members of the Council appointed by the Council, two of whom shall be selected from among the three members of the Council appointed by the Senate and one member appointed to the Council by Congregation;
 - (d) the Permanent Secretary of the Federal Ministry of Agriculture and Rural Development or, in his absence, such member of his Ministry as he may designate to represent him.
- (2) The quorum of the Committee shall be five.
- (3) Subject to any directions given by the Council, the Committee may regulate its own procedure.

The Senate

3. (1) The Senate shall consist of:—

- (a) the Vice-Chancellor and Deputy Vice-Chancellors;
 - (b) Deans of colleges;
 - (c) the Directors of institutes and research centres;
 - (d) the Heads of academic departments;
 - (e) the Librarian;
 - (f) one member of not less than the rank of senior lecturer of each college;
 - (g) four persons representing the Congregation.
- (2) The Vice-Chancellor shall be the chairman at all meetings of the Senate when he is present; and in his absence any of the Deputy Vice-Chancellors present at the meeting as the Senate may appoint for that meeting shall be chairman at the meeting.
 - (3) The quorum of the Senate shall be one quarter (or the nearest whole number less than one quarter) and subject to paragraph 2 of this article, the Senate may regulate its own procedure.
 - (4) An elected member may, by notice to the Senate, resign his office.
 - (5) Subject to paragraph (7) of this article, there shall be elections for the selection of elected members which shall be in the prescribed manner on such day in the month of May or June in each year as the Vice-Chancellor may, from time to time, determine.
 - (6) An elected member shall hold office for the period of two years beginning with 1st August in the year of his election, and may be a candidate at any election held in pursuance of paragraph (5) of this article in the year in which his period of office expires, so however that no person shall be such a candidate if at the end of his current period of office he will hold office as an elected member for a continuous period of six years or would have so held office if he had not resigned..
 - (7) No election held in pursuance of this article in any year if the number specified in the certificate given in pursuance of paragraph (10) of this article does not exceed by more than one the figure which is thrice the number of those elected members holding office on the date of the certificate who do not vacate office during that year in pursuance of paragraph (6) of this article.
 - (8) For the avoidance of doubt it is hereby declared that no person shall be precluded from continuing in or taking office as an elected member by reason only of a reduction in the total of non-elected members occurring on or after 30 April in any year in which he is to continue in or take office as an elected member.
 - (9) If so requested in writing by any fifteen members of the Senate, the Vice-Chancellor, or in his absence, any of the Deputy Vice-Chancellors duly appointed by him, shall convene a meeting of the Senate to be held not later than the tenth day following that on which the request was received.

- (10) In this article "total of non-elected members" means as respects any year, such number as may be certified by the Vice-Chancellor on 30 April of that year to be the number of persons holding office as members of the Senate on that day otherwise than as elected members.

Congregation

4. (1) Congregation shall consist of:—
- (a) the Vice-Chancellor and the Deputy Vice-Chancellors;
 - (b) the full-time members of the academic staff;
 - (c) the Registrar;
 - (d) the Bursar;
 - (e) the Librarian;
 - (f) the Director of Works;
 - (g) the Director of Physical Planning;
 - (h) the Director of Academic Planning;
 - (i) the Director of Health Services; and
 - (j) every member of the administrative staff who holds a degree other than an honorary degree of any university recognised for the purposes of this statute by the Vice-Chancellor.
- (2) Subject to sections 4 and 5 of the Act, the Vice-Chancellor shall be the chairman at all meetings of Congregation when he is present; and in his absence any of the Deputy Vice-Chancellors present at the meeting as Congregation may appoint for that meeting, shall be the chairman at the meeting.
- (3) The quorum of Congregation shall be one third (or the whole number nearest to one third) of the total numbers of Congregation or fifty, whichever is less.
- (4) A certificate signed by the Vice-Chancellor 'specifying:—
- (a) the total number of members of Congregation for the purposes of any particular meeting or meetings of Congregation; or
 - (b) the names of the persons who are members of Congregation during a particular period, shall be conclusive evidence of that number or as the case may be, of the names of those persons.
- (5) Subject to the foregoing provision of this article, Congregation may regulate its own procedure.
- (6) Congregation shall be entitled to express by resolution or otherwise its opinion on all matters affecting the interest and welfare of the University and shall have such other functions in addition to the function of electing a member of the Council, as may be provided by statute or regulations.

Convocation

5. (1) Convocation shall consist of:—

- (a) the officers of the University mentioned in the First Schedule to the Act;
 - (b) all teachers within the meaning of the Act;
 - (c) all other persons whose names are registered in accordance with paragraph (2) of this article.
- (2) A person shall be entitled to have his name registered as a member of Convocation if:—
- (a) he is either a graduate of the University or a person satisfying such requirements as may be prescribed for the purposes of this paragraph; and
 - (b) he applies for the registration of his name in the prescribed manner and pays the prescribed fees.
- (3) Regulations shall provide for the establishment and maintenance of a register for the purposes of this paragraph and subject to paragraph (4) of this article may provide for the payment from time to time of further fees by persons whose names are on the register and for any person who fails to pay those fees.
- (4) The person responsible for maintaining the register shall, without the payment of any fees, ensure that the names of all persons who are for the time being members of Convocation by virtue of paragraph (1) (a) or (b) of this article are entered and retained on the register.
- (5) A person who reasonably claims that he is entitled to have his name on the register shall be entitled on demand to inspect the register or a copy of the register at the principal offices of the University at all reasonable times.
- (6) The register shall, unless the contrary is proved, be sufficient evidence that any persons named therein is, and that any person not named therein is not, a member of Convocation; but for the purpose of ascertaining whether a particular person was such a member on a particular date, any entries in and deletions from the register made on or after that date shall be disregarded.
- (7) The quorum of Convocation shall be fifty or one third (or the whole number nearest to one third) of the total number of members of Convocation, whichever is less.
- (8) Subject to section 4 of this Bill, the Chancellor shall be the chairman at all meetings of Convocation when he is present, and in his absence the Vice-Chancellor shall be the chairman at the meeting.
- (9) Convocation shall have such other functions, in addition to the functions of appointing a member of the Council, as may be provided by statute or regulations.

Division of colleges

6. Each college shall be divided into such number of branches as may be prescribed.

College Board

7. (1) There shall be established in respect of each college a College Board, which, subject to provisions of this statute, and subject to the directions of the Vice-Chancellor, shall:—
- (a) regulate the teaching and study of, and the conduct of examinations connected with the subjects assigned to the college;
 - (b) deal with any other matter assigned to it by statute or by the Vice-Chancellor or by the Senate; and
 - (c) advise the Vice-Chancellor or the Senate on any matter referred to it by the Vice-Chancellor or the Senate.
- (2) Each College Board shall consist of:—
- (a) the Vice-Chancellor;
 - (b) the Deputy Vice-Chancellor;
 - (c) the Dean;
 - (d) the persons severally in charge of the departments of the college;
 - (e) such of the teachers assigned to the college and having the prescribed qualifications as the Board may determine; and
 - (f) such persons whether or not members of the University as the Board may determine with the general or special approval of the Senate.
- (3) The quorum of the Board shall be six members or one quarter, (whichever is greater), of the members for the time being of the Board; and subject to the provisions of this statute and to any provisions of this article and to any provision made by regulations in that behalf, the Board may regulate its own procedure.

Appointments and Promotions Committee

8. (1) There shall be an Appointments and Promotions Committee of the Council which shall ultimately be responsible for all appointments, promotions and discipline of all categories of senior staff in the University, under the chairmanship of the Vice-Chancellor.
- (2) The Committee shall operate where necessary through the Senate or Selection Board or ad-hoc Committees and its recommendations shall be subject to the approval of the Council.

Dean of College

9. (1) The Dean of a college shall be a professor appointed by the Appointments and Promotions Committee and such Dean shall hold office for a term of three years, and shall be eligible for re-appointment for another term of three years after which he may not be re-appointed again until two years have elapsed.
- (2) The Dean shall be the chairman at all meetings of the College Board when he is present and shall be a member of all committees and other boards appointed by the College.
- (3) The Dean of a college shall exercise general superintendence over the academic and administrative affairs of the college and it shall be the function

of the Dean to present to Convocation or for the conferment of degrees on persons of the University at examinations held in the branches of learning for which responsibility is allocated to that college.

- (4) There shall be a committee to be known as the Committee of Deans consisting of all Deans of the colleges and that Committee shall advise the Vice-Chancellor on all academic matters and on particular matters referred to the University Council.

Deputy Dean of College

10. (1) There shall be a Deputy Dean of college who shall be appointed by the Senate on the recommendation of the Dean.
- (2) The Deputy Dean shall be appointed for two years in the first instance and may be re-appointed for a further period of two years after which he shall not be entitled to re-appointment until after two years.

Director of Institute or Centre

11. (1) The Director of an institute or of a centre shall be appointed by the Appointments and Promotions Committee for academic staff, and such Director shall hold office for a period of three years and shall be eligible for re-appointment for another term of three years after which he may not be appointed again until two years have elapsed.
- (2) The Director of an institute or centre shall exercise general superintendence over the affairs of the institute or centre.

Head of department

12. (1) The Head of a department shall be appointment by the Vice-Chancellor and such Head shall hold office for a period of three years and shall be eligible for re-appointment for another term of three years after which he may not be appointed again until two years have elapsed.
- (2) The Head of a department shall exercise general superintendence over the academic and administrative affairs of the department.

Creation of academic posts

13. Recommendations for the creation of posts other than those mentioned in article 10 of this statute shall be made by Senate to the Council through the Finance and General Purposes Committee.

Appointment of academic staff

14. Subject to this Bill and statutes deriving therefrom, the filling of vacancies in academic posts (including newly created ones) shall be the responsibility of the Appointments and Promotions Committee, notwithstanding the fact that the Vice-Chancellor shall have the power to make temporary appointments to academic and non-academic positions for a period not exceeding twelve calendar months.

Funding of the University

15. (1) The Federal Ministry of Agriculture and Rural Development shall have responsibility for agricultural education in the University similar to the responsibility of the Federal Ministry of Education in general universities.

- (2) Notwithstanding the provisions of the National Universities Commissions Act, the University shall receive funds directly from the Federal Ministry of Agriculture and Rural Development and from other national and international agencies.

Agricultural Universities Co-ordination Agency

16. The Agricultural Universities Co-ordination Agency established in the Federal Ministry of Agriculture and Rural Development shall have the responsibility for monitoring and coordinating the academic and physical development of the Universities of Agriculture.

Functions of the Agency

17. Subject to sections 10 (3) and 18 (1) of the Act, the Agricultural Universities Co-ordination Agency shall have responsibility for monitoring and co-ordinating the academic and physical development and have responsibility:—
- (a) to advise the President and Visitor to the Universities of Agriculture, through the Minister, of matters relating to agricultural education, adaptive research and outreach extension services programme development in keeping with national priorities;
 - (b) to advise on the conditions of service and related establishments matters;
 - (c) to advise on the establishment and location of Agricultural Universities and related to agricultural institutions;
 - (d) to advise on the accreditation of academic programmes of Universities of Agriculture and schools/colleges of Agriculture, Forestry, Fisheries, Soil Conservation, Animal Health, Wildlife Conservation, etc.; and
 - (e) for other specific functions as may be assigned to it from time to time by the Federal Government of Nigeria.
18. There shall be for the Agency a Board charged with the superintendence of the Agency, subject to section 18 (1) of the Act and shall consist of:—
- (a) a chairman and the following other members, that is—
 - (b) the Permanent Secretary, Federal Ministry of Agriculture and Rural Development;
 - (c) the Vice-Chancellor of each University of Agriculture;
 - (d) the Permanent Secretaries of the following Federal Ministries, that is:—
 - (i) Science and Technology;
 - (ii) Education;
 - (iii) National Planning Commission;
 - (iv) Finance;
 - (e) a representative of the National Association of Chambers of Commerce, Industries, Mines and Agriculture (NACIMA);
 - (f) a representative of Farmer's Organizations;

- (g) three members appointed by the President on individual merit and a nation-wide basis to represent commercial, agricultural, industrial and professional interests and such other national interests as are not otherwise represented;
- (h) the Executive Secretary as an ex-officio member.

Statutory Committees of the Board

19. (1) The Board constituted under article 18 of this statute shall be assisted in the performance of its functions by two Statutory Committees, the Finance Committee and the Development Committee.
- (2) The Finance Committee shall assist the Board in maintaining an agency fund for running the Agency and in the allocation of funds to the Universities of Agriculture and constituent affiliates.
- (3) The Development Committee shall assist the Board in the academic and physical development of the Universities of Agriculture and constituent affiliates.
- (4) The Board shall have power to appoint such, committee as will assist it in performing its statutory functions.

Tenure of office of members of the Board

20. Subject to the provisions of this statute, a person appointed to be a members of the Board, not being a public officer, shall hold office for a period of five years from the date of his appointment' or for such other period as may be specified in his instrument of appointment.

The Executive Secretary of the Agency

21. (1) There shall be for the Agency established under article 17 of this statute an Executive Secretary, to be appointed by the President and Visitor to the Universities of Agriculture, on the advice of the Minister.
- (2) The Executive Secretary shall be the chief executive of the Agency and shall be responsible for the execution of the policy of the Agency and the day-to-day running of the affairs of the Agency.
- (3) The Executive Secretary shall hold office for a period of five years and shall be eligible for re-appointment for another term of five years as the President may determine.
- (4) The Executive Secretary shall be assisted in the management of the Agency by an Agency Secretariat as may be determined by the Agency.
22. In this statute, the expression "the Act" means the Universities of Agriculture Act and any word or expression defined in the Act has the same meaning in this statute.
23. This statute may be cited as the Universities of Agriculture Statute.

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

Chairman to report Bill.

(SENATE IN PLENARY)

The President of the Senate reported that the Senate, in the Committee of the Whole, considered a Bill for an Act to Establish the Federal University of Agriculture, Jalingo and for Related Matters, 2022 and approved as follows:

Clauses 1-28 — As Recommended

Schedules 1 - 2 — As Recommended

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

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

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

7. **National Hajj Commission of Nigeria Act (Amendment) Bill, 2022 (SB. 982):**

Motion made: That a Bill for an Act to Amend the National Hajj Commission of Nigeria Act to restrict the activities of the Commission to its regulatory and coordinating functions as it relates to the conduct and operation of Hajj and Umra in Nigeria; prohibit the use of funds accruing to the Hajj Savings Schemes, provide for comprehensive licensing guidelines; and for related matters, 2022 be read the Second Time (*Senator Ibrahim D. Abdullahi — Sokoto South*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee on Foreign Affairs to report within Four (4) weeks.

8. **Institute of Information and Communication Technology Ogbolomabiri, Bayelsa State (Establishment) Bill, 2022 (SB. 979):**

Motion made: That a Bill for an Act to provide for the establishment of the Institute of Information and Communication Technology Ogbolomabiri, Bayelsa State and for Other Matters Connected Therewith, 2022 be read the Second Time (*Senator Biobarakuma W. Degi-Eremienyo — Bayelsa East*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee on ICT and Cyber Security to report within Four (4) weeks.

9. **Violence Against Persons (Prohibition) Act, 2015 (Repeal and Re-enactment) Bill, 2022 (SB.926):**

Motion made: That a Bill for an Act to Repeal the Violence Against Persons (Prohibition) Act 2015, and Enact an Act to eliminate violence in private and public life, prohibit all forms of violence against persons and to provide maximum protection and effective remedies for victims and punishment of offenders; and for Related Matters, 2022 be read the Second Time (*Senator Jibrin Isah — Kogi East*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee on Judiciary, Human Rights and Legal Matters to report within Four (4) weeks.

10. **Federal University of Technology Act Cap F23 LFN 2004 (Amendment) Bill, 2022 (SB.948):**

Motion made: That a Bill for an Act to Amend the Federal University of Technology Act Cap F23 LFN 2004 and for Other Matters Connected Therewith, 2022 be read the Second Time (*Senator Muhammad E. Bima — Niger South*).

Debate:

Question put and agreed to.

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

11. **Committee on Judiciary, Human Rights & Legal Matters:**

Report on the Terrorism (Prevention) Act 2013 (Repeal and Re-enactment) Bill, 2022 (SB.662):

Motion made: That the Senate do receive and consider the Report of the Committee on Judiciary, Human Rights & Legal Matters on the Terrorism (Prevention) Act 2013 (Repeal and Re-enactment) 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 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 JUDICIARY, HUMAN RIGHTS & LEGAL MATTERS ON A BILL FOR AN ACT TO REPEAL THE TERRORISM (PREVENTION) ACT, 2011 AND TERRORISM (PREVENTION) (AMENDMENT) ACT, 2013, AND ENACT THE TERRORISM (PROHIBITION AND PREVENTION) ACT, 2022 TO PROVIDE FOR EFFECTIVE, UNIFIED AND COMPREHENSIVE LEGAL, REGULATORY AND INSTITUTIONAL FRAMEWORK FOR THE DETECTION, PREVENTION, PROHIBITION, PROSECUTION AND PUNISHMENT OF ACTS OF TERRORISM, TERRORISM FINANCING, PROLIFERATION AND FINANCING OF THE PROLIFERATION OF WEAPONS OF MASS DESTRUCTION IN NIGERIA; AND FOR RELATED MATTERS (SB.662).

PART I - OBJECTIVE AND PROHIBITION

Clause 1: Objective

The objective of this Bill is to provide for -

- (a) effective, unified and comprehensive legal, regulatory and institutional framework for the detection, prevention, prohibition, prosecution and punishment of acts of terrorism, terrorism financing, proliferation and financing the proliferation of weapons of mass destruction in Nigeria, and other related matters;

- (b) mechanisms for the implementation of financial measures arising counter-proliferation Resolutions, in line with Article 41 of the Charter of the United Nations;
- (c) measures under Nigerian law for the implementation and enforcement of Regional and International Counter Terrorism Conventions, and Agreements for the combating of terrorism, terrorism financing and related offences;
- (d) procedures for the declaration of a person or entity as a terrorist or terrorist entity, or terrorism financier;
- (e) extra territorial jurisdiction of the courts in relation to acts of terrorism;
- (f) measures to enable Nigeria to act effectively in the fight against the financing of terrorism, including mechanisms regarding reporting of suspected incidents of financial and other support for terrorist entities;
- (g) measures for the detention, freezing, search and seizure, confiscation and forfeiture of terrorist property; and
- (h) the compensation of victims of acts of terrorism.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senator Michael O. Bamidele — Ekiti Central*) —
Agreed to.

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

Clause 2: Prohibition of acts of terrorism

- (1) All acts of terrorism and the financing of terrorism are prohibited.
- (2) A person or body corporate, within or outside Nigeria, who knowingly, directly or indirectly -
 - a. does, attempts or threatens to do any act of terrorism;
 - b. commits an act preparatory to or in furtherance of an act of terrorism;
 - c. omits to do anything that is reasonably necessary to prevent an act of terrorism;
 - d. assists or facilitates, or funds the activities of persons engaged in an act of terrorism;
 - e. participates, as an accomplice, in or contributes to the commission of an act of terrorism or offences under this Bill;
 - f. assists, facilitates, organises, or directs the activities of persons or entities engaged in any act of terrorism or is an accessory to any offence under this Bill;
 - g. incites, induces any person by any means whatsoever or promises any person any reward to commit any act of terrorism or any of the offences referred to in this Bill; or
 - h. recruits for terrorist groups for any purpose, including the commission of acts of terrorism, commits an offence and is liable on conviction to the punishment prescribed under this Bill.

