



# SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

## VOTES AND PROCEEDINGS

Wednesday, 30<sup>th</sup> March, 2022

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1. The Senate met at 10:42 a.m. The President of the Senate read prayers.

2. **Votes and Proceedings:**

The Senate examined the Votes and Proceedings of Tuesday, 29<sup>th</sup> March, 2022.

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

3. **Petition:**

Rising on Order 40, Senator Uche L. Ekwunife (*Anambra Central*) drew the attention of the Senate to a petition from Dona Nweze against the Nigeria Customs Service and the Federal Ministry of Finance over an alleged non-refund of excess charges on Jocalis Aluminum Products Limited. She urged the Senate to look into the matter.

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

4. **Presentation of Bills:**

(i) Federal University of Technology Ipokia, Ogun State, Bill, 2022 (HB. 512) — *Read the First Time.*

(ii) Pharmaceutical Technologists and Pharmacy Technicians of Nigeria (Establishment) Bill, 2022 (HB. 459) — *Read the First Time.*

(iii) Chartered Institute of Risk Management of Nigeria (Establishment) Bill, 2022 (HB.139) — *Read the First Time.*

(iv) Institute for Excellence and Leadership Development (Establishment) Bill, 2022 (SB.965) — *Read the First Time.*

(v) Industrial Waste Minimization Bill, 2022 (SB. 974) — *Read the First Time.*

5. **Executive Communication:**

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

*Motion made:* That the Senate do consider the Request of Mr. President, Commander-in-Chief of the Armed Forces of the Federation on the confirmation of the nomination of Dr. Hale Gabriel Longpet for Appointment as Resident Electoral Commissioner for Independent National Electoral Commission (INEC) (*Senate Leader*).

*Question put and agreed to.*

*Request accordingly referred to the Committee on Electoral Matters to report within two (2) weeks.*

**6. Executive Communication:**

***Confirmation of the Nomination of the Appointment as Members/Executive Commissioners for Nigerian Upstream Petroleum Regulatory Commission:***

*Motion made:* That the Senate do consider the Request of Mr. President, Commander-in-Chief of the Armed Forces of the Federation on the confirmation of the following persons for appointment as Members/Executive Commissioners for Nigerian Upstream Petroleum Regulatory Commission:

<u>S/No.</u>	<u>Name</u>	<u>Zone</u>	<u>Position</u>
1.	Dr. Nuhu Habib	North-West (Kano State)	Member/Executive Commissioner, Development and Production
2.	Dr. Kelechi Onyekachi Ofoegbu	South-East (Imo State)	Member/Executive Commissioner, Economic Regulations and Strategic Planning
3.	Capt. Tonlagha Roland John	South South (Delta State)	Member/Executive Commissioner, Health, Safety, Environment and Community
4.	Jide Adeola	North Central (Kogi State)	Member/Executive Commissioner Corporate Services and Administration

*(Senate Leader).*

*Question put and agreed to.*

*Request accordingly referred to the Committee on Petroleum Resources (Upstream) to report within two (2) weeks.*

**7. National Biosafety Management Agency Act, 2015 (Amendment) Bill, 2022 (SB. 968):**

*Motion made:* That a Bill for an Act to Amend some provisions of the National Biosafety Management Agency Act, 2015 and Other Related Matters, 2022 be read the Second Time *(Senator Yahaya A. Abdullahi — Kebbi North).*

*Debate:*

*Question put and agreed to.*

*Bill accordingly read the Second Time and referred to the Committee on Environment to report within four (4) weeks.*

**8. Committee on Tertiary Institutions and TETFUND:**

***Report on the Federal Polytechnic Orozo, FCT (Establishment) Bill, 2022 (SB. 911):***

*Consideration of Report deferred to another Legislative Day.*

**9. Joint Committee on Judiciary, Human Rights & Legal Matters; and Anti-Corruption:**

***Report on the Witness Protection and Management Bill, 2022 (SB. 641):***

*Motion made:* That the Senate do receive and consider the Report of the Joint Committee on Judiciary, Human Rights & Legal Matters; and Anti-Corruption on the Witness Protection and Management Bill, 2022 *(Senator Micheal O. Bamidele — Ekiti Central).*

*Question put and agreed to.*

*Report Laid and Presented.*

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

*Question put and agreed to.*

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

CONSIDERATION OF THE REPORT OF THE JOINT COMMITTEE ON JUDICIARY, HUMAN RIGHTS AND LEGAL MATTERS; AND ANTI-CORRUPTION ON A BILL FOR AN ACT TO PROVIDE THE FRAMEWORK FOR THE SUPPORT, MANAGEMENT AND PROTECTION OF WITNESSES WHO PROVIDE INFORMATION, EVIDENCE OR ANY OTHER ASSISTANCE TO LAW ENFORCEMENT AGENCIES DURING INQUIRIES, INVESTIGATIONS OR PROSECUTION; AND FOR RELATED MATTERS, 2022

**PART I — OBJECTIVES AND APPLICATION**

**Clause 1: Objective**

The main objectives of this Bill are to —

- (a) establish legal and institutional framework to protect witnesses and related persons, with responsibilities for carrying out all administrative duties relating to witnesses and related persons, including providing temporary protection and related services in accordance with the provisions of this Bill;
- (b) ensure that the relevant agency takes responsibility for entering into an agreement with the witness on behalf of the State;
- (c) regulate the procedure and determine the manner in which the provisions of this Bill shall be carried out;
- (d) designate places to be utilised as places of safety for the purposes of the Witness Protection Programme established under this Bill; and
- (e) ensure effective use and nationwide supervision of Witness Protection Officers of the relevant agency.
- (f) ensure that adequate consideration is given to the rights of witnesses under this Bill; and
- (g) harmonise existing laws and policies on witness protection and management.

***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: Application**

- (1) The provisions of this Bill shall apply to investigation and prosecution of offences relating to —
  - (a) terrorism,

- (b) money laundering prevention and prohibition,
  - (c) economic and financial crimes,
  - (d) corrupt practices and other related offences.
  - (e) drugs and narcotics and their trafficking,
  - (f) trafficking in persons,
  - (g) Criminal and Penal Code offences,
  - (h) customs and excise management,
  - (i) any legislation dealing with proceeds of crimes, confiscation and forfeiture of assets, and
  - (j) such other offences as may be contained in enactments enacted by the National Assembly and designated by Attorney - General by an order published in the Federal Gazette.
- (2) All justice sector institutions and authorities, including the courts, law enforcement and security agencies, and other relevant regulatory institutions towards the protection of witnesses in the course of the investigation, detection and prosecution of offences;

***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.*

**Clause 3: Meaning of witness under this Bill**

- (1) A person is a witness under this Bill if he has information about the commission of an offence or wrongdoing, and —
- (a) has given, is giving, or agreed to give, evidence on behalf of the State in —
    - (i) the proceedings for the trial of the offence, or
    - (ii) hearings or proceedings relating to the offence or a wrong doing before an authority which is declared by the Attorney-General by an order published in the Federal Gazette to be an authority to which this paragraph applies;
  - (b) has given, is giving or agreed to give evidence, otherwise than as mentioned in paragraph (a) of this subsection, in relation to the commission or possible commission of an offence;
  - (c) has made a statement to —
    - (i) the Inspector-General of Police or a member of the Nigeria Police Force, or
    - (ii) a law enforcement officer, in relation to an offence in contravention of a law in Nigeria;

- (d) is required to give evidence in a prosecution or an inquiry held before a court or tribunal outside Nigeria —
    - (i) for the purposes of a treaty or an agreement to which Nigeria is a party,
    - (ii) for the purposes of the operations of any legislation on mutual assistance in criminal matters, or
    - (iii) in circumstances prescribed by regulations made under this Act;
  - (e) has given, is giving or has agreed to give, evidence before an investigating authority, a commission of inquiry or tribunal; or
  - (f) may, for any other related reason, require protection or other assistance under this Bill.
- (2) A person is also considered to be a witness for the purposes of this Bill if, because of a family or other relationship with, or an association with, a person to whom subsection (1) of this section applies, may require protection or other assistance under this Bill.

***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.*

PART II — ESTABLISHMENT OF THE WITNESS  
PROTECTION AND MANAGEMENT PROGRAMME

**Clause 4: Establishment of the Witness Protection and Management Programme**

- (1) A relevant agency shall establish —
  - (a) a Witness Protection and Management Programme (in this Bill referred to as "the Programme") and take such actions as may be necessary and reasonable to provide for the safety and welfare of witnesses, who provide information, evidence or any other form of assistance to the relevant agency.
  - (b) a department or unit for the purpose of the Programme under subsection (1) (a).
  - (c) a procedure to determine criteria for admission to and removal from the Programme;
  - (d) a training scheme for Witness Protection Officers.
- (2) The actions taken under subsection (1) of this section may include —
  - (a) physical and armed protection;
  - (b) making necessary arrangement to allow the witness establish a new identity;
  - (c) relocating the witness;

- (d) providing accommodation for the witness;
  - (e) providing logistics for transporting the property of the witness;
  - (f) providing reasonable financial assistance to the witness;
  - (g) permitting a person involved in the administration of the Programme to use an assumed name in carrying out his duties and have proper documentation supporting the assumed name;
  - (h) taking the actions listed in paragraphs (a) to (g) of this subsection in respect of a foreign witness present in Nigeria, pursuant to any law, agreement or arrangement between Nigeria and the country of the foreign witness; and
  - (i) doing such other things as the relevant agency considers necessary to ensure the safety of the witness.
- (3) The relevant agency may request the court to implement during court proceedings, protection measures which may include —
- (a) holding closed sessions;
  - (b) the use of pseudonyms;
  - (c) the redaction of identity information;
  - (d) the use of video link with the opportunity for cross examination of a witness by the legal practitioner representing the defendant, where practicable; and
  - (e) employing measures to obscure or distort the identity of the witness.
- (4) The relevant agency shall put in place support measures to facilitate the integration of the witness into the Programme.

***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: Application for inclusion in the Programme**

- (1) A witness who has reason to believe that his safety or the safety of any other person is or may be threatened by any person or group or class of persons whether known to him or not by reason of his being a witness, may —
- (a) report the belief —
    - (i) to the investigating officer in that investigation,
    - (ii) to a person in charge of a police station,
    - (iii) if he is in a correctional facility, to the person in charge of the correctional facility where he is being detained,

- (iv) to the prosecutor or any other person concerned, or
  - (v) to the heads of the relevant agency.
- (b) apply in the prescribed manner that he or any related person be placed under protection.
- (2) A person to whom a report is made under subsection (1) of this section shall assist the applicant in the making of an application for protection and, unless he is the head of the relevant agency, shall immediately —
- (a) inform the head of the relevant agency of the application; and
  - (b) submit the application to the head of the relevant agency.
- (3) Where a witness is for any reason unable to make a report under subsection (1) (a) of this section or to make an application for protection under subsection (1) (b) of this section —
- (a) the investigating officer or prosecutor concerned with the case;
  - (b) a law enforcement officer; or
  - (c) the legal representative of the witness;
- may if he has reason to believe that the safety of the witness or any related person is or may be threatened as specified in subsection (1) of this section, make the report or application on behalf of the witness.
- (4) Notwithstanding the provision of subsection (3) of this section, a judge may order or direct the making of a report or an application on behalf of the witness.
- (5) An application for the inclusion of a witness below the age of eighteen years may, in such circumstances as the Attorney-General may specify in regulations, be made without the consent of the minor's parent or guardian.

***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.*

**Clause 6: Temporary protection**

- (1) The relevant agency may, pending the finalization of an application for the protection of a witness or related person concerned, place the witness under temporary protection for a period not exceeding twenty-eight days, if the relevant agency considers it necessary for the safety of the witness or related
- (2) Where a report or an application under section 5 of this Bill is made, the witness or related person may be placed under temporary protection only if he consents to it.

- (3) A minor shall not be placed under temporary protection without the consent of his parent or guardian, unless —
- (a) the head of the relevant agency is of the opinion that exceptional circumstances exist which does not warrant consent; or
  - (b) an application for the inclusion of a witness below the age of eighteen years has been made in such circumstances, as the Attorney-General may specify in regulations, in accordance with the provisions of section 5 (5) of this Bill.

***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: Assessing witness for inclusion in the Programme**

- (1) The relevant agency is responsible for deciding whether to include a witness in the Programme.
- (2) In deciding whether to include a witness in the Programme, the relevant agency shall have regard to —
  - (a) the seriousness of the offence to which the statement or evidence of the witness relates;
  - (b) the nature and importance of the witness's testimony;
  - (c) the nature of the perceived threat and or danger to the witness;
  - (d) the nature of the witness relationship to any other witness being considered for inclusion or who is already in the Programme;
  - (e) the result of any psychological or psychiatric examination or evaluation of the witness conducted to determine his suitability for inclusion in the Programme;
  - (f) whether there are viable alternative methods of protecting the witness;
  - (g) whether the witness has a criminal record, particularly in respect of violent crime, which indicates a risk to the public if he is included in the Programme;
  - (h) the probability that the witness or any related person will be able to adjust to protection, having regard to the personal characteristics, circumstances and family or other relationships of the witness or any other person;
  - (i) likelihood of any danger to the community if the witness or any other person is not placed under protection; and
  - (j) any other factor that the relevant agency may consider relevant.



- (3) To enable the department or unit of a relevant agency make a proper evaluation of an application for inclusion in the Programme, it shall be —
  - (a) afforded immediate and full access to any crime docket and statement of a witness and to any evidence given in any proceedings; and
  - (b) entitled to obtain certified true copies of any statement or evidence or any part of it made in connection with the matter.
- (4) Without prejudice to the provisions of section 5 of this Bill, a witness shall not be included in the Programme unless the witness or a person legally responsible for the witness agrees in writing to the inclusion in the Programme.
- (5) The relevant agency shall not consider documentation from a witness which represents that the witness —
  - (a) has a qualification which he does not have; or
  - (b) is entitled to a benefit to which he is not entitled.

***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: Inclusion in the Programme**

- (1) After considering an application for inclusion in the Programme, the relevant agency may —
  - (a) subject to section 6 (1) and pending the approval or refusal of an application under paragraph (b) or (c) of this subsection, make any interim arrangement with the witness or related person relating to his protection under this Bill;
  - (b) approve the application and place the witness or any related person under protection in accordance with the protection agreement entered into by or on behalf of the witness or related person and the relevant agency; or
  - (c) refuse the application and, where applicable, by written notice to the witness, revoke any temporary protection under which he or any related person has been placed under section 5 (1) of this Bill.
- (2) Where the relevant agency refuses an application under subsection (1) of this section, the Head shall inform the witness of the refusal and the witness may, within seven days of being informed, apply to the relevant agency for a review of the decision.
- (3) The relevant agency shall, within seven days of receipt of the request for a review of its decision under subsection (2) of this section —
  - (a) review, confirm, reverse or vary the decision; and
  - (b) inform the witness in writing of its decision.