- (3) In this Bill, "act of terrorism" means an act wilfully performed with the intention of furthering an ideology, whether political, religious, racial, or ethnic, and which-
- (a) may seriously harm or damage a country or an international organisation;
 - (b) unduly compels a government or an international organisation to perform or abstain from performing any act;
 - (c) seriously intimidates a population;
 - (d) seriously destabilises or destroys the fundamental political, constitutional, economic or social structures of a country or an international organisation;
 - (e) influences a government or an international organisation by intimidation or coercion;
 - (f) violates the provisions of any international treaty or resolution to which Nigeria is a party, subject to the provisions of section 12 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended); and
 - (g) involves, causes, or results in the -
 - (i) attack on a person's life, in the form of grievous bodily harm or death,
 - (ii) kidnapping of a person,
 - (iii) destruction of Government or public facility, a transport system, an infrastructural facility, including national critical information infrastructure, a fixed platform located on the continental shelf, a public place or private property, which may likely endanger human life or result in major economic loss,
 - (iv) the seizure of an aircraft, ship, or other means of public transport or conveying goods, or the diversion or use of such means of transportation or conveyance for the purposes of sub-paragraph (iii) of this subsection,
 - (v) the manufacture, possession, acquisition, transportation, transfer, supply or use of weapons, including explosives or biological, chemical, radiological or nuclear weapons (BCRN weapons), as well as research into and development of BCRN weapons without lawful authority, and the receipt, possession, use, transfer, alteration, disposal or dispersal of nuclear or other radioactive material or devices,
 - (vi) the release of dangerous substance, causing of fire, explosions or floods, the effect of which is to endanger human life,

- (vii) interference with or disruption of the supply of water, power, or any other fundamental natural resource, the effect of which is to endanger human life,
 - (viii) the release into the environment or any part thereof, or distribution or exposure of the public or any part to dangerous, hazardous, nuclear, or other radioactive or harmful substance, any toxic chemical, any microbial or other biological agent or toxin, the effect of which is to endanger human life or to provoke substantial damage to property or to the environment,
 - (ix) endangering or engaging in acts likely to endanger the safety of an aircraft, ship, train or any other means of transportation,
 - (x) the bombing and other acts of violence at airports and other public places,
 - (xi) the disruption of any computer system or the provision of services directly related to the supply of water, power, communications, infrastructure, banking or financial services, utilities, transportation, other essential infrastructure or any other fundamental natural resources, the effect of which is to endanger human life,
 - (xii) the disruption of the provision of essential emergency services, including police, civil defence, medical and acts prejudicial to national security or public safety,
 - (xiii) the propagation and dissemination of information or information materials in any form or mode calculated to cause panic, evoke violence or intimidate a government, person or group of persons, or
 - (xiv) an act directed against a nuclear facility, or an act interfering with the operation of a nuclear facility, where the offender intentionally causes, or where he knows that the act is likely to cause, death or serious injury to a person or substantial damage to property or to the environment by exposure to radiation or release of radioactive substance, unless the act is undertaken in conformity with the provisions of existing laws.
- (4) An act, which disrupts a service but is committed in pursuance of a protest, demonstration or stoppage of work is not a terrorist act within the meaning of this definition, provided that the act is not intended to result in any harm referred to in subsection (3)(b), (c), (d), (e), (f) or (g), of this section.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senator Michael O. Bamidele — Ekiti Central*) —
Agreed to.

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

PART II - NATIONAL CO-ORDINATION AND ENFORCEMENT

Clause 3: Role of the Attorney-General

The Attorney-General shall be responsible for strengthening and enhancing the existing legal framework on combating terrorism and terrorism financing, and proliferation and financing the proliferation of weapons of mass destruction to ensure -

- (a) conformity of Nigeria's counter - terrorism laws, policies and other measures with United Nations Conventions on Terrorism and terrorism financing, international standards and maintain international co-operation required for preventing and combating international acts of terrorism; and
- (b) implementation of the provisions of UNSCRs related to Targeted Financial Sanctions on Terrorism Financing, Proliferation of Weapons of Mass Destruction and Proliferation financing.
- (c) the prosecution of terrorism and terrorism financing offences, proliferation and financing the proliferation of weapons of mass destruction, and other offences under this Bill.
- (d) Facilitation of adherence to relevant UNSCRs related to TF and PF. Including UNSCR 1267 and 1273 and successor resolutions.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — *Agreed to.*

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

Clause 4: Role of the National Security Adviser

The National Security Adviser shall -

- (a) formulate policies for the effective implementation of concerted counter-terrorism and terrorism financing efforts;
- (b) ensure the effective formulation and implementation of a comprehensive counter-terrorism strategy in Nigeria;
- (c) provide support to all relevant security, intelligence, and law enforcement agencies, and military services to prevent and combat acts of terrorism and terrorism financing in Nigeria;
- (d) build capacity for the effective discharge of functions under any law or regulation;
- (e) subject to the approval of the President, establish a National Counter Terrorism Centre for effective coordination of relevant agencies under this Bill; and
- (f) carry out such other functions that the President may deem necessary for the effective implementation of counter-terrorism measures under this Bill.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senator Michael O. Bamidele — Ekiti Central*) —
Agreed to.

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

Clause 5: Role of law enforcement and security agencies

- (1) The law enforcement and security agencies are responsible for gathering of intelligence:
 - (a) for investigation of the offences provided for under this Bill.
 - (b) for the purpose of identifying targets for designation pursuant to relevant UNSCRs.
- (2) Further to subsection (1) of this section, the law enforcement and security agencies have power to -
 - (a) enforce all laws and regulations on counter - terrorism, terrorism financing, proliferation and proliferation financing in Nigeria;
 - (b) adopt measures to prevent and combat acts of terrorism, terrorism financing and proliferation and its financing within and outside Nigeria;
 - (c) facilitate the detection and investigation of acts of terrorism, terrorism financing, proliferation and proliferation financing within and outside Nigeria;
 - (d) establish, maintain and secure communications, both domestic and international, to facilitate the rapid exchange of information concerning acts of terrorism, terrorism financing and proliferation and proliferation financing;
 - (e) conduct research with the aim of improving preventive measures to efficiently and effectively combat terrorism, terrorism financing, proliferation and proliferation financing within and outside Nigeria; and
 - (f) partner with Civil Society Organisations and the Nigerian public to provide necessary education, support, information, awareness and sensitisation towards the prevention and elimination of acts of terrorism, terrorism financing and proliferation and proliferation financing.
- (3) Subject to the provisions of this Bill, the law enforcement agencies have power to -
 - (a) investigate whether a person or entity has directly or indirectly committed an act, is about to commit an act or has been involved in committing an of terrorism, terrorism financing, proliferation or proliferation financing under this Bill or under any other law;
 - (b) execute search warrants authorising its officers or any other law enforcement officer to enter into any premises, property or conveyance for the purpose of conducting searches in furtherance of its functions under this Bill or any other law;

- (c) investigate, arrest and provide evidence for the prosecution of offenders under this Bill or any other law on terrorism applicable in Nigeria;
 - (d) seize, freeze or maintain custody over terrorist property or funds for the purpose of investigation, prosecution or recovery of any property or fund which the relevant agency reasonably believes to have been involved in or used in the perpetration of terrorist activities in Nigeria or outside Nigeria;
 - (e) seal up premises on reasonable suspicion that the premises is involved with or is being used in connection with acts of terrorism;
 - (f) adopt measures to identify, trace, freeze, seize terrorist properties as required by law and seek for the confiscation of proceeds derived from terrorist activities whether situated within or outside Nigeria;
 - (g) in consultation with the Attorney-General and with the approval of the National Security Adviser, enter into co-operation agreements, Memorandum of Understanding or arrangements with any national or international body, other intelligence, enforcement or security agencies or organisations, which in its opinion will facilitate the discharge of its functions under this Bill;
 - (h) request, demand, or obtain from any person, agency, or organisation, information, including any report or data, that may be relevant to its functions under this Bill; and
 - (i) appoint experts or professionals, where necessary, to execute, on its behalf, the powers required in furtherance of its functions under this Bill.
- (4) The relevant law enforcement and security agencies may initiate, develop or improve on, specific training programmes for their officers charged with the responsibilities for the detection, prevention, prohibition, investigation, elimination and prosecution of terrorism, terrorist financing proliferation and proliferation financing activities in Nigeria.
- (5) In order to strengthen inter-agency cooperation and coordination, improve synergy, joint working and effective multi-agency operability, the National Security Adviser shall work with relevant agencies under this Bill to develop Standard Operating Procedures and instruments.
- (6) For the purpose of section 5(1)(b) Relevant UNSCRs means 1267(1999) and 1373(2001) and successor resolutions

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senator Michael O. Bamidele — Ekiti Central*) —
Agreed to.

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

PART III - ESTABLISHMENT OF THE NATIONAL COUNTER-TERRORISM CENTRE

Clause 6: Establishment of the National Counter-Terrorism Centre

- (1) There is established, in the office of the National Security Adviser, a National Counter-Terrorism Centre (in this Bill referred to as "the Centre") which shall be the coordinating body for counter-terrorism and terrorism financing in Nigeria, and charged with the coordination of counter-terrorism policies, strategies, and plans, and support in the discharge of the functions of the National Security Adviser specified in section 4 of this Bill.
- (2) Without prejudice to the primary roles of the relevant agencies under this Bill, the Centre shall -
 - (a) establish a Joint Terrorism and Analysis Branch, as a fusion centre responsible for terrorism research, analysis and intelligence support to law enforcement and security agencies;
 - (b) establish a legal team, consisting of experienced and competent prosecutors, to review and advise on counter terrorism cases from law enforcement and security agencies, and ensure that legal and enforcement are in compliance with rules of armed conflict;
 - (c) coordinate the implementation of a national policy and action plan on preventing and countering violent extremism programmes;
 - (d) conduct public awareness on prevention and countering violent extremism and terrorism;
 - (e) facilitate capacity building for counter-terrorism and terrorism financing operations;
 - (f) partner with civil society and international organisations in the prevention and countering of violent extremism, terrorism and terrorism financing;
 - (g) collaborate with centres, institutions and universities on counter-terrorism related studies and research; and
 - (h) ensure that relevant agencies under this Bill have access to relevant and timely intelligence and analysis for the effective discharge of their responsibilities.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senator Michael O. Bamidele — Ekiti Central*) —
Agreed to.

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

Clause 7: Appointment of National Coordinator for the Centre

- (1) The President shall, on the advice of the National Security Adviser, appoint a National Coordinator for the Centre.
- (2) The National Coordinator shall -

- (a) hold office on such terms and conditions, as are specified in the letter of appointment;
- (b) report to the National Security Adviser on the activities of the Centre;
- (c) be responsible for the day-to-day administration and implementation of the functions of the Centre;
- (d) determine the number and level of staff to be deployed or seconded to the Centre from the Public Service of the Federation; and
- (e) perform such other functions connected with the responsibilities of the Centre, as the National Security Adviser, may assign to him, from time to time.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — Agreed to.

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

Clause 8: Other staff of the Centre and funding

- (1) Other employees of the Centre referred to under section 7(2)(d) of this Bill shall be deployed or seconded to the Centre for a period not less than three years.
- (2) The Centre shall, subject to the approval of the National Security Adviser, be responsible for the -
 - (a) formulation of the job description, title, terms, conditions, qualifications and
 - (b) payment of salaries, including the allowances of its employees.
- (3) The National Security Adviser shall exercise supervisory functions over the Centre, and ensure that adequate funding is provided to enable the Centre perform its functions effectively and efficiently.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — Agreed to.

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

PART IV - NIGERIA SANCTIONS COMMITTEE

Clause 9: Constitution of the Nigeria Sanctions Committee

The Attorney-General shall, with the approval of the President, constitute the Nigeria Sanctions Committee (in this Bill referred to as "the Sanctions Committee") which shall comprise -

- (a) the Attorney - General as Chairman;
- (b) the Minister of Finance;

- (c) the Minister of Foreign Affairs;
- (d) the Minister of Interior;
- (e) the National Security Adviser;
- (f) the Director - General, State Security Service;
- (g) the Governor, Central Bank of Nigeria;
- (h) the Inspector - General of Police;
- (i) the Executive Chairman, Economic and Financial Crimes Commission;
- (j) the Chairman, Independent Corrupt Practices and Other Related Offices Commission;
- (k) the Chairman, National Drug Law Enforcement Agency;
- (l) the Chairman, Federal Inland Revenue Service;
- (m) the Director - General, National Intelligence Agency;
- (n) a representative of the Chief of Defence Staff;
- (o) the Director-General, National Agency for the Prohibition of Trafficking in Persons and other Related Offences;
- (p) the Director of the Nigeria Financial Intelligence Unit (NFIU), as Secretary; and
- (q) any other relevant person or institution that the President may incorporate into the Sanctions Committee, from time to time.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — Agreed to.

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

Clause 10: Functions and powers of the Sanctions Committee

The Sanctions Committee shall have powers to -

- (a) formulate and provide general policy guidelines on designations made under sections 49, 53 and 54 of this Bill, and advise on the effective implementation of the United Nations Security Council Resolutions related to terrorism financing and proliferation financing, and allied instruments of the African Union and the Economic Community of West African States;
- (b) provide a forum for examining any operational or policy issues that have implications for the effectiveness or efficiency of the counter-proliferation financing system;
- (c) facilitate consistent and co-ordinated approaches to the development and dissemination of counter-proliferation financing guidance

materials and training initiatives;

- (d) through the Attorney General transmit, receive and respond to communications from foreign governments, or the United Nations Security Council or its Committees with regard to the powers exercisable under this Bill;
- (e) recommend to the Attorney-General to designate a person, being a citizen, resident or physically present in Nigeria, entity, or group, who attempts or engages in acts of terrorism, terrorism financing, or provides support in any form to a terrorist or terrorist organization;
- (f) take appropriate measures to discharge Nigeria's obligations related to targeted financial sanctions imposed by UNSCRs on Proliferation of Weapons of Mass Destruction or Proliferation Financing.
- (g) request and collect any information or intelligence the Committee deems necessary in the discharge of their functions under this Bill;
- (h) recommend to the Attorney General the appropriate sanctions including travel ban freezing of funds, assets, and other economic interests of persons and entities designated under the United Nations Consolidated List or under the Nigeria List; and
- (i) maintain a website, where all related changes and updates to the United Nations Consolidated List and the Nigeria List shall be posted and updated regularly.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

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

PART IV - OFFENCES RELATING TO TERRORISM AND TERRORISM FINANCING

Clause 11: Offences against internationally protected persons

A person, who -

- (a) kidnaps or commits an attack on an internationally protected person;
- (b) murders an internationally protected person
- (c) carries out a violent attack on the official premises, private accommodation, or means of transport of an internationally protected person; or
- (d) threatens to commit any such attack,

commits an offence and is liable on conviction to -

- (i) not less than twenty-five years and up to a maximum of life imprisonment, where death does not result from the act referred to in paragraphs (a) and (c) of this section;
- (ii) death penalty, where death results from the act in paragraphs (a), (b), (c) of this section; or

- (iii) in the case of the offence under paragraph (d) of this section, to a term of imprisonment of not less than twenty years.

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — *Agreed to.*

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

Clause 12: Terrorist meetings

A person, who knowingly -

- (a) arranges, manages, assists in arranging or managing, participates in a meeting or an activity, which in his knowledge is concerned or connected with an act of terrorism or terrorist group;
- (b) collects, or provides logistics, equipment, information, articles or facilities for a meeting or an activity, which in his knowledge is concerned or connected with an act of terrorism or terrorist group; or
- (c) attends a meeting, which in his knowledge is to support a proscribed entity or to further the objectives of a proscribed entity,

commits an offence, and is liable on conviction to imprisonment for a term of not less than twenty years.

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — *Agreed to.*

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

Clause 13: Soliciting and giving support to terrorist groups for the commission of acts of terrorism

- (1) A person who knowingly and directly or indirectly, solicits or renders support -

- (a) for the commission of an act of terrorism; or
- (b) to a terrorist group,

commits an offence, and is liable on conviction to imprisonment for a term of not less than twenty years and up to a maximum of life imprisonment.

- (2) For the purposes of subsection (1) of this section, "support" includes -

- (a) incitement to commit an act of terrorism by the dissemination of terrorist information through the internet, other electronic or digital means, or through the use of printed materials;
- (b) receiving or providing material assistance, training, transportation, false documentation or identification to terrorists or terrorist groups;
- (c) receiving or providing information or moral assistance to a terrorist act or terrorist group, including invitation to adhere to a terrorist or terrorist group;

- (d) entering or remaining in a country for the benefit of, or at the direction of or in association with a terrorist group; and
 - (e) providing or making available, such financial or other related services prohibited under this Part, or as may be prescribed by regulations made pursuant to this Bill.
- (3) In this section, it shall not be necessary to prove that the material, information, facilities, or financial assistance was actually used in the commission of an act of terrorism, if it can be reasonably established that the person collected on behalf of or provided the material, information, facilities or financial assistance to a terrorist or terrorist groups.

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

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

Clause 14: Harboursing terrorists or hindering the arrest of a terrorist

A person, who knowingly harbours, conceals, or causes to be harboured or concealed, hinders or interferes with the arrest of a person -

- (a) who has committed or about to commit an act of terrorism;
- (b) who is planning to commit an act of terrorism;
- (c) who is a member of a terrorist group;
- (d) who has been convicted of an act of terrorism but escaped from punishment; or
- (e) against whom a warrant of arrest had been issued,

commits an offence, and is liable on conviction to imprisonment for a term of not less than twenty years.

Provision of training and instruction to terrorist groups or terrorists

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

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

Clause 15: A person, who knowingly agrees to provide a terrorist or terrorist group, or receives training, training material or instructions on -

- (a) the making or use of any form of explosive or other lethal devices;
- (b) carrying out an act of terrorism,
- (c) the practice of a military exercise or movements, but who is not an authorized officer acting in the performance of an official duty,

commits an offence, and is liable on conviction to not less than twenty-five years and a maximum of life imprisonment.

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

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

Clause 16: Concealing of information about acts of terrorism

- (1) Subject to the provisions of subsections (2) and (3) of this section, a person who has information and knows or believes the information to be of material assistance in -
 - (a) preventing the commission of an act of terrorism, by any person or an entity; or
 - (b) securing the apprehension, prosecution, or conviction of a person for an offence under this Bill, and fails to disclose the information to the relevant agency, as soon as practicable, commits an offence, and is liable on conviction to imprisonment for a term of not less than twenty years.
- (2) Subsection (1) of this section does not require disclosure by a legal practitioner of any information, belief or suspicion based on any information, which he obtained in privileged circumstances.
- (3) For the purpose of subsection (2) of this section, information is obtained by a legal practitioner in privileged circumstances, where it is disclosed to the legal practitioner by -
 - (a) a client, in connection with the provisions of legal advice, not being a disclosure with a view to furthering a criminal purpose or concealing a crime; or
 - (b) any person for the purpose of actual or contemplated legal proceeding, and not with a view to furthering a criminal purpose or concealing a crime.

Committee's Recommendation:

That the provision in Clause 16 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

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

Clause 17: Provision of device to a terrorist

A person, who knowingly offers to provide or provides a weapon, explosive, biological, chemical, nuclear or other lethal device to a terrorist, terrorist group, or any other person for use by or for the benefit of the terrorist or terrorist group, commits an offence, and is liable on conviction to imprisonment for a term of not less than twenty years and up to a maximum of life imprisonment.

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

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

Clause 18: Recruitment of terrorists

A person, who knowingly agrees to recruit or recruits a person to be a member of a terrorist group, or to participate in the commission of an act of

terrorism, commits an offence, and is liable on conviction to imprisonment for a term of not less than twenty years and up to a maximum of life imprisonment.

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

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

Clause 19: Promotion or solicitation of property for the commission of terrorist acts
A person, who knowingly solicits property for the benefit of a terrorist group or for the commission of an act of terrorism, commits an offence, and is liable on conviction to imprisonment for a term of not less than twenty years and up to a maximum of life imprisonment.

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

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

Clause 20: Provision of facilities in support of terrorist acts

A person, who being -

- (a) the owner, occupier, lessee, or person in charge of a building, premises, room, or place, knowingly permits a terrorist meeting to be held in that building, premises, room or place;
- (b) the owner, charterer, lessee, operator, agent of a conveyance, or master of a vessel, or the pilot in charge of an aircraft, or driver of any other means of conveyance, who knowingly permits that vessel, aircraft, or other means of conveyance to be used for acts of terrorism; or
- (c) the owner, lessee, or person in charge of any equipment, facility, or device that allows for recording, conferencing or meetings through the use of technological devices, knowingly permits that equipment, facility or device to be used for purposes of committing an offence under this Bill, or for planning, promoting or supporting the commission of an act of terrorism,

commits an offence, and is liable on conviction to imprisonment for a term of not less than twenty years.

Committee's Recommendation:

That the provision in Clause 20 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

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

Clause 21: Financing of terrorism

- (1) A person or entity, within or outside Nigeria, in any manner, who, directly or indirectly, and willingly provides, solicits, acquires, collects, receives, possesses, or makes available property, funds or other services, or attempts to provide, solicit, acquire, collect, receive, possess or make available property, funds or other services

with the intention or knowledge, or having reasonable grounds to believe that it will be used, in full or in part to -

- (a) finance a terrorist or terrorist group;
- (b) commit an offence under this Part, or an offence specified in any relevant law or enactment referred to under this Bill; or
- (c) do any other act intended to cause death or serious bodily injury to a civilian or any other person not taking active part in the hostilities in a situation of armed conflict, when the purpose of that act, by its nature or context, is to intimidate a group of people or to compel a government or an international organization to do or abstain from doing any act,

commits an offence.

(2) A person, who commits an offence under subsection (1) of this section is liable on conviction to -

- (a) in the case of a natural person, life imprisonment; or
- (b) in the case of a body corporate -
 - (i) a fine of not less than two hundred million Naira,
 - (ii) imprisonment of principal officer for a term of not less than twenty years and up to a maximum of life imprisonment., and
 - (iii) the winding up of the body corporate, and its prohibition from reconstitution or incorporation under any form or guise.

(3) A person, who knowingly or intentionally enters into or becomes involved in an arrangement -

- (i) which facilitates the acquisition, retention, or control of terrorist fund, by or on behalf of another person, by concealment, removal out of jurisdiction, transfer to a nominee or in any other way; or
- (ii) as a result of which funds or other property is to be made available for the purposes of terrorism or for the benefit of a specified entity or proscribed entity,

commits an offence.