**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.*

**Clause 9: Protection agreement**

- (1) Prior to the inclusion of a witness or related person in the Programme, the relevant agency shall, subject to subsection (2) of this section, enter into a written protection agreement —
  - (a) with the witness;
  - (b) where applicable, with each related person; and
  - (c) subject to this Bill, in the case of a minor, with the parent or guardian.
- (2) The relevant agency may enter into a provisional protection agreement with a minor referred to in section 5 (5) of this Bill.
- (3) Where —
  - (a) a parent or guardian of a witness signs a protection agreement because the witness was under the age of eighteen years; and
  - (b) the agreement is still operating after the witness attains the age of eighteen years, the relevant agency may require the witness to sign the agreement having attained the age of maturity.
- (4) A protection agreement shall set out the terms and conditions under which a witness or related person is to be placed under protection, including —
  - (a) an obligation on the relevant agency —
    - (i) to take such reasonable steps as are necessary to provide the witness with the protection and related services, as referred to in the protection agreement, and
    - (ii) not to keep a protected person under protection in any correctional facility or custody, unless otherwise agreed upon.
  - (b) an obligation on the witness or related person —
    - (i) where applicable, to give the evidence as required in the proceedings to which the protection relates,
    - (ii) to meet all financial obligations incurred by him that are not payable by the relevant agency under the terms of the protection agreement,
    - (iii) to meet all legal obligations, expenses incurred by the witness, including any obligation regarding the custody and maintenance of the dependant,
    - (iv) to refrain from any activity that constitutes a criminal offence;

- (v) to refrain from activities that might endanger his safety or that of any other protected person,
  - (vi) to accept and give effect to all reasonable requests and directions made or given by the relevant agency in relation to the protection provided and obligations under the protection agreement,
  - (vii) to inform the relevant agency of any other proceedings which have been or may be instituted by or against the witness, or in which the witness is otherwise involved, and
  - (viii) not to endanger the security or any other aspect of the protection agreement or any other matter relating to the Programme;
- (c) any other prescribed terms and conditions or obligations agreed upon; and
  - (d) a procedure in accordance with which the protection agreement may, if necessary, be amended.

*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: Protection of a minor**

- (1) Subject to subsection (2) of this section, a minor shall not be included in the Programme without the consent of the parent or guardian.
- (2) A minor —
  - (a) who, as a witness, applies for protection in respect of proceedings against his parent or guardian or in which his parent or guardian is a suspect;
  - (b) who has no parent or guardian;
  - (c) whose parent or guardian cannot be identified or found, notwithstanding reasonable efforts made to do so; or
  - (d) whose parent or guardian is unreasonably withholding or is unable to give his consent, may be included in the Programme without the consent of the parent or guardian, where the relevant agency is of the opinion that it is necessary to do so for the safety of the minor.
- (3) The relevant agency shall, in the circumstances referred in subsection (2) of this section —
  - (a) within seven days of the inclusion; or
  - (b) within such further period as the Judge, in whose area of jurisdiction the minor is domiciled or ordinarily resident, may determine in an application made to him in chambers by the

relevant agency, submit to the Judge, for consideration in chambers, a report setting out the reasons for the inclusion and the provisional protection agreement referred to in section 9 (2) of this Bill.

- (4) The relevant agency shall also furnish to the minor concerned and, where applicable, to the parent or guardian, a copy of the report and the provisional protection agreement referred to in subsection (3) of this section.
- (5) After consideration of the report and provisional protection agreement referred to in subsection (3) of this section, the Judge may, by order —
  - (a) set aside the inclusion in the Programme;
  - (b) confirm the inclusion and ratify the provisional protection agreement; or
  - (c) confirm the inclusion and amend the provisional protection agreement in such manner as he considers to be in the best interest of the minor, and necessary to ensure the safety of the minor.
- (6) Where the inclusion of a minor in the Programme is set aside under subsection (5) (a) of this section, the relevant agency shall immediately discharge the minor from protection.
- (7) A provisional protection agreement, ratified or amended under subsection (5) of this section, shall constitute a binding protection agreement between the relevant agency and the minor.
- (8) The Court shall appoint the head of the relevant agency as the guardian of a minor placed under temporary protection under section 6 (2) of this Bill or included in the Programme under subsection (2) of this section.

***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.*

**Clause 11: Termination of protection**

- (1) The relevant agency may, subject to subsections (6) and (10) of this section, by written notice, terminate the inclusion of a witness in the Programme, if the relevant agency is of the opinion that —
  - (a) the safety of the witness is no longer threatened;
  - (b) satisfactory alternative arrangements have been made for the protection of the witness;
  - (c) the witness has failed to comply with any obligation imposed under this Bill or by the protection agreement;
  - (d) the witness in making application for inclusion in the Programme—

- (i) wilfully furnished false or misleading information,
  - (ii) made a statement which is false or misleading, or
  - (iii) wilfully failed to disclose any relevant information in the application;
- (e) the conduct of the witness has endangered or may endanger the safety of another protected witness;
- (f) the conduct of the witness is likely to threaten the security or compromise the integrity of the Programme; or
- (g) the witness has wilfully caused serious damage to the place of safety or to any property in or at the place of safety.
- (2) Subject to subsections (4) and (6) of this section, the relevant agency may, after considering any representation made under subsection (6) of this section, and on being satisfied that —
- (a) the evidence of a witness is no longer required in the proceedings concerned; or
  - (b) the proceedings have been concluded, by written notice of termination, within a reasonable time but not later than 28 days, terminate the participation of the witness and all related persons in the Programme.
- (3) Where, after the conclusion of proceedings, the relevant agency is of the opinion that the safety of a person who is to be discharged from the witness protection Programme is still being threatened, the relevant agency may on the application of —
- (a) the person;
  - (b) the parent or guardian of a minor; or
  - (c) a minor referred to in section 10 (2) of this Act, extend the protection for such period as it considers necessary.
- (4) The protection of a minor referred to in section 10 (2) of this Bill shall not be extended under subsection (3) of this section without the prior approval of a Judge in chambers.
- (5) The relevant agency shall, before it terminates a witness' participation in the Programme, take reasonable step to notify, in the case of a termination under —
- (a) subsection (1) of this section the witness and, if he is a minor, his parent or guardian, if any, and
  - (b) subsection (2) of this section, the witness and, if he is a minor, his parent or guardian, if any.
- (6) The relevant agency shall allow the witness, and in the case of a minor, his parent or guardian, if any to make written representation to it within the period of 28 days as in subsection (2) and in relation to any matter regarding the termination.

- (7) A witness remains a participant in the Programme until —
- (a) the witness' participation is terminated under subsection (1) or (2) of this section or in accordance with an agreement referred to in section 9 (1) (a) of this Bill; or
  - (b) a waiver of protection, in the prescribed manner, is submitted to the relevant agency by —
    - (i) the witness,
    - (ii) the parent or guardian of a minor, if any, or
    - (iii) a minor referred to under section 10 (2) of this Act.
- (8) Subject to subsection (9) of this section, the relevant agency shall, on receipt of a waiver of protection referred to in subsection (7) of this section, terminate the participation of a witness in the Programme, without any delay and notify the witness.
- (9) The relevant agency shall not terminate the participation of a minor referred to in section 10 (2) of this Bill under this section without the prior approval of a Judge in chambers.
- (10) A decision of the relevant agency to terminate participation of a witness in the Programme takes effect —
- (a) within a reasonable time, but not later than 28 days, of the relevant agency notifying the witness of the decision; or
  - (b) where the witness's whereabouts is not known and the relevant agency has taken reasonable but unsuccessful steps to notify the witness, at the end of a period of twenty-eight days after due steps were taken.

***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: Review by the relevant agency**

- (1) A witness who is aggrieved by a decision, action or steps taken by the relevant agency may, within fourteen days, apply to the relevant agency for a review.
- (2) The relevant agency shall, on receiving an application under subsection (1) of this section —
  - (a) review the decision, action or steps concerned, and confirm, reverse or vary it; and
  - (b) inform the witness of the decision.

***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: Other proceedings in which a witness is a party or a witness**
- (1) Proceedings in which a protected person is a party or a witness may, subject to the provisions of subsection (2) of this section, be proceeded with under the laws regulating the proceedings.
  - (2) Where it appears to a Judge, in an ex parte application, made in chambers by the head of a relevant agency, that the safety of a witness might be endangered by the institution or prosecution of any proceedings in which a protected person is a party or a witness within his area of jurisdiction, the Judge may make any order he considers appropriate with regards to the institution, prosecution or postponement of those proceedings to —
    - (a) prevent the disclosure of the identity or whereabouts of the person; or
    - (b) achieve the objectives of this Bill.
  - (3) The parties to the proceedings concerned and their legal representatives shall be given notice of an order made under subsection (2) of this section in accordance with the rules of court.
  - (4) The address of the relevant agency shall, for all purposes of service of processes on a witness, serve as the residential address of the witness and notice of that address shall be given in writing by the Head of the relevant agency and delivered by hand or sent by registered mail by him to all other parties or their legal representatives.

***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: Access to persons in the Programme**

Where a Judge, in an ex-parte application made to him in chambers by the relevant agency, is satisfied that the safety of a witness might be endangered by the exercise of a right of access of that person, the Judge may suspend the right of access or make any order he considers appropriate with regards to the exercise of the right to —

- (a) prevent the disclosure of the identity or whereabouts of the witness; or
- (b) achieve the objectives of this Bill.

***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: Rules of confidentiality and disclosure of information**

- (1) The head and any other employee of the relevant agency shall, on assumption of office in the relevant agency, take an oath or make an affirmation in the prescribed form.

- (2) The oath or affirmation referred to in subsection (1) of this section, shall be taken or made, in the case of —
- (a) the head, before the Attorney - General; and
  - (b) any other employee of the relevant agency, before the Head.
- (3) Subject to subsection (4) of this section, a person who obtains information in the ordinary course of his official duty relating to the administration of the Programme, shall not be required, in any proceedings before any court, tribunal or commission of inquiry, howsoever described, to —
- (a) produce any document; or
  - (b) divulge or communicate any matter obtained, relating to the performance of his duties in connection with the Programme, unless the Court makes an order in the interest of justice that provides to the contrary, or the proceedings relate to an offence against this Bill.
- (4) Subject to subsection (6) of this section, the relevant agency may, on such conditions as it deems fit, disclose any information in respect of a witness—
- (a) with the consent of —
    - (i) the witness concerned; or
    - (ii) his parent or guardian, where he is a minor;
  - (b) where the witness has previously disclosed the information or acted in a manner which resulted in the disclosure;
  - (c) where the disclosure is —
    - (i) required for the exercise or protection of any right, or
    - (ii) in the public interest; or
  - (d) in any criminal proceedings, if the disclosure is necessary to establish the guilt or innocence of a person.
- (5) The relevant agency shall not disclose any information in respect of a minor referred to in section 10 (2) of this Bill without the prior approval of a Judge in chambers.
- (6) The relevant agency shall, before it discloses any information in respect of a witness in the circumstances referred in subsection (4) (b), (c) or (d) of this section, take reasonable steps to notify —
- (a) the witness; or
  - (b) the parent or guardian of the witness, if any, if he is a minor, of the contemplated disclosure in the prescribed manner.
- (7) The relevant agency shall allow a witness or, where applicable, his parent or guardian, if any, to make written representation to it within the prescribed period in relation to any matter relating to the contemplated disclosure.



- (8) The provisions of subsection (6) of this section do not apply if the relevant agency is of the opinion that the notification may jeopardize the purpose for which the information is to be disclosed.
- (9) The relevant agency shall, in determining whether information in respect of a witness should be disclosed under subsection (4) of this section, take into consideration —
- (a) the reasons for the disclosure;
  - (b) the probability that the disclosure may endanger the safety of the witness concerned or that of any other protected person or the integrity of the Programme under this Bill;
  - (c) whether the need for the disclosure can effectively be met by any other means;
  - (d) whether there are effective means available to prevent any further disclosure of the information; and
  - (e) any other factor that, in the opinion of the Relevant agency, should be taken into consideration.
- (10) A person shall not disclose any information referred to in subsection (3) of this section —
- (a) which came into his possession, or to his knowledge or was disclosed to him; or
  - (b) where he ought to have reasonably suspected that the information was disclosed to him.

*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: Prohibition of publication of information concerning a protected person**

- (1) A Judge, shall make an order referred to in subsection (2) of this section -
- (a) at any proceeding in which a protected person is a party or a witness; or
  - (b) at any proceeding, other than "proceedings" as defined in section 9 of this Bill, instituted or conducted under any law, in which a protected person is a party or a witness and in respect of which he is under any law compellable to —
    - (i) answer questions,
    - (ii) give assistance, or
    - (iii) produce any book, record, document or object in his possession or under his control in the proceedings,

- (2) The Judge shall make an order under subsection (1) of this section prohibiting the publication of any information, including any drawing, picture, illustration, painting, photograph, whether produced through or by means of computer software on a screen or a computer printout, pamphlet, poster or other printed material, which may disclose the information relating to —
- (a) the circumstances of the protected person;
  - (b) the identity of any protected person and the place of safety or location where the person is being protected; or
  - (c) the relocation or change of identity of the protected person, unless the relevant agency satisfies the Judge that exceptional circumstances, which are in the interest of justice, exist why the order should not be made.

***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: Agreements with international bodies, institutions, organizations or foreign countries**

- (1) The relevant agency may, with the approval of the Attorney-General, make an arrangement with a foreign State, international body, institution or organization on any matter relating to cooperation between Nigeria and that State, international body, institution or organization relating to witness protection.
- (2) The relevant agency may enter into an agreement, either in general or on specific terms and condition with a competent authority in a foreign country in order to —
  - (a) place a protected person under a witness protection arrangement administered by that country; or
  - (b) admit a protected person to witness protection arrangement under any law applicable to that country.

***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.*

PART III — PROTECTING WITNESSES FROM IDENTIFICATION

**Clause 18: Identifying documents**

The relevant agency may apply to the Court for an order to obtain from any appropriate or competent authority for any document necessary to —

- (a) allow a witness to establish a new identity;
- (b) protect the witness; or
- (c) restore a former witness's original identity.

**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: Application for court order**

- (1) The relevant agency may apply to the court for an order authorising a specified person, or a person of a specified class or description to
  - (a) make a new entry in a register of —
    - (i) births or a register of marriages in respect of a witness,
    - (ii) in a register of deaths in respect of a witness or a relative (by blood or marriage) of a witness; or
  - (b) issue, in the witness's new identity, a document of a kind previously issued to the witness.
- (2) The relevant agency shall provide such evidence as the court may require satisfying itself as to the matters specified in the application.

**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: Court order protecting witness identity**

- (1) The court may make an order under section 19 of this Bill if it is satisfied that the life or safety of that person may be endangered by virtue of the person being a witness.
- (2) Any proceedings of the court under this section and section 19 of this Bill, shall be conducted in camera, and all records of the proceedings shall be sealed.

**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: Effect of court order protecting witness identity**

- (1) On the making of the order referred in section 20 (1) of this Bill —
  - (a) any person authorized to do so by the order, may make such entries in the registers of births, deaths or marriages as are necessary to give effect to the order; and
  - (b) the Registrar of births, deaths or marriages shall afford the person an authorised full access to the relevant register and give him such assistance as may be required,

- (2) An entry made in the registers of births, deaths or marriages pursuant to an order referred to in section 20 (1) of this Bill has effect as if it were a valid entry made under the Births, Deaths, etc., (Compulsory Registration) Act and the Marriage Act.
- (3) The relevant agency shall maintain records showing details of the original birth, death or marriage of each person in respect of whom an entry is made under subsection (1) (a) of this section.

***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: Cancellation of entry in register**

An entry made under section 21 of this Bill in a register of births, deaths or marriages shall not be cancelled except by an order of the court made on the

- (a) application of relevant agency; and
- (b) court being satisfied that the witness is no longer a participant in the Programme.

***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: Special provision in case of marriage of witness**

- (1) A witness who has been provided with a new identity under the Programme shall not marry using the new identity unless —
  - (a) the witness is of marriageable age under the Marriage Act;
  - (b) where the witness has been previously married, the witness is now divorced or the former spouse has died; and
  - (c) there is no legal impediment to the marriage.
- (2) A person who contravenes this section commits an offence and is liable on conviction to a fine of not less than one hundred thousand naira or to imprisonment for a term of twelve months or to both.