(4) A person, who commits an offence under subsection (3) of this section, is liable on conviction to -

- (a) in the case of a natural person, imprisonment for a term of not less than twenty years and up to a maximum of life imprisonment; and
- (b) in the case of a body corporate-
 - (i) to a fine of not less than two hundred million Naira;
 - (ii) the prosecution of the principal officers of the

corporate body, who on conviction, shall be liable to imprisonment for a term of not less than twenty years and up to a maximum of life imprisonment;

- (iii) the winding up of the corporate body, and
 - (iv) prohibition from its reconstitution or incorporation under any form or guise.
- (5) An offence under this section shall apply, regardless of whether the person alleged to have committed the offence is in the same country as, or in a different country from the one in which -
- (a) the terrorist, terrorist group, or proscribed entity is located; or
 - (b) the terrorist act occurred or is planned to occur.
- (6) In proving the offence of terrorism financing, it shall not be required that the funds -
- (a) were actually used to carry out an act of terrorism;
 - (b) were used to attempt an act of terrorism; or
 - (c) be linked to a specific act of terrorism.
- (7) For the purpose of this section, intention or knowledge may be inferred from objective factual circumstances.

Committee's Recommendation:

That the provision in Clause 21 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — Agreed to.

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

Clause 22: Financing the travel of foreign Terrorist Fighters

A person who finances the travel of individuals who travel to a State other than their States of residence or nationality for the purpose of the perpetration, planning, or preparation of, or participation in, terrorist acts or the providing or receiving of terrorist training commits an offence and is liable upon conviction to imprisonment for a term of not less than twenty years and up to a maximum of life imprisonment.

Committee's Recommendation:

That the provision in Clause 22 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — Agreed to.

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

Clause 23: Dealing in terrorist property

- (1) A person or an entity who, knowingly or intentionally deals in any terrorist funds or property by -
 - (a) acquiring or possessing terrorist funds or property;
 - (b) entering into, or facilitating, directly or indirectly, any transaction in respect of a terrorist funds or property;
 - (c) converting, concealing, or disguising terrorist funds or property; or

- (d) providing financial or other services, in respect of terrorist fund or property, at the direction of a terrorist or terrorist group,

commits an offence, and is liable on conviction to imprisonment for a term of not less than twenty years and up to a maximum of life imprisonment.

- (2) In this Part, the word 'knowingly or intentionally' may be inferred from the objective factual circumstances of the case.

Committee's Recommendation:

That the provision in Clause 23 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

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

Clause 24: Hostage taking, kidnapping, hijacking, etc.

- (1) A person, who knowingly or intentionally -
- (a) seizes, detains, or attempts to seize or detain a person, property, or facility in order to compel a third party to do or abstain from doing a lawful act;
 - (b) threatens to kill, injure or continue to detain a person in order to compel a third party to do or abstain from doing a lawful act; or
 - (c) gives an explicit or implicit condition for the release of the person held hostage, or the property or facility detained,
- commits an offence.
- (2) A person, who commits an offence under subsection (1) of this section, is liable on conviction -
- (a) where death does not result from the act, to life imprisonment; or
 - (b) where death results from the act, to a death sentence.
- (3) In this section -
- (a) a "third party" means a State, an international governmental organisation, a natural or legal person or a group of persons; and
 - (b) the word 'knowingly or intentionally' referred to in subsection (1) of this section may be inferred from the objective factual circumstances of the case.

Committee's Recommendation:

That the provision in Clause 24 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

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

Clause 25: Membership of a terrorist group or proscribed entity

- (1) A person, who is a member or professes to be a member of a terrorist group or a proscribed entity, in or outside Nigeria, commits an

offence, and is liable on conviction to imprisonment for a term of not less than twenty years and up to a maximum of life imprisonment.

- (2) It shall be a defence for a person charged with an offence under subsection (1) of this section that -
- (a) the entity, in respect of which the charge is brought, was not a terrorist group or a proscribed entity at the time that person became a member or began to profess membership of that group or entity; and
 - (b) the person has not taken part in the activities of that group or entity, after it became a terrorist group or proscribed entity.
- (3) A person, who belongs or professes to belong to a proscribed entity, in or outside Nigeria,

commits an offence, and is liable on conviction to life imprisonment.

- (4) It shall be a defence for a person charged with an offence under subsection (3) of this section that -
- (a) the entity, in respect of which the charge is brought, had not been designated to be a proscribed entity at the time the person charged became or began to profess membership of the entity; and
 - (b) the person has not taken part in the activities of that entity, at any time after it has been designated to be a proscribed entity.

Committee's Recommendation:

That the provision in Clause 25 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

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

Clause 26: Conspiracy, aiding and abetting

- (1) A person, who conspires with another to commit an offence under this Part in Nigeria, or to commit an act of terrorism in any place outside Nigeria, being an act, which if done in Nigeria would have constituted an offence, is deemed to have conspired to do that act in Nigeria, and is liable on conviction to the same punishment as provided under this Bill for the offence to which the conspiracy relates.
- (2) A person who knowingly, directly or indirectly -
- (a) aids and abets;
 - (b) induces, instigates, instructs; or
 - (c) counsels or procures another person by any means whatsoever to commit an act of terrorism,
- commits an offence.
- (3) A person who commits an offence under subsection (2) of this section is liable on conviction, where -
- (a) the offence is committed, to the same punishment as provided under this Bill for the offence to which the offence relates; and

- (b) the offence is not committed, to imprisonment for a term of not less than five years and not more than that provided for the full offence under this Bill.

Committee's Recommendation:

That the provision in Clause 26 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

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

Clause 27: Escape or aiding and abetting escape

A person, who -

- (a) being in lawful custody for act of terrorism, escapes from custody; or
- (b) aids, facilitates, or abets the escape of a person, who is -
- (i) in lawful custody of the relevant agency for an act of terrorism, or
- (ii) suspected to have committed an offence under any of the provisions of this Bill,

commits an offence, and is liable on conviction to imprisonment for a term of not less than twenty years.

Committee's Recommendation:

That the provision in Clause 27 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

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

Clause 28: Attempt to commit an offence

- (1) A person, who attempts to commit an offence under this Part is liable on conviction to the same punishment as provided under this Bill for the offence to which the attempt relates.
- (2) Where a person is charged with any of the offences under this Part and the evidence establishes an attempt to commit that offence, he may be convicted of having attempted to commit the offence and is liable on conviction to the same punishment as provided under this Bill for the offence to which the attempt relates.
- (3) Where a person is charged with an attempt to commit an offence under this Part but the evidence establishes the commission of the full offence, the person shall not be acquitted but shall be convicted for the commission of the offence, and is liable on conviction to the same punishment, as provided under this Part for the offence to which the attempt relates.

Committee's Recommendation:

That the provision in Clause 28 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

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

Clause 29: Preparation to commit acts of terrorism

A person, who engages in a conduct in preparation to commit an act of terrorism or assists another person to commit an act of terrorism commits an

offence, and is liable on conviction to imprisonment for a term of twenty years.

Committee's Recommendation:

That the provision in Clause 29 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

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

Clause 30: Unlawful assumption of character of an officer of a relevant agency

A person who, with intent to deceive, unlawfully assumes the name, character or designation of an officer of a relevant agency in order to perpetrate an act of terrorism, commits an offence and is liable on conviction to imprisonment for a term of not less than seven years.

Committee's Recommendation:

That the provision in Clause 30 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

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

Clause 31: Tampering with evidence or witness

In any case of terrorism under this Bill, a person who tampers with -

- (a) a witness by intimidation, threats, blackmail or similar acts, or
- (b) an evidence or exhibit, by falsification, conversion, destruction or forgery,

commits an offence, and is liable on conviction to imprisonment for a term of not less than seven years.

Committee's Recommendation:

That the provision in Clause 31 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

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

Clause 32: Obstruction of an authorised officer of a relevant agency

- (1) A person, who wilfully -
 - (a) obstructs an authorised officer of a relevant agency in the exercise of any of the powers conferred on the agency by this Bill;
 - (b) fails to comply with any lawful enquiry, request, or information, wherever located, made by any authorised officer in accordance with the provisions of this Bill;
 - (c) refuses an authorised officer of a relevant agency access to any premises, or fails to submit to a search by a person authorised to search him under this Bill;
 - (d) assaults an authorised officer of a relevant agency in the execution of his duty under this Bill; or

- (e) fails to produce, or conceals or attempts to conceal from an authorised officer of a relevant agency, any book, document, information storage system, or article in relation to which the officer has reasonable grounds for suspecting or believing that an offence under this Part or any other law prohibiting terrorism has been or is being committed, or which is liable to seizure under this Bill,

commits an offence, and is liable on conviction to imprisonment for a term of not less than seven years.

- (2) A person, who-
- (a) discloses to another anything which is likely to prejudice a terrorist investigation; or
- (b) interferes with material, which is likely to undermine a terrorist investigation, or likely to be relevant to a terrorist investigation,

commits an offence, and is liable on conviction to imprisonment for a term of not less than seven years.

- (3) It is a defence for a person charged with an offence under subsection (2) of this section that the person did not know and have reasonable cause to suspect that the disclosure was likely to affect a terrorist investigation

Committee's Recommendation:

That the provision in Clause 32 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

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

Clause 33: Offences by an Entity

- (1) Where an offence, under this Part, committed by an entity is proved to have been committed on the instigation or with the connivance of, or is attributable to any neglect on the part of a director, manager, secretary of the entity, or any person purporting to act in any of these capacities, the officer is liable on conviction to the same punishment as provided under this Bill for the offence.
- (2) Where an entity is convicted of an offence under this Bill -
- (a) it shall be liable to the forfeiture of -
- (i) any assets, funds, or property used or intended to be used in the commission of the offence, and
- (ii) its assets, funds, or property; and
- (b) the court shall issue an order -
- (i) winding-up the entity,
- (ii) withdrawing the practice licence of the entity and those of its convicted principal officers, where applicable; and

- (iii) prohibiting the entity from reconstitution or incorporation under any other form or guise.
- (3) Where the court orders the entity to be wound up, the entity's assets and properties shall be transferred to any Fund or Agency established under any law for the recovery of proceeds of crime.
- (4) Nothing contained in subsections (1) of this section shall render any person liable to punishment, provided that it can be proved that the offence was committed without the person's knowledge or that the person exercised all due diligence to prevent the commission of the offence.

Committee's Recommendation:

That the provision in Clause 33 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

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

PART V - OFFENCES RELATING TO CIVIL AVIATION, SAFETY OF
SHIPS AND FIXED PLATFORMS

Clause 34: Hijacking of aircraft

A person who, on board an aircraft in flight, seizes or exercises control of that aircraft by force, threat or any other form of intimidation, commits an offence, and is liable on conviction to life imprisonment.

Committee's Recommendation:

That the provision in Clause 34 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

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

Clause 35: Offences against the safety of civil aviation

- (1) A person, who -
- (a) commits an act of violence against a person on board an aircraft in flight, if that act is likely to endanger the safety of that aircraft;
 - (b) destroys an aircraft in service, or causes damage to an aircraft which renders it incapable of flight or which is likely to endanger its safety in flight;
 - (c) places or causes to be placed on an aircraft in service, by any means whatsoever, a device or a substance which is likely to destroy that aircraft, or cause damage to it, which renders it incapable of flight, or cause damage which is likely to endanger its safety in flight;
 - (d) destroys or damages air navigation facilities or interfering with their operation, if the act is likely to endanger the safety of the aircraft in flight; or

- (e) communicates information, which the person knows to be false, thereby endangering the safety of the aircraft in flight,

commits an offence, and is liable on conviction to -

- (i) imprisonment for a term of not less than twenty years, or
- (ii) a death penalty, where death results from the commission of the act.
- (2) A person, who threatens to commit an offence provided for under subsection (1)(a) -(d) of this section with the aim of compelling the State or a person to do or refrain from doing any act, commits an offence, and is liable on conviction to imprisonment for a term of not less than twenty five years.

Committee's Recommendation:

That the provision in Clause 35 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

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

Clause 36: Offences against safety at airports serving military or civil aviation

- (1) A person, who -
- (a) commits an act of violence against a person at an airport serving military or civil aviation, which causes or is likely to cause serious injury or death;
- (b) destroys or seriously damages the facilities of an airport serving military or civil aviation, or aircraft not in service located on the facilities, or disrupting the services of the airport; or
- (c) using a device, substance, or weapon in perpetrating acts referred to in paragraphs (a) and (b) of this subsection, where such acts are likely to endanger the safety at an airport serving military or civil aviation;

commits an offence, and is liable on conviction to -

- (i) imprisonment for a term of not less than twenty years, or
- (ii) a death penalty, where death results from the commission of the act.
- (2) A person, who threatens to commit any of the offences provided for in subsection (1) of this section with the aim of compelling the State or a person to do or refrain from doing any act, commits an offence, and is liable on conviction to imprisonment for a term of not less than twenty five years.

Committee's Recommendation:

That the provision in Clause 36 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

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

Clause 37: Offences against the safety of ships or fixed platforms

- (1) A person, who -
- (a) seizes or exercises control of a ship or a fixed platform by

force, threat, or any other form of intimidation;

- (b) commits an act of violence against a person on board a ship or a fixed platform, where that act is likely to endanger the safety of the ship or fixed platform;
- (c) destroys a ship or causes damage to a ship or its cargo;
- (d) places or causes to be placed on a ship, by any means whatsoever, a device or substance likely to destroy or cause damage to the ship or its cargo;
- (e) destroys a fixed platform or causes damage to it, which is likely to endanger its safety, or places or causes to be placed on a fixed platform, by any means whatsoever, a device or substance likely to destroy that fixed platform or to endanger its safety;
- (f) destroys or damages maritime navigational facilities or interferes with their operation, where that act is likely to endanger the safe navigation of a ship;
- (g) communicates information, which that person knows to be false, thereby endangering the safe navigation of a ship; or
- (h) injures any person in connection with the commission of any of the offences provided for in paragraphs (a) to (g) of this subsection,

commits an offence, and is liable on conviction to -

- (i) imprisonment for a term of not less than twenty five years, or
 - (ii) a death penalty, where death results from the commission of the act.
- (2) A person, who threatens to commit any of the offences provided for in subsection (1) (b), (c), (e) and (f) of this section, with the aim of compelling the State or a person to do or refrain from doing any act, commits an offence, and is liable on conviction to imprisonment for a term of not less than twenty five years.

Committee's Recommendation:

That the provision in Clause 37 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

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

Clause 38: Use and discharge of BCRN weapons and other substances from a ship or fixed platform

- (1) A person, who -
 - (a) uses against or on a ship or a fixed platform, or discharges from a ship or a fixed platform any explosive, radioactive material, or BCRN weapon in a manner that causes or is likely to cause death or serious injury or damage;

- (b) discharges, from a ship or fixed platform, oil, liquefied natural gas, or other hazardous or noxious substance, which is not covered by paragraph (a) of this subsection, in such quantity or concentration that causes or is likely to cause death or serious injury or damage; or
- (c) uses a ship in a manner that causes death or serious injury or damage,

where the purpose of the act by its nature or context, is to intimidate a population, or to compel a government or an international organisation to do or to abstain from doing any act, commits an offence and is liable on conviction to -

- (i) imprisonment for a term of not less than twenty years, or
 - (ii) a death penalty, where death results from the commission of the act.
- (2) A person who threatens to commit any of the acts provided under subsection (1) of this section, commits an offence, and is liable on conviction to imprisonment for a term of not less than twenty five years.

Committee's Recommendation:

That the provision in Clause 38 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

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

Clause 39: Transportation of BCRN weapons or other dangerous substances on board a ship

- (1) A person, who transports -
 - (a) any explosive or radioactive material, knowing that it is intended to be used -
 - (b)
 - (i) to cause death or grievous bodily harm or damage, or
 - (ii) in a threat to cause death or grievous bodily harm or damage,

for the purpose of intimidating a population, or compelling a government or an international organisation to do or to abstain from doing any act;

- (c) any BCRN weapon, knowingly;
- (d) any source of material, special fissionable material, or equipment or material especially designed or prepared for the processing or production of special fissionable material, knowing that it is intended to be used in a nuclear explosive activity or in any other nuclear activity not under a safeguard agreement; or
- (e) any equipment, materials or software or related technology that significantly contributes to the design, manufacture or delivery of a BCRN weapon, with the intention that it will be

used for that purpose,

commits an offence, and is liable on conviction to -

- (i) imprisonment for a term of not less than twenty five years, or
 - (ii) a death penalty, where death results from the commission of the act.
- (2) A person, who causes injury to a person in connection with the perpetration of any of the offences provided for under subsection (1) of this section, commits an offence, and is liable on conviction to imprisonment for a term of not less than twenty five years.

Committee's Recommendation:

That the provision in Clause 39 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

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

Clause 40: **Transportation of persons intending to commit offences on board ships**
A person, who transports another person on board a ship, knowing that the person intends to commit an act that constitutes an offence under this Bill commits an offence, and is liable on conviction to imprisonment for a term of not less than twenty years.

Committee's Recommendation:

That the provision in Clause 40 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

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

Clause 41: **Transportation of certain offenders on board ships**
A person, who transports another person on board a ship, knowing that the person has committed an act that constitutes an offence under this Bill and intending to assist that person to evade criminal prosecution, commits an offence, and is liable on conviction to imprisonment for a term of not less than twenty years.

Committee's Recommendation:

That the provision in Clause 41 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

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

Clause 42: **Offences with explosives or other lethal devices**
A person, who delivers, places, discharges, or detonates an explosive or other lethal device into or against a place of public use, a government facility, a transportation system, or an infrastructure facility with the intent to cause -

- (a) death or grievous bodily harm; or
- (b) extensive destruction of such a place, facility or system, where such destruction results in, or is likely to result in, major economic loss,

commits an offence, and is liable on conviction to -

- (i) imprisonment for a term of not less than twenty years, or

- (ii) a death penalty, where death results from the commission of the act.

Committee's Recommendation:

That the provision in Clause 42 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — *Agreed to.*

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

Clause 43: Handling of radioactive, nuclear materials or devices

- (1) A person, who, without lawful authority, receives, possesses, transfers, alters, or disposes radioactive, nuclear materials or possesses a device -
- (a) with the intent to cause death or grievous bodily harm, or substantial damage to property or to the environment; or
- (b) which causes or is likely to cause death or grievous bodily harm to any person or substantial damage to property or to the environment,

commits an offence, and is liable on conviction to -

- (i) imprisonment for a term of not less than twenty years, or
- (ii) a death penalty, where death results from the commission of the act.

- (2) A person, who -
- (a) commits theft or robbery of radioactive or nuclear material;
- (b) embezzles or fraudulently obtains a radioactive or nuclear material; or
- (c) performs an act which constitutes the carrying, sending, or moving of radioactive material into or out of Nigeria without lawful authority,

commits an offence, and is liable on conviction to imprisonment for a term of not less than twenty years.

- (3) A person, who threatens to commit an offence set forth under subsection (2) (a) of this section in order to compel a natural or legal person, international organisation, or State to do or to refrain from doing any act, commits an offence, and is liable on conviction to imprisonment for a term of not less than twenty five years.
- (4) A person, who demands radioactive or nuclear material or a device by threat, or by use of force, or by any other form of intimidation, commits an offence, and shall on conviction be liable to imprisonment for a term of not less than twenty years.

Committee's Recommendation:

That the provision in Clause 43 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — *Agreed to.*

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

Clause 44: Use of radioactive or nuclear material

- (1) A person who, without lawful authority, uses or disperses in any way, radioactive or nuclear material, or makes or uses a device -
- (a) with the intent to cause -
 - (i) death or grievous bodily harm, or
 - (ii) substantial damage to property or the environment;
 - (b) to compel a natural or legal person, an international organization, or a State to do or refrain from doing an act; or
 - (c) which causes or is likely to cause death or grievous bodily harm to any person or substantial damage to property or to the environment,
- commits an offence, and is liable on conviction to -
- (i) imprisonment for a term of not less than twenty years, or
 - (ii) a death penalty, where death results from the commission of the act.
- (2) A person, who threatens to commit an offence provided for in subsection (1) of this section, commits an offence, and is liable on conviction to imprisonment for a term of not less than twenty years.

Committee's Recommendation:

That the provision in Clause 44 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

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

Clause 45: Offences relating to nuclear facilities

- (1) A person, who uses or damages a nuclear facility, interferes with its operation, or commits any other act directed against a nuclear facility, in a manner which releases or risks the release of radioactive material -
- (a) with the intent to cause -
 - (i) death or serious bodily injury, or
 - (ii) substantial damage to property or to the environment;
 - (b) with the knowledge that the act, unless undertaken in conformity with extant laws relating to nuclear or other radioactive substances, is likely to cause death or grievous bodily harm to any person, substantial damage to property, or to the environment by the exposure to radiation or release of radioactive substances; or
 - (c) in order to compel a natural or legal person, an international organization, or a State to do or refrain from doing an act,
- commits an offence, and is liable on conviction to -
- (i) imprisonment for a term of not less than twenty years, or
 - (ii) a death penalty, where death results from the commission of the act.

- (2) A person, who threatens to commit an offence provided for in subsection (1) of this section, commits an offence, and is liable on conviction to imprisonment for a term of not less than twenty years.
- (3) A person, who demands for a nuclear facility by threat, or by use of force or by any other form of intimidation, commits an offence, and is liable on conviction to imprisonment for a term of not less than ten years.

Committee's Recommendation:

That the provision in Clause 45 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

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

Clause 46: Arms embargo

A person, who supplies, sells, or transfers, directly or indirectly, to individuals placed on the Consolidated List, arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and their spare parts as well as technical advice, assistance, or training related to military activities, whether this conduct is carried out -

- (a) within the territories of Nigeria;
- (b) by nationals of Nigeria abroad; or
- (c) by anyone using flag vessels or aircraft from Nigeria,

commits an offence, and is liable on conviction to imprisonment for a term of not less than twenty years.

Committee's Recommendation:

That the provision in Clause 46 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

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

Clause 47: Travel ban

- (1) An individual placed on the Consolidated List shall not allowed entry into or transit through the territory of Nigeria, unless the individual is a citizen of Nigeria.
- (2) A person, who allow an individual placed on the Consolidated List entry into or transit through the territory of Nigeria commit an offence provided for in subsection (1) of this section, and is liable on conviction to imprisonment for a term of not less than ten years.

Committee's Recommendation:

That the provision in Clause 47 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

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

Clause 48: Proscription of an entity

- (1) Where an entity, or two or more persons associate for the purpose -
- (a) participating or collaborating in an act of terrorism or terrorism financing;
 - (b) promoting, encouraging or exhorting others to commit an act of terrorism; or
 - (c) setting up or pursuing acts of terrorism,

the Attorney-General shall, with the approval of the President, apply ex-parte to the Court to proscribe the person, association or the entity, and the notice of the Proscription Order shall be published in the Federal Gazette and in two national daily newspapers, and at such other places as the Court may determine.

- (2) A publication made under subsection (1) of this section shall contain such relevant particulars as the Court may specify.
- (3) Without prejudice to the provisions of section 57 of this Bill, the Attorney-General may, on the approval of the President, apply to the Court for the revocation of the Proscription Order, where -
- (a) the proscribed entity affected by the order makes an application to the Attorney - General to that effect; and
 - (b) there is evidence to prove that the proscribed entity does not engage in any of the acts specified in subsection (1) of this section.
- (4) The revocation of the Proscription Order shall be published in the Federal Gazette.

Committee's Recommendation:

That the provision in Clause 48 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

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

Clause 49: Designating a person, entity, or group for terrorism or for terrorism financing pursuant to UNSCR 1373

- (1) Where the Sanctions Committee has reasonable grounds to suspect that a person, group or entity -
- (a) has committed, attempted to commit, participated in committing, instigated the commission, or facilitated the commission of an act of terrorism or terrorism financing;
 - (b) is owned or controlled, directly or indirectly, by any person, group, or entity designated under under this subsection; or
 - (c) is acting on behalf of, or at the direction of, any person or entity designated under this subsection,

it may recommend to the Attorney-General to designate such person, entity, or group, as a terrorist, terrorist group, or terrorist entity, or terrorist financier.

- (2) Where Attorney-General is satisfied that there is evidence on reasonable grounds to support the recommendation made under subsection (1) of this section, the Attorney-General shall, with the approval of the President, designate the person, group, or entity so

recommended as terrorist, terrorist group, or terrorist entity, or terrorist financier, provided that a designation made by the AG under this section shall not be conditional upon the existence of criminal proceedings in relation to the person or entity to be designated.

- (3) Following a designation made pursuant to subsection (2) of this section, the Attorney General may request a foreign country to make a designation of the person, group, or entity so designated, as terrorist, terrorist group, or terrorist entity, or terrorist financier, and provide relevant identifying information to support that Request.
- (4) Where a person, group, or an entity has been designated by a foreign country as an international terrorist or international terrorist group, the Attorney General shall, on receipt of a request to designate from that Country-
 - (a) immediately convene the Sanctions Committee to deliberate on the request and its supporting evidence, as proposed for designation;
 - (b) designate the person, group, or entity as a terrorist, terrorist group, or terrorist entity, or terrorist financier., where, on the recommendation of the sanctions committee, the Attorney-General is satisfied that there is evidence on reasonable grounds to support the request;
 - (c) direct the Sanctions Committee, to immediately add the names of the designated persons or entities to the Nigeria Sanctions List established under section 50 of this section, and disseminate to the relevant authorities for action; and
 - (d) convey the decision of the Sanctions Committee to the requesting Country from where the request to designate emanated from.
- (5) Where a person, group or an entity has been listed to be involved in acts of terrorism or terrorism financing in any of the instruments of the African Union or ECOWAS, or any other organization, as the President may approve, the Attorney General shall on receipt of the request to designate, direct the Sanctions Committee to immediately add the names of the designated person to the Nigeria List and disseminate to the relevant authorities for action.
- (6) Where a person designated as a terrorist or terrorism financier under this section is a citizen of Nigeria, other than by birth, or a citizen of any other country, the person shall be deprived of the Nigerian citizenship, in accordance with the provisions of the Constitution of the Federal Republic of Nigeria.
- (7) A designation made under subsection (2)(4) and (5) of this section and a revocation of citizenship under subsection (6) of this section shall be published by the Attorney-General in the Federal Gazette.

Committee's Recommendation:

That the provision in Clause 49 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

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

Clause 50: Nigeria Sanctions List

The Sanctions Committee shall establish a list, to be referred to as the Nigeria Sanctions List, where all designations made pursuant to section 49(2)(4) and (5) of this Bill are published and periodically updated.

Committee's Recommendation:

That the provision in Clause 50 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

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

Clause 51: Proposal for designation of Terrorist, Terrorist Groups and Terrorism Financier

The Attorney-General may, on the recommendation of the Sanctions Committee, make a proposal to the United Nations Security Council or its relevant 1267/1989 or 1988 Committees for the designation of a person, group, or an entity as an international terrorist, terrorist group, terrorist entity, or terrorist financier, where the Attorney-General is satisfied that there is reasonable grounds to suspect that the person, group, or entity meets the criteria prescribed under the Third Schedule of this Bill; provided that a proposal made by the Attorney-General in accordance with this section, shall not be conditional upon the existence of criminal proceedings in respect of the person, group or entity to which the proposal relates.

Committee's Recommendation:

That the provision in Clause 51 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

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

Clause 52: Application of Designations under United Nations Security Council Resolutions 1267, 1988 and Successor Resolutions

The designation of a person or entity by the United Nations Security Council or its Committees, in accordance with UNSCR 1267(1999) and its successor resolutions, shall -

- (a) have immediate application in Nigeria, and
- (b) continue in force until its expiration or revocation by the United Nations Security Council, or its Committees.

Committee's Recommendation:

That the provision in Clause 52 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

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

Clause 53: Publication of UN Consolidated List

Any information on the designation of person and entities referred to in section 52 of this Bill shall, without delay, be -

- (a) published in the Nigeria Sanctions Committee website, and periodically updated in the manner prescribed in the regulations made in accordance to this Bill; and
- (b) circulated to the relevant sector regulators, financial institutions, Designate Non-financial Business and Professions, and other entities.

Committee's Recommendation:

That the provision in Clause 53 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

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

Clause 54: Freezing order in respect of designated persons or entities

- (1) Upon the publication of the UN Consolidated List of persons and entities designated by the UN in accordance with UNSCR 1267(1999) and its successor resolutions, and the Nigerian Sanctions List, all natural and legal persons in Nigeria, including financial institutions, Designate Non-financial Business and Professions, and other entities in Nigeria shall -
 - (a) immediately, identify and freeze, without prior notice, all funds, assets, and any other economic resources belonging to the designated person or entity in their possession and report same to the Sanctions Committee;
 - (b) report to the Sanctions Committee any assets frozen or actions taken in compliance with the prohibitory requirements of the relevant UNSCRs, including attempted transactions;
 - (c) immediately file a Suspicious Transactions Report to the NFIU for further analysis on the financial activities of such an individual or entity; and
 - (d) report as a Suspicious Transactions Report to the NFIU, all cases of name matching in financial transactions prior to or after receipt of the Nigerian Sanction List.
- (2) The freezing obligation under subsection (1) of this section, shall extend to -
 - (a) all funds or other assets that are owned or controlled by the designated person or entity, and not just those that can be tied to a particular act, plot, or threat of terrorism or terrorism financing;
 - (b) those funds or other assets that are wholly or jointly owned or controlled, directly or indirectly, by designated persons or entities;
 - (c) the funds or other assets derived or generated from funds or other assets owned or controlled directly or indirectly by designated persons or entities; and
 - (d) funds or other assets of persons and entities acting on behalf of, or at the direction of designated persons or entities.
- (3) Sector regulators shall -
 - (a) provide clear guidance to financial institutions, Designate Non-financial Business and Professions, and other entities on their obligation to take freezing action in accordance with this section; and
 - (b) impose administrative sanctions against a financial institution, Designate Non-financial Business and Professions, and other

entities in breach of immediate freezing obligation and rules against tipping off.

- (4) Without prejudice to subsection (1) of this section, the Attorney-General shall without delay apply to the Court ex-parte for a freezing order -
 - (a) directing financial institutions, Designated Non-Financial Businesses and Professions, other entities, or any person in control of the account of a designated person or entity to freeze the account; and
 - (b) freeze or confiscate assets and other economic resources belonging to the designated person or entity.
- (5) For the purposes of this section, "immediately" means not later than 24 hours.
- (6) It shall be the responsibility of all financial institutions, Designated Non-Financial Businesses and Professions, other entities to monitor their accounts and transactions against the UN Consolidated List and the Nigeria Sanctions List.
- (7) For purposes of this section, Sector Regulators shall examine their client-base and monitor transactions to ensure compliance with obligations under this section.

Committee's Recommendation:

That the provision in Clause 54 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

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

Clause 55: Revocation of designation, de-listing and unfreezing of Funds or Other Assets

- (1) A person, group, or entity designated under section 49 of this Bill may make an application, in writing, to the Attorney-General for a revocation of the Order, and the application shall be made in accordance with procedures prescribed in a regulation made in accordance with this Bill.
- (2) In respect of an application made under subsection (1) of this section, Attorney-General may, after consultation with the Sanctions Committee and it is confirmed that -
 - (a) the designated person or entity no longer meets the criteria for designation -
 - (i) revoke the Designation Order, and publish the notice of revocation in the Federal Gazette; and
 - (ii) cause the name and other details of the revoked designation to be removed from the Nigerian Sanctions List; or
 - (b) the criteria for designation subsist, refuse the application for revocation.

- (3) The Attorney-General shall, within sixty days of receiving the application referred to in subsection (1) of this section, inform the applicant of the decision to revoke or to uphold the order.
- (4) A person, group, or entity, who is aggrieved by the decision of the Attorney-General under this section may apply to the Court for a review of that decision within a period of thirty days from the date of the decision.
- (5) The Attorney-General shall provide in a regulation for procedures for the application of unfreezing of funds of other assets of persons or entities with the same or similar names as designated persons, or entities who have been inadvertently affected by the freezing mechanism.

Committee's Recommendation:

That the provision in Clause 55 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

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

Clause 56: Refusal or revocation of registration of NPO linked to terrorist groups

- (1) The Registrar-General of the Corporate Affairs Commission or the Director, Special Control Unit Against Money Laundering shall have power to sign a certificate refusing or revoking the registration of any charity -
 - (a) based on criminal intelligence reports or on grounds of national security; or
 - (b) where there are reasonable grounds to believe that an applicant for registration as a registered charity has made, is making, or is likely to make available any resources, directly or indirectly, to a terrorist, terrorist group or terrorist entity.
- (2) The Registrar-General of the Corporate Affairs Commission or the Director, Special Control Unit Against Money Laundering shall -
 - (a) publish the name of the NPO in at least two national newspapers; and
 - (b) serve a copy of the certificate signed in subsection (1) of this section on the applicant or the registered NPO at its registered office address, or by registered post sent to its last known address.
- (3) The certificate or any matter arising out of it shall not be subject to review or be reinstated, set aside or otherwise dealt with, except in accordance with the provisions of subsection (4) of this section.
- (4) The Registrar-General of the Corporate Affairs Commission or the Director, Special Control Unit Against Money Laundering may authorise the withdrawal of a certificate refusing or revoking the registration of any NPO -
 - (a) where the promoters, applicant, or the charity affected by the certificate makes an application to the Registrar-General attaching a Court order made under section 57 of this Bill, approving the registration or relisting of the charity; or
 - (b) upon the satisfaction that acts or circumstances specified in subsection (1) of this section on which the certificate was issued no longer exist.

- (5) The withdrawal of a certificate refusing or revoking the registration of any NPO under subsection (4) of this section shall be published in the Federal Gazette.

Committee's Recommendation:

That the provision in Clause 56 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

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

Clause 57: Application for judicial review

- (1) Within sixty days of receipt of a copy of a Proscription Order or withdrawal of the certificate refusing or revoking the registration of a charity by the Registrar-General under section 56 of this Bill, as the case may be, the applicant or the registered charity may make an application, on notice, to the Court for a review.
- (2) In consideration of the application under subsection (1) of this section, the Court shall -
 - (a) examine the security, criminal, or intelligence report at the disposal of the Registrar-General of the Corporate Affairs Commission, and any evidence or information presented by or on behalf of the Attorney-General;
 - (b) provide the applicant or charity with a reasonable opportunity to be heard; and
 - (c) determine whether the Proscription Order or certificate is reasonable on the basis of all the information available to the Court.
- (3) Where the Court determines that the Proscription Order or certificate issued is not reasonable, it shall order the vacation of the Proscription Order or the registration or relisting of the charity, as the case may be.
- (4) Where the Court determines that the Proscription Order or the certificate issued is reasonable, it shall make an order to that effect.
- (5) A Proscription Order or certificate determined to be reasonable or that is not objected to within sixty days after its issuance shall be deemed for all purposes to be sufficient grounds for the -
 - (a) proscription of persons or entity named in the order or refusal; or
 - (b) revocation of the registration of the charity referred to in the certificate.
- (6) The Attorney-General shall review any Order made and certificate issued under this Part every twelve months to determine whether there are still reasonable grounds for the Order or certificate to continue to apply to the proscribed entity or charity, and where it is determined that there are no such reasonable grounds, the Attorney-General shall inform the relevant agency of the decision to revoke the Order or withdraw the certificate, in respect of the proscribed entity or charity,

as the case may be, unless there is proof to warrant the continued application of the Order or certificate.

Committee's Recommendation:

That the provision in Clause 57 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

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

PART VII - OFFENCES RELATING TO THE PROLIFERATION AND FINANCING OF
PROLIFERATION OF WEAPONS OF MASS DESTRUCTION

Clause 58: Prohibition of Proliferation of Weapons of Mass Destruction.

- (1) A person, or body corporate, who -
 - (a) manufactures, possesses, stockpiles, stores, develops, transports sells, supplies, transfers, imports, exports, ships, or uses -
 - (i) nuclear weapons,
 - (ii) chemical weapons,
 - (iii) biological weapons, or
 - (iv) materials related to nuclear weapons, chemical weapons, or biological weapons that are prescribed by Regulations made by the Attorney - General; or
 - (b) provides technical training, advice, service, brokering, or assistance related to any of the activities referred to in paragraph (a) of this subsection,
 commits an offence.
- (2) A person, who contravenes subsection (1) of this section, commits an offence and is liable on conviction to -
 - (a) in the case of a natural person, imprisonment for a term of not less than twenty five years and up to a maximum of life imprisonment; or
 - (b) in the case of a body corporate, to -
 - (i) a fine of not less than two hundred million Naira,
 - (ii) imprisonment of principal officers for a term of not less than twenty five,
 - (iii) the winding up of the body corporate, and its prohibition from reconstitution or incorporation under any form or guise.

Committee's Recommendation:

That the provision in Clause 58 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 58 do stand part of the Bill, put and agreed to.

Clause 59: Prohibition of proliferation financing

- (1) All acts of proliferation financing of weapons of mass destruction are prohibited.
- (2) A person or body corporate, who contravenes subsection (1) of this section, commits an offence and is liable on conviction to -
 - (a) in the case of a natural person -
 - (i) imprisonment for a term of not less than twenty five years and up to a maximum of life imprisonment,
 - (ii) a fine not exceeding one hundred Million Naira, or
 - (iii) both imprisonment and fine; or
 - (b) in the case of a body corporate, to -
 - (i) a fine of not less than two hundred million Naira,
 - (ii) imprisonment of principal officer for a term of not less than twenty - five years and up to a maximum of life imprisonment, and
 - (iii) the winding up of the body corporate, and its prohibition from reconstitution or incorporation under any form or guise.
- (3) A person or body corporate, within or outside Nigeria, in any manner, who, directly or indirectly, and willingly provides, solicits, acquires, collects, receives, possesses, or makes available property, funds or other services, or attempts to provide, solicit, acquire, collect, receive, possess or make available property, funds or other services with the intention or knowledge, or having reasonable grounds to believe that it will be used, in full or in part to -
 - (a) finance the proliferation of weapons of mass destruction; or
 - (b) do any other act intended to cause death or serious bodily injury to a civilian or any other person not taking active part in the hostilities in a situation of armed conflict, when the purpose of that act, by its nature or context, is to encourage the proliferation of weapons of mass destruction;commits an offence.
- (4) A person or body corporate, who commits an offence under subsection (3) of this section is liable on conviction to -
 - (a) in the case of a natural person -
 - (i) imprisonment for a term of not less than twenty five years and up to a maximum of life imprisonment,
 - (ii) a fine not exceeding one hundred Million Naira, or
 - (iii) both imprisonment and fine; or
 - (b) in the case of a body corporate, to -
 - (i) a fine of not less than two hundred million Naira,

- (ii) imprisonment of the principal officer for a term of not less than twenty five years and up to a maximum of life imprisonment, and
- (iii) the winding up of the body corporate, and its prohibition from reconstitution or incorporation under any form or guise.

Committee's Recommendation:

That the provision in Clause 59 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 59 do stand part of the Bill, put and agreed to.

Clause 60: Designation of a person or entity by the United Nations Security Council or its Committees in relation to proliferation financing

- (1) The designation of any person or entity by the United Nations Security Council or its Committees under Chapter VII of the Charter of the United Nations, pursuant to UNSCR that relate to the prevention and disruption of the financing of proliferation of weapons of mass destruction, shall have immediate application in Nigeria and continue in force until its expiration or revocation by the United Nations Security Council, or its Committees.
- (2) Any information on the designation of person and entities referred to in subsection (1) of this section of this Bill shall, without delay, be -
 - (c) published in the Nigeria Sanctions Committee website and periodically updated in the manner prescribed in the regulations made in accordance to this Bill; and
 - (d) circulated to the relevant sector regulators, financial institutions, Designated Non-Financial Businesses and Professions and other entities.

Committee's Recommendation:

That the provision in Clause 60 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

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

Clause 61: Freezing Obligation in respect of Proliferation Financing

- (1) Upon publication of the UN Consolidated List of persons and entities designated pursuant to UNSCRs that relate to the prevention and disruption of the financing of proliferation of weapons of mass destruction, all natural and legal persons in Nigeria, including financial institutions, Designated Non-Financial Businesses And Professions, and other entities in Nigeria shall be required to, immediately, identify and freeze all funds, assets, and any other economic resources belonging to a designated person or entity in their possession and report same to the Nigeria Sanctions Committee.
- (2) The freezing obligation under subsection (1) of this section, shall extend to-
 - (a) all funds or other assets that are owned or controlled by the designated person or entity, and not just those that can be tied to a particular act, plot or threat of proliferation;

- (b) those funds or other assets that are wholly or jointly owned or controlled, directly or indirectly, by designated persons or entities;
 - (c) the funds or other assets derived or generated from funds or other assets owned or controlled directly or indirectly by designated persons or entities; and
 - (d) funds or other assets of persons and entities acting on behalf of, or at the direction of designated persons or entities.
- (3) In respect of designations referred to in subsection (1) of this section, sector regulators shall immediately -
- (a) disseminate the UN Consolidated List to financial institutions, Designated Non-Financial Businesses and Professions, and other entities;
 - (b) provide clear guidance to financial institutions, Designated Non-Financial Businesses and Professions, and other entities on their obligation to take freezing action in accordance with subsection (4) of this section; and
 - (c) impose administrative sanctions against a financial institution, Designated Non-Financial Businesses and Professions and other entities in breach of immediate freezing obligation and rules against tipping off.
- (4) The financial institutions, Designated Non-Financial Businesses and Professions, and other entities shall, on receipt of the notification from sector regulators,
- (a) immediately take steps to identify any funds, assets or any economic resources in their possessions belonging to designated person or entities and carry out freezing measures described in subsection (1) and (2) of this section, and report to the Sanctions Committee;
 - (b) immediately file a Suspicious Transactions Report to the NFIU for further analysis on the financial activities of such an individual or entity; and
 - (c) report, as a Suspicious Transactions Report to the NFIU, all cases of name matching in financial transactions prior to or after receipt of the List.
- (5) For the purposes of this section, "immediately" not later than 24 hours.
- (6) It shall be the responsibility of all financial institution, Designated Non-Financial Businesses and Professions and other entities to monitor their accounts and transactions against the UN Consolidated List.
- (7) For purposes of this section, sector regulators shall -
- (a) use their powers available under relevant laws or enactments to monitor the policies, procedures and actions of Financial Institutions, Designated Financial Businesses and Professions,

and other entities under their authority, to ensure compliance with the requirements of this section; and

- (b) take appropriate enforcement action and apply such sanctions as are appropriate in the event of non-compliance with any of the requirements under this section.