***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: Provision of information to competent authority**

- (1) The relevant agency may take an action as provided under subsection (2) of this section, where —
  - (a) a witness under the Programme has been provided with a new identity or relocated under this Bill; and

- (b) the relevant agency is notified by a competent authority that the witness is under investigation, has been arrested or is charged with a serious offence,
- (2) The relevant agency may pursuant to subsection (1) of this section —
  - (a) release to the competent authority the new identity or location of a person;
  - (b) provide that authority with the criminal record and fingerprint of the person;
  - (c) release to the competent authority such other information as the relevant agency considers appropriate in the circumstances; and
  - (d) cooperate as considered appropriate with the competent authority.

**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: Restoration of original identity**

- (1) The relevant agency may, if it considers it appropriate to do so, take such action as is necessary to restore the original identity of a witness whose protection and assistance under the Programme has been terminated.
- (2) Where the relevant agency takes action under this section to restore the original identity of a former witness, the relevant agency shall notify the former witness in writing to return, within twenty one days, all documents relating to the identity provided to him under the Programme.
- (3) A former witness, who, without reasonable excuse, refuses or fails to return documents to the relevant agency in accordance to the provisions of subsection (2) of this section within twenty one days after receiving the notice, commits an offence and is liable on conviction to a fine of not less than One hundred thousand naira or to imprisonment for a term of twelve months or to both.

**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: Offences in relation to documents**

- (1) A person in respect of whom an entry is made in a register of births, deaths or marriages, who uses or obtains any document issued by a Registrar having charge of such register, commits an offence, where the entry made under this Bill in the register is in force

- (2) A person who commits an offence under subsection (1) of this section is liable on conviction to a fine of not less one hundred thousand naira or to imprisonment for a term of twelve months or both.

***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: Information not to be disclosed**

- (1) A person who, either directly or indirectly, makes a record of, discloses or communicates to another person, any information relating to the making of an entry in a register of births, deaths or marriages, unless it is necessary to do so —
  - (a) for the purposes of this Bill;
  - (b) for the purposes of an investigation by the relevant agency or any law enforcement agency, an appropriate or competent authority; or
  - (c) to comply with an order of the Court, commits an offence and is liable on conviction to a fine of not less than one hundred thousand naira or imprisonment for a term of twelve months or to both.
- (2) Notwithstanding subsection (1) of this section, the relevant agency may disclose the original identity of a witness or former witness for the purpose of obtaining documents relating to the new identity of the witness or former witness under the Programme.

***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: Non-disclosure of original identity of witness**

- (1) Where —
  - (a) a witness who has been provided with a new identity under the Programme would, apart from this section, be required by or under any law in force in Nigeria to disclose his original identity for a particular purpose; and
  - (b) the relevant agency has given the witness authorisation, in the form prescribed by regulations made under this Act, not to disclose his original identity for that purpose, the witness is not required to disclose his original identity to any person for that purpose.
- (2) Where a witness has been given an authorisation under subsection (1) of this section not to disclose his original identity for a particular purpose, he may, in any proceedings or for any purpose, under or in relation to any relevant law in force in Nigeria claim that his new identity is his only identity.

**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: Non-disclosure of information or publication of document on the Programme**

A person who is or has been associated with the administration of the Programme, and who has obtained access to information or a document relevant to the Programme, shall not disclose that information or publish that document except as authorised by the relevant agency.

**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: Identity of witness not to be disclosed in legal proceedings**

- (1) Where, in any proceedings in a court, tribunal or commission of inquiry, the identity of a witness is in issue or may be disclosed, the court, tribunal, or commission shall, unless it considers that the interests of justice require otherwise —
  - (a) hold that part of the proceedings, which relates to the identity of the witness in camera; and
  - (b) make such order relating to the suppression of publication of evidence given before the court, tribunal or commission of inquiry as, in its opinion, will ensure that the identity of the witness is not disclosed.
- (2) A court, tribunal or commission of inquiry, before which a witness or former witness who has been provided with a new identity under the Programme is giving evidence, may hold that part of the proceedings in camera.
- (3) The court, tribunal or commission of inquiry before which any proceedings referred to in subsection (1) or (2) of this section are conducted may, if it thinks fit, by order direct that no —
  - (a) question shall be asked in the proceedings which might lead to the disclosure of the identity of a witness or former witness or of his place of abode;
  - (b) witness in the proceedings, including a witness or former witness, shall be required to answer a question, give any evidence, or provide any information, which may lead to the disclosure of the identity of the witness or former witness or of his place of abode; and
  - (c) person involved in the proceedings shall, in the proceedings, make a statement which discloses or could disclose a protected identity of a participant or former participant or his place of abode.

- (4) Notwithstanding any provisions to the contrary contained in any law or rule of evidence, the provisions of this section shall apply to proceedings to which this section relates.

***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: Disclosure by witnesses and others**

- (1) A person who is or was a witness or a witness considered for inclusion in the Programme and who directly or indirectly discloses or communicates to another person —
- (a) the fact that he or a member of his family has entered a protection agreement under section 9 of this Bill;
  - (b) details of the protection agreement;
  - (c) information relating to anything done by the Head or an employee of the Relevant agency under this Bill; or
  - (d) information about any officer obtained by the person as a result of anything done under this Bill, commits an offence and is liable on conviction to imprisonment for a term not exceeding three years.
- (2) This section does not apply to a disclosure or communication which has been —
- (a) determined by the Relevant agency for the purposes of an investigation; or
  - (b) is necessary to comply with an order of the Court.
- (3) For the purposes of subsection (1) of this section, a person is a witness considered for inclusion in the Programme if —
- (a) the person is a witness who is the subject of consideration under this Act for inclusion in the Programme, even if the Relevant agency subsequently decides not to include the witness; or
  - (b) the person is a witness included in the Programme temporarily under this Bill, even if the witness does not go on to be included in the Programme.

***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: Witness Protection Officers and deployment to branch offices**
- (1) The relevant agency shall ensure that witnesses and related persons are protected in accordance with the provisions of this Bill and shall for this purpose designate a Witness Protection Office at each branch office
  - (2) A Witness Protection Office created under subsection (1) of this section shall exercise the powers and perform the functions assigned by the provisions of this Bill.

***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: Dealing with rights and obligations of witness**
- (1) Where a witness has any outstanding rights or obligations or is subject to any restrictions, the relevant agency shall take such steps as are reasonably practicable to ensure that —
    - (a) those rights or obligations are dealt with according to law; or
    - (b) the person complies with those restrictions.
  - (2) The relevant agency may take such steps under subsection (1) of this section —
    - (a) providing protection for the witness while the witness is attending court proceedings; or
    - (b) notifying a party or possible party to legal proceedings that the relevant agency will, on behalf of the witness, accept processes issued by a court, a tribunal or a commission of inquiry and nominating a relevant agency for that purpose.

***Committee's Recommendation:***

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

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

- Clause 34: Avoidance of obligations by witness**
- (1) If the relevant agency is satisfied that a witness who has been provided with a new identity under the Programme is using the new identity to avoid —
    - (a) obligations which were incurred before the new identity was established; or
    - (b) complying with restrictions which were imposed on the person before the new identity was established, the relevant agency shall give notice in writing to the witness as specified in subsection (2) of this section.
  - (2) The notice under subsection (1) shall specify that unless the witness satisfies the relevant agency that —
    - (a) the obligations will be dealt with according to law; or

- (b) the restrictions will be complied with, the relevant agency shall take such action as he it considers reasonably necessary to ensure that they are dealt with according to law or complied with.
- (3) The action the relevant agency may take under subsection (2) of this section include informing a person who is seeking to enforce rights against the witness of the details of any property, whether real or personal, owned by the witness under his original identity.

***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:     **Payments under the Programme****

- (1) The relevant agency may, at its discretion, certify in writing that the whole or part of an amount held by a witness represents payments made to the witness under the Programme.
- (2) An amount so certified shall not be confiscated or restrained, and shall not be applied in payment of pecuniary penalties, under any law.

***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:     **Expenses of witnesses for the prosecution****

Where a person attends court as a state witness, the witness shall be entitled to payment of such reasonable expenses as may be prescribed.

***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:     **Expenses of witnesses for the defence****

Where a person attends court as a witness to give evidence for the defence, the court may in its discretion on application, order payment by the Registrar to such witness of court such sums of money, as it may deem reasonable and sufficient to compensate the witness for the expenses he reasonably incurred in attending the court.

***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: Adjournment may be granted subject to witnesses' costs**  
 The court may permit on application of a party for an adjournment of the proceedings and in so doing, may order the party seeking the adjournment to pay to a witness present in court and whose evidence it has not been possible to take owing to the adjournment, such sum in the amount payable to a witness in accordance with section 36 and 37 of this Bill, or such sum as the court may fix.

***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: Ascertainment of witnesses expenses**  
 The amount of the expenses payable to a witness pursuant to sections 36 and 37 of this Bill shall be processed and paid by the Registrar of the Court to the witness out of the relevant vote as appropriated by the National Assembly.

***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.*

PART V — WITNESS PROTECTION FUND

**Clause 40: Establishment of the Disclosures and Witness Protection Fund**

- (1) There is established a fund to be known as the Witness Protection Fund (in this Bill referred to as "the Protection Fund").
- (2) The Relevant agency shall be responsible for the management and control of the Protection Fund established under this Bill.

***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: Sources of moneys in the Protection Fund**  
 The Protection Fund shall consist of —

- (a) moneys appropriated by the National Assembly for payment into the Protection Fund which shall amount to at least fifty per cent of the total estimated expenditure of the Protection Fund;
- (b) moneys as may be approved by the President for —
  - (i) the protection of witnesses under the Witness Protection Programme established under this Bill,
  - (ii) the protection and making rewards and compensation to the person making public interest disclosures;

- (c) moneys accruing to the Protection Fund from any fund or account established in any legislation passed by the National Assembly for the lodgement of proceeds of confiscation and forfeiture of assets in Nigeria;
- (d) a percentage of the total amount recovered by the Government as a direct result of information provided by a protected person under this Bill shall be a minimum of two percent and not exceeding five per cent of the total amount recovered;
- (e) subventions, grants, aid and donations from Federal or State Government;
- (f) aid and assistance from international bilateral and multilateral agencies; and
- (g) such other moneys as may accrue to the Protection Fund from other lawful sources, including interest on deposit and other investments made by the Relevant agency.

***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: Application of money in the Protection Fund**

The money in the Protection Fund shall be applied as follows —

- (a) towards the basic material support of witnesses and related persons in the Programme;
- (b) for the purpose of giving effect to the operation of the Programme; and
- (c) towards the payment of reward to persons who make public disclosures under the provisions of this Bill where the information provided by the person who makes the disclosure contributes directly to the recovery of stolen or concealed public funds or assets.

***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: Restriction on expenditure from the Protection Fund**

- (1) No expenditure shall be made from the Protection Fund unless the Council approves the expenditure.
- (2) The Council shall not approve expenditure from the Protection Fund for purposes other than those specified in section 42 of this Bill.

***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: Special report**

A report of every exercise of the relevant agency's power under this Part shall be included in the annual report which the Relevant agency is required to submit to the office of the Attorney-General of the Federation.

***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: Estimate, accounts and audit**

(1) The Relevant agency shall prepare estimates and cause proper books of accounts and other records to be kept in connection with the Protection Fund.

(2) The provisions of sections 29 and 30 of this Act relating to estimates and the audit of the accounts of the relevant agency shall, with necessary modification, apply to the audit of the accounts of the Protection Fund.

***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: Investment of money**

The relevant agency may —

(a) invest any money of the Protection Fund in such manner as the Council may determine; and

(b) vary and diversify investments as the Council may also determine.

***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.*

PART VI — OFFENCES AND PENALTIES

**Clause 47: False or misleading disclosure**

(1) A person who makes a statement to the relevant agency or to an appropriate or competent authority intending that it be acted upon as a public interest disclosure and in the statement, or in the course of inquiries into the statement, intentionally gives information that he —

(a) knows is false or misleading; or

(b) is reckless about whether it is false or misleading in a material particular, commits an offence and is liable on conviction to a fine of not less than five hundred thousand naira or imprisonment for a term of not less than twelve months or to both.

- (2) For the purposes of subsection (1) of this section, a statement is made to the relevant agency or to an appropriate or competent authority if, were the statement truly a public interest disclosure, it is disclosed to relevant agency or to an appropriate or competent authority for the purposes of the Schedule to this Bill.
- (3) A person who makes a statement in contravention of this section is not protected by this Bill in respect of that statement, whether or not it is truly a public interest disclosure.

***Committee's Recommendation:***

That the provision in Clause 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: Offences relating to disclosures concerning participants**

A person who, without lawful excuse, discloses information —

- (a) about the identity or location of a person who is or has been a witness under the Programme; or
- (b) which compromises the security of that witness, commits an offence and is liable on conviction to a fine of not less than one million Naira or imprisonment for a term not less than five years or to both.

***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: Prohibition of false representation**

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

- (a) conveying or purporting to indicate or convey; or
- (b) which is calculated or is likely to lead other persons to believe or infer, that the activity is carried on under or by virtue of the provisions of this Act or on behalf of the relevant agency, commits an offence and is liable on conviction to a fine of not less than one million Naira or to imprisonment for a term of not less than five years or to both.

***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: Offences in connection with employees of the relevant agency**

A person, who —

- (a) not being the head or an employee of the relevant agency, by words, conduct or demeanour falsely represents himself to be the head or an employee of the relevant agency;

- (b) exercises or attempts to exercise undue influence over the Head or an employee of the relevant agency which is calculated to prevent the head or employee from carrying out his duties or encouraging him to perform an act which is in conflict with his duties: or
- (c) is an accomplice to the commission of an act by which a lawful order given to an employee or a regulation or directive or other rule may be evaded, commits an offence and is liable on conviction to a fine of not less than five hundred thousand Naira or to imprisonment for a term not exceeding two years or to both.

***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: Obstruction of employees of the relevant agency**

A person who assaults, resists or willfully obstructs an employee of the relevant agency or a person acting under the direction of that employee in the due execution of his duties under this Bill, commits an offence and is liable on conviction for —

- (a) a first offence, to a fine of not less than five hundred thousand naira or to imprisonment for a term not exceeding two years or to both; and
- (b) a second or subsequent offence, to imprisonment for a term not less than five years.

***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: Prohibition of access to premises of the relevant agency**

(1) The relevant agency may, by notice in the Federal Gazette or in any other manner as it may be necessary in the circumstance, prohibit or restrict access to land or premises under the control of the relevant agency.

(2) The relevant agency may —

- (a) take or cause to be taken measures as it may consider necessary for the security of, or the application of, a prohibition of or a restriction on access to land or premises referred to in subsection (1) of this section; and
- (b) in connection with measures taken, cause notices to be published or warning notices to be erected as it may, in each particular case, consider necessary.

(3) A person who enters upon or is on land or premises in contravention of a prohibition or restriction under subsection (1) of this section, commits an offence and is liable on conviction to a fine of not less than five hundred thousand Naira or to imprisonment for a term not exceeding twelve months or to both.

**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: Unauthorized access to a witness**

A person who —

- (a) wilfully or negligently allows an unauthorized person to gain access to a witness;
- (b) wilfully or negligently discloses, in contravention of any provisions of this Bill —
  - (i) the identity of any protected person,
  - (ii) information that a particular protected person is under protection,
  - (iii) the place of safety or location where any person is under protection or has been relocated under this Act,
  - (iv) any information which could lead to the identification of any such person or any such place of safety,
  - (v) any information which undermines or compromises or could undermine or compromise the integrity of a witness protection arrangement under this Act, or
  - (vi) any information relating to the relocation or change of identity of a protected person; or
  - (vii) contravenes a provision of this Act, not already specified, commits an offence and is liable on conviction to a fine of not less one million naira or imprisonment for a period of not less than two years or to both.