Committee's Recommendation:

That the provision in Clause 61 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — Agreed to.

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

PART VIII - RESPONSIBILITIES OF AIRLINES, COMMERCIAL CARRIERS,
TOUR OPERATORS AND TRAVEL AGENTS

Clause 62: Responsibilities of airlines, commercial carriers, tour operators and travel agents.

- (1) An airline, operator, master of sea vessel, commercial carrier, tour operator, or travel agent shall not to aid and abet, facilitate and promote terrorist activities.
- (2) An airline, operator, master of sea vessel, commercial carrier, tour operator, or travel agent shall -
 - (a) notify its clients of its obligation under subsection (1) of this section;
 - (b) insert in any contract with corresponding suppliers in destination countries, clauses requiring the suppliers to comply with the obligations stated in subsections (1) and (2)(a) of this section;
 - (c) refrain from utilizing messages on printed materials, video or the internet that could suggest or allude to behaviour incompatible with the provisions of this Bill;
 - (d) inform their staff of their obligations under this Bill; and
 - (e) include clauses regarding their obligations under this Bill in their conditions of service.
- (3) The operator of an aircraft or master of a vessel departing from Nigeria or registered in Nigeria but departing from any point outside Nigeria shall, subject to regulations made pursuant to this Bill, provide to the -
 - (a) relevant agencies any information in his possession, relating to persons on board or expected to be on board the aircraft or vessel, as the case may be; or
 - (b) competent authority in a foreign State any information in his possession relating to persons on board or expected to be on board the aircraft or vessel, as the case may be.
- (4) An airline, an operator, master of sea vessel, commercial carrier, tour operator or travel agent, who fails to comply with the provisions of this Bill or violates the provisions of this section commits an offence, and in addition to any other penalty provided in this Bill, is liable on

conviction to a fine of not less than ten million naira and the forfeiture of the vessel or aircraft belonging to the entity to any fund or agency established under any law for the recovery of proceeds of crime, or both.

Committee's Recommendation:

That the provision in Clause 62 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

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

PART IX - INVESTIGATION AND PROSECUTION

Clause 63: Issuance of warrant for investigation

- (1) An authorised officer of a relevant agency may apply ex-parte to the Court for the issuance of a warrant for the purposes of carrying out investigation into the activities prescribed under this Bill.
- (2) The Court may issue a warrant authorising an officer of a relevant agency to -
 - (a) enter the premises, place or conveyance specified or described in the warrant;
 - (b) search the premises, place or conveyance and any person found in the premises, place or conveyance; and
 - (c) seize and detain any relevant material found on the premises, place or conveyance.
- (3) The Court shall not issue a warrant under subsection (2) of this section, unless the Court is satisfied that -
 - (a) the warrant is sought to prevent the commission of an offence or to prevent interference in an investigation under this Bill;
 - (b) the warrant is required for the purposes of a terrorist investigation or investigation into the commission of other offences under this Bill;
 - (c) there are reasonable grounds for believing that there is a person or material on the premises or conveyance which may be relevant to the terrorist investigation; or
 - (d) the person being sought is preparing or about to commit an offence under this Bill.
- (4) Where a seizure is effected in the course of search or investigation under this section, a copy of the list of all the articles, documents and other materials seized shall be made, duly endorsed and handed to the person on whom the search is made; or owner of the premises, place or conveyance searched.

Committee's Recommendation:

That the provision in Clause 63 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 63 do stand part of the Bill, put and agreed to.

Clause 64: Investigation and search without warrant

- (1) Where in a case of verifiable urgency or a life is threatened, or to prevent the commission of an offence under this Bill, and an application to the Court to obtain a warrant would cause delay that may be prejudicial to the maintenance of public safety or order, an officer of a relevant agency may, without prejudice to the provisions of section 62 of this Bill or any other law, with the assistance of other officers, as may be necessary and while search warrant is being sought for -
 - (a) enter and search any premises, place or conveyance, where there are reasonable grounds to suspect that, within those premises, place or conveyance -
 - (i) an offence under this Bill is being committed or likely to be committed; or
 - (ii) there is evidence of the commission of an offence under this Bill; or
 - (iii) there is an urgent need to prevent the commission of an offence under this Bill
 - (b) search any person or conveyance found on any premises or place which the officer is empowered to enter and search under paragraph (a) of this subsection;
 - (c) stop, board and search any conveyance where the authorised officers of the relevant agency has reasons to suspect that there is evidence of the commission or likelihood of the commission of an offence under this Bill;
 - (d) seize, remove and detain anything which is, or contains or appears to him to be or to contain or to be likely to contain, evidence of the commission of an offence under this Bill; or
 - (e) arrest, search and detain any person whom the officer reasonably suspects to have committed or likely to commit an offence under this Bill.
- (2) Where a seizure is effected in the course of search or investigation under this section, a copy of the list of all the articles, documents and other materials seized shall be made, duly endorsed and handed to the -
 - (a) person on whom the search is made; or
 - (b) owner of the premises, place or conveyance searched.
- (3) Notwithstanding the provisions of subsection (1) of this section, a woman shall only be searched by a woman.
- (4) An authorised officer of a relevant agency, who uses such force as may be necessary and proportionate for any purpose in accordance with this Bill, shall not be liable in any criminal or civil proceedings, for having, by the use of reasonable force, caused injury or death to any person or damage to or loss of any property.
- (5) A relevant agency shall, within ninety days of exercising the powers conferred by this section, provide a detailed report to the

Attorney-General on the exercise of the powers, describing the urgency or life-threatening situation that necessitated the exercise of the powers with justification on why obtaining a warrant would have caused delay that may be prejudicial to the maintenance of public safety or order.

Committee's Recommendation:

That the provision in Clause 64 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

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

Clause 65: Recording measurements, samples, photographs or fingerprint impressions during investigations

- (1) An authorised officer of a relevant agency shall take and record, for the purpose of identification and evidence, the measurements, samples, photographs and fingerprint impressions of all persons who may, from time to time, be in lawful custody for an offence under this Bill.
- (2) A person, who refuses to submit to the taking and recording of his measurements, photographs or fingerprint impressions shall be taken before the court and where the court is satisfied that the person is in lawful custody, it shall make such Order as it deems fit authorising the State Security Service or its duly authorised officers, or any enforcement or security officer to take measurements, photographs and fingerprint impressions of the person.

Committee's Recommendation:

That the provision in Clause 65 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 65 do stand part of the Bill, put and agreed to.

Clause 66: Detention for offences related to terrorism

- (1) Notwithstanding provisions in any other law, the Court may, pursuant to an ex-parte application, grant an Order for the detention of a suspect under this Bill for a period not exceeding sixty days, subject to renewal for a similar period, until the conclusion of the investigation and prosecution of the matter that led to the arrest and detention is dispensed with provided that in the case of renewal, the relevant agency shall involve the Attorney-General.
- (2) A person found on any premises or place or in any conveyance may be detained by the relevant law enforcement or security officer until the completion of the search or investigation under the provisions of this Bill.
- (3) An authorised officer of the relevant agency may use such force as may be necessary and proportionate for the exercise of the powers conferred by subsection (2) of this section.

Committee's Recommendation:

That the provision in Clause 66 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

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

Clause 67: Access to a detained person pending conclusion of terrorist investigation

- (1) Where a person is arrested under reasonable suspicion of having committed an offence under this Bill, the relevant agency may direct that the person arrested be detained in custody for a period not exceeding twenty-four or forty-eight hours from his arrest, as the case may be, without having access to -
 - (a) any person other than a medical officer of the relevant agency and a government appointed legal practitioner; or
 - (b) any phone or communication gadget.
- (2) A direction under subsection (1) of this section shall not be issued unless the relevant agency has reasonable grounds to suspect that giving access to any person, other than the medical officer or a government appointed lawyer as specified in that subsection shall -
 - (a) lead to interference with or destruction of the evidence connected with an offence under this Bill, or to interference with or physical injury to other persons;
 - (b) lead to the alerting of other persons suspected of having committed an offence under this Bill, or any other law, who are not yet arrested; or
 - (c) hinder the tracking, search and seizure of terrorist property.
- (3) As soon as a direction is issued under subsection (1) of this section, the person detained shall be informed that he may, if he so wishes, be examined by a medical officer or speak to a government appointed lawyer.
- (4) Where a person arrested under this Bill is granted a bail within the period of detention stipulated under section 65 of this Bill, the Court may make such orders, as may be necessary, for the purpose of enabling the relevant agency to monitor the movement and activities of the person, including an order that he be placed under a house arrest.
- (5) A person under house arrest pursuant to the provisions of subsection (4) of this section shall -
 - (a) be monitored by the authorised officers of the relevant agency; and
 - (b) have no access to phones or communication gadgets.

Committee's Recommendation:

That the provision in Clause 67 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

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

Clause 68: Interception of communications order

- (1) Without prejudice to any other law, a relevant agency may, with the approval of the National Security Adviser, and for the purpose of the

- (a) prevention of acts of terrorism or the commission of any other offence under this Bill;
- (b) enhancement of the detection of offences related to the preparation of an act of terrorism; or
- (c) prosecution of offenders under this Bill,

apply ex-parte the Court for an "interception of communication order".

- (2) The Court to whom an application is made under subsection (1) of this section may make an order -
 - (a) requiring a communication service provider to intercept and retain a specified communication, or communications of a specified description received or transmitted or about to be received or transmitted by that communication service provider, including the call record data or metadata;
 - (b) authorise a relevant agency to enter any premises and to install in such premises, any device for the interception and retention of a communication or communications of specified description, and to remove and retain such a device for the purpose of intelligence gathering; or
 - (c) authorise a relevant agency to execute covert operation in relation to an identified or suspected terrorist group, entity or persons for the purpose of gathering intelligence.
- (3) An order made under subsection (1) of this section shall specify period for which a communication service provider may be required to retain communications data to which the order relates.
- (4) Any information contained in a communication -
 - (a) intercepted and retained pursuant to an order under subsection (2) of this section; or
 - (b) intercepted and retained in a foreign State in accordance with the law of that foreign State and certified by a Court of that foreign State to have been so intercepted and retained,

is admissible in proceedings for an offence under this Bill, as evidence of the truth of its content.

- (5) In this section -
"communications service provider" means a person who provides postal, information or communication services, including the transmission or reception of communications and other telecommunications services;

"data" means information generated, sent, received or stored that can be retrieved by electronic, magnetic, optical or any similar means; and

"metadata" means data that provides information about other data.

Committee's Recommendation:

That the provision in Clause 68 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

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

Clause 69: Detention of a conveyance

- (1) A relevant agency may apply ex-parte to the Court for an Order detaining a conveyance, where the agency reasonably believes that -
 - (a) a threat has been made to commit an act of violence against the conveyance or against any person or property on board the conveyance;
 - (b) the conveyance is used or intended to be used to commit an offence under this Bill; or
 - (c) an act of violence is likely to be committed against the conveyance, or against any person or property on board the conveyance.
- (2) Where the operator of a conveyance fails to comply with a detention order under subsection (1) of this section, an authorised officer of a relevant agency may -
 - (a) enter or authorise any other person to enter the conveyance; or
 - (b) arrange for a person or thing to be removed from the conveyance.
- (3) The authorised officer of a relevant agency shall give written notice to the operator of the conveyance of any detention order issued under this section.
- (4) Where the operator of a conveyance objects to a detention order made pursuant to this section, the operator may apply to the Court, and the Court may, after considering the application, confirm, vary or cancel the order.
- (5) A person, who -
 - (a) without reasonable excuse, fails to comply with the requirement of a detention order; or
 - (b) intentionally obstructs or hinders any person acting in accordance with subsection (2) of this section,
 commits an offence under this Bill and is liable on conviction to imprisonment for a term of not less than five years.

Committee's Recommendation:

That the provision in Clause 69 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 69 do stand part of the Bill, put and agreed to.

Clause 70: Video recording and custody of records

- (1) A video recording shall be made and kept in respect of any person, conveyance or property detained under any provision of this Bill, as

may be required by a relevant agency.

- (2) Records in respect of a person, conveyance, or property detained under any provision of this Bill shall be kept in the custody of a relevant agency.
- (3) A video recording and other forms of electronic evidence shall be admissible in evidence before any court of competent jurisdiction in Nigeria for offences under this Bill subject to the provisions of the Evidence Act.
- (4) In this section, "video recording" includes the recording of visual images sound by electronic or other technological means.

Committee's Recommendation:

That the provision in Clause 70 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

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

Clause 71: Evidence by certificate

Where in any proceedings for an offence under this Bill, a question arises as to whether anything or substance is a weapon, a hazardous, radioactive or harmful substance, a toxic chemical or microbial or other biological agent or toxin, a certificate purporting to be signed by an appropriate authority to the effect that the thing or substance described in the certificate is a weapon, hazardous, radioactive or harmful substance, a toxic chemical or microbial or other biological agent or toxin, shall -

- (a) be admissible in evidence without proof of the signature of the person appearing to have signed it; and
- (b) in the absence of evidence to the contrary, be proof of the facts stated in the certificate.

Committee's Recommendation:

That the provision in Clause 71 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

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

Clause 72: Protection of informants and information

Where a person voluntarily provides to a relevant agency, information that may be useful in the investigation or prosecution of an offence under this Bill, the relevant agency shall take all reasonable measures to protect the identity and life of that person and the information so provided shall be treated as confidential.

Committee's Recommendation:

That the provision in Clause 72 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

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

Clause 73: Protection of persons and witnesses

- (1) The Court may on its own, or the Attorney-General or the relevant agency may apply ex-parte to the Court, protect a witness or any person in any proceeding before it, where it is satisfied that the life of the person or witness is in danger and take such measures as it considers fit to keep the identity and address of the witness or person secret.
- (2) The measures which the Court may take under subsection (1) of this section, include -
 - (a) the holding of the proceeding at a place to be decided by the court;
 - (b) avoiding the mention of the real name and address of the witness or person in its orders, judgments or records of the case, which are accessible to the public;
 - (c) issuing a direction for ensuring that the identity and address of the witness or person are not disclosed; and
 - (d) undertaking the proceeding in camera in order to protect the identity and location of witnesses and other persons.
- (3) The Court may also decide, in the public interest and national security that -
 - (a) all or any of the proceedings pending before the Court shall not be published in any manner; and
 - (b) the proceedings shall be adjourned and the accused persons detained pending when the Attorney-General or the relevant agency is able to guarantee the safety of the witnesses and other persons involved in the matter.
- (4) The Court may, on an application by or on behalf of the relevant agency, in the interest of public safety or order, exclude from proceedings for any offence under this Bill any person other than the parties and their legal representatives.
- (5) The Court may, on the application of the Attorney-General, reduce the penalty imposed on a person convicted of an offence in such manner as the Court considers fit where that person has -
 - (a) before any proceeding, made possible or facilitated the identification of other accused persons and their sponsors; or;
 - (b) after the commencement of the proceedings, made possible or facilitated the arrest of the persons and their sponsors mentioned in paragraph (a) of this subsection.
- (6) A person, who contravenes an order or direction made under this section commits an offence is liable on conviction to imprisonment for a term of not less than five years

Constitution's Recommendation:

That the provision in Clause 73 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

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

Clause 74: Power to prosecute

The Attorney-General shall institute and undertake criminal proceedings against any person in respect of offences committed under this Bill or any law

or regulation relating to counter-terrorism.

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.

Clause 75: Power to declare a state of emergency

- (1) Subject to the provisions of the Constitution of the Federal Republic of Nigeria, 1999 (as altered), the President may in accordance with the advice of the Executive Council of the Federation, by proclamation published in the Federal Gazette, declare a state of emergency in Nigeria or in any part of Nigeria as part of anti-terrorism measures.
- (2) On the declaration of a state of emergency under subsection (1) of this section, the President may take such measures as he considers necessary and justifiable for the purpose of dealing with the situation that exists during the period that the state of emergency is in force.

Committee's Recommendation:

That the provision in Clause 75 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

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

PART X - JURISDICTION

Clause 76: Jurisdiction to try offences under this Bill

- (1) The Federal High Court (in this Part referred to as "the Court") has jurisdiction to try offences under this Bill or any other related enactment and to hear and determine proceedings arising under this Bill whether or not the offence was commenced in Nigeria and completed outside Nigeria, and the victim or the alleged offender is
 - (a) in Nigeria;
 - (b) on a ship or aircraft registered in Nigeria;
 - (c) dealing with or on behalf of the Government of Nigeria, or a citizen of Nigeria or an entity registered in Nigeria, or
 - (d) outside Nigeria -
 - (i) where the victim of the offence is a citizen or resident of Nigeria,
 - (ii) where the alleged offender is in Nigeria and not extradited to any other country for prosecution, or
 - (iii) by a Nigerian, if the person's conduct would also constitute an offence under a law of the country where the offence was committed.
- (2) The Court has jurisdiction to impose any penalty provided for an offence under this Bill or any other related law.

- (3) In any trial for an offence under this Bill, the Court may, notwithstanding anything to the contrary in any other enactment, adopt all legal measures necessary to avoid unnecessary delays and abuse in the conduct of matters.
- (4) Subject to the provisions of the Constitution of the Federal Republic of Nigeria, an application for stay of proceedings or for an interlocutory injunction in respect of any matter brought under this Bill shall not be entertained by the Court but shall be stayed until judgment in the matter is delivered by the Court.
- (5) Whenever a person is convicted of an offence under this Bill, the Court in passing sentence shall, in addition to any punishment, which it may impose in respect of the offence, order the forfeiture, to the Federal Government of Nigeria, of any -
- (a) terrorist fund with any accrued or accruing interest thereon;
 - (b) terrorist property;
 - (c) article, substance, device or material by means of which an offence was committed; or
 - (d) conveyance used in the commission of an offence;
- which is reasonably believed to have been used in the commission of the offence or for the purpose of or in connection with the commission of the offence, and which may have been seized under this Bill or is in the possession or custody or under the control of the convicted person.
- (6) In any trial for an offence under this Bill, the fact that an accused person is in possession of terrorist property, devices or instruments or deadly weapons or nuclear or biological weapons for which he cannot satisfactorily account for, may be proved and taken into consideration by the Court, as corroborating the testimony of any witness in the trial.

Committee's Recommendation:

That the provision in Clause 76 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

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

PART XI - SEIZURE AND FORFEITURE OF PROPERTY OR FUNDS

Clause 77: Property tracing

- (1) Where a relevant agency has reasonable grounds to suspect that a person has committed, is committing, or is likely to commit an act of terrorism or any other offence under this Bill, or is in possession of terrorist property, it may, for the purposes of an investigation under this Bill, with the approval of the Attorney-General, apply ex-parte to the Court for an order -
- (a) compelling the suspect to deliver to the relevant agency any document relevant to identifying, locating or quantifying any property belonging to or in the possession or control of that person;

- (b) requiring a financial institution or designated non-financial institution to produce or deliver to the relevant agency all information and documents regarding any business transaction conducted by or on behalf of the suspect; or
 - (c) requiring a telecommunications operator, communications service provider or other institution to produce or deliver to the relevant agency all information, logs and documents relevant for identifying, locating, tracing or intercepting any communications or equipment belonging to or in the possession or control of the suspect.
- (2) Where a person fails to comply with, delays, or is otherwise obstructing the execution of an order made under subsection (1) of this section, the Court may, on an information or affidavit sworn to that effect by the relevant agency, authorise the relevant agency to enter into any premises, including that of a financial institution, a telecommunications operator or communications service provider, to search and remove any document for the purpose of executing such order.

Committee's Recommendation:

That the provision in Clause 77 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 77 do stand part of the Bill, put and agreed to.

Clause 78: Disclosure of assets and property by an arrested person

- (1) A person arrested for committing an offence under this Bill shall be required to make full disclosure of all his assets and properties by completing the Declaration of Assets Form, as specified in Form 1 in the Schedule to this Bill.
- (2) The disclosures made in the Declaration of Assets Form shall be investigated by the relevant agency.
- (3) A person, who -
 - (a) knowingly fails to make full disclosure of his assets and liabilities;
 - (b) knowingly makes a false declaration; or
 - (c) fails, neglects, or refuses to make a declaration or furnish any information required, in the Declaration of Assets Form,

commits an offence and is liable on conviction to imprisonment for a term of two years.