**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.*

## PART VII — MISCELLANEOUS

**Clause 54: Legal proceedings**

- (1) No civil action shall be commenced against the Relevant agency or its authorised officers before the expiration of a period of thirty days after written notice of intention to commence the suit shall have been served on the Relevant agency by the intending plaintiff or his agent, and the notice shall clearly and explicitly state the —
  - (a) cause of action;
  - (b) particulars of the claim;
  - (c) name and place of abode of the intending plaintiff; and



(d) relief sought.

(2) The notice referred to in subsection (1) of this section and any summons, or other documents required or authorized to be served on the Relevant agency under this Bill or any other enactment or law, may be served by -

(a) delivering it to the office of the relevant agency; or

(b) sending it by registered mail to the postal address of the relevant agency.

***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: Non-compellability of witness**

Except as otherwise provided by an order of the Court, a person who acquires knowledge or information as a result of association or connection, duty or service with the Programme or the relevant agency shall not be compelled, in proceedings in a court, tribunal or commission of inquiry, to —

(a) produce any document; or

(b) divulge or communicate a matter or a thing, related to the exercise of functions under this Bill or the protection of witnesses included in the Programme.

***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: Restriction on execution against property of the relevant agency**

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

***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: Indemnity of officers of the relevant agency**

A member of the Council, head, officer or employee of the relevant agency shall be indemnified out of the assets of the relevant agency against any proceedings brought against him in his capacity as a member of the Council, head, officer or employee of the relevant agency where the act complained of is not ultra vires his powers.

***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.*

**Clause 58: Other laws not excluded**

The protection given by this Bill is in addition to, and does not derogate from, any privilege, protection, or immunity existing apart from this Bill under any other enactment passed by the National Assembly.

***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: Review of the operations of this Bill**

- (1) The Attorney-General shall carry out a review of the operation of this Bill five years after the commencement of this Bill, and shall, for purposes of the review, have regard to —
  - (a) the attainment of the purposes of this Bill;
  - (b) the administration of this Bill; and
  - (c) such other matters as appear to him to be relevant.
- (2) The Attorney-General shall prepare and submit to the President, a report based on the review made under subsection (1) of this section.

***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: Power to make regulations, etc.**

- (1) The relevant agency may, with the approval of the Attorney-General, make regulations for or with respect to any matter necessary or expedient to be prescribed for carrying out or giving effect to this Bill.
- (2) The Attorney - General may by order published in the Federal Gazette add to or remove an appropriate authority to the list contained in the Schedule to this Bill.

***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: Role of the Federal Ministry of Justice**

The Federal Ministry of Justice shall not later than three months after the coming into force of this Bill, take such steps as are necessary to bring into being the institutional structures of the Relevant agency pursuant to the provisions of this Bill.

***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.*

**Clause 62: Interpretation**

In this Bill, unless the context otherwise requires —

"appropriate authority" means a person or authority to which a public interest disclosure can be made or referred to for the purpose of investigation and contained in list in the Schedule to this Bill and includes the National Judicial Council or the Presiding Officer of a Legislative House.

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

"branch office" includes regional, state, or local offices;

"competent authority" means any person or authority contained in the list in the Schedule to this Bill with responsibility to investigate and prosecute any of the offences referred to in section 2 (1) (b) of this Bill;

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

"Court" means the Federal High Court, the High Court of a State or the High Court of the Federal Capital, Abuja;

"court proceedings" include any proceeding in a court or tribunal;

"detrimental action" includes action causing, comprising, or involving -

- (a) injury, damage, or loss;
- (b) intimidation or harassment;
- (c) adverse discrimination, disadvantage, or adverse treatment in relation to a person's career, profession, employment, trade, or business; or
- (d) a reprisal;

"employee" includes a public officer and a worker of a public sector contractor;

"employer" includes the Government of the Federation and a public sector contractor;

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

"head" means the head of the relevant agency under this Bill;

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

"Government" means the Federal Government of Nigeria;

"Judge" means a Judge of the Court;

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

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

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

"Programme" means the Witness Protection Programme established and maintained under Part II of this Bill;

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

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

"protected person" means a witness included in the Programme;

"public authority" means-

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

"public officer" means an officer in the service of the Federation and includes-

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

"public sector contractor" means —

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

"register of births" means a register of births maintained under the Births and Deaths Registration Act;

"register of deaths" means a register of deaths maintained under the Births and Deaths Registration Act;

"register of marriages" means —

- (a) a register maintained under any Act in which marriages are registered or recorded; or
- (b) an index, maintained under any Act, or certified copies of any such registers;

"witness" has the meaning ascribed to it under section 3 of this Bill;

"Witness Protection Officers" means..... and

"witness protection order" means an order of the Court under Part XIII of this Bill.

***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.*

**Clause 63: Short title**

This Bill may be cited as the Witness Protection and Management Bill, 2022.

***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.*

SCHEDULE

APPROPRIATE OR COMPETENT AUTHORITIES

- (1) For the purpose of this Bill, the appropriate or competent authorities includes where the witness protection relates to —
  - (a) an act or omission that constitutes an offence under a written law, it is made to a police officer;

- (b) an unauthorised or irregular use of, or substantial mismanagement of public resources, it is made to, the —
  - (i) Auditor-General of the Federation,
  - (ii) Economic and Financial Crimes Commission, or
  - (iii) Fiscal Responsibility Commission;
- (c) a case of corruption, gratification or related offence, it is made to the Independent Corrupt Practices and other related offences Commission;
- (d) a case of money laundering, economic or financial crime, it is made to the Economic and Financial Crimes Commission;
- (e) a case of terrorism or related activities, to the Department of State Security;
- (f) drugs and drug trafficking, to the National Drug Law Enforcement Agency;
- (g) the trafficking or violence against persons, to the National Agency for the Prohibition of Trafficking in Persons;
- (h) the violation of the customs and excise laws, it is made to the Nigeria Customs Service;
- (i) the violation of any law on the recovery of proceeds of crime, to any agency of the Federal Government responsible for the recovery of proceeds of crime under any law passed by the National Assembly;
- (j) income tax and related taxes, it is made to the Federal Inland Revenue Services;
- (k) a matter of administration of funds or assets of a Government Ministry, department, agency or office, it is made to a person who occupies a position specified under section 38 (1)(a) of this Bill in relation to the Ministry, department, agency or office concerned;
- (l) a person who holds an appointment made under the Police Act, it is made to the Inspector-General of Police;
- (m) a judicial officer, it is made to the National Judicial Council;
- (n) a legislator, it is made to the Presiding Officer of the Legislative House to which the legislator belongs;
- (o) an officer in the civil service of the Federation, it is made to the Federal Civil Service Commission;
- (p) a matter falling within the area of responsibility of a public authority, it is made to a person who occupies a position specified under section 38 (1) (a) of this Bill in relation to that authority; and
- (q) a person or a matter of a prescribed class, it is made to-

- (i) a person prescribed by an order of the Attorney-General under section 9 of this Bill to be a appropriate authority for the purposes of section 2 (1) (b) of this Bill in relation to the disclosure; or
- (ii) any other authority specified in this Bill or by regulations made under this Bill.
- (2) Where a "public interest disclosure" has the meaning given to it in section 3 of this Bill; disclosure falls within two or more paragraphs of this Schedule, then it is made to an appropriate or competent authority if made to any or all of the authorities contemplated by the applicable paragraphs.

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

Chairman to report Bill.

**(SENATE IN PLENARY)**

The President of the Senate reported that the Senate, in the Committee of the Whole, considered A Bill for an Act to Provide the Framework for the Support, Management and Protection of Witnesses Who Provide Information, Evidence or Any Other Assistance to Law Enforcement Agencies During Inquiries, Investigations or Prosecution; and for Related Matters, 2022 and approved as follows:

Clauses 1-63 — As Recommended

Schedule — As Recommended

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

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

*Question put and agreed to.*

*Bill accordingly Read the Third Time and Passed.*

**11. Motion:**

*Pay-Tv Tariff Hikes and Demand for Pay-Per-View subscription model:*

*Motion made:* That the Senate notes with great concern the uproar within the public over tariff hikes, price increases by Pay-TV service providers on their bouquets;

*notes* that the leading pay-tv service provider in Nigeria, (Multi Choice Nigeria) informed all DStv compact subscribers on August 22, 2020 to expect a 13.3% price increase to ₦7,900 up from ₦6,975 commencing from September 1, 2020; while the subscription fee for DStv compact plus was increased by 9.8% from ₦10,925 to ₦12,000, and DStv premium was increased from ₦16,200 to ₦18,400 indicating a 13.6% hike;

*notes also* that Multi Choice Nigeria willfully and perpetually increases the cost of its bundles because there is no regulation whatsoever in the area of fixing rates;

*notes further* that as usual, without recourse to the economic situation of the country Multi Choice has again raised the cost of its DStv and GOtv bundles as follows, DStv Premium (₦21,000), Compact+ (₦14,250), Compact (₦9,000), Confam (₦5,300), Yanga (₦2,950), Padi (₦2,150), Business (₦2,669), Xtraview+ PVR access fee (₦2,900). Those of GOtv are as follows; GOtv Max (₦4,150), GOtv Jolli (₦2,669), GOtv Jinja (₦1,900), GOtv Lite (₦900);

*aware* that thousands of pay-tv subscribers in Nigeria have bitterly reacted to this development on different social media platforms, ranging from deep shock to pure outrage with many asking the Nigerian government to checkmate the activities of pay-tv service providers in Nigeria especially in the area of fixing prices;

*aware also* that pay-tv services are subscription-based television services, usually provided by both analogue and digital cable and satellite televisions;

*recalls* that in Nigeria, entertainment was only about tuning in and watching any terrestrial channel one could reach;

*recalls also* that the launch of a pay-tv service provider in 1996 began a gradual change of the narrative;

*recalls further* that in the 2000s other pay-tv options found their way into the country breaking the monopoly of the only existing one in the late 1990s;

*notes again* that among the bitter complaints of Nigerian subscribers of pay-tv services is the poor network service experienced as a result of bad weather/ epileptic electricity supply, which sometimes makes a whole month subscription wasteful without the subscriber watching anything before the expiration;

*notes once more* that Nigerians are demanding that, rather than paying fixed rates for packages monthly, pay-tv service providers should introduce a subscription model which allows subscribers pay per-view to enable them match their TV consumption to subscription as it is the case with electricity metering and mobile telephony; and

*notes finally* that what pay-per-view Nigerians are asking for does not have same meaning as that which applies to a one-off broadcast of high stakes games, such as football, boxing and wrestling matches but a flexible model plan of subscription which allows subscribers of pay-tv to pay-per watch, to avoid paying for services which they do not consume.

*The Senate accordingly resolves to:*

- (i) urge the Federal Ministry of Communications and Digital Economy and the Nigerian Communications Commission to direct all pay-tv providers to introduce a pay-per-view model of subscription as against the month to month prepaid model presently in place; and
- (ii) urge all pay-tv service providers in Nigeria to immediately review their bouquet prices downwards in tandem with the prevailing reality of the economic situation in the country (*Senator Patrick A. Moro — Benue South*).

*Debate:*

***Proposed Resolution(i):***

*Question:* That the Senate do urge the Federal Ministry of Communications and Digital Economy, and the Nigerian Communications Commission to direct all pay-tv providers to introduce a pay-per-view model of subscription as against the month to month prepaid model presently in place — *Agreed to.*

***Proposed Resolution(ii):***

*Question:* That the Senate do urge all pay-tv service providers in Nigeria to immediately review their bouquet prices downwards in tandem with the prevailing reality of the economic situation in the country — *Agreed to.*



**Additional Proposed Resolution**

*Insert Additional Proposed Resolution as follows:*

“That the Senate do set up *an ad hoc* Committee to embark on a full scale investigation on the pricing activities of DSTv (Multi Choice Nigeria) in Nigeria to bring it in line with its international practice and report within one (1) month” (*Senator Yusuf A. Yusuf — Taraba Central*).

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

*Resolved:*

That the Senate do:

- (i) urge the Federal Ministry of Communications and Digital Economy, and the Nigerian Communications Commission to direct all pay-tv providers to introduce a pay-per-view model of subscription as against the month to month prepaid model presently in place;
- (ii) urge all pay-tv service providers in Nigeria to immediately review their bouquet prices downwards in tandem with the prevailing reality of the economic situation in the country; and
- (iii) set up *an ad hoc* Committee to embark on a full scale investigation on the pricing activities of DSTv (Multi Choice Nigeria) in Nigeria to bring it in line with its international practice and report within one (1) month (*S/Res/083/03/22*).

***Ad hoc Committee:***

The President of the Senate named the following Senators as Members of the *Ad hoc* Committee on Pay-TV Tariff Hikes:

- |       |                              |   |          |
|-------|------------------------------|---|----------|
| (i)   | Senator Aliyu S. Abdullahi   | — | Chairman |
| (ii)  | Senator Suleiman A. Kwari    | — | Member   |
| (iii) | Senator Oluremi S. Tinubu    | — | Member   |
| (iv)  | Senator Yusuf A. Yusuf       | — | Member   |
| (v)   | Senator Olalekan R. Mustapha | — | Member   |
| (vi)  | Senator Chukwuka G. Utazi    | — | Member   |
| (vii) | Senator Akon E. Eyakenyi     | — | Member   |

12. **Raw Materials Research and Development Council Act, 2022 (HB. 47) — Concurrence:**  
*Motion made:* That A Bill for an Act to Repeal the Raw Materials Research and Development Council Act, Cap R3 LFN 2004 and to Enact the Raw Materials Research and Development Council and for Other Related Matters, 2022 be read the Second Time (*Senate Leader*).

*Debate:*

*Question put and agreed to.*

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

*Motion made:* Pursuant to Order 80 (1), that the Senate do resolve into the Committee of the Whole to Consider A Bill for an Act to Repeal the Raw Materials Research and Development Council Act, Cap R3 LFN 2004 and to Enact the Raw Materials Research and Development Council and for Other Related Matters, 2022.

*Question put and agreed to.*

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO REPEAL THE RAW MATERIALS RESEARCH AND DEVELOPMENT COUNCIL ACT, CAP R3 LFN 2004 AND TO ENACT THE RAW MATERIALS

## RESEARCH AND DEVELOPMENT COUNCIL AND FOR OTHER RELATED MATTERS, 2022.

**Clause 1: Establishment of the Raw Materials Research and Development Council**

- (1) There is established a body to be known as the Raw Materials Research and Development Council of Nigeria (in this Act referred to as "the Council").
- (2) The Council —
  - (a) shall be a body corporate with perpetual succession and a common seal
  - (b) may sue and be sued in its corporate name; and
  - (c) may acquire, hold or dispose of any property, movable or immovable, for the purpose of carrying out any of its functions under this Act.

**Committee's Recommendation:**

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

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

**Clause 2: Objectives of the Council**

The objective of the Council is to develop local raw materials and coordinate research efforts in relation to raw materials acquisition, exploitation, conservation and development.

**Committee's Recommendation:**

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

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

**Clause 3: Functions of the Council**

The functions of the Council shall be to —

- (a) undertake measures to ensure the systematic exploitation, development and utilization of Nigeria's raw material resources;
- (b) draw up policy guidelines and action programmes on raw materials acquisition, exploitation and development;
- (c) review from time to time, raw material resources availability and utilization with a view to advising the Federal Government on the strategic implication of depletion, conservation or stock-piling of such resources;
- (d) advise on adoption of machinery and processes for raw material utilization;
- (e) encourage publicity of research findings and other information relevant to local sourcing of industries;
- (f) encourage growth of in-plant research and development capabilities;
- (g) advise on and devise awards or systems for industries that achieve any break-through or make innovations and inventions;

- (h) organize workshops, symposia and seminars, from time to time, designed to enlighten people on new developments and solutions discovered;
- (i) consider and advise on special research grants for specific objectives; and
- (j) undertake research and development on local raw materials for utilization by industries;
- (k) liaise with relevant regulatory agencies for the standardization of raw materials to meet industrial specification;
- (l) promote Nigeria's competitiveness in raw materials and products development;
- (m) establish raw materials analysis and certification laboratories for use by industries;
- (n) consider and advise on any other issue capable of enhancing the objectives of the Council.