- (4) In all terrorist and proliferation financing investigations, regardless of whether the act has been completed or not, the relevant agency shall request from the Nigerian Financial Intelligence Unit (in this Bill referred to as 'the Unit') in writing, any information that may assist in the tracing of all funds or properties in or outside Nigeria that may be directly or indirectly linked to a suspected terrorist, terrorist group, or entity, or other suspected person.

Committee's Recommendation:

That the provision in Clause 78 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

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

Clause 79: Seizure of fund or property

- (1) A relevant agency shall apply ex-parte to the Court for an Order to seize fund or property of a person arrested for an offence under this Bill, where it has reasonable grounds to suspect that the fund or property -
 - (a) is intended to be used for the purpose of committing an act of terrorism or other acts of violence under this Bill;
 - (b) belongs to or is held in trust for a terrorist group or specified entity; or
 - (c) is or represents property or part of property obtained through acts directly or indirectly linked to terrorism.
- (2) A relevant agency may seize fund or property where -
 - (a) the seizure is incidental to an arrest or search; or
 - (b) the fund or property is liable to forfeiture upon an order made by the Court following an application by the relevant agency.
- (3) A relevant agency may, in the interest of public order, defence and national security, exercise its powers under subsection (1) of this section, whether or not any proceeding has been brought for an offence in connection with the fund or property.
- (4) The Court shall not make a detention or attachment order of any fund or property seized in accordance with the provisions of this section, unless the Court is satisfied that reasonable grounds exist for suspecting that the fund or property -
 - (a) is derived from an act of terrorism, or is being used or is intended to be used for the purposes of terrorism;
 - (b) consists of resources of a terrorist, terrorist group or specified entity;
 - (c) is or represents property or part of a property obtained directly or indirectly through terrorist activities;
 - (d) is being used or intended to be used in committing acts of violence or other offences under this Bill; or
 - (e) is being used or intended to be used in financing the proliferation of weapons of mass destruction.
- (5) Subject to subsection (7) of this section, any order made under subsection (4) of this section shall remain valid for a period of ninety days and may be renewed for a further period of ninety days or until the production of the suspected fund or property before the court.
- (6) Any fund or property, and other proceeds from the fund or property seized under this section shall be deposited by a relevant agency in an

interest-bearing account.

- (7) Fund with the interest may be released to the owner by an order of the Court, where proceedings are not brought in connection with the seized fund.
- (8) Whenever property is seized under any of the provisions of this Bill, a relevant agency -
 - (a) shall place the property under seal;
 - (b) may, with leave of the Court, auction the property and pay the proceeds into an interest yielding account pending the determination of the matter; or
 - (c) remove the property to a place designated by the relevant agency.
- (9) Property taken or detained under this section shall be deemed to be in the custody of the court and subject only to the order of the Court.

Committee's Recommendation:

That the provision in Clause 79 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

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

Clause 80: Order of the Court relating to seized property

- (1) Where a person is charged or about to be charged with an offence under this Bill, the relevant agency may apply to the Court for a detention or attachment order of all frozen funds and seized property belonging to or held on behalf of the suspect.
- (2) An order made under subsection (1) of this section may -
 - (a) prohibit a person from making money or property available to or for the benefit of the suspect, except in cases of critical need, including reasonable subsistence expenses;
 - (b) authorise the relevant agency to make money or other property available to such person on such conditions as may be specified in the order;
 - (c) authorise the relevant agency to auction the property through the office of the Attorney-General and pay the proceeds into an interest yielding account especially where the property in question is perishable or is likely to perish or in imminent danger of perishing or being destroyed;
 - (d) require the suspect to provide such information or produce such document as may be required or necessary for an investigation under this Bill; or
 - (e) include such other conditions, as the Court may impose.

- (3) The Court may, on an application by the Attorney-General or on the advice of the Attorney-General, appoint an official receiver or any other suitable person to auction or manage the property of the suspect during the period of operation of an order made under this section.
- (4) An order made under this section shall -
- (i) be published in the Federal Gazette and in two national daily newspapers, by the relevant agency; and
 - (ii) remain in force until the determination of any charge or intended charge under subsection (1) of this section and, if there is a conviction, until an order for forfeiture is made by the Court or proceedings relating to the forfeiture are concluded.
- (5) Where an order made under this section ceases to have effect, the relevant agency shall cause notice of that fact to be published in the Federal Gazette and in two national daily newspapers within sixty days of the cessation.
- (6) The relevant agency shall, subsequent to publishing the order, give notice of the order to -
- (i) financial institutions and designated non-financial institutions; and
 - (ii) any other person who may hold or be vested with property belonging to or held on behalf of the suspect or convicted person.
- (7) Any payment, transfer, pledge, or other disposition of property made in contravention of an order made under this section shall be void.
- (8) Property forfeited to the Federal Government shall vest in the Federal Government, where-
- (i) no appeal has been made against the order, at the expiration of the period within which an appeal may be made against the order; and
 - (ii) an appeal has been made against the order, and on the final determination of the appeal, the decision is in favour of the Federal Government.
- (9) In this section, "critical need" means serious life - threatening need.

Committee's Recommendation:

That the provision in Clause 80 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

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

Clause 81: Freezing order on banks or other financial institutions

- (1) Notwithstanding anything contained in any other enactment, where a person is arrested or under investigation for an offence under this Bill, a relevant agency may, if satisfied that the fund in the account of an arrested person is -
- (a) made through the commission of an offence under this Bill;

- (b) is connected with or reasonably suspected to be made through the commission of an offence; or
- (c) intended to be used for the commission of an offence,

apply to the Court ex-parte for an Order authorising the relevant agency to direct the manager of the bank or person in charge of the bank or financial institution, where the account is or believed to be, in a manner specified in Form 2 in the Schedule to this Bill, to freeze the account.

- (2) The relevant agency may, in addition, direct the bank or other financial institution to -
 - (a) supply necessary information, and produce books and documents relating to the account; and
 - (b) stop all outward payments, operations, or transactions, including any bill of exchange, in respect of the account of the arrested person or a person under investigation.
- (3) The manager or person in charge of the bank or a financial institution shall take necessary steps to comply with the requirements of the order made pursuant to subsection (1) and (2) of this section.
- (4) For the purposes of this Part, "freeze" means to prohibit the transfer, conversion, disposition or movement of any property, equipment or other instrumentalities on the basis of, and for the duration of the validity of, an action initiated by a relevant agency or the Attorney - General under a freezing mechanism, or until a forfeiture order is made by a court as part of the implementation of a freezing measure, the relevant agency may decide to take control of the property, equipment, instrumentalities, funds or other assets as a means to protect against flight or destruction by the original owner or a third party;

Committee's Recommendation:

That the provision in Clause 81 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

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

**PART XII - OBLIGATIONS OF FINANCIAL AND DESIGNATED
NON - FINANCIAL INSTITUTIONS**

Clause 82: Confiscated and Forfeited Assets Account

All forfeited funds, and funds realized from the proceeds of sale, management, or other forms of disposal of seized, attached and forfeited assets under this Bill and vested in the Federal Government shall be paid into the Confiscated and Forfeited Assets Account established under any enactment dealing with the proceeds of crime.

Committee's Recommendation:

That the provision in Clause 82 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

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

Clause 83: Obligation to develop counter-financing of terrorism programmes and strategies

- (1) Subject to the provisions of the Money Laundering (Prohibition and Prevention) Act, all financial institutions and designated non-financial institutions shall -
- (a) develop and implement programmes and strategies for combating the financing of terrorism; and
 - (b) keep a record of any complex, unusual large and unusual pattern of transaction, which has no apparent economic or visible lawful source or purpose.
- (2) A report detailing all the parties involved in such transactions shall be kept and made available on request by the relevant agency.

Committee's Recommendation:

That the provision in Clause 83 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

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

Clause 84: Obligation to report suspicious transactions

- (1) Subject to the provisions of the Money Laundering (Prohibition) Act, a financial institution or designated non-financial institution shall, within twenty-four hours, forward reports of suspicious transactions relating to terrorism or terrorism financing, or proliferation financing to the Nigerian Financial Intelligence Unit, which shall immediately process and forward the information to the relevant agency, where there are sufficient reasons to suspect that the funds -
- (a) are derived from legal or illegal sources, and are intended to be used for an act of terrorism or terrorism financing, or proliferation financing;
 - (b) are proceeds of a crime related to terrorism or terrorism financing, or proliferation financing; or
 - (c) belong to a person, entity or organisation considered as terrorists.
- (2) A financial institution or a designated non-financial institution is not liable for violation of the confidentiality rules for any lawful action taken in furtherance of its obligations under subsection (1) of this section.
- (3) A breach of the provision of this section is an offence under this Bill, and is liable on conviction to -
- (a) in the case of a director, chief compliance officers, or other employees -
 - (i) imprisonment for a term of not more than five years,
 - (ii) a fine of not less than five million naira, or
 - (iii) both the fine and imprisonment; and
 - (b) in the case of a financial institution or non-financial institution -
 - (i) a fine of not less than ten million naira and one million naira for every day the offence persists,

- (ii) the withdrawal of licence or forfeiture of assets of the institution, or
 - (iii) all the above prescribed penalties.
- (4) The officer responsible for this breach may also be referred by the NFIU to the appropriate regulatory or professional body for disciplinary action, including withdrawal of certificates and debarment from practising the profession for a period of not less than five years.
- (5) Where a breach of the provision of subsection (1) of this section occurs and it is shown that the breach was not intentional, and that adequate measures were put in place by the financial institution or the designated non-financial institution to prevent the breach from occurring, the Nigerian Financial Intelligence Unit, in consultation with the Regulator or the Self-Regulatory Organisation responsible for the financial institution or designated non-financial institution shall impose such administrative sanctions, as it may consider necessary.
- (6) The NFIU, Sanctions Committee and relevant sector regulators shall publish, on their website and in any other form of publication, as considered appropriate, the list of individuals and institutions penalised under this section.

Committee's Recommendation:

That the provision in Clause 84 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

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

**PART XIII - MUTUAL LEGAL ASSISTANCE, EXCHANGE OF INFORMATION
AND EXTRADITION**

Clause 85: Requests from foreign States

- (1) A foreign State may make a request to the Attorney-General for assistance in the investigation and prosecution of offences relating to terrorism.
- (2) The Attorney-General shall furnish a copy of a request for assistance to the National Security Adviser and the relevant agency.
- (3) Where a foreign State makes a request for assistance in the investigation or prosecution of an offence relating to terrorism or extradition where there is mutual legal assistance treaty in force, the Attorney-General may, after due consideration -
 - (a) execute the request; or
 - (b) inform the requesting State of any reason for not executing the request, or delaying the execution of the request.
- (4) Where the Attorney-General decides to execute a request for assistance under subsection (1) of this section, the Attorney-General may apply to the Court for -
 - (a) an order for the relevant agency to -
 - (i) enter and search specified premises or conveyance,

- (ii) search any specified person, or
 - (iii) remove any relevant document or material; and
 - (b) a seizure order, property tracing order, interception of communication order, or an order for freezing or forfeiture of property or funds in such manner, as the case may require.
- (5) The Court, in making an order under subsection (4) of this section, may impose conditions as to payment of debts, sale, transfer or disposal of any property.
- (6) Where a prima facie case is established on the basis of the request from a foreign State, the Attorney-General shall file a request for an order of forfeiture of all funds or properties used, being used or intended to be used for the commission of an act of terrorism or other offences under this Bill, and the Court shall grant or reject the application for an order of forfeiture after hearing from all parties, including a bona fide third party.

Committee's Recommendation:

That the provision in Clause 85 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 85 do stand part of the Bill, put and agreed to.

Clause 86: Request to a foreign State

- (1) The Attorney-General may, on the recommendation of the National Security Adviser or the relevant agency in charge of a matter, make a request to any foreign State for -
- (a) evidence or information relevant to an offence under this Bill; or
 - (b) the restraint and forfeiture of any fund or property located in that foreign State, and which is liable to be forfeited for being a terrorist fund or property that is used, being used or intended to be used for the commission of an act of terrorism.
- (2) The Attorney-General may, for the purpose of giving evidence in relation to any proceedings for an offence under this Bill, apply to the Court for an order directing the person mentioned in the Order, who is resident in a foreign State to -
- (a) submit in person or deliver the required document or material in the person's possession or under the person's control to the jurisdiction of the Court; or
 - (b) subject to the approval of the foreign State, submit in person to the jurisdiction of the Court of the foreign State.

Committee's Recommendation:

That the provision in Clause 86 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 86 do stand part of the Bill, put and agreed to.

Clause 87: Evidence pursuant to a request

- (1) The evidence taken pursuant to section 86 of this Bill, may in any proceedings in a court of a foreign State, if it is authenticated, be prima facie admissible in any proceedings to which the evidence relates, provided that the circumstances and method of collecting the evidence is acceptable to Nigeria.
- (2) For the purpose of subsection (1) of this section, a document is authenticated, where it is -
 - (a) signed or certified by a Judge or Magistrate of the foreign State;
 - (b) authenticated by the oath or affirmation of a witness; or
 - (c) sealed with an official or public seal -
 - (i) of a Ministry or Department of the Government of the foreign State, or
 - (ii) in the case of a foreign territory, protectorate, or colony, of the Officer or authority administering the Government of the foreign territory, protectorate or colony or a department of that territory, protectorate or colony.

Committee's Recommendation:

That the provision in Clause 87 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 87 do stand part of the Bill, put and agreed to.

Clause 88: Form of requests

- (1) A request under this Part -
 - (a) shall be in writing, dated and signed by or on behalf of the person making the request; and
 - (b) may be transmitted by facsimile or by any other electronic device or means.
- (2) A request shall -
 - (a) confirm that -
 - (i) an investigation or prosecution is being conducted in respect of, or
 - (ii) a person has been convicted of,

a suspected offence of terrorism, an act related to terrorism, or any other offence under this Bill;
 - (b) state the grounds on which a person is being investigated or prosecuted for an offence related to terrorism or details of the conviction of the person;
 - (c) give sufficient particulars of the identity of the person;
 - (d) give sufficient particulars to identify any financial institution or designated non - financial institution, or other persons believed to have information, documents or materials which may be of assistance to the investigation or prosecution;

- (e) specify the manner in which and to whom any information, document or material obtained pursuant to the request is to be produced;
 - (f) specify the information, document or material to be obtained from a financial institution or designated non - financial institution or any person which may assist the investigation or prosecution;
 - (g) state whether -
 - (i) a freezing or forfeiture order is required, or
 - (ii) the property may be made the subject of such an order; and
 - (h) contain such other information as may assist in the execution of the request.
- (3) A request shall not be invalidated for the purposes of this Bill or any legal proceedings by failure to comply with the provisions of subsection (3) of this section, where the Attorney-General is satisfied that there is sufficient compliance to enable him execute the request.
- (4) Where the Attorney-General considers it appropriate, either because an international arrangement so requires or permits, or it is in the public interest, the Attorney-General may, after deducting the cost incurred for actions taken in Nigeria, make recommendations that any part of any property forfeited under this Bill or the value thereof, be returned or remitted to the requesting State.
- (5) Where the whole or any part of the forfeited property, or its value is retained in Nigeria, and vested in the Federal Government, it shall be paid into the Confiscated and Forfeited Assets Account established under any enactment dealing with the proceeds of crime.

Committee's Recommendation:

That the provision in Clause 88 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 88 do stand part of the Bill, put and agreed to.

Clause 89: Extradition

- (1) Offences under this Bill are considered to be extraditable crimes for which extradition may be requested, granted or obtained under the Extradition Act.
- (2) Notwithstanding the provisions of subsection (1) of this section, a person shall not be extradited pursuant to this Bill, where the Government has substantial grounds for believing that a request for extradition for an offence has been made for the purpose of prosecuting or punishing a person on account of that person's race, religion, nationality, ethnic origin, or political opinion, or that compliance with the request would prejudice that person's position for any of these reasons.

Committee's Recommendation:

That the provision in Clause 89 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 89 do stand part of the Bill, put and agreed to.

Clause 90: Exchange of information relating to acts of terrorism, terrorists and terrorist entities, etc.

- (1) A relevant agency may, on a formal request made by the appropriate authority of a foreign state and with the approval of the Attorney-General, disclose to that authority, any information in its possession or any other government department, relating to any of the following -
 - (a) the actions or movements of terrorist entities or persons suspected of involvement in the preparation or the commission of acts of terrorism;
 - (b) the use of forged or falsified travel papers by persons suspected of involvement in the preparation or the commission of acts of terrorism;
 - (c) traffic in explosives or other lethal devices or sensitive materials by terrorist entities, groups or persons suspected of involvement in the preparation or the commission of acts of terrorism; and
 - (d) the use of communication technologies by terrorist entities or persons.
- (2) Where the Attorney-General, on the recommendation of relevant agency, considers that there are no means or conditions under which the information, documents or evidence requested could be provided, disclosed or given without prejudice to the national security of Nigeria, the Attorney-General-
 - (a) may refuse the request for the production of the document or the disclosure of the evidence or refuse the authorisation of the production of the document or the disclosure of the information; and
 - (b) shall notify the requesting authority of the foreign State of the reasons for doing so, unless the specification of those reasons would in itself, in the opinion of the Attorney-General, be prejudicial to the national security of Nigeria.

Committee's Recommendation:

That the provision in Clause 90 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 90 do stand part of the Bill, put and agreed to.

PART XIV - SPECIAL VICTIMS TRUST FUND**Clause 91: Establishment of Victims Trust Fund**

- (1) There is established in the Office of the Attorney-General a Victims Trust Fund (in this Bill referred to as "the Trust Fund"), into which shall be paid -

- (a) any take-off grant and special intervention funds, as may be provided by the Federal Government;
 - (b) such moneys as may be appropriated to meet the objectives of the Trust Fund;
 - (c) aids, grants, gifts, bequests, endowments, donations or assistance from bilateral and multi-lateral international Agencies, Non-Governmental Organisations, other donor agencies, partners and the private sector or from any other sources;
 - (d) moneys derived from investments made by the Trust Fund;
 - (e) monies received from any fund under any enactment relating to proceeds of crimes; and
 - (f) any other moneys which may accrue to the Trust Fund from time to time.
- (2) The Fund shall accept the sources of moneys referred to in paragraph (d) of subsection (1) of this section, except where the terms and conditions attached to the aid, grant, gift, bequest, endowment, donation or assistance, as the case may be, are inconsistent with the objective of the Trust Fund or the provisions of this Bill.
 - (3) The Attorney-General shall, on the recommendation of a Committee to be set up for the Victims Trust Fund under section 92 of this Bill, make regulations and issue guidelines for the management of the Fund established under subsection (1) of this section and related matters.
 - (4) The Trust Fund shall be utilised to -
 - (a) pay compensation, restitution and damages to victims of acts of terrorism;
 - (b) fund terrorism prevention programs and such other purposes incidental to or connected with the attainment of the objectives of this Bill

Committee's Recommendation:

That the provision in Clause 91 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 91 do stand part of the Bill, put and agreed to.

Clause 92: Establishment of the Special Victims Trust Fund Committee

- (1) There is established, for the purpose of administering the Trust Fund, a body to be known as the Special Victims Trust Fund Committee (in this Bill referred to as 'the Trust Fund Committee') which shall, subject to the provisions of this Bill, have general control over the management of the Trust Fund.
- (2) The Trust Fund Committee shall consist of -
 - (a) the Attorney - General, who shall be the Chairman;
 - (b) a representative of the Minister of Finance;

- (c) a representative of the Inspector - General of Police;
 - (d) a representative of the National Security Adviser;
 - (e) two representatives of Non-Governmental Organisations on the prevention of acts of terrorism.
 - (f) a representative of the Director - General, State Security Service; and
 - (g) representative of the Solicitor-General of the Federation and Permanent Secretary, Federal Ministry of Justice, who shall be the Secretary to the Committee.
- (3) A representative under subsection (2) of this section shall not be below the rank of a Director in the public service of the Federation or its equivalent.
- (4) Members of the Trust Fund Committee referred to in subsection (2)(e) shall be appointed by the President on the recommendation of the Attorney-General.
- (5) The Trust Fund Committee shall be responsible for -
- (a) receiving all moneys, aids, grants, gifts, bequests, endowments, donations or assistance accruing to the fund;
 - (b) determining victims of acts of terrorism, who are entitled to benefit from the Trust Fund; and
 - (c) approving the disbursements of moneys from the Trust Fund to victims of acts of terrorism.
- (5) Subject to the provisions of subsection (7) of this section, members of the Trust Fund Committee specified in subsection (2) (e) of this section shall hold office for a term of four years in the first instance, and may be eligible for reappointment for another term of four years and no more.
- (6) A member of the Trust Fund Committee shall cease to hold office, where the -
- (a) the term of office expires;
 - (b) member resigns from office by a notice in writing under his hand addressed to the President;
 - (c) member dies;
 - (d) member is incapable of carrying out his duties due to mental or physical infirmity;
 - (e) member has been declared bankrupt or he makes compromise with his creditors;
 - (f) member has been convicted of a felony or any offence involving dishonesty;

- (g) member is guilty of gross misconduct relating to his duties;
 - (h) the President directs the removal of the member upon being satisfied that it is not in the interest of the Trust Fund, Trust Fund Committee or of the public for the member to continue in office as a member of the Trust Fund Committee; or
 - (i) in the case of an ex-officio member, the member ceases to hold office in the organisation, which is the basis of attaining membership of the Trust Fund Committee.
- (7) The Trust Fund Committee -
- (a) shall meet at least twice in a year and on such other occasions, as it may consider necessary to carry out its functions under this Part;
 - (b) may make rules and standing orders to regulate its proceedings or those of its committees;
 - (c) may co-opt any person to assist it in carrying out its assignments under this Bill, provided that a co-opted member shall not have the right to vote at Committee meetings; and
 - (d) may appoint one or more committees to carry out its functions on its behalf.