***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: Establishment of the Governing Board of the Council.**

- (1) There is established for the Council a Governing Board (hereinafter referred to as "the Board") which shall consist of —
  - (a) a Chairman to be appointed by the President on the recommendation of the Minister and the following other Members to be appointed by the Minister on the Recommendation of the body they represent;
  - (b) a representative of the Federal Ministry of Science and Technology.
  - (c) a representative of the Manufacturers Association of Nigeria;
  - (d) a representative of the Nigerian Association of Small Scale Industrialists;
  - (e) a representative of the Nigerian Association of Chambers of Commerce, Industry, Mines and Agriculture;
  - (f) a representative of the Federal Ministry responsible for Commerce, Industry, Trade and Investment;
  - (g) a representative of the Ministry responsible for National Planning;
  - (h) a representative of the Ministry responsible for Defence;
  - (i) a representative of the Federal Ministry responsible for Agriculture and Rural Development;

- (j) a representative of the Federal Ministry responsible for Minerals Development;
  - (k) the Director-General of the Council who shall be a Member/Secretary of the Board.
- (2) The members of the Board, other than the Director-General shall serve on part-time basis and the Chairman shall be a person with vast experience in raw materials acquisition, exploitation, conservation and development in Nigeria.

*Schedule.*

- (3) The provisions contained in the First Schedule of this Act shall have effect with respect to the proceedings of the Board and any other matters mentioned therein.

***Committee's Recommendation:***

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

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

**Clause 5: Functions of the Board**

The functions of the Board shall be to —

- (a) formulate the policies of the Council;
- (b) consider and approve Appointment of Directors and other staff of the Council; and
- (c) perform such other functions as are necessary and to the extent of its powers under this Act.

***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: Tenure of office of board members**

Subject to the provisions of this Act, a member of the Board other than an ex-officio member shall hold office for a period of four years from the date of his appointment and may be reappointed for another term of four years and no more.

***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: Remuneration and allowances for members of the board.**

The Chairman and other members of the Board shall be paid allowances and expenses as the Federal Government may, from time to time direct and approve.

***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: Cessation of membership**

- (1) The Chairman or any member of the Governing Board of the Council shall cease to hold office where —
  - (a) he becomes of unsound mind; or
  - (b) he is declared bankrupt by a court of competent jurisdiction; or
  - (c) he is convicted of a felony or of any offence involving dishonesty or corruption; or
  - (d) he is found guilty under the Code of Conduct or serious misconduct in relation to his duties; or
  - (e) the President of the Federal Republic of Nigeria is satisfied that it is not in the best interest of the Council or of the public for such member to continue in office; or
  - (f) he resigns his appointment as a member of the Board; or by notice under his hand addressed to the President of the Federal Republic of Nigeria; or
  - (g) he ceases to occupy the position that enabled him to represent his organization in the first instance.
- (2) Where a person ceases to be a member under subsection (1) of this section, the body which he represents shall send a representative to serve out the remainder of the tenure of that member.
- (3) A person who has ceased to be a member of the Board shall not be eligible for reappointment as a member of the Board.

**Committee's Recommendation:**

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

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

**Clause 9: Appointment of the Director-General of the Council.**

- (1) There shall be appointed for the Council, a Director-General, who shall be the Chief Executive Officer of the Council.
- (2) The Director-General shall —
  - (a) be appointed by the President on the recommendation of the Board through the Minister responsible for Science and Technology;
  - (b) be a person who possess not less than 18 years post qualification experience in Science, Engineering and Technology subjects with vast cognate experience in raw materials acquisition, exploitation, conservation and development;
  - (c) be responsible to the Board for the management of the affairs of the Council;

- (d) be entitled to earn a remuneration and allowances as may be specified in his letter of appointment; and
  - (e) hold office for a term of five years in the first instance and may be re-appointed for another term of five years and no more.
- (3) The Director-General shall, subject to the general direction of the Board, be responsible —
- (a) for the day-to-day administration of the Council;
  - (b) for keeping the books and proper records of the proceedings of the Board;
  - (c) for the administration of the secretariat of the Board: and
  - (d) for the general direction and control of the employees of the Council.
- (4) The Director-General shall execute the seal of the Council.

***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: Other staff of the Council**

There shall be appointed from time to time by the Council, with the approval of the Board such other staff as may be required for the purpose of the efficient performance of the functions conferred under this Act

***Committee's Recommendation:***

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

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

**Clause 11: Staff regulations**

The Board may make regulations relating generally to the conditions and scheme of service of the staff of the Council and such regulations may provide for —

- (a) the appointment, promotion, termination, dismissal and disciplinary control over the staff of the Council;
- (b) remuneration and fringe benefits subject, to the approval of the National Salaries Incomes and Wages Commission; and
- (c) appeals by staff against dismissal or other disciplinary measures.

***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: Fund of the Council**

- (1) The Council shall establish and maintain a fund ("the Fund") which shall consist of —

- (a) such sums as may be appropriated to the Council by the Federal Government;
  - (b) two per cent surcharge on imports;
  - (c) fees charged for services rendered by the Council;
  - (d) contributions from the organized private sector;
  - (e) all sums accruing to the Council by way of gifts, testamentary disposition, endowments, contributions from philanthropic persons and donor agencies.
- (2) The Council shall from time to time apply the Fund towards the promotion of the objectives specified in this Act.

**Committee's Recommendation:**

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

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

**Clause 13: Annual estimates and accounts**

- (1) The Board shall cause to be prepared not later than 6 months to the end of each financial year an estimate of the expenditure and income of the Council during the next financial year based on guidelines approved by the Board in line with extant financial regulations.
- (2) The Board shall cause to be kept, proper accounts of the Council and proper records in relation thereto and when certified by the Board, such accounts shall be audited as provided in Section 15 of this Act

**Committee's Recommendation:**

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

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

**Clause 14: Annual audit**

The accounts of the Council shall be audited within six months after the end of each financial year by external auditors appointed from the list of auditors and in accordance with the guidelines supplied by the Auditor-General of the Federation

**Committee's Recommendation:**

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

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

**Clause 15: Borrowing power of the Council**

- (1) The Council shall, with the approval of the Board and consent of the Minister in accordance with any general guidelines approved by the financial regulations, borrow by way of loan or overdraft from any source any moneys required by the Council for meeting its obligations and discharging its functions under this Act,

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

***Committee's Recommendation:***

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

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

**Clause 16: Annual report**

The Council shall not later than three months to the end of each financial year submit to the Board or the Minister (in the absence of the Board), a report on activities of the Council and its administration during the immediately preceding financial year

***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 may, with the approval of the Board or the Minister (in the absence of the Board), make regulations generally for the purpose of carrying into effect the provisions of this Act;
- (2) The Council with the approval of the Board or consent of the Minister (in the absence of the Board) may make such regulations as are necessary for the development, promotion, protection, utilization of local raw materials and for due administration of its provisions.

***Committee's Recommendation:***

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

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

**Clause 18: Power to accept gifts.**

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

***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: Legal proceedings.**

- (1) No suit shall be commenced against the Council before the expiration of a period of one month after written notice of intention to commence the suit shall have been served on the Council.
- (2) The notice shall specify the Plaintiff or his Agent and clearly state the —
  - (a) cause of action;
  - (b) particulars of the claims;
  - (c) name and place of abode of the intending plaintiff; and
  - (d) the relief sought in the claim.
- (3) The notice referred to in subsection (1) of this section in relation to any summons, notice or other document required or authorized to be served on the Council under the provision of this Act or any other enactment or law, may be served by —
  - (a) delivering same to the Director-General; or
  - (b) sending it by registered post addressed to the Director-General at the head office of the Council.

**Committee's Recommendation:**

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

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

**Clause 20: Restriction on execution against the property of the Council**

In any action or suit against the Council, no execution or attachment or process in the nature thereof shall be issued against the Council, but any sums of money which may, by the judgment of the court, be awarded against the Council shall, subject to any directions given by the Council, be paid from the general reserve fund of the Council

**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: Indemnity of officers of the Council**

A member of the Board, Director-General or employee of the Council shall be indemnified out of the assets of the Council against any proceedings brought against him in his capacity as a member of the Board, Director-General, officer or employee of the Council where the act complained of is not ultra vires his power.

**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: Repeal**

The Raw Materials Research and Development Council Act 2004 is hereby repealed.

**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: Savings.**

- (1) A person who at the commencement of this Act was a member of staff or an employee of the Raw Materials Research and Development Council, shall as from the commencement of this Act become a member of staff or employee of the Council with the status, rank, designation and functions which corresponds as far as possible to those which appertained to him as a member of staff or employee of the Raw Materials Research and Development Council.
- (2) All assets, rights, liabilities and obligations which immediately before the commencement of this Act were assets, rights, liabilities and obligations of the Raw Materials Research and Development Council shall by virtue of this Act, be taken over by the Council.
- (3) Anything made or done or having effect before the commencement of this Act by the Raw Materials Research and Development Council and having any resulting or continuing effect shall be treated as from the commencement of this Act, as if it were made or done by the Council.

**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: Interpretation**

In this Bill, unless the context otherwise requires —

"President" - means the President of the Federal Republic of Nigeria.

"Council" - means the Raw Materials Research and Development Council.

"Board" - means the Governing Board of the Council.

"Chairman" - means the Chairman of the Board.

"Minister" - means the Minister charged with the responsibility for Science and Technology.

"Member" - means any Member of the Board including the Chairman.

"Local raw material"- means any unprocessed or processed material indigenous to Nigeria that can be converted by manufacture, processing or combination into a new and useful product.

**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: Citation.**

This Bill may be cited as the Raw Materials Research and Development Council Bill, 2022.

**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.*

## SCHEDULE

## SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

*Section 4(3)***Proceedings of the Board**

1. Subject to this Act and to section 27 of the Interpretation Act (which provides for the decisions of a statutory body to be taken by a majority of the members of the body and for the person presiding to have a second or casting vote), the Board may make standing orders regulating the proceedings of the Board and any committee thereof.
2. Every meeting of the Board shall be presided over by the Chairman or if the Chairman is unable to attend a particular meeting, the members present at the meeting shall elect one of their members to preside at that meeting.
3. The Board shall meet not less than four times in each year and, subject thereto, the Board shall meet whenever it is summoned by the Chairman; and if the Chairman is required to do so by notice given to him by not less than three other members, he shall summon a meeting of the Board to be held within fourteen days from the date on which the notice is given.
4. The quorum of the Board shall consist of the Chairman (or, in an appropriate case, the person presiding at the meeting pursuant to paragraph 2 of this Schedule) and six other members and the quorum of any committee of the Board shall be determined by the Board.
5. 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 sub-paragraph shall not be entitled to vote at any meeting of the Board and shall not count towards the quorum.
6. Notwithstanding anything in the foregoing provisions of this paragraph, the first meeting of the Board shall be summoned by the Minister.

**Committee**

7. (1) Subject to its standing orders, the Board may appoint one or more committees to carry out on behalf of the Board such of its functions as the Board may determine.
- (2) Every committee appointed under the provisions of sub-paragraph (1) of this Paragraph, shall consist of such number of persons (not necessarily all members of Board) as may be determined by the Board and a person other than a member of the Board shall hold office on the committee in accordance with the terms of his appointment.
- (3) A decision of a committee of the Board shall be of no effect until it is confirmed by the Board.

**Miscellaneous**

8. The fixing of seal of the Council shall be authenticated by the signature of the Director-General and any other staff authorized generally or specially by the Board to act for that purpose.
9. 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 Council by the Director-General or any person generally or specifically authorized by the Board to act for that purpose.
10. Members of the Board shall be paid such remuneration or allowances as may be approved from time to time by the President.
11. The validity of any proceedings of the Board or of a committee thereof shall not be adversely affected by —
  - (i) any vacancy in the membership of the Board; or
  - (ii) any defect in the appointment of a member of the Board or committee; or
  - (iii) reason that a person not entitled to do so, took part in the proceedings.
12. Any member of the Board and any person holding office on a committee of the Board, who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Board or a committee thereof shall forthwith disclose his interest to the Board or committee and shall not vote on any question relating to the contract or arrangement.

*Question that the provision in this Schedule Stand part of this Bill, — Agreed to.*

Chairman to report Bill.

**(SENATE IN PLENARY)**

The President of the Senate reported that the Senate, in the Committee of the Whole, considered A Bill for an Act to Repeal the Raw Materials Research and Development Council Act, Cap R3 LFN 2004 and to Enact the Raw Materials Research and Development Council and for Other Related Matters, 2022 and approved as follows:

Clauses 1-25	—	As Recommended
Schedule	—	As Recommended

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

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

*Question put and agreed to.*

*Bill accordingly Read the Third Time and Passed.*

13. **Fisheries Institute of Nigeria (Establishment) Bill, 2022 (HB. 896) — Concurrence:**  
*Motion made:* That a Bill for an Act to Establish the Fisheries Institute of Nigeria Charged with Responsibility for Registration and Discipline of Members of the Profession; and for Related Matters, 2022 be read the Second Time (*Senate Leader*).

*Debate:*

*Question put and agreed to.*

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

*Motion made:* Pursuant to Order 80 (1), that the Senate do resolve into the Committee of the Whole to Consider a Bill for an Act to Establish the Fisheries Institute of Nigeria Charged with Responsibility for Registration and Discipline of Members of the Profession; and for Related Matters, 2022 (*Senate Leader*).

*Question put and agreed to.*

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF THE REPORT ON A BILL FOR AN ACT TO ESTABLISH THE FISHERIES INSTITUTE OF NIGERIA CHARGED WITH RESPONSIBILITY FOR REGISTRATION AND DISCIPLINE OF MEMBERS OF THE PROFESSION; AND FOR RELATED MATTERS, 2022

PART I — ESTABLISHMENT OF THE FISHERIES INSTITUTE OF NIGERIA

**Clause 1: Establishment of the Institute.**

- (1) There is established the Fisheries Institute of Nigeria (in this Bill referred to as "the Institute").
- (2) The Institute —
  - (a) is a body corporate with —
    - (i) perpetual succession; and
    - (ii) a common seal which shall be kept in such custody as the Council may direct;
  - (b) may sue and be sued in its corporate name;
  - (c) may hold, acquire and dispose of any property movable or immovable; and
  - (d) shall be the highest professional body of the Fisheries Science in Nigeria.