Committee's Recommendation:

That the provision in Clause 92 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 92 do stand part of the Bill, put and agreed to.

PART XV - MISCELLANEOUS

Clause 93: Service of documents

A notice, summons or other documents required or authorized to be served on a relevant agency under the provisions of this Bill or any other law or enactment may be served by delivering it to or by sending it by registered post and addressed to the head office of the relevant institution or agency.

Committee's Recommendation:

That the provision in Clause 93 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 93 do stand part of the Bill, put and agreed to.

Clause 94: Restriction on execution against property of a relevant agency, etc.

In an action or a suit against a relevant agency, no execution or attachment process in any nature shall be issued against a relevant agency, unless not less than three months' notice of the intention to execute or attach has been given to the head of the relevant agency concerned.

Committee's Recommendation:

That the provision in Clause 94 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 94 do stand part of the Bill, put and agreed to.

Clause 95: Regulations.

- (1) The Attorney-General may, for the purpose of this Bill, make such regulations as are necessary for the effective implementation of the provisions of this Bill.
- (2) Regulations made under subsection (1) of this section may provide for the-
 - (a) types of financial or other related services which may not be provided to specially designated entities;
 - (b) procedures for the specification of entities and proscription of terrorist groups;
 - (c) mechanisms for communicating designations of persons or entities to the public, sector regulators, relevant agencies and financial institutions, Designated Non-Financial Businesses and Professions, and other entities;
 - (d) regulations on the supervision of Non-Profit Organisations that are at risk of terrorist financing abuse;
 - (e) method of compliance with United Nations Security Council Resolutions, the Resolutions of the African Union, Economic Community of West African States and other bilateral and multilateral partners and foreign States in respect of acts of terrorism and forfeiture of assets;
 - (f) method for the seizure, freezing, forfeiture and the management of all terrorist properties in Nigeria;
 - (g) method of custody of video and other electronic recordings of suspects apprehended under this Bill;
 - (h) procedure for the use of covert techniques such as interception of communication, acquisition of communication data, covert surveillance, use of undercover officers or public informants, decryption of protected electronic information and allied interferences;
 - (i) procedure for the effective management and prompt prosecution of terrorist cases in line with the highest professional standards and international human rights standards;
 - (k) protection of informants, witnesses and other persons;
 - (l) management of the Victims Trust Fund;
 - (m) the prevention of the entry into or transit in Nigeria of the designated person or group;
 - (n) procedure for the implementation of the provisions of this Bill dealing with the prohibition of proliferations and financing the proliferation of weapons of mass destruction;
 - (p) procedures for the following -

- (i) addition to the accounts frozen pursuant to UNSCR and all successor resolutions,
 - (ii) submission of delisting request or application,
 - (iii) The procedure for submitting request/application to the United Nations Security Council and to the Attorney-General/ Nigeria Sanctions Committee to delist and unfreeze the funds or assets of persons or entities that no longer meet the criteria for designation,
 - (iv) unfreezing the funds or assets of persons or entities that no longer meet the criteria for designation,
 - (v) authorizing access to funds or other assets, pursuant to the exemption conditions set out in UNSCRs,
 - (vi) communicating de-listings and unfreezing associated with terrorism financing, proliferation financing, and targeted financial sanctions to financial institutions, Designated Non-Financial Businesses and Professions, and other entities.,
 - (vii) measures to protect the rights of bona fide third parties acting in good faith when implementing the obligations,
 - (viii) measures with regard to contracts, agreements or obligations that arose prior to the date on which accounts became subject to targeted financial sanctions related to proliferation financing;
 - (ix) the procedure for making proposal for designation to the United Nations Security Council and other countries and
- (q) any other matter connected with the implementation of the provisions of this Bill.

Committee's Recommendation:

That the provision in Clause 95 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 95 do stand part of the Bill, put and agreed to.

Clause 96: Penalties for contravention of regulations.

A person, who contravenes any regulation made pursuant to this Bill, commits an offence, and is liable on conviction to such administrative or other penalties, as may be prescribed in the regulations.

Committee's Recommendation:

That the provision in Clause 96 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 96 do stand part of the Bill, put and agreed to.

Clause 97: Savings and Transitional Provision.

Any regulation, order, requirement, certificate, notice, direction, decision, authorisation, consent, application, ongoing cases in the courts, request, or thing made, issued, given or done under the repealed Acts or amended sections shall, if in force at the commencement of this Bill, continue to be in force and have effect as if made, issued, given or done under the corresponding provisions of this Bill.

Committee's Recommendation:

That the provision in Clause 97 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — *Agreed to.*

Question that Clause 97 do stand part of the Bill, put and agreed to.

Clause 98: Repeal of the Terrorism (Prevention) Act, 2011.

- (1) The Terrorism (Prevention) Act, 2011 and the Terrorism (Prevention) (Amendment) Acts, 2013, is repealed.
- (2) Any regulation, order, requirement, certificate, notice, direction, decision, authorization, consent, application, ongoing cases in the courts, request or thing made, issued, given or done under the repealed Acts shall, if in force at the commencement of this Bill, continue to be in force and have effect as if made, issued, given or done under the corresponding provisions of this Bill.
- (3) Any proceeding, prosecution, sentence, judgment, charge or cause of action pending or existing immediately before the commencement of this Bill under any of the repealed Act in respect of any right, interest, obligation or liability, may be continued or commenced, as the case may be, and any determination of a court of law, tribunal or other authorities or person may be enforced to the same extent that such proceeding, prosecution, sentence, judgment, charge, cause of action or determination might have been continued, commenced or enforced as if this Bill had not been made.

Committee's Recommendation:

That the provision in Clause 98 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — *Agreed to.*

Question that Clause 98 do stand part of the Bill, put and agreed to.

Clause 99: Interpretation.

In this Bill -

"act of terrorism" means any act specified in section 2 of this Bill;

"act of international terrorism" means an act of terrorism involving -

- (a) a person, who is not a citizen of Nigeria;
- (b) a person, who possesses dual citizenship; or
- (c) groups or individuals whose acts of terrorism are foreign based or directed by countries or groups outside Nigeria or whose activities transcend national boundaries;

"aircraft in flight" means an aircraft at any time from the moment when all its external doors are closed following embarkation until the moment when doors are opened for disembarkation and, in the case of a forced landing, the flight shall be deemed to continue until the competent authorities take over the responsibility for the aircraft and for persons and property on board the aircraft;

"aircraft in service" means an aircraft from the beginning of the pre-flight preparation of the aircraft by ground personnel or by the crew for a specific flight until twenty-four hours after any landing; the period of service shall, in any event, extend for the entire period during which the aircraft is in flight.

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

"authorised persons" means duly authorised officers of a relevant agency;

"bank" has the meaning ascribed to it in the Banks and Other Financial Institutions Act, and the reference to an order issued includes a reference to any order, direction or requirement addressed to the manager of a bank or any other officer of a bank, which directs or purports to direct the manager or the officer to stop all outward payment, operations or transactions in respect of any account with that bank;

"BCRN weapons" means biological weapons, which are -

- (a) microbial or other biological agents, or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes; or
- (b) weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict;

and includes, nuclear weapons and other nuclear devices and chemical weapons', which are, together or separately -

- (c) toxic chemicals and their precursors, except, where intended for -
 - (i) industrial, agricultural, research, medical, pharmaceutical or other peaceful purposes,
 - (ii) protective purposes, namely those purposes directly related to protection against toxic chemicals and to protection against chemical weapons,
 - (iii) military purposes not connected with the use of chemical weapons and not dependent on the use of the toxic properties of chemicals as a method of warfare, or
 - (iv) law enforcement including domestic riot control purposes, as long as the types and quantities are consistent with such purposes;
- (d) ammunitions and devices specifically designed to cause death or other harm through the toxic properties of those toxic chemicals specified in paragraph (c) of this definition which would be released as a result of the employment of such munitions and devices; or

- (e) any equipment specifically designed for use directly in connection with the employment of munitions and devices specified in paragraph (d) of this definition;

"communication" means a communication received or transmitted by post or a telegraphic or telephonic means, or other communication received or transmitted by electricity, magnetism or other means;

"Counter-Terrorism Convention" means any of the following Conventions or Protocols -

- (a) Convention on Offences and certain Other Acts committed on Board Aircraft signed at Tokyo on 14 September 1963;
- (b) Convention for the Suppression of Unlawful Seizure of Aircraft done at The Hague on 16 December 1970;
- (c) Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, done at Montreal on 23 September 1971;
- (d) Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14 December 1973;
- (e) International Convention against the taking of Hostages, adopted by the General Assembly of the United Nations on 17 December 1979;
- (f) Convention on the Physical Protection of Nuclear Material, adopted at Vienna on 3 March 1980;
- (g) Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 24 February 1988;
- (h) Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at the Rome on 10 March 1988;
- (i) Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf, done at Rome on 10 March 1988;
- (j) Convention on the Marking of Plastic Explosives for the Purposes of Detection, signed at Montreal, on 1 March 1991;
- (k) International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on 15 December 1997;
- (l) International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly of the United Nations on 9 December 1999.
- (m) International Convention for the Suppression of Acts of Nuclear Terrorism, adopted by the General Assembly of the United Nations on 13 April 2005;

- (n) 2005 Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, adopted at London on 14 October 2005;
- (o) 2005 Protocol to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf, adopted at London on 14 October 2005;
- (p) 2005 Amendment to the Convention on the Physical Protection of Nuclear Material, done at Vienna on 8 July (2005); and
- (q) United Nations Security Council Resolution 2178 of 2014 or any successor Resolution;

"Constitution" means the Constitution of the Federal Republic of Nigeria, 1999 and its alterations;

"Consolidated list" means the list of individuals, groups, undertakings and entities associated with the Taliban, Usama Bin Laden, the Al-Qaida organisation or similar organisations that are subject to the sanction measures imposed by the Security Council;

"conveyance" means an aircraft, vessel, boat, train, ship, vehicle, tricycle or any other mode of transportation;

"Court" means the Federal High Court of Nigeria, and includes a Judge of the Federal High Court in Chambers;

"Designated Non- Financial Businesses and Professions" means -

- (a) Casinos including internet casinos;
- (b) real estate agents;
- (c) dealers in precious metals;
- (d) dealers in precious stones;
- (e) legal practitioner, notaries or other independent professionals, including accountants;
- (f) trust and company service providers which as a business, provide any of the following services to third parties -
 - (i) acting as a formation agent of legal persons,
 - (ii) acting as, or arranging for another person to act as, a director or secretary of a company, a partner of a partnership, or a similar position in relation to other legal persons,
 - (iii) providing a registered office; business address or accommodation, correspondence or administrative address for a company, a partnership or any other legal person or arrangement,
 - (iv) acting as, or arranging for another person to act as, a trustee of an express trust or performing the equivalent function for

another form of legal arrangement,

- (v) acting as, or arranging for another person to act as, a nominee shareholder for another person;
- (g) dealers in jewelry, cars and luxury goods;
- (h) audit firms;
- (i) tax consultants;
- (j) clearing and settlement companies;
- (k) hotels;
- (l) supermarkets; and
- (m) such other businesses as the appropriate authority may, from time to time, designate;

"designated person or entity" means -

- (a) individuals, groups, undertakings and entities designated by the Committee of the Security Council established pursuant to Resolution 1267 (1999) ("the 1267 Committee"), as being individuals associated with Al Qaida or entities and other groups and undertakings associated with Al - Qaida;
- (b) individuals, groups, undertakings and entities designated by the Committee of the Security Council established pursuant to Resolution 1988 (2011) ("the 1988 Committee") as being associated with the Taliban in counselling a threat to the peace, stability and security of Afghanistan, or entities and other groups and undertakings associated with the Taliban;
- (c) any natural or legal person or entity designated by the Attorney-General of the Federation under section 49 of this Bill;
- (d) any natural or legal person or entity designated for the application of targeted financial sanctions pursuant to Security Council Resolution 1718 (2006) and its successor resolutions by the Security Council in annexes to the relevant resolutions, or by the Security Council Committee established pursuant to resolution 1718 (2006) ("the 1718 Sanctions Committee") pursuant to Security Council Resolution 1718 (2006), and
- (e) any natural or legal person or entity designated for the application of targeted financial sanctions pursuant to Security Council Resolution (1737) (2006) and its successor resolutions by the Security Council in annexes to the relevant resolutions, or by the Security Council Committee established pursuant to paragraph 18 of Resolution 1737 (2006) ("the 1737 Sanctions Committee") pursuant to Resolution 1737 (2006) and its successor resolutions;

"designation" refers to the identification of a person or entity that is subject to targeted financial sanctions pursuant to the United Nations Security Council Resolution 1267 (1999) and its successor resolutions;

Security Council Resolution 1373 (2001), including the determination that the relevant sanctions will be applied to the person or entity and the public communication of that determination;

"device" means -

- (a) any nuclear explosive device; or
- (b) any radioactive material dispersal or radiation-emitting device which may, owing to its radiological properties, cause death, serious bodily injury or substantial damage to property or to the environment;

"entity" means a person, group, trust, partnership, fund or any other association or organisation, whether incorporated or unincorporated, an unincorporated association or organisation or partnership, for the purpose of providing a product or service either for profit or non-profit;

"explosive or other lethal device" means -

- (a) an explosive or incendiary weapon or device that is designed, or has the capability, to cause death, serious bodily injury or substantial material damage; or
- (b) a weapon or device that is designed, or has the capability, to cause death, serious bodily injury or substantial material damage through the release, dissemination or impact of toxic chemicals, biological agents or toxins or similar substances or radiation or radioactive material.

"financial institution" means a person or an entity that conducts as a business one or more of the activities listed below for or on behalf of a customer -

- (a) acceptance of deposits and other repayable funds from the public including private banking;
- (b) lending, including, but not limited to, consumer credit, mortgage credit, factoring (with or without recourse), and financing of commercial transactions, including forfeiting;
- (c) financial leasing other than with respect to arrangements relating to consumer products;
- (d) the transfer of money or value;
- (e) issuing and managing means of payment, including, but not limited to, credit and debit cards, travellers' cheques, money orders and bankers' drafts, and electronic money;
- (f) issuing financial guarantees and commitments;
- (g) trading in -
 - (i) money market instruments, including, but not limited to, cheques, bills, certificates of deposit and derivatives,
 - (ii) foreign exchange,
 - (iii) exchange, interest rate and index instruments,
 - (iv) transferable securities, and

- (v) commodity futures trading;
- (h) participation in securities issues and the provision of financial services related to those issues;
- (i) individual and collective portfolio management;
- (j) safekeeping and administration of cash or liquid securities on behalf of other persons;
- (k) investing, administering or managing funds or money on behalf of other persons;
- (l) underwriting and placement of life insurance and other investment related insurance, including insurance intermediation by agents and brokers;
- (m) financial consultancy,
- (n) pension funds management;
- (o) money and currency changing; and
- (p) such other business as the Central Bank, or other appropriate regulatory authorities, may, from time to time, designate;

"fixed platform" means an artificial island, installation or structure permanently attached to the sea-bed for the purpose of exploration or exploitation of resources or for other economic purposes;

"forfeiture" means an order in rem, following conviction for an offence to forfeit to the State property, assets or funds that are the proceeds of crime or instrumentalities of an offence;

"freeze" for the purposes of the implementation of targeted financial sanctions, means to prohibit the transfer, conversion, disposition or movement of any funds or other assets that are owned or controlled by designated persons or entities on the basis of, and for the duration of the validity of, an action initiated by the United Nations Security Council or in accordance with applicable Security Council resolutions by a competent authority or a court;

"funds or property" means any assets, of every kind, whether corporeal or incorporeal, tangible or intangible, physical or virtual, movable or immovable, however acquired, and legal documents or instruments in any form, including electronic or digital, evidencing title to, or interest in the assets; including financial assets, economic resources, property of every kind, bank credits, travellers cheques, bank cheques, money orders, shares, securities, bonds, drafts, or letters of credit, and any interest, dividends or other income on or value accruing from or generated by such funds or other assets;

"Government" means the Government of the Federal Republic of Nigeria and includes any State or Local Government, or any appropriate government authority;

"incitement" means to urge on, stir-up, instigate a person or group of persons to commit an act of terrorism or to distribute, publish or otherwise make available, a communication to a person or group of persons, with the intent to induce the commission of an act of terrorism, where the conduct, whether or not directly advocating acts of terrorism, causes a risk that one or more of those acts may be committed;

"Infrastructure facility" means any publicly or privately owned facility providing or distributing services, including water, sewage, energy, fuel or communications, for the benefit of the public;

"internationally protected person" means -

- (a) a Head of State, including any member of a collegial body performing the functions of a Head of State under the Constitution of the State concerned, a Head of Government or a Minister for Foreign Affairs, whenever the person is in a foreign State, and includes members of his family who accompany him; or
- (b) a representative or official of a State or an official or other agent of an international organisation of an inter-governmental character who, at the time when and in the place where a crime against him, his official premises, his private accommodation or his means of transport is committed, is entitled pursuant to international law to special protection from any attack on his person, freedom or dignity, and includes members of his family forming part of his household;

"International treaties" means -

- (a) 1963 Convention on Offences and Certain Other Acts Committed On Board Aircraft;
- (b) 1970 Convention for the Suppression of Unlawful Seizure of Aircraft ("Aircraft Convention");
- (c) 1971 Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation ("Civil Aviation Convention");
- (d) 1973 Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons ("Diplomatic Agents Convention");
- (e) 1979 International Convention against the Taking of Hostages ("Hostage Convention");
- (f) 1980 Convention on the Physical Protection of Nuclear Material ("Physical Protection Convention");
- (g) 1988 Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation ("Airport Protocol");
- (h) 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation ("Maritime Convention");
- (i) 1988 Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Plat forms Located on the Continental Shelf ("Fixed

Platforms Protocol");

- (j) 1991 Convention on the Marking of Plastic Explosives for the Purpose of Detection;
- (k) 1997 International Convention for the Suppression of Terrorist Bombings ("Bombings Convention");
- (l) 1999 International Convention for the Suppression of the Financing of Terrorism ("Financing Convention");
- (m) 2005 International Convention for the Suppression of Acts of Nuclear Terrorism ("Nuclear Terrorism Convention");
- (n) 2005 Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation ("2005 Maritime Protocol");
- (o) 2005 Protocol to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf ("2005 Fixed Platforms protocol");
- (p) 2005 Amendment to the Convention on the Physical Protection of Nuclear Material ("Physical Protection Amendment"); and
- (q) United Nations Security Council Resolution 2178, 2014;

"master" in relation to a vessel, means the owner or person, except a harbour master or pilot, having for the time being command or charge of the vessel;

"National Security Adviser" means the National Security Adviser to the President;

Nigeria Sanctions Committee means

"Nigeria Sanctions List" means a list of designations made pursuant to section 49 of this Bill;

"Non-Profit Organisations" means a legal person or arrangement organisation that primarily engages in raising or disbursing funds for purposes such as charitable, religious, cultural, educational, social, or fraternal purposes or for the carrying out of other types of good work;

"nuclear facility" means -

- (a) a nuclear reactor, including reactors installed on vessels, vehicles, aircraft or space objects for use as an energy source in order to propel such vessels, vehicles, aircraft or space objects or for any other purposes; or
- (b) a plant or conveyance being used for the production, storage, processing or transport of radioactive material;

"nuclear material" means plutonium except that with isotopic concentration exceeding 80% in plutonium-238; uranium-233; uranium enriched in the isotope 235 or 233; uranium containing the mixture of isotopes as occurring

in nature other than in the form of ore or ore-residue; any material containing one or more of the foregoing;

"operator" in relation to an aircraft, means the owner or person for the time being in charge, in command or control of the aircraft;

"other entities" include non-profit organisations, virtual assets service providers, and money or value transfer services;

"place of public use" means those parts of any building, land, street, waterway or other location that are accessible or open to members of the public, whether continuously, periodically or occasionally, and encompasses any commercial, business, cultural, historical, educational, religious, governmental, entertainment, recreational or similar place that is so accessible or open to the public;

"precursor" means any chemical reactant which takes part at any stage in the production by whatever method of a toxic chemical. This includes any key component of a binary or multi-component chemical system;

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

"proceeds" means any funds derived from or obtained, directly or indirectly, through the commission of an offence under this Bill;

"proceeds of terrorism" means any funds or property derived from or obtained, directly or indirectly, through the commission of a terrorist offence irrespective of the person in whose names the proceeds are standing or in whose possession they are found;

"Proliferation of Weapons of Mass Destruction" means the definition ascribed to it in section 58(1) of this Bill;

"Proliferation financing" means to the act of raising, moving or making available funds, other assets or other economic resources or financing in whole or in part to persons or entities for purposes of Weapons of Mass Destruction (WMD) including the proliferation of their delivery or related materials (including both technologies and dual use goods) for non-legitimate purposes.