***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: General duty of the Institute.**

The Institute has the general duty to —

- (a) determine members of the Fisheries Profession;
- (b) determine what standards of knowledge and skills to be attained by persons seeking to become registered as Individuals, Corporate and Affiliates members of the Fisheries Institute and reviewing those standards, from time to time, as circumstances may require;
- (c) train and be the capacity building body of the Fishery Society of Nigeria;

- (d) regulate the syllabuses of academic and professional programme of fisheries in tertiary institutions in Nigeria;
- (e) be the administrator of certification, accreditation, project programmes, production centres and facilities nationwide;
- (f) in consultation with state chapters of the fisheries society of Nigeria develop, moderate, and implement the annual work plan for capacity training and resources of the fisheries society of Nigeria;
- (g) regulate and control the practice of Fisheries Profession in Nigeria;
- (h) secure in accordance with the provisions of this Bill, the establishment and maintenance of the register of individuals, corporate and affiliate members of the profession and the publication, of the list of those members;
- (i) maintain in accordance with this Bill, discipline within the Profession;
- (j) promote the production of fishes;
- (k) ensure that Fisheries science practitioners in Nigeria uphold the ethics of the Profession and guarantee the production of high quality of fish;
- (l) affiliate with any relevant association in fish production either locally or internationally;
- (m) educate the public on the activities of the fisheries society; and
- (n) perform, through the Council, such other functions conferred on it by the 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: Powers of the Institute.**

The Institute shall have power to —

- (a) promote the professional and practitioner development of all categories of aquaculture, capture fisheries and post-harvest management sub-sectors of operations, as well as fisheries research and development in Nigeria;
- (b) promote necessary fora for the productive interaction of individuals and corporate stakeholders, organisations involved in Aquaculture, capture fisheries, post-harvest management sub sector and related development activities in Nigeria;
- (c) collate, publish and disseminate information for sustainable development of fisheries sector in Nigeria;
- (d) establish the necessary organisation for the proper and efficient conduct of the affairs of the Institute;

- (e) provide regulations for staff of the Institute as well as welfare scheme for the staff;
- (f) do such other acts or things as may be necessary for the performance of the functions of the Institute.

**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: Members of the Institute.**

- (1) Subject to the provisions of this Bill, persons admitted to membership of the Institute shall be registered as member in the category of —
  - (a) individuals —
    - (i) associate members (AM);
    - (ii) graduate members (GM);
    - (iii) professional members (MFS); or
    - (iv) Chartered Fisheries Scientists (CFS);
  - (b) cooperates; and
  - (c) affiliates.
- (2) A person registered under this Bill as a member of the Institute shall be entitled to be enrolled as an individual in the following category —
  - (a) as an Associate Member (AM), if he satisfies the Council that he has obtained a minimum of a National Diploma in Fisheries or is a graduate of other related disciplines including Zoology, Animal Science, Microbiology, Veterinary Medicine, etc. from recognised institutions;
  - (b) as a Graduate Member (GM), if he satisfies the Council that he has been formally inducted by the Institute having completed a programme leading to Higher National Diploma in fisheries or Bachelor Degree in Fisheries or Aquaculture from a recognised Institution and is assigned an enrolment number that will be revalidated with a professional number after two years post National Youth Service Corps (NYSC);
  - (c) as a Professional Member (PM), if he satisfies the Council that he has obtained Higher National Diploma (HND), a Bachelor of Science, B.Tech or Bachelor of Agriculture (B. Agric) in fisheries, Aquaculture and shall be entitled to the award of "Member of the Fisheries Institute" (MFI) and an enrolment number after 3 year of consecutive participation at the Annual National Conference of the Institute;
  - (d) as a Chartered Fisheries Scientist (CFS), if he satisfies the Council by passing the qualifying examination to ascertain that he has fulfilled the requirement for charter registration as set by the Institute and be entitled to the award of "Chartered Fisheries Scientist (CFS)" and the use of Consultant's stamp

for endorsing documents on all relevant professional or specialist assignments.

- (3) The Institute may register a member as a Corporate member and Corporate membership includes all corporate organisations, agencies with the award of a registration number in the under listed categories —
- (a) fishing Companies, Fish Feed Exporters or Importers;
  - (b) industrial fish farms, fisheries equipment suppliers or distributors companies, Feed Millers;
  - (c) fisheries, Commodities Vendors and Service agencies or organisations; and
  - (d) individually-owned Cooperative fish farms, Cooperative Estate Unions, Cooperative Fisheries, Fish Farms Projects.
- (4) The Institute may register a member as an Affiliate Member if such member has been formally admitted into the Institute under an approval schedule or guidelines set by the Institute.
- (5) A person shall, when enrolled or registered, as the case may be, receive a certificate in such form as the Institute may approve for the purpose.

***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 II — ESTABLISHMENT AND FUNCTIONS OF THE COUNCIL

**Clause 5: Establishment of the Council.**

- (1) There is established a governing body of the Institute (in this Bill referred to as "the Council") which shall be the highest policy body of the Institute.
- (2) The Council shall consist of —
- (a) the Chairman of the Board of Trustees who shall be the Chairman;
  - (b) the immediate Past President of the Society (FISON);
  - (c) the Chairman Council of fellows;
  - (d) the National President, Fisheries Society of Nigeria (FISON) who shall be the Vice-Chairman;
  - (e) the Vice President (FIN and Linkages) FISON;
  - (f) the Registrar of the Institute;
  - (g) the Minister of Agriculture or his representative;
  - (h) the Minister of Education or his representative;



- (i) the Minister of Environment or his representative;
  - (j) the Minister of Water Resources or his representative;
  - (k) the Executive Director, National Institute for Freshwater Fisheries Research;
  - (l) the Executive Director, National Institute for Oceanography and Marine Research;
  - (m) one representative of the Nigerian Chamber of Commerce, Industry, Mines and Agriculture to be appointed by the Chamber;
  - (n) one person to be elected by the Institute to represent agro-allied industries;
  - (o) three persons to be appointed by the Institute to represent the various polytechnics, colleges and universities studying agriculture in Nigeria;
  - (p) the Registrar of the Institute who shall be the Secretary to the Council; and
  - (q) the Executive Directors of Any other Research Institutes relevant to Fisheries that may be created in from time to time.
- (3) The provisions of Second Schedule to this Bill shall have effect with respect to the qualification and tenure of office of members of the Council and the other related matters.

***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:**
- (1) The term of office of a member of the Council other than an ex-officio member shall be three years but such member shall at the end of that term be eligible for another term of three years and no more.
  - (2) The office of a member of the Council shall become vacant if the member —
    - (a) resigns his office, by notice under his hand, addressed to the Council;
    - (b) is removed from office by the Council, by reason of his professional misconduct, physical or mental infirmity; or
    - (c) without leave of the Council, absents himself from three consecutive meetings of the Council or death.

***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: Establishment of the Council of Fellows.**

- (1) There is established for the Institute a Council of Fellows.
- (2) The Council of Fellows shall —
  - (a) be a professional advisory body for the maintenance of the Professional traditions and norms of the Institute;
  - (b) have statutory and moderator responsibility on the programme and policies of the Institute; and
  - (c) advice on the composition of the appropriate positions and professional activities of the Institute.
- (3) The Council shall keep and maintain a register for the Institute for appointment of fit and proper person by the Registrar in these categories—
  - (a) Chartered members as Distinguished Fellow; and
  - (b) Honorary Fellow.
- (4) A person is eligible to be admitted as a Distinguished Fellow, if the person holds a bachelor degree or a higher national diploma in Fisheries and Aquaculture from a recognised institution and has passed the requisite examination of the Institute and shall not be less than 10 years as a Chartered Fisheries Scientist (CFS).
- (5) An Associate or Corporate member who has contributed immensely through research, publications and experience towards the growth of Fisheries or other areas of Agriculture generally in Nigeria is eligible to be admitted as an Honorary Fellow.

***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: Charter registration.**

- (1) The Institute shall undertake the charter registration of professional members of the Institute.
- (2) The Charter registration of professional members shall be managed by the Programme Management Unit (PMU) of the Institute.
- (3) The Programme Management Unit of the Institute shall consist of the —
  - (a) Registrar;
  - (b) Deputy Registrar;
  - (c) Bursar;
  - (d) Librarian;
  - (e) Coordinator, examinations and Records; and

- (f) Heads of Capture Fisheries, Aquaculture and Management Technology, Fisheries Resources Management and Extension units of the Institute.
- (4) The members of the Programme Management Unit (PMU) shall be —
- (a) appointed on the recommendation of the Council and in consultation with the Council of Fellows; and
- (b) serve for a period of five years only and no more.
- (5) A professional member of the Institute shall be qualified for registration if he makes an application for charter registration provided that the evidence of qualification shows that he —
- (a) has passed the requisite examinations and formally applied to be so registered;
- (b) is of good character;
- (c) has the basic educational qualifications required by the Institute;
- (d) has not been convicted in Nigeria or elsewhere; and
- (e) has fulfilled all his financial obligations.
- (6) The Institute shall, from time to time, publish particulars of qualification acceptable to the Institute for Charter registration.

***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: Registration of fisheries consultants.**

- (1) Subject to any rules made by the Institute, a member shall be entitled to be registered as a Fisheries Consultant if —
- (a) he is prima facie qualified for enrolment as a Professional member having passed the prescribed examinations of the Institute; and
- (b) shall provide professional stamps for its Charter Fisheries Scientists as Fisheries Consultants.
- (2) The Institute shall, in collaboration with the Department of Fisheries, Federal Ministry of Agriculture, issue Fisheries competence certificates as well as products endorsement in respect of —
- (a) cold-rooms and cold-storage centres;
- (b) fish markets and fish marketers;
- (c) fish enclosures and farms infrastructure;
- (d) fish processing and fish handling centres;
- (e) fishing vessels, boats and crafts;

- (f) fish hatcheries and brood fish centres;
  - (g) fish feed vending and feed milling centres;
  - (h) fisheries commodities sales and service centres;
  - (i) other fisheries production and operations companies, agencies, facilities and utilities;
  - (j) fisheries cooperatives production centres;
  - (k) fisheries artisans; and
  - (l) fisheries service providers.
- (3) The Institute shall undertake professional training and empowerment activities which includes —
- (a) practical training and building capacity centres;
  - (b) tutorial and providing professional training Units;
  - (c) development of training materials;
  - (d) provision of research support monitoring schedules;
  - (e) fisheries Cooperatives Societies Empowerment;
  - (f) collaborative certification training and assignments;
  - (g) fisheries consultancy reports inventory;
  - (h) participatory consultancy application support services based on formal application; and
  - (i) project management services, monitoring supervision, evaluation intervention and undertakings based on formal application.

The FIN is entitled to —

- (i) granting of compulsory attestation to all expatriate quota for Fisheries and Aquaculture practitioners such as crew members in industrial fisheries and farm managers, that there are no qualified and competent Nigerians for the jobs in question at the time of application and that granting of the expatriate quota shall be contingent on training of such number of persons as may be required for the execution of the jobs; and
- (ii) ensuring that, before being allowed to practice in Nigeria, such foreign practitioners granted work permit, register with FIN, and obtain such licenses as may be required from time to time;
- (iii) investigating fisheries and aquaculture industries failures;

- (iv) maintain a fund into which shall be paid money appropriated by the National Assembly, subventions, fees, charges for services rendered or publications made, donations, fisheries and aquaculture development levies, among others.
- (4) The Institute shall, on the recommendation of the programme managers unit, appoint state coordinators from the list of financial professional members, train and accredit the state coordinators and the state coordinators shall be appointed for three years only.

***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.*

PART III — FINANCIAL PROVISIONS

**Clause 10: Fund of the Institute.**

- (1) There is established for the Institute a fund (in this Bill referred to as "the Fund") which shall be managed and controlled by the Council.
- (2) There shall be paid into the Fund —
- (a) all fees and other money payable to the Institute under this Bill;
  - (b) contributions, levies, subscriptions, fees and other dues paid by the members;
  - (c) revenue accruing to the Institute from its investments, activities and services; and
  - (d) grants, endowments and donations from Governments, agencies, organisations, benefactors and other donors.

***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: Bank account.**

The funds of the Institute shall be paid into an account in a reputable bank approved by the Council and no instrument for the withdrawal of any money from the bank shall be valid unless it is authenticated by the signatures of the Chairman and the Registrar or by the signatures of such officers of the Institute as may be approved by the Council.

***Committee's Recommendation:***

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

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

**Clause 12: Investment.**

The Institute may subject to such terms and conditions as the Council may approve, invest any part of its funds in any securities and may, at any time, dispose of such money as the Council may require for performing any of the functions or exercising the power of the Institute.

**Committee's Recommendation:**

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

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

**Clause 13: Borrowing power.**

The Institute may subject to such terms and conditions as the Council may approve, borrow such money as the Council may require for performing any of the functions or exercising the power of the Institute.

**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: Accounts of the Institute.**

- (1) The Institute shall keep and maintain proper accounts of its income and expenditure and shall by the 30 day of September of each year submit such account to be audited by any auditor approved by the Accountant-General of the Federation.
- (2) The audited accounts by the Institute and the auditor's report thereon shall, not later than the 31 day of December of each year, be submitted by the Institute to the Minister of Agriculture who shall immediately lay them before each chamber of the National Assembly.

**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.*

**PART IV — THE REGISTRAR AND THE REGISTER****Clause 15: Appointment of Registrar.**

- (1) The Council shall appoint a fit and proper person to be the Registrar of the Institute for the purpose of this Bill.
- (2) The Registrar shall, in addition to his other functions under this Bill, be the Secretary to the Council and shall, on the instruction of the Chairman of the Institute or any Committee of the Council, convene and keep minutes of the proceedings at all meetings of the Council and its Committees.
- (3) The Council may appoint such other persons to be employees of the Institute as the Council may determine to assist the Registrar in the execution of his functions under this Bill.
- (4) The Registrar shall prepare and maintain, in accordance with the rules and regulations made by the Council, a register of the names, addresses, approved qualifications and such other qualifications and

particulars as may be specified in the rule, of all persons who are entitled in accordance with the provisions of this Bill.

- (5) Subject to the provisions of this Bill, the Council shall make rules with respect to the form and keeping of the registers and the making of entries in the register and in specifying —
- (a) the fees including annual subscriptions, to be paid to the Institute in respect of the entry of names on the register and authorising the Registrar to refuse to enter a name in the register until any fees specified for the entry has been paid; and
  - (b) anything not specified under the provisions of this section, but rules made for the purpose of paragraph (a) shall not come into effect until they are confirmed at a meeting of the Institute.
- (6) The Registrar shall —
- (a) correct, in accordance with the Council's directions, any entry in the register which the Council directs him to correct as being, in the Council's opinion, an entry which was incorrectly made;
  - (b) make any necessary alteration in the register on particulars of registered persons;
  - (c) remove from the register the name of any enrolled or registered person who died; and
  - (d) record the names of the members of the Institute who are in default for more than six months in the payment of annual subscriptions, and to take such action in relation to it (including removal of the names of defaulters from the register) as the Council may direct or require.

***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.*

PART V — ACCREDITATION OF FISHERIES SCIENCE INSTITUTIONS

**Clause 16: Accreditation.**

- (1) Every faculty, college, polytechnic or university offering Fisheries and Aquaculture in Nigeria shall, on demand by the Council and in consultation with the relevant bodies, submit to the Council details of its curricula and courses of study in Fisheries and Aquaculture Science and related sciences for consideration and approval of the Council.
- (2) The Council shall, delegate a committee of the Council to evaluate the contents of the curricula and courses and ensure that such curricula and courses sufficiently endow persons offering such courses with requisite knowledge, skill and working experience for the practice of the profession of fisheries

- (3) The Council shall, where such curricula and courses are approved, by instrument, accredit the faculty, polytechnics, colleges or Universities as the case may be, as a fit and proper institution for the training of prospective members
- (4) Subject to this Bill, a person who has obtained a higher national diploma, a first degree or other academic qualification in Fisheries and Aquaculture from an accredited institution shall not be eligible to be a registered member and cannot head any Unit (academic, corporate or ministry) unless he becomes a Chartered Fisheries Scientist as approved by the Institute.

***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.*

PART VI — PROFESSIONAL DISCIPLINE

**Clause 17: Establishment of investigating panel and disciplinary tribunal.**

- (1) There is established the Fisheries Investigating Panel (in this Bill referred to as "the Panel) charged with the duty of —
  - (a) conducting preliminary investigations into cases where it is alleged that a member of the Institute has committed an act of gross misconduct, fraud, bribery or corruption in his capacity as a consultant or Chartered Fisheries Scientist; and
  - (b) deciding whether the case should be referred to the Tribunal.
- (2) The members of the Panel are appointed by the Council and shall consist of such number of members as the Council may determine.
- (3) There is established the Fisheries 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 the Chairman who shall be a retired Magistrate or a High Court Judge and six other professional members appointed by the Council.
- (5) The supplementary provisions set out in the First Schedule to this Bill shall apply to the Panel and Tribunal.