"proscribed entity" means an entity which has been designated to be a proscribed entity under section 48 of this Bill or any other law, and includes a group or entity which has been designated to be an international terrorist group under this Bill;

"public transportation system" means all facilities, conveyances and instrumentalities, whether public or privately owned, that are used in or for publicly available services for the transportation of persons or cargo;

"radioactive material" means nuclear material and other radioactive substances which contain nuclides which undergo spontaneous disintegration (a process accompanied by emission of one or more types of ionizing radiation, such as alpha-, beta-, neutron particles, and gamma rays) and which may, owing to their radiological or fissile properties, cause death, serious bodily injury or substantial damage to property or to the environment;

"relevant agency" means law enforcement, intelligence or security agency and includes the -

- (a) National Security Adviser;
- (b) National Counter-Terrorism Centre;
- (c) National Agency for the Prohibition of Traffic in Persons;
- (d) State Security Services;
- (e) Defence Intelligence Agency;
- (f) Nigeria Police Force;
- (g) National Intelligence Agency;
- (h) Nigeria Customs Service;
- (i) Nigeria Immigration Service;
- (j) Nigeria Prisons Service.
- (k) Nigerian Security and Civil Defence Corps
- (l) agencies dealing with the recovery of proceeds of crimes; and
- (m) any military authority or body as may be required for the purpose of this Bill;

"relevant laws or enactments" means -

- (a) Banks and Other Financial Institutions Act (as amended);
- (b) Economic and Financial Crimes Commission (Establishment, Etc.) Act;
- (c) Insurance Act;
- (d) Investments and Securities Act;
- (e) National Insurance Commission Act;
- (f) Money Laundering (Prohibition and Prevention) Act;
- (g) Companies and Allied Matters Act;
- (h) Central Bank of Nigeria Act;
- (i) National Security Agencies Act;
- (j) Nigeria Financial Intelligence Unit Act
- (k) all International Conventions and Protocols ratified by Nigeria; and
- (l) any other relevant enactment of the National Assembly;

"sector regulators" means the Government regulatory authorities or bodies designated to oversee, monitor and control the activities of a relevant sector or sectors;

"seizure or seizure order" means the order enabling a relevant agency to seize terrorist property or funds upon arrest or application for seizure order of a terrorist property or funds pending the determination of a case against the terrorist or terrorist groups;

"ship" means a vessel of any type whatsoever not permanently attached to the sea-bed, including dynamically supported craft, submersibles, or any other floating craft.

"specially designated entity" means a specified or designated entity in respect of which an order under this Bill has been made, or is considered, and is for the time being in force and includes national and international terrorist groups;

"State or government facility" means any permanent or temporary facility or conveyance that is used or occupied by representatives of a State, members of Government, the legislature or the judiciary or by officials or employees of a State or any other public authority or entity or by employees or officials of an intergovernmental organisation in connection with their official duties;

"terrorist" means any natural person who -

- (a) directly or indirectly, unlawfully and wilfully:
 - (i) commits, or attempts to commit, an act of terrorism by any means,
 - (ii) participates as an accomplice in an act of terrorism,
 - (iii) organises or directs others to commit an act of terrorism; or
- (b) contributes to the commission of an act of terrorism where the contribution is made intentionally and with the aim of furthering the act of terrorism or with the knowledge of the intention to commit an act of terrorism;

"terrorist/terrorism financier" means a person or entity, who makes funds, assets, or other material support available to terrorists and terrorist organisations, for the financing of terrorist activities or terrorism;

"terrorist property" means -

- (a) proceeds from the commission of an act of terrorism;
- (b) property which has been, is being, or is likely to be used to commit an act of terrorism;
- (c) property which has been, is being, or is likely to be used by a terrorist group;
- (d) property owned or controlled by or on behalf of a terrorist group; or
- (e) property which has been collected for the purpose of providing support to a terrorist group or funding a terrorist act;

"terrorist investigation" means an investigation of -

- (a) the commission, perpetration or instigation of an act of terrorism or any other offence under this Bill;
- (b) any act or omission reasonably suspected to have been done in furtherance of an act of terrorism or any other offence under this Bill;
or
- (c) the resources of a proscribed organisation;

"terrorist group or entity" means any group of terrorists that -

- (a) directly or indirectly, wilfully -
 - (i) commits, or attempts to commit, an act of terrorism by any means,
 - (ii) participates as an accomplice in an act of terrorism, or
 - (iii) organises or directs others to commit an act of terrorism; or
- (b) contributes to the commission of an act of terrorism acting with a common purpose where the contribution is made intentionally and with the aim of furthering the act of terrorism or with the knowledge of the intention of the group to commit an act of terrorism;

"toxic chemical" means any chemical which through its chemical action on life processes can cause death, temporary incapacitation or permanent harm to humans or animals and includes all chemicals, regardless of their origin or of their method of production, and regardless of whether they are produced in facilities, in munitions or elsewhere;

"transport" means to initiate, arrange or exercise effective control, including decision-making authority, over the movement of a person or item;

"trustee" has the same meaning as in the Trustees Investment Act, Investment and Securities Act and the Companies and Allied Matters Act;

"United Nations Security Council Resolutions ("UNSCR)" means the relevant Resolutions of the United Nations Security Council which specify requirements for the imposition of Targeted Financial Sanctions in relation to Terrorism, Terrorism Financing and Proliferation of Weapons of Mass Destruction and the Financing of Proliferation, as contained in the Second Schedule to this Bill.

"UN Consolidated List" means the United Nations Security Council Consolidated List which includes all the individuals and entities subject to measures imposed by the Security Council in accordance with the UNSCR related to Terrorism, Terrorism Financing and Proliferation of Weapons of Mass Destruction and the Financing of Proliferation;

"uranium enriched in the isotope 235 or 233" means uranium containing the isotope 235 or 233 or both in an amount such that the abundance ratio of the sum of these isotopes to the isotope 238 is greater than the ratio of the isotope 235 to the isotope 238 occurring in nature;

"vessel" means anything made or adapted for the conveyance by water of people or property;

"victim" means individuals, entities or communities or their next-of-kin who are directly affected, killed or injured or whose business, premises or infrastructure was destroyed by acts of terrorism or by a direct effect of a terrorist attack; and

"weapon" includes a firearm, explosive, chemical, biological or nuclear weapon.

Committee's Recommendation:

That the provision in Clause 99 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — *Agreed to.*

Question that Clause 99 do stand part of the Bill, put and agreed to.

Clause 100: Short title.

This Bill may be cited as the Terrorism (Prevention and Prohibition) Bill, 2022.

Committee's Recommendation:

That the provision in Clause 100 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — *Agreed to.*

Question that Clause 100 do stand part of the Bill, put and agreed to.

FIRST SCHEDULE

CONFIDENTIAL FORM I

TERRORISM (PREVENTION AND PROHIBITION) ACT, 2022

[Sections 78(1)]

DECLARATION OF ASSETS FORM

To be completed in TRIPLICATE and in BLOCK LETTERS or typed.

All available information should be included

Important: It is an offence punishable by up to a maximum of 2 years imprisonment under the Bill to -

- A. (a) knowingly fail to make full disclosure of your assets and liabilities;
- (b) knowingly make a declaration that is false;
- (c) fail to answer any question contained in this Form; or
- (d) Fail, neglect or refuse to make a declaration or furnish any information required.

- B. (1) Each item is to be completed. If it does not apply, the person affected must write "nil" or "none" in the space. Where necessary an extra sheet or sheets may be used and attached to this form by the person affected.

- (2) The form should be addressed to the Director - General, State Security Service.

I,being accused of an offence of under the TERRORISM (PREVENTION AND PROHIBITION) ACT, 2022 declare as follows:
(As in the Table below)

- | | | N | k |
|-----|--|---|---|
| 12. | Amount held in own account | | |
| | (i) Cash in hand | | |
| | (ii) Cash at bank | | |
| | (iii) Outside Nigeria (Countries /Bank to be named | | |
| 13. | Amount held on behalf of or as trustee for any person other than your wife/husband | | |
| | (i) Cash in hand | | |
| | (ii) Cash at bank | | |
| | (iii) Outside Nigeria (Countries /Bank to be named | | |
| 14. | Loans or advances made.. | | |
| 15. | Loans or advances received | | |
| 16. | Amount held on behalf of or as trustee of wife/husband ' | | |
| | (i) Cash in hand.. | | |
| | (ii) Cash at bank.. | | |
| | (iii) Outside Nigeria (Countries/Banks to be named) | | |
| 17. | Wife's/husband's/children's account held (beneficial or otherwise) | | |
| | (i) Cash in hand | | |
| | (ii) Cash at bank | | |
| | (iii) Outside Nigeria (Countries /Bank to be named | | |
| 18. | Government securities, including premium bonds and other interests held in companies, firms or partnerships (giving names of companies firm and partnerships)- | | |
| | (i) by you (here state the bonds, etc.) | | |
| | (ii) by Wife (wives)/husband* (here state the bonds, etc.) | | |
| | (iii) by children (here state the bonds, etc.). | | |
| 19. | Property in Nigeria in which you are interested in giving date when acquired- | | |
| | (i) Land: | | |
| | (ii) Buildings: | | |
| | (iii) Other property, (if any). | | |

20. Membership, ownership, directorship, shareholding, or other related interest in
- (i) A company incorporated in Nigeria:
 - (ii) A company incorporated outside Nigeria:
 - (iii) A partnership or sole proprietorship:
21. Property outside Nigeria in which you are interested in giving date when acquired
- (i) Land:
 - (ii) Buildings:
 - (iii) Other property, (if any):
22. Property outside Nigeria in which any wife/husband* is interested in giving date when acquired
- (i) Land:
 - (ii) Buildings:
 - (iii) Other property, (if any):
23. Property outside Nigeria in which any wife/husband* is interested in giving date when acquired
- (i) Land:
 - (ii) Buildings:
 - (iii) Other property, (if any):
24. Property in Nigeria in which any child of yours is interested in giving date when acquired
- (i) Land:
 - (ii) Buildings:
 - (iii) Other property, (if any):
25. Property outside Nigeria in which any child of yours is interested in giving date when acquired
- (i) Land:
 - (ii) Buildings:
 - (iii) Other property, (if any):
26. Names of other dependant relatives:
27. Estate in which you are interested as trustee or beneficially interested (Name of deceased or trustee).

28. Property held by any person on your behalf- (in or outside Nigeria)

- (i) Cash in hand;
- (ii) Cash at bank;
- (iii) Land:
- (iv) Buildings:
- (v) Other properties.

If outside Nigeria, insert name of countries and banks.

Signature of Accused Person

Signature and Address of Witness-----

FORM 2

FREEZING ORDER

[Section 81 (1)]

(This form may be amended according to circumstances)

To the Manager.....

(Here insert name and branch of bank)

Under the authority conferred on me by sectionAct, you are hereby ordered-

- (a) to supply the following information relating to the under mentioned accounts, that is to say -..... (Here set out the information required in respect of named accounts)
- (b) to produce the books and documents relating to the under mentioned accounts, that is to say-..... (Here set out the books and documents to be produced in respect of named accounts)
- (c) to stop all outward payments, operations or transactions (including bills of exchange) as far as possible in the ordinary course of banking in respect of the following accounts:

.....(Here indicate the accounts)

2. This order shall remain in force until revoked.

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

SECOND SCHEDULE

[Section 100]

UNITED NATIONS SECURITY COUNCIL RESOLUTIONS ON THE REQUIREMENTS FOR THE IMPOSITION OF TARGETED FINANCIAL SANCTIONS IN RELATION TO TERRORISM, TERRORISM FINANCING AND PROLIFERATION OF WEAPONS OF MASS DESTRUCTION AND THE FINANCING OF PROLIFERATION

1. UNSCRs related to terrorism financing

UNSCR 1267 (1999), 1333 (2000), 1373 (2001), 1390 (2002), 1452 (2002), 1455 (2003), 1526 (2004), 1617 (2005), 1730 (2006), 1735 (2006), 1822 (2008), 1904 (2009), 1988 (2011), 1989 (2011), 2083 (2012) 2133(2014), 2161 (2014), 2170 (2014), 2178 (2014), 2195 (2014), 2199 (2015), 2214 (2015), 2249 (2015), 2253 (2015), 2309 (2016), 2322 (2016), 2331 (2016), 2341 (2017), 2347 (2017), 2354 (2017), 2368 (2017), 2370(2017), 2395(2017), 2396 (2017), 2462(2019) and 2482 (2019), and all current and future successor resolutions.

2. UNSCRs related to proliferation financing

- (1) Resolution 1540 (2004) of the Security Council, adopted on 28 April 2004.
- (2) Successor resolutions to the above Resolution.
- (3) United Nations Security Council Resolutions on Democratic People's Republic of Korea:
- (4) Resolution 1718 (2006) of the Security Council, adopted on 14 October 2006
- (5) Resolution 1874 (2009) of the Security Council, adopted on 12 June 2009
- (6) Resolution 2087 (2013) of the Security Council, adopted on 22 January 2013
- (7) Resolution 2094 (2013) of the Security Council, adopted on 7 March 2013
- (8) Resolution 2270 (2016) of the Security Council, adopted on 2 March 2016
- (9) Resolution 2321 (2016) of the Security Council, adopted on 30 November 2016
- (10) Resolution 2371 (2017) of the Security Council, adopted on 5 August 2017
- (11) Resolution 2375 (2017) of the Security Council, adopted on 11 September 2017
- (12) Resolution 2397 (2017) of the Security Council, adopted on 22 December 2017
- (13) Successor resolutions to any of the above Resolutions

3. UNSCR on Iran

- (1) Resolution 1737 (2006) of the Security Council, adopted on 27 December 2006
- (2) Resolution 2231 (2015) of the Security Council, adopted on 20 July 2015
- (3) Successor resolutions of sub-paragraphs (1) and (2) above.

4. UNSCR on Democratic People's Republic of Korea

- (1) Resolution 1718 (2006) of the Security Council, adopted on 14 October 2006
- (2) Resolution 1874 (2009) of the Security Council, adopted on 12 June 2009
- (3) Resolution 2087 (2013) of the Security Council, adopted on 22 January 2013
- (4) Resolution 2094 (2013) of the Security Council, adopted on 7 March 2013
- (5) Resolution 2270 (2016) of the Security Council, adopted on 2 March 2016
- (6) Resolution 2321 (2016) of the Security Council, adopted on 30 November 2016
- (7) Resolution 2371 (2017) of the Security Council, adopted on 5 August 2017
- (8) Resolution 2375 (2017) of the Security Council, adopted on 11 September 2017
- (9) Resolution 2397 (2017) of the Security Council, adopted on 22 December 2017

Successor resolutions to any of the above Resolutions.

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

THIRD SCHEDULE

[Section 51]

CRITERIA FOR PROPOSING DESIGNATIONS IN ACCORDANCE WITH RELEVANT UNSCRs

1. The Criteria to be considered by the Sanctions Committee when identifying targets for designation, and by the Attorney-General when considering proposing persons or entities to the UN 1267/1989 Sanctions Committee for designation are as follows-
 - (a) Any person or entity participating in the financing, planning, facilitating, preparing, or perpetrating of acts or activities by, in conjunction with, under the name of, on behalf of, or in support of; supplying, selling or transferring arms and related materials to ; recruiting for; or otherwise supporting acts or activities of those designated and other individuals, groups, undertakings and entities associated with the AL-Qaida or any cell, affiliate, splinter group or derivative thereof, or
 - (b) Any undertaking owned or controlled directly or indirectly, by any person or entity designated under 1267 or 1989, or by persons acting on their behalf or at their direction.

2. The Criteria to be considered by the Sanctions Committee when identifying targets for designation, and by the Attorney-General when considering proposing persons or entities to the UN 1988 Sanctions Committee for designation are as follows-
 - (a) Any person or entity is participating in the financing, planning, facilitating, preparing, of perpetrating of acts or activities by, in conjunction with, under the name of, or in support of; supplying, selling or transferring arms and related materials to ; recruiting for; or otherwise supporting act or activities of those designated and other individuals, groups, undertakings and entities associated with the Taliban in constituting to the peace, stability and security of Afghanistan ; of
 - (b) Any undertaking owned or controlled, directly or indirectly, by any person or entity designated under 1267 and 1988, or by the person acting on their behalf or at their direction.

DATED at this day of..... 20.....

Director - General

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

Chairman to report Bill.

(SENATE IN PLENARY)

The President of the Senate reported that the Senate in the Committee of the Whole considered the Report of the Committee on Judiciary, Human Rights & Legal Matters on a Bill for An Act to Repeal the Terrorism (Prevention) Act, 2011 and Terrorism (Prevention) (Amendment) Act, 2013, and Enact the Terrorism (Prohibition and Prevention) Bill, 2022 to Provide for Effective, Unified and Comprehensive Legal, Regulatory and Institutional Framework for the Detection, Prevention, Prohibition, Prosecution and Punishment of acts of Terrorism, Terrorism Financing, Proliferation and Financing of the Proliferation of Weapons of Mass Destruction in Nigeria; and for Related Matters, 2022 and approved as follows:

Clauses 1-100 — As Recommended

Schedules 1-3 — As Recommended

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

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

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

12. **Motion:**

The need to establish National Museum at the Akassa Slave Trade Centre in Bayelsa State to preserve National Heritage:

Motion made: That the Senate notes that Akassa is a settlement at the southernmost tip of Nigeria in Bayelsa State where the Nun River estuary meets the Atlantic Ocean, with a lighthouse (a 90 meters high navigational facility) that had stood since 1910;

further notes that due to the proximity of Akassa to the Atlantic, the settlement has always been a traditional trading site in Nigeria, especially in the business of palm oil trade during the colonial era;

notes again that before the abolition of the slave trade, it was one of the major centres in the country where the harrowing effects of transatlantic slave trade resonates till this day; and during the British colonial years, it was the site of an outpost of the Royal Niger Company;

recalls that the Akassa settlement in the seventeenth century now a Town was where the Nembe people in today's Bayelsa State waged a war valiantly against the British in 1895 with twenty-two war canoes and one thousand, five hundred foot soldiers due to the high-handedness of the Royal Niger Company and the obnoxious taxes imposed on the local people by the company;

notes interestingly that in the year 1899, the charter of the Royal Niger Company was revoked, an act seen as partly a consequence of the war with the effect that from 1st January, 1900 the company sold all its possessions and concessions in Africa to the British government for £865,000;

aware that some of the relics of the slave trade such as slave house; slave masters administrative block and quarters; slave jetty; slave transit tunnel; white - men grave yard, etc can still be found, even though erosion of past decades had eroded some of the antiquities; and

observes that with the current efforts made by the government to diversify our economy, the Akassa Town is a veritable historical/heritage centre which will boost our tourism potentials and consequentially earn us foreign exchange if its heritage is well preserved.

Accordingly resolves to:

urge the National Commission for Museums and Monuments to recognize the Akassa Slave Trade Centre and establish it as a National Slave Trade Museum in Bayelsa State (*Senator Biobarakuma W. Degi-Eremienyo — Bayelsa East*).

Debate:

Proposed Resolution:

Question: That the Senate do urge the National Commission for Museums and Monuments to recognize the Akassa Slave Trade Centre and establish it as a National Slave Trade Museum in Bayelsa State — *Agreed to.*

Resolved:

That the Senate do urge the National Commission for Museums and Monuments to recognize the Akassa Slave Trade Centre and establish it as a National Slave Trade Museum in Bayelsa State (S/Res/093/03/22).

13. **Federal Medical Centre Ogoja, Cross River State (Establishment) Bill, 2022 (HB. 276) — Concurrence:**

Consideration of Bill deferred to another Legislative Day.

14. **Federal Medical Centre Igboora, Oyo State (Establishment) Bill, 2022 (HB. 347) — Concurrence:**

Consideration of Bill deferred to another Legislative Day.

15. **Advertising Regulatory Council of Nigeria Bill, 2022 (HBs.137 & 518) — Concurrence:**

Consideration of Bill deferred to another Legislative Day.

16. **Arbitration and Conciliation Act, Cap A18, Laws of the Federation of Nigeria, 2004 (Repeal and Re-enactment) Bill, 2022 (HB. 91) — Concurrence:**

Consideration of Bill deferred to another Legislative Day.

17. **Adjournment:**

Motion made: That the Senate do now adjourn till Tuesday, 10th May, 2022 at 10:00 a.m. (Senate Leader).

Question put and agreed to.

Adjourned accordingly at 1:54 p.m.

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