***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: Allegations of professional misconduct.**

- (1) The Council may make rules or bye-laws not contained in this Bill as to what constitute professional misconduct.
- (2) The allegations of professional misconduct shall be made through the relevant State Chapter to the Council.



*Committee's Recommendation:*

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

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

**Clause 20: Penalties by the disciplinary tribunal.**

(1) Where:

- (a) a member is adjudged by the Tribunal to be guilty of professional misconduct;
- (b) a member is convicted by a court of competent jurisdiction in Nigeria or elsewhere having power to sentence a person to imprisonment (whether or not the member was sentenced to a term of imprisonment) which, in the opinion of the Tribunal is incompatible with the status of a member of the Institute; 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 an erring member or directing the Registrar of the Institute to strike his name off the relevant part of the register.

- (2) For the purpose of subsection (1) (b), 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.
- (3) When the Tribunal gives a direction under subsection (1), the Tribunal shall cause notice of the direction to be served on the member to whom it relates.
- (4) The person to whom such direction relates may, at any time within 28 days from the date of such service on him of the notice of the direction, make a representation to the court with appropriate jurisdiction, and the Tribunal may appear as respondent to the appeal and, for the purposes of enabling directions to be given as to costs, the Tribunal is deemed to be a party whether or not it appears at the hearing of the appeal.
- (5) A decision of the Tribunal under subsection (1) shall be taken where:
  - (a) no appeal under this section is brought against the direction within the time limit for such an appeal and on the expiration of that time;
  - (b) such appeal is brought and is withdrawn or struck out for want of prosecution; or
  - (c) the appeal is heard, it shall take effect only in accordance with the provisions of this Bill.
- (6) A person whose name is struck out from the register under the direction of the Tribunal is not entitled to be registered again except upon another given by the Tribunal on an application by the person, provided that the another direction to strike off may prohibit any

application by that member until the expiration of the application as may be specified in the direction.

***Committee's Recommendation:***

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

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

PART VII — MISCELLANEOUS AND SUPPLEMENTARY

**Clause 21: Provisions of library and research facilities.**

The Institute shall:

- (a) provide and maintain a library comprising books, documents, electronic storage systems, publications, aquaculture research work data sets, internet access for the advancement of knowledge in fisheries;
- (b) encourage research into any aspect of fisheries as it may consider necessary;
- (c) undertake regular studies of the existing fisheries and aquaculture practices, scientific information technology and extension services relevant to viable large scale fish culture obtainable from internet and electronic mail services and related options for keeping abreast of current technology-driven research and publication; and
- (d) engage in the production and sale of informational research materials, books and journals, etc arising from its research and consultancy linkages.

***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: Offences and penalties.**

- (1) Any person who is not a member of the Institute and practices as a chartered registered member of the Institute in expectation of a reward, takes or uses a name, title in addition to his name implying that he practices as a chartered registered member of the Institute commits an offence.
- (2) If the Registrar or any person employed on behalf of the Institute wilfully makes any falsification in any matter relating to the register, commits an offence.
- (3) Any person found guilty of an offence under the subsection (1)-(2) is liable on conviction to a fine of not exceeding ₦500,000.00 or to imprisonment for a term not exceeding two years or both.
- (4) Where the offence is committed by a corporate body and is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of any director, manager or every officer, the director, manager and every officer as well as the corporate body shall be liable on conviction to:

- (a) in the case of an individual, to a fine of ₦500,000 or imprisonment for a term of two years or both;
- (b) in the case of a corporate body to a fine of ₦2,000,000.

**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: Powers of the Minister to give directives to the Council.**

The Minister may give the Council directives of a general character or relating generally to particular matters (but not to any individual person) with regard to the exercise by the Council of its functions and the Council shall comply with the directives.

**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: Regulations.**

- (1) The Council may in consultation with the Minister make regulations generally for the purpose of giving full effect to the provisions of this Bill.
- (2) A regulation, made under this Bill, shall be published in the Gazette as soon as may be necessary after they are made, and a copy of any such regulations shall be sent to the Minister not later than seven days, before they are published.

**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: Interpretation.**

In this Bill:

"Council" means the governing council of the chartered fisheries society of Nigeria;

"Disciplinary tribunal" means the Disciplinary Tribunal established under section 18 of this Bill;

"fees" includes annual subscription;

"Institute" means the Fisheries Institute of Nigeria established under section 1(1) of this Bill;

"Member" means member of the Institute and includes an associate, a graduate, a chartered fisheries Scientist, corporates and affiliates;

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

"Registrar" means the Registrar of the Institute of Nigeria; and

"Register" means the register maintained under this Bill.

**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: Citation.**

This Bill may be cited as the Fisheries Institute of Nigeria (FIN) (Establishment) Bill, 2022.

**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.*

FIRST SCHEDULE

Section 18 (5)

SUPPLEMENTARY PROVISIONS RELATING TO THE FISHERIES  
DISCIPLINARY TRIBUNAL (FDT)

The Disciplinary Tribunal

1. (1) The quorum of the Fisheries Disciplinary Tribunal referred to as the Tribunal shall be three of whom at least, one should be a Magistrate who will be the Chairman and two charter-registered professional-members
- (2) The Tribunal shall in particular provide:
  - (a) for securing that notice of the proceedings shall be given at such time and in such manner as may be specified by the rules, to the person who is the subject of the proceedings
  - (b) for determining who in addition to the aforesaid, shall be a party to the proceedings;
  - (c) for securing that any party to the proceedings shall, if he so requires, be entitled to be heard by the Tribunal;
  - (d) for enabling any party to the proceedings to be represented by a legal practitioner;
  - (e) the Tribunal shall take cognisance of all the costs requirements;
  - (f) for requiring, in case where it is alleged that the person who is 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 media notice or any direction of the Tribunal, any member of the Tribunal may administer oaths on any party as the proceedings may sue, of the register of the Supreme Court on the writ of subpoena ad testificandum and duces tecum but no person appearing before the Tribunal shall be compelled to:

- (i) make any statement before the Tribunal tending to incriminate himself, or
  - (ii) produce any document under such a writ which he could not be compelled to produce at the trial of an action.
- (3) The Tribunal shall 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 matters specified in the rules, he shall do so in the presence of every party or person representing a party to the proceedings who appears thereat or, if the advice is tendered while the Tribunal is deliberating in private, that every such party or person as aforesaid shall be informed what advice the assessor has tendered; and
  - (b) that every party or person as stated shall be informed if in any case the Tribunal does not accept the advice of the assessor on such a question as aforesaid.
- (4) An assessor may be appointed under this paragraph either generally or for any particular proceedings or class of proceedings and shall hold and vacate office in accordance with the terms of the instrument by which he is appointed.

#### Miscellaneous

2. (1) A person ceasing to be a member of the Tribunal is eligible for reappointment as a member of that body.
- (2) A charter-registered specialist - member may, if otherwise eligible, be a member of the Tribunal
- (3) The Tribunal may act notwithstanding any vacancy in its membership and the proceedings of the body shall not be invalidated by any irregularity in the appointment of a member of that body, or (subject to a paragraph 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.
- (4) Any document authorised or required by virtue of this Bill to be served on the Tribunal shall be served on the Registrar appointed in pursuance of section of this Bill.
- (5) Any expenses of the Tribunal or the Panel shall be defrayed by Institute.

#### Disciplinary Tribunal Procedure

3. (1) On receipt of any allegations of professional misconduct against any registered member of the Institute, the Tribunal shall direct the Registrar to send to the Registered person complained about a written statement of the facts of the allegation.
- (2) The respondent to the complaint, being a registered member of the institute, shall reply by a sworn affidavit to the allegation.
- (3) The Registrar shall cause copies of the statement of the allegation and the affidavit in reply and any other documents related thereto to be sent with notice of meeting to the members of the Tribunal.

- (4) The Registrar shall summon the member against whom allegation is made to appear before the Tribunal specifying time and place, and inform him to come with a legal practitioner if he so desire.
- (5) The decisions of the Tribunal shall be final.
- (6) All witnesses testifying before the Tribunal shall do so on Oath.
- (7) The Oath may be administered by the Registrar or any member of the Tribunal nominated by the Chairman.

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

## SECOND SCHEDULE

Section 5 (3)

### SUPPLEMENTARY PROVISIONS RELATING TO THE GOVERNING COUNCIL OF FISHERIES INSTITUTE OF NIGERIA (FIN)

#### Eligibility for Membership of the governing Council of Fisheries Institute of Nigeria (FIN)

1. (1) Subject to the provisions of this paragraph, a member of the Governing Council shall hold office for a period not exceeding four years single term.
- (2) Any member of Institute who ceases to be a member thereof, if he is also a member of the Council, ceases to hold office in the Council.
- (3) Any elected member may by notice in writing and addressed to the National president resign his office, and any appointed member may, likewise resign his appointment.
- (4) A person who retires from or otherwise ceases to be an elected member of the Council shall be eligible again to become a member of the Council, as an appointed member if appropriately re-appointed.

#### Proceedings of the Council

2. (1) Subject to the provisions of this Bill, the Council may in the name of FIN declare policy instruments regulating the proceedings of FISON or of itself, and in the exercise of its powers under this Bill, may set up Committees in the general interest of FIN, and make policy instruments thereof.
- (2) The quorum of the Council shall be five provided this includes any of the Chairman or the Registrar and the policy instruments shall provide for decisions to be taken by a majority of the members, and in the event of equality of votes, the Chairman, will as the case may be, have a second or casting vote.
- (3) Policy instruments made by a Committee shall provide that it is to report back to the Council on any matter not within its competence to decide.

#### Meetings of the Institute

3. (1) The Institute shall convene its Annual General Meeting on a day as it may appoint in any particular year, but if the meeting is not held within one year after the previous Annual General Meeting, not more than 15 months shall elapse between the respective dates of the two meetings.

- (2) A special meeting of the Institute may be convened by the Registrar at any time and if not less than five members of the Programme Management Unit of the Institute require it.
- (3) The validity of any proceedings of the Institute or its committee shall not be affected by any vacancy in membership, or by any defect in the appointment of a member of the Programme Management Unit or of a person to serve on the committee or by reason that a person not entitled to do so took part in the proceedings.
- (4) Any member of the Programme Management Committee of the Institute and any person holding office on a committee of the Institute who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Institute or its committee, shall immediately disclose his interest to the national President or to the Institute, as the case may be, and shall not vote on any issues relating to the contract or arrangement.
- (5) A person shall not by reason only of his membership of the Institute be required to disclose any interest relating solely to the audit of the accounts of Institute.

*Question that the provision in this Second Schedule Stand part of this 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 Fisheries Institute of Nigeria Charged with Responsibility for Registration and Discipline of Members of the Profession; and for Related Matters, 2022 and approved as follows:

Clauses 1-26	—	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.*

#### 14. **Agricultural Research Council of Nigeria Act (Amendment) Bill, 2022 (HB. 1820) — Concurrence:**

*Motion made:* That a Bill for an Act to Amend the Agricultural Research Council of Nigeria Act, Cap. A12, Laws of the Federation of Nigeria, 2004 (As Amended) to Make Provision for the Establishment of Federal College of Agriculture, Kirikasamma; and for Related Matters, 2022 be read the Second Time (*Senate Leader*).

*Debate:*

*Question put and agreed to.*

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

*Motion made:* Pursuant to Order 80 (1), that the Senate do resolve into Committee of the Whole to consider a Bill for an Act to Amend the Agricultural Research Council of Nigeria Act, Cap. A12, Laws of the Federation of Nigeria, 2004 (As Amended) to Make Provision for the Establishment of Federal College of Agriculture, Kirikasamma; and for Related Matters, 2022 (*Senate Leader*).

*Question put and agreed to.*

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

CONSIDERATION OF A REPORT ON A BILL FOR AN ACT TO AMEND THE AGRICULTURAL RESEARCH COUNCIL OF NIGERIA ACT, CAP. A12, LAWS OF THE FEDERATION OF NIGERIA, 2004 (AS AMENDED) TO MAKE PROVISION FOR THE ESTABLISHMENT OF FEDERAL COLLEGE OF AGRICULTURE, KIRIKASAMMA; AND FOR RELATED MATTERS, 2022.

**Clause 1: Amendment of Cap. A12, LFN, 2004.**

The Agricultural Research Council of Nigeria Act, Cap. A12, Laws of the Federation of Nigeria, 2004 (as amended) (in this Act referred to as "the Principal Act") is amended as set out in this Bill.

***Committee's Recommendation:***

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

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

**Clause 2: Amendment of Third Schedule.**

The Third Schedule of the Principal Act is amended by inserting a new paragraph 17 to read thus: "Federal College of Agriculture, Kirikassama".

***Committee's Recommendation:***

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

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

**Clause 3: Consequential amendment.**

The Federal College of Agriculture, Kirikassama (Establishment) Act No. 15 of 2021 is repealed.

***Committee's Recommendation:***

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

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

**Clause 4: Citation.**

This Bill may be cited as the Agricultural Research Council of Nigeria Act (Amendment) Bill, 2022.

***Committee's Recommendation:***

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

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



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 Amend the Agricultural Research Council of Nigeria Act, Cap. A12, Laws of the Federation of Nigeria, 2004 (As Amended) to Make Provision for the Establishment of Federal College of Agriculture, Kirikasamma; and for Related Matters, 2022 and approved as follows:

Clauses 1-4 — 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.*

15. **Federal College of Education (Technical), Yauri, Kebbi State (Establishment) Bill, 2022 (HB. 629) — Concurrence:**

*Motion made:* That a Bill for an Act to Establish Federal College of Education (Technical), Yauri, Kebbi State to Provide Full-time Courses, Teaching, Instructions and Training in Technology, Applied Science, Arts, Social Sciences, Humanities and Management and to Carry out Research in the Development and Adaptation of Techniques; and for Related Matters, 2022 be read the Second Time (*Senate Leader*).

*Debate:*

*Question put and agreed to.*

*Bill accordingly read the second time and referred to the Committee of the Whole.*

*Motion made:* Pursuant to Order 80 (1), that the Senate do resolve into Committee of the Whole to consider Bill for an Act to Establish Federal College of Education (Technical), Yauri, Kebbi State to Provide Full-time Courses, Teaching, Instructions and Training in Technology, Applied Science, Arts, Social Sciences, Humanities and Management and to Carry out Research in the Development and Adaptation of Techniques; and for Related Matters, 2022 (*Senate Leader*).

*Question put and agreed to.*

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A REPORT ON A BILL FOR AN ACT TO ESTABLISH FEDERAL COLLEGE OF EDUCATION (TECHNICAL), YAURI, KEBBI STATE TO PROVIDE FULL-TIME COURSES, TEACHING, INSTRUCTIONS AND TRAINING IN TECHNOLOGY, APPLIED SCIENCE, ARTS, SOCIAL SCIENCES, HUMANITIES AND MANAGEMENT AND TO CARRY OUT RESEARCH IN THE DEVELOPMENT AND ADAPTATION OF TECHNIQUES; AND FOR RELATED MATTERS, 2022.

PART I — ESTABLISHMENT OF FEDERAL COLLEGE OF EDUCATION  
(TECHNICAL), YAURI, KEBBI STATE

- Clause 1: Establishment of Federal College of Education (Technical), Yauri, Kebbi State.**
- (1) There is established the Federal College of Education (Technical), Yauri, Kebbi State (herein after referred to as "the College").
  - (2) The College shall be a body corporate with perpetual succession and common seal and shall take power to acquire and dispose of interest in movable and immovable properties.
  - (3) The college may sue and be sued in its corporate name.
  - (4) Objectives of the College shall be to:
    - (a) encourage the advancement of learning and to hold out to all persons without distinction of race, creed, sex or political conviction of the opportunity of acquiring higher and liberal education;
    - (b) provide technical courses of instruction and other facilities for the pursuit of learning in all its branches, and to make those facilities available on proper terms to such persons as are equipped to benefit from them.

***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: Governing Council of the College.**
- (1) The governance and direction of the college affairs shall rest in the governing Council of the college (in the Bill referred to as the Council).
  - (2) The Council shall have the responsibility to consider and approve:—
    - (a) Plan of activities of the college ;
    - (b) the programme of studies to be undertaken in the college;
    - (c) the annual estimates of the college; and
    - (d) the investment plan of the college.
  - (3) The Provision of the schedule to this Bill shall have effect with respect to the Council to as mentioned herewith.

***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 3: Membership of the Council in the College.**
- The council of the College shall consider of:—
- (a) a Chairman and other members to be appointed by the President;
  - (b) a representative of the Federal Ministry of Education;
  - (c) a representative of the University of which the College is affiliated to

- for the purpose of moderation;
- (d) two representatives of the academic board of the College;
  - (e) a representative of the National Commission for the Colleges of Education; and
  - (f) the Provost of the College.

***Committee's Recommendation:***

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

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

**Clause 4: Tenure of Members of the Council.**

- (1) A Member of the Council (other than the ex-official members) shall hold office for a term of four years and subject to the provision of sub-section (2) of this section shall be eligible for re-appointment for a further period of four years and also move.
- (2) The office of a member appointed under section 3 of this Bill shall become vacant of:—
  - (a) the member resigns in office by notice of writing under his hand addressed to the Minister; or
  - (b) the Minister is satisfied that it is not in the interest of the college for the person appointed to continue in office and notifies the member in writing to that effect.

***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 College.**

The functions of the College shall be:—

- (a) to provide full-time courses in teaching instruction and training:—
  - (i) in technology, Applied Sciences, Arts, Social Science, Humanities and management; and
  - (ii) in such other fields of applied learning relevant to the needs of development of Nigeria.
- (b) to conduct courses in Education for qualified teachers;
- (c) to arrange conferences, seminars and workshops relative to the fields of learning specified in paragraph (a) of this section; and
- (d) to perform such other functions as in the opinion of the Council may serve to promote the objectives of the College.

***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: Power of the Council.**

The Council of the College shall have power to:—

- (a) hold examinations and grant NCE, Diplomas, Professional Certificates and other National Commission for Colleges of Education;
- (b) hold examinations in Education for qualified teachers;
- (c) recruit staff and determine structure of such staff;
- (d) demand and receive from any student or any other person attending the college for the purpose of construction such fees as the council may with the prior approval of the Minister, from time to time determine;
- (e) hold public lectures and undertake printing, publishing and bookselling;
- (f) award fellowship, medals, prizes and other titles;
- (g) establish and maintain such schools and other teaching units with the College or extra moral departments as the Councils may from time to time determine;
- (h) erect, provide, equip and maintain such educational recreational and residential facilities as the College may require;
- (i) create lectureships and other academic post and offices and to make appointment thereof;
- (j) receive and make gifts;
- (k) enter into such contracts as may be necessary or expedients for carrying into effects the objections of the College;
- (l) provide amenities for and make such other provision for the welfare of the staff and students of the College;
- (m) encourage and make provision for research in the College;
- (n) do such acts and things whether or not incidental to the foregoing power as may advance the objects of the College.

***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: The Visitor.**

- (1) The Minister responsible for education shall be the visitor of the College.
- (2) The Visitor shall not less than once in every five years, conduct a visitation to the College or appoint a visitation panel consist of not less than five experts to conduct the visitation:—

- (a) for the purpose of evaluating the academic and administrative performance of the College; or
- (b) for such other purpose as the Visitor may deem fit.

**Committee's Recommendation:**

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

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

**Clause 8: The academic board and its functions.**

- (1) There shall be established for the College a board to be known as the Academic Board which shall consist of the following members:—
  - (a) the Provost of the College as the Chairman;
  - (b) all heads of departments;
  - (c) the College librarian; and
  - (d) not more than three members of the Academic staff, other than the heads of departments to be appointed by the Council.
- (2) The Academic Board shall be responsible for:—
  - (a) the direction and management of academic matters of the college including the regulation of admission of students, the award of certificates, scholarships, prizes and other academic distinction;
  - (b) discharging any other functions which the council may from time to time delegate to it.

**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: Power of Minister.**

The Minister may give to the Council directions of a general nature or relating generally to matters with regard to the exercise by the Council of its functions and it shall be the duty of the Council to comply with such directions

**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: The provost of the College.**

- (1) There shall be a Provost for the College (herein after referred to as "the Provost") who shall be appointed by the President on the recommendation of the Minister.
- (2) Where a vacancy occurs in the post of the Provost, the Council shall:—
  - (a) advertise the vacancy in reputable widely read newspaper in Nigeria specifying:—

- (i) the qualities of the person who may apply for the post;
  - (ii) the terms and conditions of service applicable to the post and there after draw up a short list of suitable candidates for consideration of the Minister.
- (3) The President shall appoint as provost one of the candidates recommended by the Minister.
- (4) Subject to the general control of the Council, the provost shall be the Chief Executive of the College and shall be charged with general responsibility for matters relating to the day-to-day management and operations of the College.
- (5) The Provost shall hold office for a period of five years only and on such terms and conditions as may be specified in his letter of appointment.

***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: Deputy provost.**

- (1) There shall be for the College two Deputy Provosts namely: Deputy Provost (Academic) and the Deputy Provost (Administration).
- (2) The Council shall choose the Deputy Provost from among the Chief lecturers in the College in any following ways, that is:—
- (a) from the a list of five candidates in order of preference, submitted by the Provost;
  - (b) on the recommendation of a selection Board constituted for their purpose; or
  - (c) on the nomination of the Provost.
- (3) The selection Board referred to in Subsection (2) (b) of this section shall consist of:—
- (a) the Chairman of the Council;
  - (b) the Provost of the College;
  - (c) two members of the Academic Board; and
  - (d) two members of the Council not being members of the Academic Board.
- (4) (a) The Deputy Provost (Academic) shall:—
- (i) assist the Provost in the performance of his function in Academic matters of the College;
  - (ii) act as the Provost when the post of the Provost is vacant or if the Provost is for any reason, absent or unable to perform his function.

- (b) The Deputy Provost (Administration) shall:—
- (i) assist the Provost in administrative matters of the College; and
  - (ii) perform such other functions as the Provost or the Council may from time to time assign to him.
- (5) Each of the Deputy Provosts shall hold office for a period of two years no more.

***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: The Registrar and other staff of the College.**

- (1) There shall be a Registrar for the College to be appointed by the Council.
- (2) The Registrar shall keep the records and conduct the correspondence of the Council;
- (3) The Registrar shall be the secretary to:—
  - (a) the Council;
  - (b) the Academic Board; and
  - (c) any Committee of the Council.
- (4) The Registrar may perform any duty as may be assigned to him by the Council or the Provost.
- (5) The Registrar shall hold office for a period of five years and no more.

***Committee's Recommendation:***

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

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

**Clause 13: Other principal officers of the College.**

- (1) There shall be for the College in addition to the Registrar:—
  - (a) the Bursar; and
  - (b) the College Librarian, who shall be appointed by the Council.
- (2) The Bursar shall be the chief financial officer of the College and be responsible to the Provost for the day-to-day administration and control of the financial affairs of the College.
- (3) The College Librarian shall be responsible to the provost for the administration of the College library and the coordination of the library services in the teaching units of the College.
- (4) The Bursar and the College Librarian shall each hold office for a period of five years and no more.

*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: Resignation of appointment of principal officers.**

A principal officer of the College may resign his appointment:—

(a) in case of the Provost by notice to the visit for; and

(b) in any other case by advise to the Council.

*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: Other employees of the College.**

(1) The Council may appoint other persons to be employees of the College as the Council may deem to assist the Provost and the Principal Officers in the performance of their functions.

(2) The remuneration tenure of office and condition of service of the employee of the College shall be determined by the Council consultation with the Federal Civil Service Commission.

*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: Selection board for other principal officers.**

(1) There shall be a selection Board for the College which consist of:—

(a) the Chairman of the Council;

(b) the Provost;

(c) four members of the Council not being members of the Academic Board; and

(d) two members of the Academic Board.

(2) The functions, procedure and other matters relating to the Selection Board constituted under subsection (1) of this section shall be determined, from time to time, by the Council.

*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: Pensions.**

Service in the College shall be approved service for the purpose of the pension's reform and accordingly, officers and other persons employed in the College shall be entitled to pensions, gratitude and other retirement benefit as may be prescribed in their respective letters of appointment



**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: Fund for the College.**

- (1) The College shall establish and maintain a fund which shall be applied towards the promotion of the objective of this Bill.
- (2) There shall be paid and credited to the fund established under subsection (1) of this section:—
  - (a) such sums as may from time to time be granted by the Federal Government through the National Commission for Colleges of Education;
  - (b) all monies raised by the Council by way of gifts, grants in aid or test monetary disposition; and
  - (c) all subscription fees and charges for services rendered by the Council and all other sums that may accrue to the Council from any source.
- (3) The Council shall submit to the Minister, through the National Commission for Colleges of Education not later than three months before the end of each financial year or at such other time as he may direct an estimate of its revenue and expenditure for the next succeeding financial year.

**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: Power to accept gifts.**

- (1) The College may accept gifts of loan, money or of other property upon such terms and conditions, of any as may be specified by the person making the gifts.
- (2) The College shall not accept any gifts, if the conditions attached to the gifts are inconsistent with the functions of the College.

**Committee's Recommendation:**

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

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

**Clause 20: Account and audit.**

The College shall keep proper accounts of its receipts, payments, assets and liabilities and shall in respect of each year cease the account to be audited.

**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: Annual reports.**

The Council shall as soon as may be after the expiration of each financial year, prepare and submit to the minister a report of its activities during the immediate preceding financial year and shall include in the report a copy of the audited accounts of the College for that year and of the auditor's report of the accounts.

***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: Offices and premises.**

- (1) For the purpose of providing offices and premises necessary for the performance of its functions, the Council may:—
  - (a) purchase any interest in or take on lease any land; and
  - (b) build, equip and maintain offices and premises.
- (2) The Council may, with the approval of the Minister, sell any interest in or lease any land, offices or premises held by it and no longer required for the performance of its functions.

***Committee's Recommendation:***

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

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

**Clause 23: Discipline of students.**

- (1) The Council may make rules providing for the Provost to conduct enquiries into alleged breaches of discipline (including lack of diligence) by students and such rules may make different provisions for different circumstances.
- (2) The rules shall provide for the procedure and rules of evidence to be followed at enquiries under this section.
- (3) Subject to the provisions of subsection (1) of this section, where it is proved during the enquiry that any student of the College has been guilty of misconduct, the Provost may, without prejudice to any other disciplinary powers conferred on him by this Bill or any regulations made there under, direct:—
  - (a) that the activities of the student shall during such period as may be specified in the directions, be restricted in such manner as may be so specified; or
  - (b) that the student may be suspended for such period as may be specified in the direction; or
  - (c) that the student be expelled from the College.
- (4) Where there is temporarily no Provost or where the Provost refuses to apply any disciplinary measures, the Council may, either directly or through some other staff, apply such disciplinary actions as are specified in subsection (3) of this section to any student of the College who is guilty of misconduct.

- (5) Where a direction is given under subsection (3) (c) or (d) of this section in respect of any student, the student may, within 21 days from the date of the letter communicating the decision to him, appeal from the direction 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, either confirm or set aside the direction or modify it in such manner as the Council may think fit.
- (6) The fact that an appeal from a direction is brought in pursuance of subsection (5) of this section shall not affect the operation of the direction while the appeal is pending.
- (7) The Provost may delegate his powers under this section to a disciplinary committee consisting of such members of the Colleges as he may nominate.
- (8) Nothing in this section shall be construed as preventing the restriction or termination of a student's activities at the College otherwise than on the ground of misconduct.
- (9) It is hereby declared that the direction under subsection (3) (a) of this section may be combined with a direction under subsection (3) (b) of this section.
- (10) In all cases under this section, the decision of the Council shall be final unless reversed by the Minister on appeal by the student.

***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: Interpretation.**

In this Bill:—

"Chairman" means the Chairman of the Council;

"College" means the Federal College of Education (Technical), Yauri, Kebbi State established under section (1) of this Bill;

"Council" means the Governing Council of the College established under section 2 of this Bill;

"Function" includes power and duties;

"Minister" means the minister charged with the responsibility of Education;

"Member" means a member of the Council including the Chairman;

"Provost" means the provost of the College established under section 10 of this Bill.

***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: Citation.**

This Bill may be cited as the Federal College of Education (Technical), Yauri, Kebbi State (Establishment) Bill, 2022.

**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.*

## SCHEDULE

[SECTION 2(3)]

## SUPPLEMENTARY PROVISION RELATING TO THE COUNCIL, ETC.

**Terms of service**

1. There may be paid to members of the council or committee, other than ex-officio members, such remuneration and allowances as may from time to time be determined by the President.
2. Where a vacancy occurs in respect of the membership specified in section 3, it shall be filled by the appointment of a successor to hold office for the remainder of the term of office of his predecessor in office and such successor shall represent the same interest as his predecessor.
3. The Council may act notwithstanding any vacancy in its membership or any defect in the appointment of a member or the absence of a member.

**Proceedings**

4. (1) The Council shall meet for the conduct of business at such times, places and on such days as the Chairman may appoint but shall meet not less than once every four months.
- (2) The Chairman may at any time and shall at the request in writing of not less than six members, convene a meeting of the Council.
- (3) Where the Council desires to obtain the advice of any person on any particular matter, the Council may co-opt persons who are not members of the council but persons co-opted shall not be entitled to vote at a meeting of the Council.
- (4) The Quorum of the Council shall be one half of the total members of the council, at least one of whom shall be a member appointed by the President.
- (5) Decisions of the Council shall be made on approval by a simple majority of members.

**Miscellaneous**

5. (1) The fixing of the seal of the college shall be authenticated by the signature of the Chairman, Provost and of some other members of the Council authorized generally or specially by the Council to act for that purpose.
- (2) Any contract or instrument which, if made or executed by a person other than a body corporate would not be required to be under seal, may be made executed on behalf of the college by any person generally or specially authorized to act for that purpose by the council.

- (3) Any document purporting to be duly executed under the seal of the College shall be received in evidence and shall, unless the contrary is proved, be presumed to be so executed.

*Question that the provision in this Schedule stand part of the Bill — Agreed to.*

Chairman to report Bill.

**(SENATE IN PLENARY)**

The President of the Senate reported that the Senate, in the Committee of the Whole, considered a Bill for an Act to Establish Federal College of Education (Technical), Yauri, Kebbi State to Provide Full-time Courses, Teaching, Instructions and Training in Technology, Applied Science, Arts, Social Sciences, Humanities and Management and to Carry out Research in the Development and Adaptation of Techniques; and for Related Matters, 2022 and approved as follows:

Clauses 1-25 — As Recommended

Schedule — As Recommended

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

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

*Question put and agreed to.*

*Bill accordingly Read the Third Time and Passed.*

**16. Adjournment:**

*Motion made:* That the Senate do now adjourn till Tuesday, 5<sup>th</sup> April, 2022 at 10:00 a.m. (*Senate Leader*).

*Question put and agreed to.*

*Adjourned accordingly at 1:03 p.m.*

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

